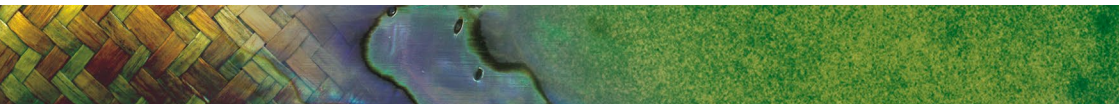




Ngāi Tahu
Māori Law Centre

WHENUA DEVELOPMENT TOOL KIT

Kia ata whakapakari i te takata mai i kā taoka tuku iho
To promote the strengthening of the people through the treasures passed down to us



WHENUA DEVELOPMENT TOOL KIT FOR OWNERS AND TRUSTEES OF MĀORI FREEHOLD LAND ©

This guide has been produced by the Ngāi Tahu Māori Law Centre thanks to the funding of Te Putahitanga o Te Waipounamu.

All information contained in this guide is current as at January 2017. Ngāi Tahu Māori Law Centre cannot and does not guarantee the accuracy of the information provided in this guide. All information should be verified with the relevant agency.

INTRODUCTION

About the Ngāi Tahu Māori Law Centre

The Ngāi Tahu Māori Law Centre is a specialist Community Law Centre providing free legal services specific to articles 1 and 2 of Te Tiriti o Waitangi, to all Māori living in the Ngāi Tahu rohe and all Ngāi Tahu Māori living anywhere in the world.

Why a Toolkit?

There are significant challenges faced by those who seek to develop Māori Freehold Land. Whilst those challenges are noted in reports encouraging development, there is limited practical information available to actually assist owners and trustees with navigating through such.

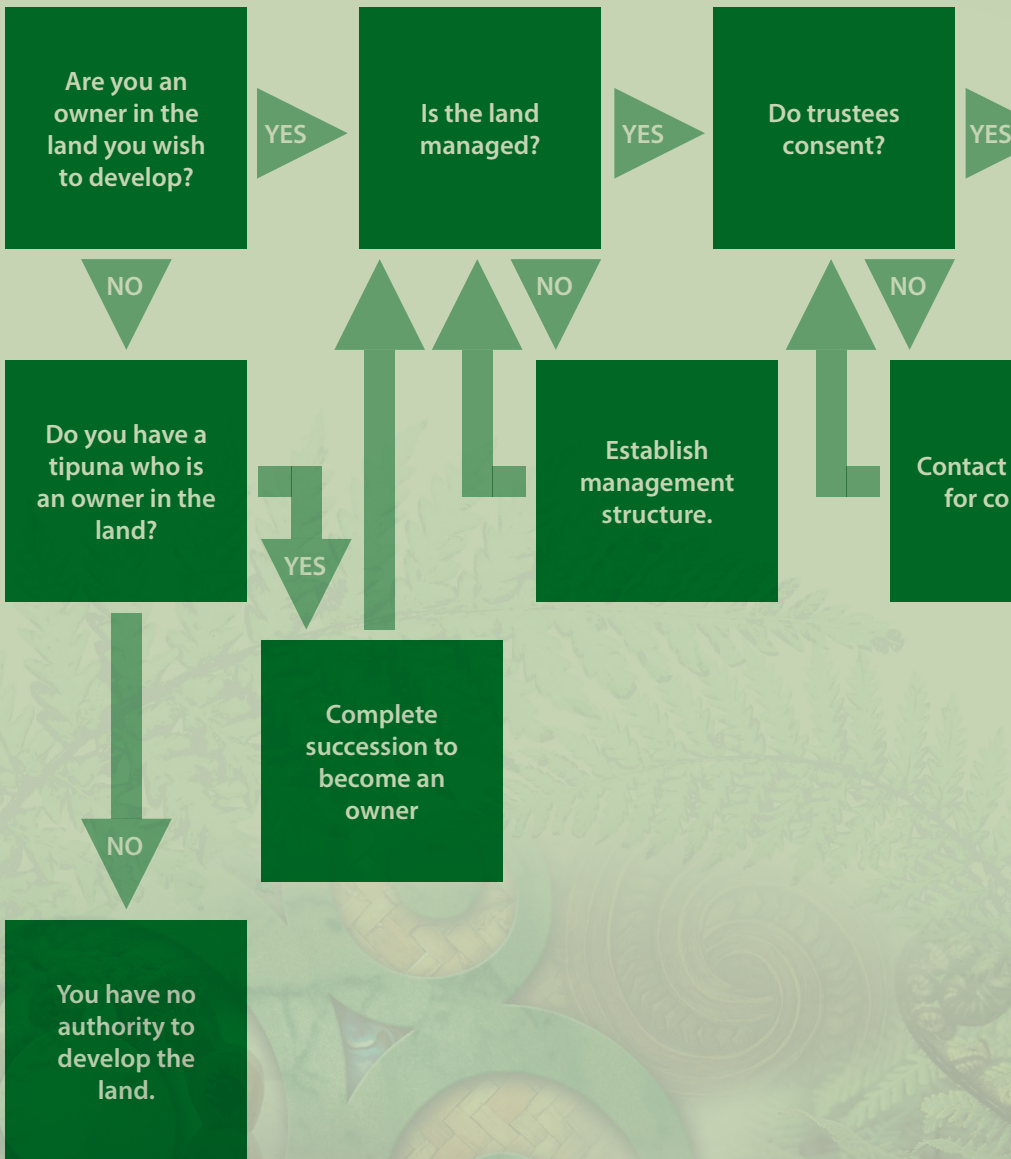
This toolkit should be read as a whole and is a starting point in developing your whenua. It is not intended to be a complete guide.

