# Te Keteparaha mō ngā Papakāinga

Māori Housing Toolkit



Whānau Papakāinga Building Communities













# Kōrero Whakamārama / Cover story

#### TE KITEPARAHA MŌ NGĀ PAPAKĀINGA Translates to "Māori Housing Toolkit or Papakāinga Toolkit"

The traditional Poutama stairway pattern is commonly seen as a tukutuku panel in many meeting houses across the motu. Poutama symbolises our whakapapa (genealogies) relationships, mātauranga whānau, hapū and lwi at various levels of learning and intellectual achievement. The Poutama pattern also represents the journey of ascent undertaken by Tāne-ote-wānanga to reach the top-most realm of the heavens in his quest for superior knowledge and attainment of Ngā Kete Aronui, Tuatea and Tuauri.

The 5 Steps discussed in this guide are Kaupapa, (purpose, values and vision) for the Trust and shareholders; Rangahau (research, fact finding) on the sustainability, innovation); Whiriwhiri (meetings and discussion with owners); Mahi Hangarau (technical expertise and skills) required to explore the design and engineering options for homes and services and Māhere (a papakāinga concept / master plan) that shows the layout of homes and the appropriate infrastructure services with indicative construction and costs.

Underpinning the 5 Steps are the traditional Māori family structures (in blue): tangata (individual), whānau (family), kaitiaki (trustees / boards), hapū / marae (sub-tribe / marae), and iwi / rūnanga (tribal authority) that may be involved and support your papakāinga proposal. The green pathway identifies those cultural connections with Papatūānuku and Ranginui that connect mana whenua with the whenua (land), moana / tāhuna (sea / harbour), awa (river or stream) Ranginui (the sky and air we breathe) as te taiao (our natural environment).

The learnings gained from each of the 5 Steps, adds value by building the intergenerational capability and capacity of whānau to manage and administer the whenua, homes, infrastructure services on your papakāinga.

MĀHERE

the sustainability inneuration). W/kiriyahiri			
the sustainability, innovation); Whiriwhiri (meetings and discussion with owners);		MAHI HANGARAU	A papakāinga development plan
	WHIRIWHIRI	Technical advice and expertise	lwi/Rūnanga
RANGAHAU	Working and meeting with land owners	Hapū / Marae	Te Taiao
Fact finding and research	Kaitiaki	Rangi	
Whānau	Awa		
Moana			
	on); Whiriwhiri with owners); RANGAHAU Fact finding and research Whānau	<ul> <li>Whiriwhiri</li> <li>with owners);</li> <li>WHIRIWHIRI</li> <li>Working and meeting with land owners</li> <li>Fact finding and research</li> <li>Kaitiaki</li> <li>Whānau</li> </ul>	on); Whiriwhiri       MAHI HANGARAU         with owners);       MAHI HANGARAU         WHIRIWHIRI       Technical advice and expertise         RANGAHAU       Working and meeting with land owners         Fact finding and research       Kaitiaki         Whānau       Awa

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# Kupu Whakataki/ Introduction

Now that you have an idea of what you want to do and an indicative response from the respective local authority, **CONGRATULATIONS.** You have now completed the first two significant steps. The next part of the journey requires you to pull the rest of the whānau on board. You'll need to start by calling a meeting with the landowners. The Māori Land Court staff are the best people to seek advice on how to do this.

On the following pages are some templates that will help you advertise a meeting of owners, set up an agenda and take minutes. Good record keeping is important because it documents the process, records the discussion and decisions made at the hui and makes things transparent and open to scrutiny. From here, we leave a relatively structured process and start dealing with a more fluid process.

# This step will require a lot of relationship management and you will quickly realise the following are just guidelines.

Some trusts have found this particular step is an organic process and may require many hui with the wider landowners, Māori Land Court and other government agencies. For some, a Trust may already be established; but for others, a Trust may need to be set up. There are slightly different processes for the two and these are outlined on the following pages. This step and the information gathered are critical to progressing the vision for the papakāinga proposal.

You may want to check with your iwi or hapū to see if they have a management plan for your rohe. If they do, review what it says about housing.

Touching base with the iwi or hapū has the advantage of gauging early interest and possibly support. The iwi or hapū may be able to assist you with funding applications to different trusts and agencies.

### How this section is organised

You'll need to look through this step completely to see what applies to your Trust. Some blocks may already have a Trust in place and others may not. Both processes are outlined and it's up to you to see what is applicable. Once the Trust Order and trustees are established this step moves on to talk about building the capacity of that Trust.

