

# The Māori Trustee submission on the Resource Management (Consenting and Other System Changes) Amendment Bill

February 2025

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Tēnā koe,

## Submission on the Resource Management (Consenting and Other System Changes) Amendment Bill

### Background on the Māori Trustee and the Office of the Māori Trustee

1. The Māori Trustee is established as a corporation sole by the Māori Trustee Act 1953, with the functions, roles and responsibilities of the Māori Trustee carried out by the individual statutory officer holding the office of the Māori Trustee.
2. The current Māori Trustee is Dr Charlotte Severne, who was appointed by the Minister for Māori Development for a three-year term in September 2018 and re-appointed for a five-year term in October 2021. The Māori Trustee's independence from the Crown is entrenched in the Māori Trustee Act.
3. Te Tumu Paeroa is the Office of the Māori Trustee, comprising of employees who support the Māori Trustee to carry out her statutory duties and other legal responsibilities. Te Tumu Paeroa is partly funded by Crown funding through Vote Māori Development.
4. One of the principal roles of the Māori Trustee is to carry out appointments as trustee or agent administering Māori land (whenua Māori) and other client assets in compliance with the obligations of trusteeship and agency, and in accordance with legislation, with the objective of protecting and growing the assets of Māori landowners for their benefit.
5. The Māori Trustee administers, as trustee or agent, around 78,000 hectares of Māori freehold land, as well as general land and other interests and investments, on behalf of approximately 100,000 individual Māori landowners. The Māori Trustee is the largest single administrator of Māori land, providing land administration and professional trustee and agency services to one third of all Māori land trusts (over 1,700 trusts), as well as targeted development and sector-specific expertise. The Māori Trustee was responsible for managing a significant amount of land remediation work in the Tairāwhiti area due to Cyclone Gabrielle's impact.
6. Given the scale and varied nature of the land assets within this portfolio, the views of the Māori Trustee may not always be shared by all owners of the whenua she administers.



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## Position

7. The Māori Trustee provides her comments on specific parts of the proposed Resource Management (Consenting and Other System Changes) Amendment Bill (the **Bill**) as follows.<sup>1</sup>

### ***Freshwater Farm Plan Certification and Audit Services***

8. The Māori Trustee supports the intent of the proposals for Freshwater Farm Plans (**FW-FPs**).<sup>2</sup> The Māori Trustee is in a unique position in relation to this legislation, as a majority of the land she administers is leased. Therefore, currently, under the FW-FP regulations, the landowners are not the required party to undertake or submit FW-FPs<sup>3</sup>. The Māori Trustee strongly advocates for a guidance note in the legislation to ensure that, where the person completing the plan is not the landowner, all actions within a FW-FP must be agreed to by the landowners.
9. Regarding the options for approving industry organisations to deliver FW-FP certification and audit services, the Māori Trustee prefers a new national approval body (Option 3) over status-quo (Option 1) and Ministerial approval (Option 2).<sup>4</sup>
10. An independent national body would ensure regulations have a consistent approach and allow for better long-term planning. Although Ministerial approval appears to be the preferred option, the Māori Trustee believes that a national approval body would provide a more robust system long-term that could advocate on behalf of the industry and provide smooth data handling and management.
11. An independent national approval body would also ensure applicants, particularly those in primary production, such as catchment coordinators and consultants, have an enhanced ability to become approved certifiers. Creating a pathway to becoming a certifier for those people who live within catchment areas would also help ensure regional and catchment context, challenges and values are applied appropriately.<sup>5</sup>

### ***Natural Hazards and Emergencies***

12. In the Tairāwhiti and Hawkes Bay regions, the Māori Trustee administers over 500 Māori land trusts as Responsible Trustee covering about 25,000 hectares.<sup>6</sup> Many of these parcels were moderately to significantly impacted by the North Island Weather Event (**NIWE**) which occurred in 2023.

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<sup>1</sup> Refer to [Resource Management \(Consenting and Other System Changes\) Amendment Bill](#)

<sup>2</sup> Refer to clauses 54 to 58 in relation to Part 9A of the Bill.

<sup>3</sup> “Farm operator” is the party required to develop the freshwater farm plan as per Section 9 of the [RM \(Freshwater Farm Plans\) Regulations 2023](#).