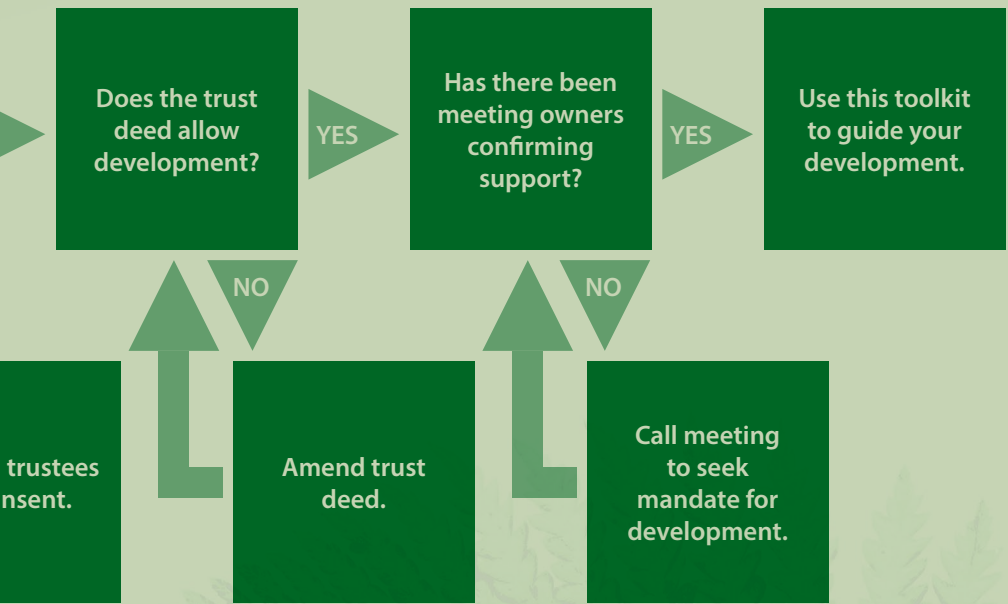
CONTENTS

INTRODUCTION	1
OVERVIEW OF DEVELOPMENT PROCESS FLOW CHART	4
1. DECIDING WHAT LAND TO DEVELOP	7
History and Significance	7
Encumbrances	7
Site Visit	7
Risks / Hazards	8
<i>Erosion</i>	8
<i>Sea level rise</i>	8
<i>Other development in the area</i>	8
2. INVOLVING THE RIGHT PEOPLE	9
Māori Land Court	9
Trustees and Land Managers	9
Owners	9
Regional and District Councils	9
Neighbours	9
Iwi and Hapū	9
Specialist Advisors	10
3. FORMING AN APPROPRIATE STRUCTURE	11
Why is a Structure Necessary?	11
4. RESEARCHING DEVELOPMENT OPTIONS	12
Options For Development Include:	12
<i>Agriculture</i>	12
<i>Aquaculture</i>	12
<i>Beekeeping</i>	12
<i>Commercial use</i>	12
<i>Communal owner benefit</i>	12
<i>Conservation</i>	13
<i>Forestry</i>	13
<i>Housing</i>	13
<i>Industrial</i>	13
<i>Not for profit</i>	13
<i>Recreational</i>	14
<i>Tourism</i>	14
<i>Wind</i>	14
<i>Other uses</i>	14