You'll note there is a lot of reading in this step and you may find that it is useful to talk to others who are going through this or have successfully done a papakāinga project.

The ultimate aim of this step is to have a Trust and Trust Order established that provides good governance support for your papakāinga proposal. It is likely that the Trust Order may need to be modified later in the process depending on the specifics of your project, but for now the emphasis should be on the right governance support for this step.

# Where a Trust already exists

### The Trust

As discussed in the previous Steps 1 and 2, you are able to obtain online from the Māori Land Court the latest lists of owners, the memorial schedule and the details of any Ahu Whenua Trust and trustees established and appointed over your block to administer and manage the whenua on behalf of the interests of the shareholders. It is critical that the terms of the Trust Order include provisions that will support your papakāinga aspirations and vision with effective decision-making and discussion processes. The following parts provide suggestions and advice.

### Meeting with the wider owner groups

Call a meeting of owners to let them know about the papakāinga project and seek initial support for the proposal. Owners may be located all around the country so you may need to have multiple hui in multiple locations. If costs are an issue it may be a better option to encourage owners to return to the whenua for a hui. The Māori Land Court can advise the Trust on how to get everyone together, and Māori Land Court Advisory staff can assist with the facilitation of the hui. It may also be useful to invite Te Puni Kōkiri along to these early meeting so they can offer assistance where appropriate.

The resident owners of the block may have already been involved with the visioning, research and discussion of the proposed papakāinga. This type of meeting would be of great benefit to owners who live out of town or have had little to do with the property in the past to understand the whakaaro behind the development.

## **Trust Order**

A Trust Order is the most important document for any Māori Land Trust because it defines what powers the Trust / trustees have in carrying out the goals and objectives of the Trust. The Trust Order also provides assurances to the shareholders / beneficial owners that the Trust's decisions are made within the spirit of the Trust Order.

Some Trusts have found that they are not set up to do some of the things required for papakāinga housing such as the powers to erect buildings on the property, to grant occupation licences or borrow money. If you don't have these powers you may need to review your Trust Order. Your Māori Land Court advisor can tell you how to do this. The first step in working out whether your Trust has these capabilities, is to review the Trust Order you obtained in Step 2 and see what it says you can and cannot do.

Once you have looked through the Trust Order and worked out what amendments may be required, It's timely to call a meeting of owners to discuss the position of the trustees, suggested changes to the Trust Order and the proposed papakāinga.

# Reviewing your Trust Order to accommodate your vision

Your Trust Order may suggest that you need to provide "annual accounts" some trusts have found this can be a burden so you may want to consider changing this to triennial (every three years). Other Trusts have refined voting policies to allow proxies and postal votes enabling kaumātua and kuia to verify the votes.

When looking through the Trust Order you may want to review the number of trustees you have. Are there too many, too few? The next part of this section will talk you through some things you might like to consider when reviewing your trustees.

# A review of your Trustees

The Māori Land Court provides guidelines on the roles and responsibilities of trustees. The Trustees are responsible for all decisions and money received and spent in relation to the said property. Once you have identified your trustees, or what skills are required from any potential new trustee, it may be useful to ask the following questions:

- · Are all the trustees still alive?
- · If so, are they still willing to be trustees?
- Have any trustees resigned? Do you have their resignation in writing?
- If you are in the position of needing to appoint new trustees, it might be useful to identify what skills would be necessary for a trustee overseeing a papakāinga development.
- How much time would be required from the trustee?
- Do they live locally? This could be important if there is a lot of time required.

The Māori Land Court produces a booklet on trustees' duties and the Court conducts training for trustees.

## Meet again with the owners

Once you've reviewed the Trust Order and trustees it's timely to talk with the owners again to go through the new Trust Order and ratify any changes. You may also need to go through the election of new trustees if this is required (Māori Land Court can provide this advice for you). If you decide to hold more than one hui (to make sure you cover all the owners) the key point is to get agreement to the amendments, you wish to make.