<sup>4</sup> Refer to page 8 Table 3 of [RIS material for Resource Management \(Consenting and Other System Changes\) Amendment Bill dated 10 December 2024](#).

<sup>5</sup> Refer Section 4 of [RM \(Freshwater Farm Plans\) Regulations 2023](#)

<sup>6</sup> Māori land is often administered through an Ahu Whenua trust. Every trust has at least one responsible trustee. Te Ture Whenua Māori Act 1993 notes responsible trustees' general responsibilities are to carry out: the terms of the trust, the administration and management of the business of the trust, the preservation of the assets of the trust, and the collection and distribution of the income of the trust (source: <https://www.tetumupaeroa.co.nz/trustees/role-of-trustees/>)

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13. The Māori Trustee, in principle, supports the proposals for new regulation-making powers for emergency responses and recovery efforts.<sup>7</sup> The following comments and requested amendments are based on Te Tumu Paeroa's experiences with local government communications during the NIWE.
  14. The Māori Trustee does not support a default option where, during a natural hazard emergency event, notices for an emergency response are required to be served to a place rather than to an occupier (RIS Option 4). The Māori Trustee believes that local government and consent authorities are able to serve notice to a landowner or occupier during an emergency by communicating the response by email or phone.
  15. The Māori Trustee does not support the proposals being applied to all emergency events (RIS preferred Option 1).<sup>8</sup> Natural hazard emergency events are the only events that have a scale and complexity that would require everyday regulatory requirements for service to be suspended.
  16. The Māori Trustee supports extending the timeframe to apply for a resource consent for emergency works from 20 to 30 working days.<sup>9</sup>
  17. The Māori Trustee supports the proposal for emergency regulation making powers in the RMA, including the ability to create Orders-in-Council.<sup>10</sup> Based on the experiences of Te Tumu Paeroa during the NIWE, the Māori Trustee proposes the following amendment:
    - a. When Māori entities are asked to comment on proposed regulations in emergencies, the time period should be increased from **5** to **10** working days.<sup>11 12 13</sup>
  18. The Māori Trustee notes that while there is a specified timeframe for comments on the proposed regulations for Māori entities, there is no time limit for consultation placed on government Ministers or comments placed on the committee of the House of Representatives under subsections 331AA (2)(d)(e) or (h) of the amendment clause.

***Clarification of Council decision making for development and land use when natural hazard risks are present***

19. The Māori Trustee does not support the proposal that a natural hazard rule in a proposed plan should have legal effect after it is notified. Rather, she considers that a natural hazard rule in a

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<sup>7</sup> Refer to [Regulatory Impact Statement: Policy analysis of natural hazards and emergency proposals for inclusion in Resource Management Amendment Bill No.2 dated 31 July 2024](#).

<sup>8</sup> Refer to pages 6-10 of the [Regulatory Impact Statement dated 31 July 2024](#).

<sup>9</sup> Per clause 63 amending section 330A of the Bill.

<sup>10</sup> Per clause 64 inserting new section 331AA of the Bill.

<sup>11</sup> The Māori Trustee is a 'Māori entity per the Urban Development Act 2020' as referenced on page 30 of the [Regulatory Impact Statement dated 31/07/2024](#).

<sup>12</sup> Refer clause 64 (new Section 331AA (2)(f) of the Bill.

<sup>13</sup> Refer clause 64 new Section 331AA (4) of the Bill.

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proposed plan should have legal effect after it is notified only once a national direction on decision making for natural hazard risk has come into force.<sup>14</sup>

20. The Māori Trustee is concerned that without a National Policy Statement or national direction, local and regional governments may not address the specific circumstances of Māori land ownership, such as having many owners, fragmented parcels, and the cultural value of land ownership. Local and regional government decisions regarding the effects of natural hazards should be balanced with an awareness of the limitations for Māori landowners and whether (or not) a rule would have unintended consequences.<sup>15</sup>

### **In closing**

21. The Māori Trustee thanks the Committee Secretariat for the opportunity to submit.
22. The Māori Trustee would welcome the opportunity to discuss her submission during the Select Committee hearing process.

Ngā manaakitanga,

**Dr Charlotte Severne**

Māori Trustee

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<sup>14</sup> Per clause 25 (amend Section 86B) of the Bill.

<sup>15</sup> Refer pages 41-42 of [Regulatory Impact Statement dated 31/07/2024](#).

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