5. MAKING A PLAN	15
Why Make A Plan?	15
Timeframes	15
Identifying Barriers	15
To Do Lists	15
Staying Legal	15
Tikanga Considerations	15
6. ENGAGING OWNERS	16
Contacting Owners	16
Holding a Meeting	16
At a Meeting	16
Following the Meeting	17
7. MĀORI LAND COURT	18
8. POTENTIAL FUNDING	19
Te Puni Kōkiri (TPK)	19
Ministry of Primary Industries (MPI)	19
Ministry of Business, Innovation and Employment (MBIE)	19
Community Organisation Grants Scheme (COGS)	19
Lotteries	20
Iwi	20
Department of Conservation (DOC)	20
Income From the Land	20
Lending and Finance	20
9. SOLVING PROBLEMS	21
Land Too Small	21
Access Issues	21
Other Owners Don't Support the Proposal	21
Partnership or Memorandum of Understanding (MOU)	22
Ensuring Longevity of Development	22
10. SUCCESSION PLANNING	23
11. RECORD KEEPING	24

OVERVIEW OF DEVELOPMENT PROCESS FLOW CHART







1. DECIDING WHAT LAND TO DEVELOP

History and Significance

History will have a bearing on the land uses that are appropriate. As a starting point, we recommend contacting the Māori Land Court and ordering the Certificate of Title and Māori Land Court records for the block, though not all history of the land will be disclosed by these records.

Talk to people associated with the land, such as owners, neighbours, kaumatua, hapū, and iwi to learn more about the history of the land itself and the general area in which the land is located. This will indicate whether there is anything about the site you need to consider when planning for development. You may learn that the land is 'significant' in terms of culture, history, conservation, recreation, or for a number of other reasons. It is important to identify whether the land is significant for any reason, as this may be a substantial impediment to development.

Whether or not the 'significance' of the land has legal enforceability, there may be practical consequences to address before development can take place.

Encumbrances

The land you are interested in developing may be burdened in some way. The Certificate of Title or Māori Land Court records should show any registered easement or covenant (such as a right to convey power or water).

Researching the significance and history of the land will also be a good indicator of any informal leases, licences, or arrangements that might be in place. Advice from local authorities should also be sought in terms of any restrictions those authorities may have which could affect potential development and to identify whether rates are owed for that land.

Site Visit

A site visit is a 'must-do' early on in this process. Visiting the block allows you to carry out a personal investigation of the land's potential. The aim of a site visit is to identify the nature and lie of the land, the land's best and worst features, and any current uses of the land. A site visit can identify barriers to development such as such as a lack of fencing, inadequate drainage, gorse presence, access issues, or unidentifiable boundaries. It also informs of neighbouring land uses.

Risks/ Hazards

Erosion

The land you wish to develop may be at risk of erosion. A Land Information Memorandum Report (LIM Report) can be ordered from your local district council and should identify any erosion hazards. In addition, Councils may have hazard maps available, which would highlight any general erosion risk. Erosion risks are not necessarily fatal to development as mitigation factors can be put in place.

Sea level rise

Sea level rise may put buildings and land at risk. Other consequences of climate change, such as increased drought or rainfall events should also be taken into account when looking to develop land of marginal quality. If you are developing coastal land, obtain advice from Council and if there is risk, specialist advice regarding these issues is advisable.

Other development in the area

Neighbouring developments need to be taken into account when considering what utilisation may be appropriate. For example, papakainga housing may not be suitable to locate next to intensive dairy farming. A LIM report should indicate how the land is zoned (for example rural or residential), giving some indication of suitable development. It should also identify any neighbouring consents affecting the property.



2. INVOLVING THE RIGHT PEOPLE

Māori Land Court

The Māori Land Court will have access to all title information and applicable legislation. They will be able to inform you whether the land is managed, who the managers are and what rules apply.

Trustees and Land Managers

Managed land cannot be utilised or developed in any way without the consent of the land managers (trustees). If the land is managed, there will be rules that must be followed and the land managers will bear all legal responsibility.

Owners

To ensure that your proposal retains the support of others who own shares in the block, it is worthwhile considering whether the plan is in their best interests as well as yours. Whether or not the land is managed, it is wise to ensure that the owners are made aware of and have an opportunity to comment on any plans to develop or utilise the land.

Regional and District Councils

Keep in mind that Māori Freehold land will be subject to District and Regional council (local authority) rules, and you may require the consent of one or both authorities/councils for aspects of your plan. Advice regarding what consents you may need, and assistance with preparation of those consents, can be sought from the relevant authority/council. You can also engage professional consultants. Failure to follow correct council requirements can have disastrous consequences.

Neighbours

Your proposed development may require the consent of neighbouring property owners. This will depend on the nature of the proposal. Your local authority/council will be able to advise you on whether neighbour consent is required.