# Confirmation of new orders and trustees

Once you have sufficient agreement and support from a meeting of owners (the Māori Land Court can guide you through the process) that address appropriate amendments to the Trust Order, and the replacement of or appointment of new trustees, you / the Trust should make an application to the Māori Land Court to have the Trust Order and trustees amended. This involves filing an application with the Māori Land Court to vary the Trust Order. You should now skip ahead in this section to "Developing the Trust's Capability"rust Allocation Process



# Where no Trust exists

# Steps to follow if no Trust has been established:

- You may want to research the options of the type of Trust that can administer the land.
- The Māori Land Court can help you choose which type of Trust is appropriate (see the Māori Land Court brochure on "Māori Land Trusts"). You can contact your local Māori Land Court office for information.
- Work out the criteria for establishing the trusts because there are different criteria for different trusts. Look at potential trustees with the support from the owners. Get them involved in developing a Trust Order.
- Call a meeting of owners to consent to the establishment of the Trust and housing proposal. Depending on where the other owners reside, you may need to advertise these hui in different locations to capture everyone. Māori Land Court advisory officers can assist with this.
- Good record keeping is essential to progress your papakāinga proposal. There are meeting notices, meeting agenda and minutes templates / guides included in the Step 3 appendices.
- Prepare an application to Māori Land Court to establish an Ahu Whenua Trust for your whānau block. <u>https://</u> maorilandcourt.govt.nz/assets/Documents/Forms/MLC-Form-37-Constitute-Ahu-Whenua-Trust.pdf
- Use this link to access more information on the Māori Land Court application requirements: <u>https://maorilandcourt.govt.</u> <u>nz/your-maori-land/trusts-and-incorporations/creating-a-</u> <u>trust-or-incorporation/</u>

## Developing the Trust's capability

Amending or adopting Trust Orders and orders can take a long time to be confirmed through the court process, so you may want to establish an interim body to be able to get going on your project. For example, a charitable Trust might allow you to seek funding for the detailed design.

As soon as possible, you should develop a funding strategy to help with different aspects of the papakāinga project. You can start by making a list of what funds are available, when and what the criteria is. Your funding strategy is primarily focussed on how to meet the costs of progressing the project, noting that it could take up to 6–12 months or longer. At this stage, the strategy is not concerned with the actual costs of construction these details will are discussed and identified through Steps 4 and 5.

### **Trust structure**

It's important to develop the Trusts and trustee's capability to manage the Trusts activities and establish internal policies and controls that demonstrate strong governance through:

- Common understanding of the Trusts purpose (kaupapa),
   vision (moemoeā), values (uara) and principles (mātāpono);
- b. Appropriate legal and financial status
- c. Effective management structure and engagement with shareholders / owners
- d. Strategic planning and leadership
- e. Statutory compliance of the Trusts activities

Te Puni Kōkiri can offer assistance and programmes to support you in this area. You should contact your local office. See the appendices in this step for the nearest TPK office to you.

## Technical support and advice

Once you are establishing your Trust entity through the Māori Land Court; you should also start talking with the Kāinga Ora and TPK about further technical advice for housing and potential funding:

- TPK requires a legal entity or umbrella entity before it can offer any financial assistance.
- Kāinga Ora can provide advice about accessing finance for building homes on Māori land via the Kāinga Whenua Loans Scheme on multiple owned Māori Land, https://kaingaora. govt.nz/home-ownership/kainga-whenua/. This link provides a series of information handouts on how Kāinga Ora can assist individuals and Trusts with their housing aspirations.

See the appendices in this step for the office nearest you.

You should not proceed further unless you have established a Trust and Trust Order that supports your Papakāinga development proposal. In addition, the Trust will need to demonstrate appropriate internal management controls and good governance practices that satisfies funding provider criteria to have a maximum chance of support and success.

## Title Options for Papakāinga

For those Trusts that support home-ownership on the whenua it is important that the Trust and the owners are all aware of the common titles that are available to achieve your housing aspirations on Māori land. Ahu Whenua Trusts are able to issue a "licences to occupy" to their shareholders subject to the Trusts allocation criteria and process.

# Whiriwhiri Checklist:

#### Trust Administration and leadership

The Trust order supports the papakāinga proposal;
The Trust enables and follows good governance principles and values;
Robust engagement with shareholders / owners to maintain information flow, understanding of the project and momentum;
Papakāinga project team and co-ordinator discussed and established;
Identification of papakāinga resources required;
Identify existing environmental features and management issues;
Do current lwi and or hapū environmental management plans support papakāinga;
Develop a whānau papakāinga survey to identify levels of interest and demand for papakāinga.

