

ENGAGEMENT WITH MAORI LAND TRUSTS OF THE WESTERN BAY OF PLENTY

INTRODUCTION

The SmartGrowth Strategy provides for the development of Maori lands, particularly in the area of housing and the management of growth impacts on Maori communities. The Combined Tangata Whenua Forum, SmartGrowth Implementation Committee, Priority One and Implementation Committee have Maori representation and staff, however, Maori land Trusts are not currently represented.

At the present time there are no formal structures or processes for engaging Maori land trusts during the implementation of the SmartGrowth Strategy. This lack of structure or process has led to little or no communication between SmartGrowth and Maori Land Trusts, the symptoms being reactive participation and downtime on establishing projects, and a lack of formal relationships and strategic alignment. Maori land trusts have been identified as a key stakeholder in the development of Maori land in the Western Bay of Plenty.

The purpose of this paper is to investigate the development of an engagement framework for SmartGrowth and Maori land trusts of Western Bay of Plenty which would facilitate improvements in the above matters.

BACKGROUND

There are currently some 164 Maori Land Trusts and other formal structures in the Western Bay of Plenty. These Trusts and other structures look after 257 of the 1482 parcels of Maori land.¹ Many of these are Te Ahuwhenua Trusts, Maori Incorporations and Marae committees. The role of these trusts is set out in the Te Ture Whenua Maori Act 1993. In summary a Te Ahuwhenua Trust is:

- a land management trust that is designed to manage a whole block, or blocks of land for the benefit of the owners of those lands
- A land management trust designed to manage whole blocks of land and is often used for commercial purposes
- Its aim is to facilitate and promote the use & administration of the land for the best interests of the owners
- Is a flexible structure depending on the terms of trust contained in the Trust Order

A Maori Incorporation is a structure similar to a company. Its purpose is to assist and promote the use and administration of Maori freehold land on behalf of the owners. Maori incorporations are designed to manage whole blocks of land and are the most commercial of all Maori land management structures.

Marae committees are kin group committees managing and administering day to day activities of a Maori reservation, in this case a marae.

Over the past few years the role of Trusts, in particular the trustees has been the subject of intense training provision, role workshops and greater professionalism in terms of administration.

¹ Based on lists of Maori land held in TCC and WBOPDC rates databases. These include parcels non-rateable.

During the April meeting of the Combined Tangata Whenua Forum the issue of Maori Land Trusts was raised. The comments from members focused on the different role of land trusts and iwi/hapu representatives, resistance to this idea from some hapu because of the perceived conflict that might arise where hapu have to oppose land owners (or vice versa) in the Environment Court. This highlighted the tension between different mandates and conflict between resource protection and resource development.

Limited consultation has been undertaken with several land trusts. Those spoken to were very optimistic and enthusiastic of a formal relationship and better communication.

SMARTGROWTH CONTEXT

The SmartGrowth Strategy has recently been reviewed. There are a number of new actions that will require close working relationships with Maori Land Trusts and ongoing communications. The actions most critical to Maori land trust include actions in the tangata whenua and wastewater sections.

Action 3 (7.2.8)

Facilitate the development of Maori Land through:

- a) Undertaking a study to understand the current barriers to the development of housing on multiple owned Maori lands and to identify local collaborative solutions that would address these barriers. This is also to include Maori land held under Te Ture Whenua Act title.
- b) Undertaking a pilot project for an Iwi/Hapu/Trusts/individual Maori land titles, to develop Maori Land for housing and economic purposes.
- c) Developing, in parallel with the pilot project, a toolkit of the key steps in the process of developing Maori Land with the intention that it can be utilised by Iwi/Hapu and replicated across the sub-region

Including within the toolkit a Tangata Whenua management plan methodology/template which can be used as a base method for planning by Tangata Whenua to meet their protection and development aspirations.
- d) (i) Undertake an assessment on the 12 identified areas to determine feasibility of future pilot projects.

(ii) If feasible, then Iwi/Hapu/Trusts can plan for the development of their own lands, actively supported by the Councils, by utilising the toolkit and learnings from the pilot project.

(iii) Investigation (by MLC) regarding methods to aggregate land (as opposed to amalgamation) to facilitate utilisation of Maori land.
- e) Encouraging the promotion of common objectives for land development between Trusts and beneficial owners.
- f) Examine and clarify funding sources for the undertaking of iwi and hapu management plans.
- g) Examine, develop and advocate for funding sources and provision of capital (including considering underwriting and

guarantor arrangements) that would assist with the development of Maori land.

Action 4 (7.2.8)

Comprehensive land use and subsequent structure plans prepared for Te Puna and Maketu to guide, in respect of all land holdings, future land use which:

- a) Are prepared through a consultative process with Tangata Whenua and Maori Land Trusts and other landowners
- b) Identify the desired size and scale of residential, marae community and economic land use for the area over the 50 year SmartGrowth period.
- c) Clearly define whether the Mauri model or conventional model of infrastructure is to be used for servicing developments
- d) Are considered by Council and where appropriate incorporated into the District Plan and other relevant strategies and plans (eg; the Ten Year Plan)

Action 5 (7.2.8)

Develop appropriate policy and rules to enable the outcomes of action 3 to be implemented and thereby support the development of multiple-owned Maori Land.

