

## BRF 26-135 Meeting with Te Rūnanga o Ngāi Tahu

<b>Ki / To:</b>	Hon Chris Penk, Minister for Land Information	<b>Rā / Date:</b>	9 December 2025
<b>LINZ Lead</b>	Becci Whitton Leader, Strategy and Policy	<b>Contact Number</b>	04 471 6656

### Meeting details

Meeting details	
<b>Who is the meeting with</b>	Justin Tipa, Kaiwhakahaere (Chair), Te Rūnanga o Ngāi Tahu (via video-conference)
<b>When is the meeting taking place?</b>	8: 5am to 9:45am, Tuesday 16 December (LINZ CE available from 8:30am)
<b>What is the purpose of the meeting?</b>	Relationship building
<b>Will officials be attending in support?</b>	Gaye Searancke, Te Tumu Whakarae/Chief Executive

### Purpose

This briefing provides you with information on concerns raised by Ngāi Tahu about the Crown Land Legislation Reform programme and potential options to consider. The proposed focus for discussion is:

- Te Rūnanga's aspirations for the Crown pastoral estate
- The policy intent of the reforms
- How to establish an ongoing relationship

### Toitū Te Whenua Land Information New Zealand Whakapā/contacts

Name	Contact number	First contact
<b>Craig Harris</b> Commissioner of Crown Lands	04 460 0170	<input type="checkbox"/>
<b>Becci Whitton</b> Leader – Strategy and Policy	04 471 6656	<input checked="" type="checkbox"/>

## Background and context

### Te Rūnanga o Ngāi Tahu

1. Te Rūnanga is an iwi authority constituted under the Te Rūnanga o Ngāi Tahu Act 1996. It is the collective voice of the 18 Papatipu Rūnanga who represent those who hold mana whenua within the Ngāi Tahu takiwā. The Ngāi Tahu takiwā, as described in the Te Rūnanga o Ngāi Tahu Act 1996, encompasses all of Te Wai Pounamu/the South Island south of Te Parānui o Whiti (White Bluffs) and Kahurangi Point, as well as Rakiura/Stewart Island, and various offshore islands.
2. **Appendix 1** provides further information on how Te Rūnanga prefers to engage with the Crown, and on Justin Tipa.
3. **Appendix 2** provides information and talking points on related government initiatives in case they arise in discussion.

### Legislative review

4. The Cabinet Economic Policy Committee considered your proposals on Wednesday 3 December 2025, and Cabinet confirmed decisions on Monday 8 December 2025. A Bill is expected to be introduced to the House in 2026.

#### Out of scope

- [Redacted]
- [Redacted]

## Summary of proposals and Te Rūnanga's concerns

Topic	Details
<b>Main reforms</b>	<ul style="list-style-type: none"> <li>• Introduce a secondary use permit system for activities compatible with pastoral farming.</li> <li>• Create a pathway to remove land from the pastoral estate for significant land use changes.</li> <li>• Modernise and clarify provisions in the CPLA and Land Act to reduce regulatory burden and improve flexibility.</li> </ul>
<b>Secondary use permit system</b>	<ul style="list-style-type: none"> <li>• Secondary activities to be listed in a schedule; Commissioner can approve others if consistent with CPLA purpose and outcomes (including duty to Māori in section 5).</li> <li>• Prohibited activities also to be listed in a schedule; both schedules amendable by Order in Council after consultation.</li> <li>• Only leasees may apply. Approval guided by principles and criteria.</li> <li>• Fees ensure fair return for Crown on land use.</li> <li>• Application charges recover processing costs.</li> <li>• Permit conditions will manage liability risks.</li> </ul>
<b>Pathway for land removal</b>	<ul style="list-style-type: none"> <li>• Three stages: gateway test, decision to proceed, disposal.</li> <li>• Initiated by applicant; Minister makes decisions.</li> <li>• Requires leaseholder agreement; no compulsory acquisition.</li> <li>• Public benefit test: benefits must outweigh negative impacts on inherent values and pastoral farming.</li> <li>• Must comply with Treaty settlement obligations including Right of First Refusal (RFR).</li> </ul>