#### **References for governance**

- The Tupu NZ provides a section on understanding governance in the "Kaitiakitanga" section of their website on appropriate governance roles, structures and practises: <u>https://www.tupu.nz/en/kaitiakitanga/understanding-governance.</u>
- Trustee training courses are also available from your nearest Māori Land Court Office.
- Whakamau ki ngā kaupapa making the best of iwi management plans under the Resource Management Act 1991 Ministry for the Environment.
- Māori Land Court information booklets on the Ministry of Justice website: https://maorilandcourt.govt.nz/about-mlc/publications/
  - a. Māori Land Trusts,
  - b. Trustees' Duties, Succession,
  - c. Transferring Māori land shares,
  - d. Māori Reservations,
  - e. Māori Incorporations,
  - f. Title Improvement and Applications.

# Trust Allocation

## **Allocation Guidelines and Criteria**

These are important management and administration processes and decisions for the Trust to develop and implement, in conjunction with the wider shareholders / beneficial owners.

The purpose of developing the Trust criteria and application process is to assist the Trustees in making a decision on to whom the Trust will allocate each house site, based on agreed-to and well-known criteria by all shareholders. This is particularly relevant when the Trust is asked to explain how they made their decision or where two or more owners apply for the same house site. A formal and documented process can be reviewed by the applicant(s), trustees and beneficial owners at any stage and addresses any perceived bias or favouritism issues.

#### A proposed section allocation process:

- Must be transparent, robust (i.e. open for debate and scrutiny by owners) and the decisions evaluated based on the established criteria. The secretary / chairman must notify all applicants of the Trust's decision.
- b. Based on whakapapa to the whenua i.e. you must be a shareholder in the Trust.
- c. Treats all beneficial owners equally, respectfully and in a timely manner that aligns with the provisions and powers in the Trust Order.
- d. Includes the development of an appropriate "Licence to Occupy" issued by the Trust that facilitates the use and enjoyment of a specified site by a beneficial owner to build and occupy a dwelling for an agreed term. The ownership of the land will remain with the Trust.
- e. May support various applications to the Māori Land Court for an hapū partition or an occupation order.
- f. Reinforces the Trust's papakāinga kaupapa and vision for whānau returning to the whenua.

The applicant / beneficial owners must be made aware that the total land / property costs for developing each house site will be based on the information and decisions made from Sections 2 and 3 of this Step. The Trust may look to recover these development costs from the applicants as part of the licence to occupy or the papakāinga criteria. These costs are over and above the actual cost of the house.

## **Criteria Options for Applications**

The criteria developed for the application process is determined by the Trust and is the responsibility of the trustees. This could be initiated by the Trustees and further discussed at a meeting of owners as a discussion or workshop issue.

- All applications for a house site must be made on the Trust's application form, i.e. no verbal requests will be accepted. An application template is attached in Appendix 2.
- b. The applicant must be either:
  - i. A registered shareholder, or
  - ii. A named beneficial owner in the MLC list of owners.
- c. The Trust may want to establish a minimum number of shares that are required to be held by the applicant of the Whānau Trust for each house site. This calculation may reflect the relative size of the house site to the total size of the property.
- d. The Trust should consider an application fee to recover the administration and development costs incurred by the Trust for each house site over the whole project development.
  - The administration costs include legal costs for the licence to occupy, review the Trust Order and other documents as well as the Trust's information management costs; and
  - ii. An apportionment for the total development costs paid for by the Trust for the services to each house site. This might include Council application fees, legal fees, technical reports, consultancy fees and infrastructure services such as roading, water supply, power and wastewater.

To calculate how many shares you require for a particular section / house site in your papakāinga you can use the following formulae:

- a. divide the total number of shares in your block,
- b. by the total land area used for your papakāinga development including the roads.
- c. This gives you the value of one share per square metre. Therefore if the section you are looking to occupy is 850m2, then you will need 461.9565 shares for that section i.e. 850m2 x 0.5435 = 461.9565 shares.

= 12,250	shares
22,540	m2
= <mark>0.5435</mark>	shares
= 22,540	m2
12,250	shares
= 1.8400	m2
	22,540 <b>= 0.5435</b> = 22,540

Alternatively, if you have 500 shares in your name, you know that those shares would equate to a maximum house site with an area of 920m2 i.e.  $500 \times 1.8400 = 920m2$ .

The Trust should also stipulate a time frame for these payments to be made into the Trust's account in both the application form and the licence to occupy, i.e. within 6 months following the approval of the application. These are significant management decisions for the Trust and beneficial owners to make and may require several meetings to reach a consensus on the final criteria.