Development is critical to the long-term sustainable development of hapu communities. The advancement of current planning, funding and infrastructure policy is needed to support the increasing contribution multiple-owned Maori land will make towards accommodating the growth needs of Tangata Whenua. Tangata Whenua need to address immediate housing needs and long term economic sustainability from land holdings.

The application of the “live, work and play” concept to multiple-owned Maori land is an extension of the current Papakainga or Marae community zones that focus on the provision of residential uses only. The live, work and play concept supports the Tangata Whenua notion of a unique combination of rural, residential, social, cultural and economic activities, which if implemented effectively can promote sustainable development for hapu communities. The Strategy will support the provision of education and health facilities such as Kohanga Reo, Kura Kaupapa Maori and / or Whare Wananga as well as Puna Hou Ora (health) models across the sub-region.

A clear policy framework and processes must be developed to enable papakainga (the residential component) to be a significant component of the growth management Strategy.

Action 9 (7.2.8)

Work collaboratively to align and maintain a sub-regional Tangata Whenua and Maori contact database for consultation on resource consents, heritage values and the environment impacts

The establishment of key contacts for Maori and in particular each Iwi, hapu, marae across the sub region is essential in providing certainty and confidence in the consultation process.

Working in collaboration with TCC and WBOPDC for information on hapu/iwi rohe and the maintenance of hapu/iwi contacts (in accordance with the Resource Management Amendment Act 2005) Developing protocols for the inter-council exchange of information

Action 3f (7.4.3)

Waterless Toilet Disposal

1. Initiate an investigation in small communities involving waterless toilet disposal and other land based technology subject to consent being obtained from the Medical Officer of Health.
2. Undertake pilot schemes on multiple-owned Maori land.

Install and pilot waterless toilet disposal technology in appropriate territorial authority projects.

Action 4 (7.4.3)

When investigating all future water and wastewater options, the mauri model provides an appropriate Tangata Whenua analysis of the impacts of the proposal on the individual, hapu, iwi and environment components.

OPTIONS

To date the above actions have been lead by territorial authorities with tangata whenua and Te Puni Kokiri support. This support has predominantly been the Combined Tangata Whenua Forum with the exception of two projects at Maketu and Te Kahika respectively, where a partnership approach has been developed with local trusts and community groups.

The development of a formal engagement structure and relationships and processes with Maori Land Trusts may facilitate a more proactive and potentially leading role for Maori developing Maori land.

There are currently a number of existing representation structures that could be used as vehicles for Maori land Trusts. One such body is Priority One which a number of large Maori Trusts are members of. Another body is the Te Raranga Maori Business Association (formerly Maori Business Network) which has provided a network for Maori businesses including Land Trusts.

There is currently no single body representing Maori Land Trusts of the Western bay of Plenty. There are however some significant stakeholders who could provide considerable momentum. These include:

- Te Awanui Hukapak
- Ngai Tukairangi Orchard Trust
- Ngamanawa Incorporation
- Poripori Farm Trusts
- Ohuki Land Trust
- Tauranga Moana Trust Board
- Mangatawa Papamoia Inc
- Te Arawa Lakes Trust
- Paengaroa Trusts
- Te Raranga Maori Business Association

The current number of identified trusts and similar land administration structures is not restrictive and would be a manageable and straight forward exercise to set up a database and potentially a network. There could be specific communication relating to Maori Land development and/or general SmartGrowth information such as the newsletter. This would require some resourcing (time) to establish and there would likely be a corresponding need to resource a contact person to respond to any inquiries.

Te Puni Kokiri currently has a project investigating assistance given to Maori land owners and relevant representatives to engage with external stakeholders. The project has a two year duration and could include the employment of a policy person and an administrator. Initial ideas are establishing a branch of the Federation of Maori Authorities, a new forum, or a sub-regional or regional economic development forum. There appears to be considerable alignment between that work and the matters raised in this paper.

RECOMMENDATIONS

Short term options

- a) Use existing forums and processes to engage with Maori Land Trusts. The existing forums include Combined Tangata Whenua Forum and Priority One. The processes would be project based consultation and participation.

or

- b) Work collaboratively with Te Puni Kokiri and the Maori Land Court² to establish specific communication for Maori Land Trusts of Western Bay of Plenty which could include setting up a network for the purposes of distributing information and communications. Te Awanui Hukapak, Maori Business Network and those above could be included.

and

- c) Work towards establishing a new forum for Maori Land Trusts based on the above.

Medium to long Term options

- d) Review the communication protocols of SmartGrowth to include Maori Land Trusts and other structures.

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² Text added by amendment at CTWF meeting, 5 June 2007