### Te Rūnanga's concerns

1. LINZ first updated Te Rūnanga o Ngāi Tahu (Te Rūnanga) on 28 July 2025 with a high-level overview of the proposed Crown land reforms. Further information on detailed policy proposals was shared in October and November.
2. Te Rūnanga sent a letter to the Commissioner of Crown Lands on 7 November regarding its concerns with the Crown land reforms. The Commissioner and LINZ staff met with staff from Te Rūnanga on 20 November to discuss these points further.
3. LINZ's sense of the main theme from Te Rūnanga's feedback is that it seeks a genuine partnership with government in this legislative work. For Te Rūnanga, a genuine

partnership is not just about consultation; the Crown should be enabling opportunities for mana whenua on Crown land.

4. The other main theme is that the proposal presents, in the words of Te Rūnanga's letter to the Commissioner of Crown Lands, 'a fundamental shift in property rights.'
5. LINZ's understanding is that the issue is not confined to ensuring the protection of culturally significant sites and values in the decision-making process, or consultation. Rather the issue is that Crown pastoral lessees currently have limited rights to use Crown pastoral land for pasturage (and commercial recreation) and Te Rūnanga considers that the Crown is extending those rights, which reduces Crown control and therefore opportunities for Ngāi Tahu as the Crown's Treaty Partner.

## The secondary use permit

6. Te Rūnanga's view is that the secondary use permit system creates additional rights for leaseholders that further alienates Te Rūnanga from opportunities on Crown pastoral land. Te Rūnanga's key concerns are that the proposals for secondary use:
  - constitute a transfer of ownership and control from the Crown to the lessee, in effect privatising part of the Crown pastoral estate.
  - broaden the scope of authorised land uses and development activities on Crown pastoral land, especially if treated as part of the existing perpetually renewable leases. Such an approach is not subject to the RFR and can be seen as being inconsistent with the letter and spirit of Te Rūnanga's settlement.
  - appear to cover activities which by their nature are long-term impactful land uses (e.g. viticulture). Even if granted for a short time period, there may be an expectation that permits keep being granted for the activity and can be seen as a circumvention of RFR.
7. LINZ recently provided you with a briefing on Treaty settlement obligations and other Māori interests in reforms to the CPLA and Land Act [BRF 26-131 refers]. This provides further information on Te Rūnanga's concerns and summarises Crown law advice on this matter. s 9(2)(h)

### ***Potential approaches to addressing concerns about the secondary use permit***

8. Te Rūnanga's main concerns stem from a fundamental disagreement on your policy objectives.
9. If you wish to, potential approaches you could discuss with them include:

Priority: Medium

- scaling back the scope of secondary use to cover only activities clearly linked to supporting pastoral farming, or which are minor and transient in nature. While this option may reduce the risk of litigation, it also reduces the diversification of land use that can occur as a result of secondary use.
  - directly connecting iwi with secondary use opportunities, by allowing iwi to have RFR rights, or otherwise provide opportunities for direct Ngāi Tahu involvement in secondary use. The impact of this approach on leaseholders would need to be considered.
10. The options above would be in addition to the following requirements as agreed by Cabinet [ECO-25-MIN-0203 refers]:
- consultation with iwi on applications for activities not listed in the 'permitted activities' schedule.
  - section 5 of the CPLA (Māori interests)<sup>1</sup> applying to all secondary use applications.
  - all secondary use must seek to achieve the purpose and outcomes of the CPLA.

## The land removal pathway

11. The pathway for land to be removed from the Crown pastoral estate is to enable significant land use change. These changes must create public benefits that outweigh the negative impacts on inherent values, or ongoing pastoral farming of the remaining pastoral land.
12. Te Rūnanga's concerns with the land disposal process include the following:
- Pastoral land should remain in Crown ownership and control. Returning land to the Crown under tenure review made the land and associated opportunities more accessible for Ngāi Tahu.
  - The proposals are misaligned with the purpose of the CPLA and shift the focus from protection and long-term stewardship to commodification.
  - If the proposals proceed, section 5 of the CPLA must be broadened to apply to all processes and decisions concerning secondary land uses, or the removal of land.
  - Significant risk of irreversible cultural and environmental harm to areas already under considerable environmental pressure.