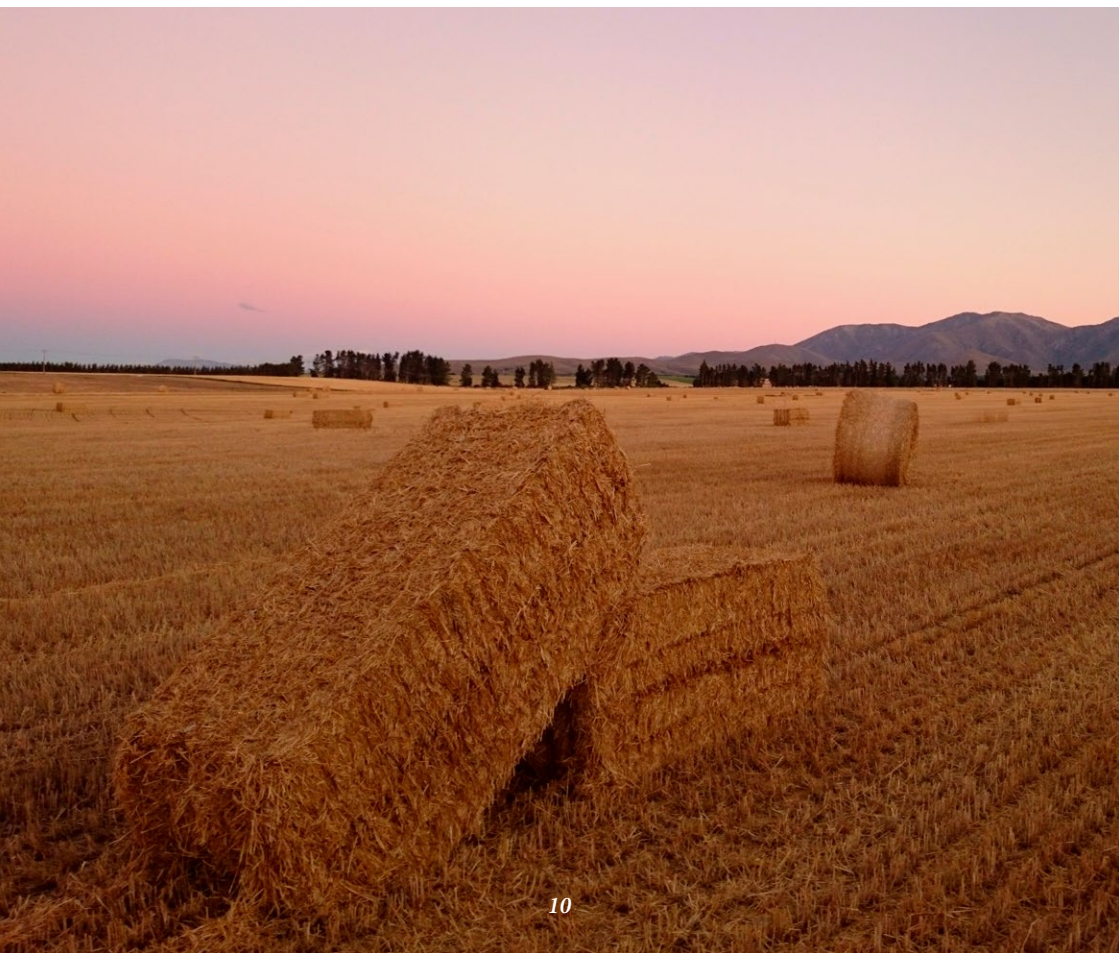
Iwi and Hapū

Local iwi and hapū should be consulted to see if there is any information or support for your proposed project, or any valid objections to your proposal.

Specialist Advisors

Of your own accord or as a condition from Council you may require specialist advice including but not limited to:

- Building surveyors to assess the state of buildings;
- Land surveyors to determine boundaries;
- Geotechnical investigators to determine the condition of the land;
- Lawyers and accountants for advice
- Insurance companies to ensure adequate cover
- Relevant industry advisors — if you are looking at a specific industry, it is critical to discuss your proposal with local people experienced in that industry.
- IRD as to the tax obligations you may encounter
- Charities services as to whether you can achieve charitable status



3. FORMING AN APPROPRIATE STRUCTURE

Why is a Structure Necessary?

If you are looking at developing unmanaged Māori Freehold Land with multiple owners, at every step of that process you need to consult with the other owners, and obtain their agreement. Holding many meetings and keeping a large number of owners involved will create delay and expense. Having a management structure in place allows you to streamline administrative matters and ensures that only significant decisions are put to the owners directly. It also provides you with a legal structure which has many benefits including the ability to apply for funding. We recommend a management structure is formed as a first step to development.

