



**I hereby give notice that  
a Maori Standing Committee Meeting will be held on:**

**Date:** Thursday, 11 May 2017  
**Time:** 12.30pm  
**Location:** Council Chamber, Wairoa District Council,  
Coronation Square, Wairoa

# **AGENDA**

## **Maori Standing Committee Meeting**

**11 May 2017**

**Fergus Power  
Chief Executive Officer**

The agenda and associated papers are also available on our website: [www.wairoadc.govt.nz](http://www.wairoadc.govt.nz)

For further information please contact us 06 838 7309 or by email [info@wairoadc.govt.nz](mailto:info@wairoadc.govt.nz)



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- 1 KARAKIA**
- 2 APOLOGIES FOR ABSENCE**
- 3 DECLARATIONS OF CONFLICT OF INTEREST**
- 4 CHAIRPERSON'S ANNOUNCEMENTS**
- 5 LATE ITEMS OF URGENT BUSINESS**
- 6 PUBLIC PARTICIPATION**

A maximum of 30 minutes has been set aside for members of the public to speak on any item on the agenda. Up to 5 minutes per person is allowed.

**7 MINUTES OF THE PREVIOUS MEETING**

Ordinary Meeting - 13 April 2017

**MINUTES OF WAIROA DISTRICT COUNCIL  
MAORI STANDING COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBER, WAIROA DISTRICT COUNCIL, CORONATION SQUARE, WAIROA  
ON THURSDAY, 13 APRIL 2017 AT 12.30PM**

**PRESENT:** His Worship the Mayor Craig Little (Mayor), Cr Jeremy Harker, Cr Charles (Charlie) Lambert, Mr Paul Kelly, Mr Kiwa Hammond (Chair), Mrs Here Nissen (arrived 12.37 p.m.), Mr Peter Whaanga, Ms Whaiora Maindonald, Mr Henare Mita, Ms Sharon Cooper, Ms Theresa Thornton

**IN ATTENDANCE:** D Culshaw (MRM), C Knight (GAPS)

**1 KARAKIA**

Given by Cr Lambert.

**2 APOLOGIES FOR ABSENCE**

**APOLOGY**

**COMMITTEE RESOLUTION 2017/05**

Moved: Ms Whaiora Maindonald

Seconded: Mr Paul Kelly

That the apology received from Fergus Power (CEO) be accepted.

**CARRIED**

**3 DECLARATION OF CONFLICT OF INTEREST**

None.

**4 CHAIRPERSON'S ANNOUNCEMENTS**

None.

**5 LATE ITEMS OF URGENT BUSINESS**

- Hub
- Road naming and numbering policy – confirmation of spelling of names
- Napier City Council – request for assistance
- Te Maruata – report back from attendees

At 12:37 p.m., Mrs Here Nissen returned to the meeting.

**6 PUBLIC PARTICIPATION**

Anton Fasso – E Tū Whānau Respondent Programme for Family Violence

Mike Perry (Hawke's Bay Regional Council) – procedures for the Wairoa River bar during high water levels

Heta Kaukau – Ngamotu (also referred to as Kihitu) resident – flooding during high water levels at Ngamotu

Naomi Wilson – Chairperson of Te Rauhina marae – information regarding the high water levels at Ngamotu and the community response. Steve Kelly (resident of Ngamotu) also spoke of rats being present due to flooding.

Dr Christine (Marama) Kenney (Massey University) – disaster resilience plans for local marae

## **7 MINUTES OF THE PREVIOUS MEETING**

### **COMMITTEE RESOLUTION 2017/06**

Moved: Mr Paul Kelly

Seconded: Ms Sharon Cooper

That the minutes of the Ordinary Meeting held on 9 March 2017 be confirmed.

**CARRIED**

## **MOTION**

### **COMMITTEE RESOLUTION 2017/07**

Moved: Mrs Here Nissen

Seconded: Ms Sharon Cooper

That the Committee support the request for providing a taonga for the debate component of the Pā Haka Festival to the value of no more than \$500.

