



## **Housing and Urban Development Authority Factsheet**

# **Addressing Māori interests and aspirations in urban development**

The Housing and Urban Development Authority (the Authority) will create opportunities for Māori, iwi and hapū groups, post settlement governance entities, Māori land trusts and incorporations and urban Māori authorities to partner and participate in urban development projects.

The Authority will seek and support a partnership approach with Māori. Participation by Māori will help the Government achieve its objectives.

### **Engaging with Māori is critical to the Authority's success**

The Authority will engage with Māori representatives from the start of an urban development project. The Government recognises that some iwi and owners of Māori land will want to participate in urban development projects and continue their on-going connection with the land.

In some urban development areas, the Authority will take over aspects of local government's planning and consenting role. The Authority will ensure Māori can participate as they would with local government.

### **Protection of Māori rights and interests**

Māori rights and interests in land will be protected. The Authority's processes will be compatible with the Māori land tenure system and will not override Te Ture Whenua Māori Act 1993.

The Authority will not be able to ask the Crown to compulsorily acquire Māori land, land returned under Treaty settlements and land significant to Māori. This acknowledges the special character and historical context of this land. The land owners must agree before it can pass out of Māori ownership.

Māori land that is protected from compulsory acquisition includes:

- Māori freehold land under Te Ture Whenua Māori Act 1993
- former Māori freehold land that is owned by a Māori, or by a group in which Māori are the majority, if the land ceased to be Māori freehold land under the Māori Affairs Amendment Act 1967 or a status order under Te Ture Whenua Māori Act
- land held by a post-settlement governance entity (PSGE) on behalf of a claimant group as part of a Treaty settlement, including land that was acquired under a right of first or second refusal agreed in a Treaty settlement
- land held by an entity on behalf of mana whenua iwi or hapū pursuant to an agreement with a Crown agency or local authority.

## **Māori customary land and Māori reservations cannot be taken, including under the Public Works Act 1981, and urban development will not change that**

If publicly owned land was Māori land at the time it was acquired, the Authority will engage with hāpu and whānau associated with that land to understand their aspirations for how it is developed or treated.

If it is intended that this land is to pass out of public ownership as part of the urban development project, the former owners of the land (or the owner's descendants) will be offered back the land. This offer back will be carried out before any development on that land commences.

Before any decisions are made for the disposal or development of Crown-owned land that may be needed to settle future Treaty settlements, the Minister for Treaty of Waitangi Negotiations will be consulted.

### *Rights of first refusal (RFR)*

RFRs will continue to apply in development areas.

Where the Authority holds or controls land subject to an RFR, the Authority will engage with the RFR holder to see if there is an opportunity that suits both parties. This will include offering RFR holders the first opportunity to be the developer of that land on terms that the Authority sets for the development. If no agreement is reached, the RFR will be honoured.

In Auckland, the settlement environment is different. The Department of Building and Housing Protocol, now administered by the Ministry of Housing and Urban Development provides the Ngā Mana Whenua o Tāmaki Makaurau with development rights. This will not change with the creation of the Authority.

The Authority will be able to build on that experience with the assistance of central government. The Crown will continue to work under the Protocol.

### *Additional safeguards for specified development projects*

Development plans will be required when a specified development project is to be carried out. These are large and complex development projects that go through a comprehensive establishment process, and have access to a range of more enabling development powers that better enable development at scale and pace.

Development plans will need to ensure Māori interests are properly addressed, Treaty settlements are upheld, and Te Ture Whenua Māori Act is honoured. Engagement with Māori will continue while the development plan is being prepared.

There will be public consultation and submissions will be considered by an independent hearings panel. To ensure Māori interests are properly addressed, development plans will also have to be signed off by the Minister for Māori Crown Relations, Te Arawhiti and the Minister for Māori Development.

## **For more information and updates on the Authority**

- **Visit:** Ministry of Housing and Urban Development website – [www.hud.govt.nz](http://www.hud.govt.nz)

- **Email:** [info@hud.govt.nz](mailto:info@hud.govt.nz)