The most common management structure established by the Māori Land Court is that of Ahu Whenua Trust. A flexible structure, trustees are appointed to act and make decisions about the land in the best interests of the owners. The trustees have to act in accordance with a trust deed which owners can tailor to suit, and trustees are accountable for their actions.

There are several other options of management structures which may be better suited to your purposes. The Māori Land Court has information regarding these alternative structures and you should also get expert legal advice to ensure the rules and structure is tailored to your needs.

4. RESEARCHING DEVELOPMENT OPTIONS

Development of Māori Freehold Land can be a long and complicated process. If the option you are considering is not adequately researched, you may discover impassable obstacles only after putting a lot of time, money and effort into a project. We recommend spending time researching at the beginning of the process.

Options For Development Include:

Agriculture

Aotearoa has a strong farming sector, and a history of agriculture. There is a range of farming options that may suit your land—sheep, crops, cattle, etc. The size and quality of your land is relevant when considering agricultural options. There are several entities from which you can seek information, such as NZ Federated Farmers. For further information, visit www.fedfarm.org.nz.

Aquaculture

Aquaculture can bring significant economic benefits when carried out responsibly. Any proposal involving aquaculture will likely require special resource consents. If considering an aquaculture development it would be worthwhile talking to a consultant with experience in the field. For further information visit Aquaculture NZ, www.aquaculture.org.nz.

Beekeeping

In New Zealand, beekeeping or apiary can be undertaken on scales ranging from hobby beekeeping to commercial practice, to keeping bees for research purposes. Qualifications are generally required to become a commercial apiarist.

Apiary is a good option for owners looking for developments with environmental benefits, as beekeeping often results in preservation and growth of native forest areas. Manuka honey is a particularly valuable commodity, though only select blocks of land are capable of being utilised to produce this. The group responsible for overseeing beekeeping in New Zealand is Apiculture New Zealand (APINZ). Their website is www.apinz.org.nz.

Commercial use

The land you have could be suitable for some kind of commercial use such as retail, offices or restaurants.

Communal owner benefit

You could simply be interested in utilising the land to benefit owners and their whānau. Establishing a campground or access ways to rivers or beaches can be an effective way to allow all owners to take advantage of land while having minimal impacts on the environment of the block. Though these activities are fairly low impact, it is still advisable to contact at least the local authorities to enquire whether some form of resource consent is required.

Conservation

If conservation is part of your plan you should investigate a Whenua Rahui covenant. These agreements ensure the natural environment on Māori Freehold Land is protected in the long term (25 years renewable) in both legal and practical ways. The Department of Conservation is responsible for this, their website is www.doc.govt.nz.

Forestry

The New Zealand forestry industry is largely based on sustainable plantations of New Zealand pine. It is geared towards both domestic and export demand, and is growing to be one of New Zealand's leading export industries. The New Zealand Institute of Forestry provide information on how to invest in forestry. You can visit their website at www.nzif.org.nz.

Housing

Housing development can be a sound investment in the right circumstances. There are several steps that need to be taken to ensure the land is suitable for this purpose. This includes, but is not limited to, obtaining resource consents, ordering LIM reports and having the land surveyed.

Housing can be set up for an individual whānau, or a more expansive development can be undertaken in the form of papakainga housing. While Papakainga includes housing, some local authorities define papakainga to also include other activities such as small scale commercial or whanau centred learning, for example. If interested in Papakainga development, contact your local Council to find out more about their policy for papakainga. Requirements for development will vary depending on the scale of the proposal. Further information can be obtained from Te Puni Kokiri (www.tpk.govt.nz), or your local authority/council. There are also whenua kainga loans which are a dual initiative of Housing New Zealand (www.hnzc.co.nz) and Kiwibank (www.kiwibank.co.nz).

Industrial

In some circumstances Māori Freehold Land may be suitably located for industrial activities. When looking at industrial development the impact of that development on the future health of the land must be a priority consideration. Examples of industries on Māori Freehold Land include: fishery warehouses, wineries and geo thermal plants.

Not for profit

'Not for profit' activities can be a means of development of Māori Freehold Land which allows for more holistic outcomes, considering factors other than economic benefits. 'Not for profit' does not mean that the activity cannot generate income; just that economic outcomes are not the primary aim of the development. A good example of a not for profit development on Māori Freehold Land is creating places for wananga (learning) or camping sites (nohoanga).