**CARRIED**

## **8 GENERAL ITEMS**

At 1:54 p.m., Mr Peter Whaanga left the meeting.

At 1:58 p.m., Mr Peter Whaanga returned to the meeting.

### **8.1 MRM REPORT - 13 APRIL 2017**

#### **COMMITTEE RESOLUTION 2017/08**

Moved: Cr Jeremy Harker

Seconded: Ms Sharon Cooper

That:

- The Te Reo Māori Policy be forwarded to the Council at their 9<sup>th</sup> May meeting and recommend to Council that this policy should go out for public consultation;

- Reports be submitted at least 1 week prior to the next meeting for inclusion in the agenda from MSC representatives on representation at other Council committees, takiwā matters, as well as a Chairperson report;
- MSC takiwā representatives will confirm which marae would like to host one of the marae hui with the Māori Relationships Manager;
- MSC takiwā representatives will follow up on any koha, in particular cheques that have not been banked, with their respective marae when required;
- MSC takiwā representatives will discuss with the respective marae their preference for the laying down of the koha (e.g. cheque, bank transfer etc);
- MSC resolves to have a remuneration workshop at a date that is convenient to everyone and approve a sitting fee be paid to attendees;
- The MSC forms a working group consisting of the Chairperson, Mr Mita, and Mrs Nissen to produce a submission in support of Council's submissions to the Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Bill to be submitted by Wednesday 26 April 2017 and approve a sitting fee be paid to attendees.

**CARRIED**

At 2:30 p.m., His Worship the Mayor Craig Little left the meeting.

## **8.2 ITEMS FOR DISCUSSION**

Request that the Chief Operations Officer investigate the installation of signs along Ormond Drive to advise non-self contained freedom campers that this area is not available for them to use.

Suggestion that information pamphlets about Freedom Camping on the peninsula be distributed around locals.

### **LATE ITEM: TE MARUATA**

#### **COMMITTEE RESOLUTION 2017/09**

Moved: Ms Sharon Cooper

Seconded: Ms Whaiora Maindonald

That the MSC members who attended this hui in Auckland be paid a sitting fee for each day.

**CARRIED**

### **LATE ITEM: HUB**

#### **COMMITTEE RESOLUTION 2017/10**

Moved: Mrs Here Nissen

Seconded: Ms Whaiora Maindonald

That the Chairperson and Deputy Chairperson pilot the use of the Hub (with a view to potentially have all members using this platform) and that the cost of this trial is covered from the MSC budget (\$19.50 per person per month).

**CARRIED**



**LATE ITEM: ROAD NAMING AND NUMBERING POLICY - SPELLING**

**COMMITTEE RESOLUTION 2017/11**

Moved: Mrs Here Nissen

Seconded: Mr Henare Mita

That an initial workshop is held about this project and a sitting fee be paid to attendees.

**CARRIED**

**LATE ITEM: NAPIER CITY COUNCIL REQUEST FOR ASSISTANCE**

**COMMITTEE RESOLUTION 2017/12**

Moved: Ms Whaiora Maindonald

Seconded: Ms Sharon Cooper

That the Chairperson (or proxy) attend the proposed meeting in Napier.

**CARRIED**

Closing karakia given by Cr Lambert.

**The Meeting closed at 3.25 p.m.**

**The minutes of this meeting were confirmed at the Maori Standing Committee Meeting held on**

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.....

**CHAIRPERSON**

## 8 GENERAL ITEMS

### 8.1 MRM REPORT - 11 MAY 2017

**Author:** Duane Culshaw, Maori Relationships Manager

**Authoriser:** Kitea Tipuna, Economic Development and Engagement Manager

**Appendices:**

1. Chairpersons Report [↓](#)
2. TTOTW Submission [↓](#)
3. WR - Information [↓](#)
4. WR - Flowchart [↓](#)
5. WR - Application Form [↓](#)

#### 1. PURPOSE

- 1.1 This report provides information for the Māori Standing Committee on Council and community activities.