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<sup>1</sup> Section 5 provides that the Crown must recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, mahinga kai, wāhi tapu, and other taonga when certain permissions are sought under the CPLA.

13. On 9 December, LINZ sent you a briefing on options for the detailed design of the pathway [BRF 26-140 refers]. The detailed design of the pathway has not been shared with Te Rūnanga, other iwi or stakeholders.
14. Te Rūnanga is aware of your decision that RFR will apply to any land disposal that proceeds under the new pathway but you may wish to discuss whether this is sufficient to address their concerns with the land removal pathway.

## Next steps for proposals

15. Now that Cabinet has approved the proposed changes to the CPLA and Land Act, LINZ is developing drafting instructions to be issued to the Parliamentary Counsel Office (PCO) before the end of this year. LINZ will work with PCO to prepare a draft Bill, with the aim of bringing the Bill to Cabinet Legislation Committee (LEG) for approval for introduction in April 2026.
16. There will be further opportunities for engagement with Te Rūnanga during this process, before the Bill is introduced, and again during the Select Committee process. However, LINZ notes that changes to policy decisions may require seeking updated decisions from Cabinet.
17. Note that consultation has not occurred with Ngāi Tahu on the proposed minor amendments to the Land Act or the changes to the pastoral farming schedules in the CPLA.

## Appendix 1 – Further information on Te Rūnanga

### Engagement preferences

1. Te Rūnanga o Ngāi Tahu has published guidance on its preferred principles for engagement with the Crown.<sup>2</sup>
2. In this guidance, Te Rūnanga asks the Crown to know the history of the relationship between Ngāi Tahu and the Crown before engaging. In particular, the following documents are important in guiding the relationship between Ngāi Tahu and the Crown:
  - Te Tiriti o Waitangi / The Treaty of Waitangi.
  - Te Rūnanga o Ngāi Tahu Act 1996: Establishes Te Rūnanga o Ngāi Tahu as a body corporate to assume responsibility for the protection of the beneficial interests of all members of Ngāi Tahu.
  - Ngāi Tahu Deed of Settlement 1997: Records the apology given by the Crown to Ngāi Tahu by Rt Hon Jim Bolger, and the matters required to give effect to a settlement of the historical claims of Te Rūnanga Whānui.
  - Ngāi Tahu Claims Settlement Act 1998: Records the Crown apology in the deed of settlement and gives effect to certain provisions of the deed of settlement.
3. Te Rūnanga's engagement guidance draws particular attention to the Crown's apology to the iwi:

*The Crown Apology to Ngāi Tahu recognises and confirms Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui. The Crown must properly respect Ngāi Tahu as rangatira to fulfil its Te Tiriti obligations. The Crown committed to a new age of cooperation with Ngāi Tahu, marking a new post-Settlement relationship between Ngāi Tahu and the Crown.*

### Biography of Kaiwhakahaere

4. Justin Tipa is the elected Kaiwhakahaere (Chair) of Te Rūnanga.
5. The following biography is from Te Rūnanga's website.

*Justin Tipa (Ngāi Tahu, Ngāti Mamoe) is the elected Kaiwhakahaere of Te Rūnanga o Ngāi Tahu.*

*Justin's early years were spent in Te Kohurau in the Waitaki valley before moving to Ōtautahi. He was appointed representative for Moeraki in 2021.*

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<sup>2</sup> <https://ngaitahu.iwi.nz/assets/Documents/2022-11-Expectations-for-Crown-Engagement-with-Ngai-Tahu.pdf>

*He comes to Te Rūnanga with a strong background in language and culture revitalisation and is a passionate practitioner of traditional karakia supporting many Kāi Tahu marae to grow capacity on the paepae.*

*A father to four boys, Justin and his partner Ana reside on the pā at Moeraki. He has been the chair of Te Rūnanga o Moeraki since 2019 and is an executive member of Kāi Tahu ki Tuawhenua, which represents the seven Papatipu Rūnaka of the Queenstown Lakes area.*

*With a background in manufacturing, education and most recently as Chief Advisor Māori for Fonterra, he brings a wealth of experience in navigating complex issues with multiple stakeholders.*

Proactive release



s 9(2)(f)(iv)

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