Recreational

Depending on the location and character of the land you are looking to develop, it may be possible to utilise the land as a base for recreational activities. These could range from establishing hiking trails and campsites, to a more developed adventure park utilising waterways and developing trails for downhill mountain biking.

Profit from these sorts of activities may not be high, but the impact on the land can be kept very low while still allowing people to access and enjoy the area.

Tourism

The range of tourism activities which could be undertaken on Māori Freehold Land is extensive and varied. Once you have an idea about what sort of tourism activity you are looking to undertake, you can obtain further information from Tourism New Zealand who can be contacted at www.tourismnewzealand.com.

Wind

Ideal wind farm locations have good consistent wind speeds and proximity to the transmission network. The New Zealand Wind Energy Association has information about wind farm development. Further information can be found at www.windenergy.org.nz.

Other uses

If you have a different idea in mind for development of your land then we suggest that you follow the procedure outlined earlier, (involving the right people and forming a management structure, if one does not exist). It would then be wise to contact a consultant well versed in the area in which you are considering developing.

5. MAKING A PLAN

Why Make A Plan?

A plan ensures that your focus is clear from the beginning of your proposal. A plan ensures you remain on track and helps to identify strengths, risks, barriers and possibilities. A plan reminds you of your original intentions and shows when gains and milestones are met, giving you encouragement to continue. A plan will be helpful when applying for funding or consents, as well as when pitching your idea to land owners, trustees, interested parties and funders.

Timeframes

It is important to have clear timeframes when planning development. Without timeframes it is easy to get distracted and lose sight of your original goal. Timeframes ensure that accountability is maintained and progress is steady. Be realistic when setting timeframes so you are not discouraged in situations of delay.

Identifying Barriers

The earlier you identify barriers to your development the better your chances of overcoming them. Some barriers are detailed in this publication, but consider what other things which may impede your development and identify how you will deal with them.

To Do Lists

These are a simple and effective tool to help you make steady progress towards your goal. Breaking down seemingly unbeatable tasks into small achievable steps provides a solid boost to moral as you can see progress at times when it feels little is being made.

Staying Legal

You must ensure that you are working within New Zealand law.

Tikanga Considerations

Many owners view their role as kaitiaki, with the most important consideration being the retention of land for future generations. Most owners consider that they collectively own Māori Freehold Land with the other owners; as opposed to individually owning a number of shares in the land. It is important to ask yourself throughout your planning, how the proposal sits in regards to the land being taonga tuku iho and fundamental tikanga understandings.

6. ENGAGING OWNERS

Contacting Owners

The first step towards owner engagement involves contacting as many owners as possible. Owners in the block you are looking at developing may be closely related to you, or very distant whānau. Owners are often scattered across the globe. You can find out who the owners are on the free, online data base www.maorilandonline.govt.nz; or request this information from the Māori Land Court. If you do not have contact details for owners, you should research their addresses so that you can get in touch with them. Phone books, social media, and electoral rolls are all good sources of raw data. We also suggest that you contact relevant hapū and iwi, as they may have more details. The Māori Land Court may hold address details for owners. Once you have some contact details you can contact those people and ask for their assistance in contacting other owners.

Holding a Meeting

It is essential that owners are made aware of your intentions and have the opportunity to consider and discuss it to determine their support for the proposal. Regardless of whether or not the land is managed, significant change to land use requires consultation and, in most cases, approval from owners. It is necessary early on to hold a meeting of owners for the block. All owners must be invited to this meeting.

If you do not have details for all owners, you will need to advertise the meeting publicly. There may be iwi or hapū publications which can assist with free or low-cost effective advertising; otherwise you may need to pay for newspaper advertising. Advertisements need to go out giving sufficient notice of the meeting.

It is often easiest to hold meetings on the land itself, at a nearby marae, or in a central area where many owners are located. Choosing an appropriate location often comes down to cost, the location of the owners and number likely to be attending. Consider whether you need access to phones or the internet to allow people living away from the area to attend remotely. Deciding whether or not to allow proxy appointments is also important and must be notified, if permitted, in the notice of the meeting.

At a Meeting

It is important to have a set agenda for the meeting, to ensure that conversation stays on track throughout. Electing a chair and minute taker at beginning of the meeting will also help to maintain order. The selection of Chair is an important decision. Ideally the Chair should be someone who is relatively independent of your development proposal, who is able to be fair and neutral and who has mana within the owners.

Minutes must be taken to record any decisions made by the owners. These minutes should be signed by the meeting Chair. When people are speaking they should identify themselves and you should confirm their relationship to the whenua.