# Trust Order

The Trust Order outlines the powers and obligations that are granted by the Māori Land Court to carry out the goals and objectives of the Trust. Your Trust Order can support and facilitate your proposed housing development for the benefit of the beneficial owners with specific powers to:

- Grant or issue a licence to occupy over a specific area of the whole property to an individual beneficial owner;
- b. Permit the beneficial owners to use and enjoy the site;
- Consent to erect and construct dwellings on the property and other associate title improvement such as easements; and
- Agree to the removal of the dwelling by a mortgagee / lender to access and remove the dwelling should the licensee default on their mortgage payments.

The wording of Trust Orders and the provision for these types of powers will vary between the Māori Land Court Districts, however, the intent / purpose of these four (4) clauses must be contained within your Trust order. The Trust should seek legal advice on these matters from a lawyer who practices in Māori land law.

# Licence to Occupy

A licence to occupy is granted by the Trust to a beneficial owner for the primary purpose of building a home and occupying a designated house site within the Trust's property. The licence defines the relationships and roles between the Trustees (licensor) and the occupier (licensee) of the house site. It is therefore essential that the terms and conditions of the licence are discussed, understood and agreed to by both parties. These discussions are important and will have an effect on both parties for the term of the licence, which in many cases will be between 15 and 30 years.

The costs to the Trust and shareholders to prepare and issue a licence to occupy are minimal in comparison to the hapū and full partition options. This is because there are no Māori Land Court fees, requirement of valuation reports, Council fees or register survey fees.

It is important to remember that the terms and conditions of the licence to occupy are determined by the Trustees and not the Māori Land Court. There are many variations to the contents of a licence to occupy and the Trustees are advised to seek their own legal advice on what clauses should be included in the licence to ensure it achieves the Trust's papakāinga goals and objectives.

In addition to the above issues, a licence to occupy may also address the following matters:

- Reinforce the papakāinga vision criteria in the licence to occupy,
- b. Consider provisions for a specific levy for the ongoing administration and maintenance of common services (roading, water, playgrounds etc) that are provided for by the Trust and not the local Council.
- c. Determine the "term" of the licence in years, which should be equal to or exceed the term of the mortgage. The Te Ture Whenua Māori Act 1993 requires that all licences for a term of 21 years or more must register with the Māori Land Court for noting in the memorial schedule of that block.
- Include a site or survey plan showing the actual location of the site in relation to the other house sites and the main property boundaries
- e. Specify that the licensee is responsible to pay all charges, levies and costs for the actual house site that are imposed by local Council.

The terms and conditions for the licence will reflect the current papakāinga situation on the property and the position of the beneficial owners and trustees to moving forward and utilising the land in terms of housing. Further information on the licence to occupy can be found on the Māori Land Court website through the following link: https://maorilandcourt.govt.nz/your-maori-land/using-your-maori-land/leases-and-licences/#licences.

A licence to occupy should not be confused with an "occupation order" that is granted by the Māori Land Court. The key point between the two tenure documents is that the licence to occupy is issued by the Trust and not the Māori Land Court.

# Other Titles Granted by the Māori Land Court

Owners can apply to the Māori Land Court to grant an occupation order, hapū partition or a full partition over a house site shown on a survey plan of the whole block. The information in your application must show the Court that this is in the best interests of the whenua to be effectively administered, developed and managed by the Trust and that you have:

- sufficient shares for the proposed house site,
- notified the other owners in the block of your intentions to utilise a house site,
- provided sufficient time and opportunities for the other owners to consider your proposal and are in a position to either support of oppose your application, and
- included the minutes from all Trust hui in which you have presented your proposal to build a home on the whenua, and noted the other hui held owners as well as those owners you have contacted via email.

The Trust may have established other criteria that the Court will want to see you have met i.e. payment of any Trust or Council fees etc.

#### a. Occupation Order

The Māori Land Court may grant an order that allows you to "exclusively occupy" a house (i.e. whānau homestead) or specific area to build a home on a Māori land block in which you are a shareholder and have an interest. To make an application to the Court, you will need to:

- Demonstrate that your shareholding equates to an area that you intend to occupy;
- Provide a plan that shows the location of your proposed site of occupation in relation to the rest of the block including access and services requirements for the site;
- · Obtain the support of the Trust who manages the land; and
- Show that you have notified and called meetings of the owners to confirm their support or not for your proposal in writing.

