

OIR: 2223/365

3 October 2022



**Request for Information under the Local Government and Official Information and Meetings Act 1987 (the Act)**

Thank you for your email of 31 August 2022 requesting the following information:

- 1. KCDC's recent documents relating to changes resulting from government in relation to changed housing/ land use. The KCDC document had definitions of maori words (please give them in all KCDC documents). The term that needs a definition is ancestral – usually coupled with the word land.***
- 2. It appears in the KCDC document but KCDC do not define it. Is ancestral land the mortgage free land owned by maori? The term needs clarification – I fear land to which I hold legal title may not, in time, be mine once a new interpretation of the 1840 treaty is developed, for example in 2040, the 200 year anniversary of the treaty. What is to stop it? I have read He PuaPua. 'Ancestral' land existed before maori arrived. In the absence of other evidence, maori were the first seafarers, the first 'settlers'.***
- 3. I feel insecure and threatened in relation to the sites for which I pay KCDC rates. I found two RMA references using the term 'ancestral lands' (below). They didn't help, as nebulous as KCDC on this matter.***
- 4. I found a maori generated definition. It said 'ancestral land' was land always in maori ownership, never had title issued. Since I could find that, I'm sure KCDC could find something better, something both LINZ and maori would agree on. KCDC has a maori committee. Perhaps this is something they could advise on.***

***Until a definition of ancestral land is provided the term may instill fear, uncertainty and insecurity in all who cannot claim maori blood.***

***5. Please provide:***

- a definition or explain why there is no such definition***
- how the public can find out what is or is not ancestral land, and***
- an assurance that the definition KCDC provide for ancestral is agreed in New Zealand law and by both the Waitangi Tribunal (power limited to recommending) and the finding of the KCDC committee.***

The term “ancestral land” is used in section 6 of the Resource Management Act 1991 (RMA) as follows (emphasis added):

*6. Matters of national importance*

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

...

*(e) the relationship of Maori and their culture and traditions with their **ancestral lands**, water, sites, waahi tapu, and other taonga...*

The RMA does not define “ancestral land”. You may wish to contact the Ministry for the Environment directly for an explanation of this, as that ministry is responsible for administering the RMA.

A plan change known as Plan Change 2 to the Operative Kapiti Coast District Plan (the District Plan) proposes to introduce a definition of “ancestral land” into the District Plan. The proposed definition is *means land that belonged to tipuna/tupuna*, and a further definition of tipuna/tupuna is also proposed - *means ancestors*. These and other definitions are proposed to better enable papakainga, which itself is proposed by that plan change to be *means housing and any ancillary activities (including social, cultural, educational, recreational, and commercial activities) for tangata whenua on their ancestral land*.

The appropriateness of this definition and other changes proposed in Plan Change 2 will be tested through the hearing of submissions on this plan change. Further information about this plan change can be found at Proposed Plan Change 2: Intensification - Kāpiti Coast District Council ([kapiticoast.govt.nz](http://kapiticoast.govt.nz)).

The public can search the LINZ property database which holds information about the title and survey records which records ownership (or other rights) over land.

Kind regards,



**Kris Pervan**  
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