Be realistic when considering your meeting agenda. If a large number of owners are in attendance, even a seemingly simple decision can result in a long discussion. It is important that you let all owners have their say, even if this means having to call a second meeting to complete your agenda.

Only owners registered with the Maori Land Court have standing to vote. Voting can either be held by shareholding percentages or by one-person-one-vote, for each registered owner in attendance. Voting is most simply done by raising hands or by secret ballot. Proxy voting and postal voting both provide opportunities for owners who cannot be at the meeting to have a say; similarly with skype or teleconferencing facilities. If there is no trust deed, or the trust deed does not outline the voting process then the meeting attendees must come to agreement and decide on a method. If agreement cannot be reached then voting will be by shareholding percentage.

When an application to the Māori Land Court is made, the Court may consider the shareholding percentages behind a one-person-one-vote-vote. They will particularly do this if there is disagreement.

Following the Meeting

After the meeting, the minutes will be used as evidence of the hui and the decisions reached. Minutes should be signed by the chair and kept in a minute book for future reference. Any actions arising from the minutes will also need to be made known to those who are responsible for them and completion noted in the minute book or at the next meeting.

7. MĀORI LAND COURT

The Māori Land Court plays a crucial role in the retention, use, development, and control of Māori Freehold Land in accordance with Te Ture Whenua Act 1993. The Māori Land Court is whanau friendly and supportive of applicants. The Māori Land Court staff will help you with making applications but they cannot give legal advice. There are seven districts of the Māori Land Court, and your local Court will have people experienced and knowledgeable about the particular area you are looking at developing.

It is worthwhile establishing a relationship with the Māori Land Court early on. There are few circumstances in which you will look to develop or utilise your whenua without involving the Māori land Court. Many decisions of owners of whenua require approval of the Māori land Court and any disputes related to whenua can be brought before the court for resolution.

You can find the contact details for your district of the Māori Land Court here: www.justice.govt.nz/courts/maori-land-court

8. POTENTIAL FUNDING

While it is possible to fund development entirely from money supplied by owners, it is often necessary and wise to look into the variety of funding streams available. Applying for funding can be a time-consuming process but can be very rewarding and increased funding can go a long way towards removing obstacles to development.

Te Puni Kōkiri (TPK)

Te Puni Kōkiri works within government and communities to support Māori collective success. They have a particular interest in Māori Wellbeing and realising Māori potential which may include development of Māori Freehold Land. There are several ways TPK may be able to support you in the development of your land, including a number of funding streams that your project may qualify for. Contact TPK to find out what help they can provide. For further information visit: www.tpk.govt.nz

Ministry of Primary Industries (MPI)

The role of the Ministry of Primary Industries is to maximise primary sector industries and productivity. They have a particular interest in assisting Māori to make the most out of their primary sector assets on Māori Freehold Land and may have funding opportunities specifically for primary sector assets (agriculture; forestry; fisheries; horticulture). For further information visit: www.mpi.govt.nz

Ministry of Business, Innovation and Employment (MBIE)

The Ministry of Business Innovation and Employment's purpose is to grow the New Zealand economy to provide a better standard of living for all New Zealanders. They have a Māori Economic Development strategy and action plan which includes goals such as partnership, greater participation and active discussions with Māori. They may have funding available for development of the Māori economy, and this may extend to potential sources of assistance developing your land. For further information visit: www.mbie.govt.nz

Community Organisation Grants Scheme (COGS)

Community Organisation Grants Scheme is a community-driven, government-funded scheme that provides essential support to grassroots voluntary and non-profit community organisations. If your plan to develop Māori Freehold Land comes within their criteria COGS may be able to offer support. COGS is part of the New Zealand Department of Internal Affairs (DIA). For more information you need to contact your local regional office of the DIA. For further information visit: www.communitymatters.govt.nz

Lotteries

Lottery Grants in New Zealand are administered by the Department of Internal Affairs. There are a number of different grants available for different activities, such as 'Environment and Heritage', and 'Community Facilities'. Your plan to develop your Māori Freehold Land may fall within one of Lotteries areas, so check with this organisation to see if they can offer some support. For further information visit: www.communitymatters.govt.nz

Iwi

Your Iwi may have resources set aside to assist with development of Māori Freehold Land. If you are looking at development then contact your Iwi to determine if you may be eligible for support. There are several sources of information in regards to iwi. As a starting point you can find an iwi directory at Te Kāhui Māngai. For further information visit: www.tkm.govt.nz

Department of Conservation (DOC)

If you are looking at setting aside part or all of your land for conservation purposes, then you may be entitled to assistance from DOC. For further information visit: www.doc.govt.nz

Income From the Land

Depending on the plan you have for development of your land, you may be able to obtain income directly from the land both during and after the development. For example, some land could be leased as bare farmland in order to promote clearing of the land and removal of gorse, and then income from farming leases can be used to kick-start development. Think outside the box for how you can make the most use of the land itself without jeopardising your proposed development.