The order will also set out the period of time that the order covers, or specify time frame that it will end on the occurrence of a defined event, such as for the life time of the spouse / occupier.

#### b. Hapū Partition

A hapū partition granted by the Māori Land Court creates a new land title or block that is transferred into the name of an existing shareholder (i.e. you the applicant) out of the parent or original land block to build a home. The intent of a hapū partition is to preserve the ownership of the whenua with the whānau shareholder / hapū members. The benefits of a hapū partition are:

- They maintain the whānau whakapapa (i.e. relationships / connections) with the whenua;
- Cannot be transferred outside of the existing whānau and hapū owners.
- They do not constitute a subdivision of land under Section 2018 of the RMA and therefore is not subject to subdivision consent requirements or fees, However, the house you are moving onto or building on your hapū partition site will still be required to meet any normal Council land use and building consents fees. Therefore, it is important to make an appointment to talk to the one of the Councils planning staff about the local planning rules.
- There is no requirement for land contributions for roads, reserves or public use or access;
- The costs associated with a hapū partition are less than the full partition option
- The major disadvantage is the limited access to mortgage finance.

#### c. Full Partition

A full partition order granted by the Māori Land Court creates a new general land title that is totally separate and no long part of the original parent block. The new title is now transferred to any person in or outside of the whānau and hapū. The full partition process has the highest approval thresholds for the Māori Land Court as well as the most complexed, expensive and time frames involved. The applicant must also comply with all the Council planning provisions and fees for subdivision and building consents for a home. The major advantage the full partition / general title has over the licence to occupy, occupation order and hapū partition, is that you can register a mortgage against that title from any finance company, or any one of the 20 plus banks registered with the Reserve Bank of NZ.

The licence to occupy, occupation order and hapū partition documents have a very limited ability and options to secure mortgage finance. The primary source of lending on these types of titles is the Government guaranteed Kāinga Whenua loans scheme delivered by Kiwi Bank and one or two other banks in NZ.

### **Trust Information Kit**

The Trust should consider developing their own "papakāinga information kit" for their beneficiaries. An information kit would include but not limited to the:

Trusts papakāinga vision statement and some background to the formation of the Trust.
Trusts papakāinga application form;
Current Trust Order and deed;
Contact details for all of the Trustees and office holders;
Māori Land Online report for the block i.e. list of owners and the memorial schedule;
Trusts Licence to Occupy;
Trust papakāinga concept plan or map;
Trusts land use consent decision and plan;
The Trust should establish and maintain an effective information management system for all of these Trust documents. Does the Trust have?
The appropriate papakāinga clauses in the Trust Order?
An agreed Licence to Occupy with the beneficial owners?

Established criteria for allocating house sites to beneficiaries?

An "administration fee" included in the application form?

A papakāinga information kit for beneficiaries?

A policy on providing rental homes as part of the current or future papakāinga development

## Contact details for:

#### Kāinga Ora – Homes and Communities

306 Cameron Road

#### Home ownership product enquiries

Phone: 0508 935 266 Email: <u>firsthome.enquiries@kaingaora.govt.nz</u> Web: https://kaingaora.govt.nz/



1143 Arawa Street ROTORUA

**For all offices please phone:** Ph: 0800 801 601 Fax: 0800 201 202

## Te Puni Kōkiri Waiariki Offices:



#### **ROTORUA OFFICE**

Ground Level Te Puni Kōkiri House 1218-1224 Haupapa St Rotorua 3010 Private Bag 3017 Rotorua Mail Centre ROTORUA 3046 Ph: 0800 875 499 Fax: 0800 875 329 Email: tpk.rotorua@tpk.govt.nz Web: www.tpk.govt.nz

#### TAURANGA MOANA OFFICE

Unit 3, 51-53 Fifteenth Avenue Corner of 15 Ave and Burrows St Tauranga 3112 PO Box 69 TAURANGA 3114 Ph: 0800 875 499 Fax: 0800 875 329 Email: tpk.tauranga@tpk.govt.nz Web: www.tpk.govt.nz

District Advisory Service officers or Principal Liaison Officer.