#### RECOMMENDATION

*The Māori Relationships Manager RECOMMENDS that the Māori Standing Committee receives the report.*

#### 2. TE REO MĀORI POLICY

- 2.1 The draft policy is due to be presented to Council on Tuesday, 9 May 2017. The Chairperson will update the MSC on the outcome.

#### 3. REPORTS

- 3.1 Apologies for not sending out a reminder for takiwā reports. Nonetheless, we understand that some members will be presenting verbal reports. We have added this as an agenda item.
- 3.2 We have attached the Chairperson's report for your perusal.

#### 4. MSC HUI – MARAE HOSTS

- 4.1 We have still not heard back from any takiwā as who will host the next MSC. However, we did receive a verbal request for consideration to go to Putere Marae in June. This can be discussed and resolved during the MSC hui.

**5. FINANCE – KOHA AND REMUNERATION WORKSHOP**

- 5.1 Many thanks to all those who attended the Remuneration Workshop.
- 5.2 We believe that there is now a better understanding of the budget that has been allocated to the MSC.
- 5.3 After a good discussion during the workshop the MSC have agreed (effective 1 July 2017) to the following remuneration structure:-
- Members sitting fee \$200.00
  - Chairperson's sitting fee \$265.00
  - Deputy Chairperson's sitting fee \$230.00
  - Marae koha and catering (MSC hui) \$600.00
- 5.4 The MSC will need to discuss these proposed changes during its ordinary meeting and advise next steps.

**6. CLIENT SERVICE REQUEST FORM**

- 6.1 Many thanks to all those who have advised your respective takiwā about the CSR forms. Just a reminder that if you do bring them in to the Council office, please take them to reception for their action.

**7. EFFECTIVE MEETINGS AND STANDING ORDERS WORKSHOP**

- 7.1 A date has been set, Wednesday, 28 June 2017. Please confirm your attendance, if you haven't already done so.

**8. MAHIA VISIT UPDATE**

- 8.1 After the MSC hui on 13 April 2017, the MRM was invited to Māhia on Wednesday, 26 April 2017 by P Whaanga (MSC – Māhia mai tawhiti) for a site visit around the Māhia region. This is as a result of several items that Mr Whaanga and presented to the MSC for consideration.
- 8.2 At Māhanga (Pukenui Drive) Mr Whaanga pointed out the broad walks that had been constructed over the ecological reserve from the four lots (in question), as well as a public access way to the north. We observed 4-5 broad walks that had been constructed. As a follow up, the MRM spoke with Sarah Johansen (District Planner) who advised that the ecological reserve is Council-owned land. She also advised (but will check to confirm) that each of the lots is allowed one access strip (including the broad walk) from their lot to the beach. There is no indication of negligence in the construction of the broad walks.
- 8.3 The MRM is still waiting for the District Planner to check the status of the consent, as she believes that the consent allowed for each owner of the lots to have access to the beach from their respective lots. The MRM has not had a discussion with the Engineering Manager at this stage, but will wait until all the information is received.
- 8.4 We also visited the Opoutama Reserve (former Blue Bay Camping Ground) where a discussion was had regarding freedom campers. As a follow up, the Chief Operating Officer (Helen Montgomery) has informed that the land in question is actually accreted land (property that is bounded by water, has a moveable boundary and further land is added). The Council is looking to resolve this in due course.