Lending and Finance

While lending institutions can initially be hesitant to deal with Māori Freehold Land, if you are persistent and can show that you have a robust plan for the development of your land, along with a clear means of keeping up with payments on any loan, then it may be possible to obtain finance to support your development. Despite what you may have heard, it is possible to lose Māori Freehold Land to a mortgagee sale or similar process, so do not take on debt lightly.

9. SOLVING PROBLEMS

The process of developing Māori Freehold Land is long and complicated. The following are examples of common problems and suggestions on how you might deal with them.

Land Too Small

It may be possible to coordinate with neighbouring blocks to establish development spanning multiple blocks of land. If this is being attempted, it is important to set clear rules for how decision making will take place, and how any costs and profits will be apportioned. This is best achieved by a shared management structure and rules outlining agreed processes.

Access Issues

Access to Māori Freehold Land is often difficult. Many blocks are landlocked with no legal access; others have legal but no physical access. An application to the Māori Land Court can be made to obtain access. This can be a lengthy and complicated process. Legal assistance will be required and the Court may consider access by foot to be sufficient. Alternatively, you may be able to obtain access across a neighbours land by agreement. It is advisable to legally formalise such agreement by way of easement or long term licence noted on the land title.

In situations where you need to increase your access, talking to neighbours is often a good first step. If they are supportive of your development then they may be able to help by allowing you to cross their land. For example, neighbours may permit you to cross their land with construction equipment for a short time while you are building a house.

If there is legal authority for a road, but no road has yet been formed, this is called a 'paper road'. You will need to investigate with owners of land adjacent to the 'paper road' and also council to determine how that road can be formed and managed.

Other Owners Don't Support the Proposal

The best way to deal with this is through ongoing discussion and mutual understanding of the reasons why there is no support and consideration of solutions to those reasons. If however it becomes evident that agreement will not be reached and you want to continue with your proposal, partitioning the land into separate pieces, or leasing it from the trust could be practical options.

Partnership or Memorandum of Understanding (MOU)

If land is being developed in conjunction with other entities or organisations, then a shared management structure may not be an option. In that situation, it is advisable to have in place an MOU, to ensure that both parties have a clear idea of their roles and obligations. This already occurs in terms of Māori reservations, namely Marae and the requirement that the trustees of the whenua and those who have day to day responsibility for the Marae have a shared trust charter.

It is essential you get legal advice if entering a MOU or partnership to ensure full understanding of the risks and benefits.

Ensuring Longevity of Development

As previously mentioned Māori Freehold Land is taonga tuku iho. Intensive developments which cause long term damage to the land or surrounding environment run counter to tikanga.

When considering development on your Māori Freehold Land, ensure that you have considered how this may affect future generations. Sustainable developments which offer benefits over many years are preferable to attempts to cash-in on Māori Freehold Land ownership to the detriment of future generations.

10. SUCCESSION PLANNING

Succession planning is important when looking at development of Māori Freehold Land as the process can take a long time. A plan needs to be in place setting out who can take over in the event of a death or other unexpected exit from the process.

It is particularly important to consider succession planning if a trust is in charge of the development. If a trustee leaves unexpectedly, the remaining trustees should be able to look to a succession plan to determine what tasks need to be taken over and how they can ensure a smooth transition of responsibilities.

11. RECORD KEEPING

Keeping detailed records is essential in avoiding disputes and complications throughout the process of utilising your whenua. They will also ensure that if a key person in the development process leaves unexpectedly, no progress will be lost. Records should be kept in digital format and ideally backed up to a safe location or through an online storage service.

Important documents include: minutes of meetings, records of agreements of trustees, advice and legal opinions, copies of applications for funding, resource consents, building plans, survey plans, useful contacts and relationships, and so on.

If you do not have copies of these important documents you may run into trouble making applications to the Court, or in any situation where someone challenges the authority of your decision. It is unwise to rely on your lawyer or other advisors to hold copies of everything.





Ngāi Tahu Māori Law Centre

Level 1, 258 Stuart Street
PO Box 633, Dunedin 9054

Phone: 03 477 0855
or 0800 626 745 (0800 MāoriLaw)

Email: info@ngaitahulaw.org.nz
Website: www.ngaitahulaw.org.nz
Find us on: [facebook/ngaitahulaw](https://www.facebook.com/ngaitahulaw)