### Te Kooti Whenua Māori:



#### WAIARIKI DISTRICT OFFICE

Hauora House, 1143 Haupapa Street JX10529 ROTORUA 3010 Ph: (07) 921 7430 Fax: (07) 921 7412 Email: mlcwaiariki@justice.govt.nz Web: www.maorilandcourt.govt.nz

#### WAIKATO MANIAPOTO DISTRICT OFFICE

Level 2, BNZ Centre, 354-358 Victoria Street GX10101 HAMILTON 3204 Ph: (07) 957 7907 FAX: (07) 957 7881 Email: mlcwaikato@justice.govt.nz Web: www.maorilandcourt.govt.nz

MĀORI LAND ON LINE

https://www.maorilandonline.govt.nz/gis/home.htm

District Advisory Service officers or Principal Liaison Officer.

# Āpitihanga Tuatahi -Ngā Tauira Huihuinga Appendix One -Meeting Templates

#### Advertising your hui Options:

- You may want to check the Public Notices section of your local newspaper for other examples.
- 2. Local Iwi radio stations i.e. Moana Radio.
- 3. Iwi and hapū newsletters or websites.
- 4. Consider setting up a Whānau / Trust papakāinga Facebook page
- 5. Email the pānui to your family, hapū and iwi networks that have large email addresses.
- 6. Identify key contacts in each family and ask them to pass the message on to their kaumātua, koroua, kuia, uncles, aunts, brothers and sisters.

The following is an example is only that you may want to use, or you can check the Public Notices section of your local newspaper for other examples.

### AGM Pānui

[INSERT name of Trust or Hapū or Iwi]

#### **Annual General Meeting**

Notice is hereby given that the AGM of Beneficial Owners

of [name Trust, or land] will be held as follows:

Date: ----- and Time: -----

Venue: -----

#### To conduct the following business: [List the issues you will discuss]

- Review of the Trusts current land use activities
- Investigate the feasibility of establishing a whānau papakāinga on the whenua;
- · Election of trustees;
- Review of Trust Order;
- Further information about the hui can be obtained by contacting the Trusts secretary or chairman [Add contact details ]

## **Meeting Agenda**

Meeting Kaupapa (Subject):
Date: Time:
Location / venue:

- 1. Karakia me ngā mihimihi
- 2. Overview of agenda and purpose of the meeting
- 3. Apologies
- 4. Record a list of meeting attendees and their contact details
- 5. Minutes from previous meeting (include date and who was present)
- 6. Matters raised from the previous minutes
- 7. Financial Report (if available)
- 8. Present your papakāinga proposal (i.e. to show what you are thinking about, what papakāinga might include and look like for you and the other owners, the location and area involved, what makes the project important, how can other owners be involved in the next steps.
- 9. Record meeting discussion, issues and concerns
- 10. Local council issues response (you may want to invite a representative to answer relevant questions)
- 11. What do landowners think? Is there support in principle for the proposal?
- 12. How many owners are able and want to be part of the proposal?
- 13. When do they expect to build a home?
- 14. How will we manage this project?
- 15. Role of the Trust?
- 16. Karakia whakamutunga



# **Meeting Minutes**

Meeting Subject				
Date	Time	Location		
1.Record the names and c	ontact details of those pre	sent at the meeting:		
Name	Address	Phone	Email	
2.List any apologies received	ved here			
3.Write here any matters a	rising from the last meetin	g (if applicable)		
4. Write response to agene	da item 3 here	Actions:		
<b>F</b> 147-11		<b>A</b> - 4 <sup>1</sup>		
5. Write response to agene	da item 4 nere	Actions:		
6. Write response to agen	da item 5 here	Actions:		
6. Write response to agenda item 5 here A				
7. Write response to agend	da item 6 here	Actions:		
8. Write response to agend	da item 7 here	Actions:		
9. Write response to agend	da item 8 here	Actions:		

# Āpitihanga Tuarua He tono ki te Tarahiti mō tētahi wāhi pai mō tōku kāinga noho

# Appendix Two – Trust Papakāinga Application Form

The idea of a "papakāinga application form" is to assist the Trustees in making a decision on whom they should allocate a house site/section to on behalf of all the beneficial owners in the block. In most cases this should be a straight forward decision for the Trustees. The process is intended to formally record the receipt of an application, the decision and rationale of the trustees and the written notification to the applicant. The application form and procedures may assist in situations where an owner wants to review the allocation of a particular site to another owner or where there are 2 or more owners are applying for the same house site. The key point here is the formal recording of these decisions for future reference and management. Whānau

# Papakāinga Application Form (Insert name of the Trust / Block) :

#### Applicant's Full Name:

Home: Mobile:		
Email: Work:		
Pākeke: tane( )Wahine( )   Kuia( ) Koroua( )  Tamariki: Tama( ) Kōtiro( )		
What is the name of the block you are an owner in?		
hares do you Whose name are the shares in?		

#### If the application is being made by a Whānau Trust? Please provide the following information:

(a)	The name of your Whānau Trust?			
(b)	How are you a beneficiary of this Trust?			
(c)	c) Who are the Trustees?			
Papal	kāinga Title	What type of Māori land title are you seeking from the Trust, i.e. licence to occupy, occupation order, hapū partition, full partition, other options (please specify)?		
Where is the proposed House Site located on the block?		Please provide a survey plan of your proposed house site in relation to the current property boundaries.		
		What is the area of the proposed site / section you intend to occupy?		
What is your HousingPlease provide a brief description of your housing proposal.Proposal?		Please provide a brief description of your housing proposal.		
	are you likely to building			
(Date	and timeframe)?:			
		oport any application from an owner to develop rental units / homes for non beneficial owners on Trust property. oport beneficial owners in addressing their housing needs and aspirations on the property.		
	ote: The applicant will be vies for the proposed hou	responsible for all infrastructure costs (roading, waste-water, water etc), council fees and property rates / use site.		

#### Application Fee of \$X,XXX.00 (The amount will be determined by the Trust / Owners)

An application fee of **\$X,XXX**.00 is payable to the Trust's treasurer upon lodgement of the application with the Trust. The purpose of this fee is to contribute to the Trust's administration and management costs incurred by the Trust in undertaking its duties associated with the development of a whānau papakāinga. This includes legal advice and services, applications to the MLC (change of trustees or trust order), preparation of legal documents, licence to occupy, easements, leases, council fees, secretary and treasurer duties, meeting notices in the local newspaper, recording meeting minutes, correspondence, annual returns, financial reports and records.

#### **Applicants Signature:**

Date:

Date:

**Action required:** 

The following section is a guide for the Trustees to use in assessing the above application forms that will also provide a written record of the decision for the Trust's records.

## Trustees Papakāinga Application Decision (Insert the name of the Trust):

Name of the Applicant:

The application was received by the secretary on

The application was discussed at a trustees' meeting / meeting of owners	Date:
held on	

#### All sections of the application form were completed correctly with appropriate attachments.

List of attachments (if provided):

#### Issues raised:

1.			
2.			
3.			
Further information requested fro	m applicant:		
1.			
2.			
3.			



Decision:		Reasons:	
1. Application approved / declined to (insert the name of applicant) to build on (insert house site description)			
2. The Trustees agree to issue a licence to occupy to (insert name of the applicant).			
3. The Trustees decline to issue a licence to occupy to applicant). The issues are discussed above. Reasons			
4. Letter to be written by the Trust's secretary notifying the applicant of the decision.			
Other matters:			
Signed by the following Trustees			
Trustees Name:	Dated:	Signature:	

# **Apitihanga Tuarua -**Contact details for:



## Tauranga City Council

91 Willow Street Private Bag 12022 TAURANGA 3110 Ph: (07) 577 7000 Email: info@tauranga.govt.nz Web: www.tauranga.govt.nz



#### Western Bay of Plenty District Council

Barkes Corner Cameron Rd Private Bag 12803 TAURANGA 3143 Ph: (07) 571 8008 Fax: (07) 577 7193 Email: Customer.Service@westernbay. govt.nz Web: <u>www.westernbay.govt.nz</u>



## Bay of Plenty Regional Council - Toi Moana

Regional House 1 Elizabeth Street Central Tauranga PO Box 364 Whakatāne 3158 Ph: 0800 884 880 Fax: 0800 884 882 Email: info@boprc.govt.nz Web: www.boprc.govt.nz/



# Te Puni Kōkiri – Waiariki

Ground Level Te Puni Kōkiri House 1218-1224 Haupapa St Rotorua 3010 Private Bag 3017 Rotorua Mail Centre ROTORUA 3046 Ph: 0800 875 499 Fax: 0800 875 329 Email: tpk.rotorua@tpk.govt.nz Web: www.tpk.govt.nz

Unit 3,

51-53 Fifteenth Avenue Corner of 15 Ave and Burrows St Tauranga 3112PO Box 69 TAURANGA 3114 Ph: 0800 875 499 Fax: 0800 875 329 Email: tpk.tauranga@tpk.govt.nz Web: www.tpk.govt.nz