- 8.5 We then went along Ormond Drive, where Mr Whaanga pointed out where signs prohibiting freedom camping had been removed. The whole area along Ormond Drive is a prohibited area for freedom camping. As a follow up, the Bylaws Officer has confirmed that new signs are being designed and will be erected in due course. If locals observe non self-contained campers along Ormond Drive please ring the Council immediately and a Bylaw Officer will attend.
- 8.6 Along Māhia East Coast Road (Horokaka) and around Nukutaurua, there has been some concern regarding vehicle access to beaches. At Horokaka, they indicated that a rock preventing access was removed when the sea wall was constructed and was not returned once work was completed. The MRM will speak to the Engineering Manager to seek guidance on how and when this rock can be returned. At Nukutaurua, it is a slightly different scenario in which it has been reported that vehicles are driving over wāhi tapu sites. The MRM will be meeting with local iwi to seek resolution.
- 8.7 An article was in the Wairoa Star (2 May 2017) reporting on the scattering of ashes. The Governance Advisor and Policy Strategist will upload a guideline onto the WDC website in due course.
- 8.8 We also met with Marae leaders to discuss Food Control Plans. The MRM will follow up and arrange a meeting with marae at Māhia to discuss how to complete and register a Food Control Plan. The Environmental Health Officer (Victor Minter) has indicated he will also assist in this process.

## 9. TĀTAU TĀTAU O TE WAIROA SUBMISSION – CLAIMS SETTLEMENT BILL



- 9.1 Many thanks to the sub-committee (H Nissen, H Mita and K Hammond) who worked on completing a submission regarding the Iwi and Hapū of Te Rohe o Te Wairoa Claims Bill.
- 9.2 The submission was duly submitted on Wednesday, 26 April 2017.
- 9.3 We have attached a copy of the submission for your perusal and recommend that it be received retrospectively.
- 9.4 The Māori Affairs Select Committee will hear oral submissions on **Friday, 12 May 2017** at the Wairoa Community Centre starting at 10.00 am to 2.00 pm. This is open to the public.
- 9.5 The MSC will need to decide who will present the oral submission on behalf of the MSC. At the time of this agenda being put together, the times had not yet been released. The MRM will update the MSC regarding the times and confirmation of venue.

## 10. CONCLUSION

- 10.1 That the Chairperson provide feedback to the MSC regarding the presentation of the Te Reo Māori Policy to the Council.
- 10.2 That the MSC resolve to receive the Chairpersons report and accept verbal reports in general business.
- 10.3 That MSC members confirm which marae will host the MSC hui for 2017.
- 10.4 That the MSC members discuss and resolve to accept the new remuneration structure, effective 1 July 2017, as agreed at the Remuneration Workshop held on Monday, 1 May 2017.

- 10.5 That MSC members who have not yet confirmed their attendance to the Effective Meetings and Standing Orders Workshop on Wednesday, 28 June 2017 do so as soon as possible. Furthermore, the MSC resolve that a sitting fee be associated with this workshop.
- 10.6 That the MSC resolve to retrospectively receive the MSC submission in support of the Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Bill, submitted on Wednesday, 26 April 2017.
- 10.7 That the MSC confirm and resolve who will present the oral submission on behalf of the MSC to the Māori Affairs Select Committee on Friday, 12 May 2017 at the Wairoa Community Centre. Furthermore, the MSC discuss and resolve that a sitting fee be associated to any MSC member who attends the Māori Affairs Select Committee.

**Signatories**

	
Duane Culshaw Author	Kitea Tipuna Approved by

**Wairoa District Council Māori Standing Committee  
Chairperson's Report – 11 May 2017**

E ngā takiwā o tō tātau rohe o Te Wairoa mai i Te Mahia mai Tawhiti, whakawhiti atu ki Waikaremoana – ko te wai kaukau, te wai tuku kiri o ngā mātua tīpuna, tahuri atu ki te awa o Mohaka, hoki mai anō ki te ngutu awa o Te Wairoa Hōpupu Hōngenengene Matangi Rau. Tēnā tātau katoa.

It is my pleasure to present this brief Chairman's report for the month of May 2017.

The following is a summary of items of interest that have occurred since our previous meeting in April 2017.

On Tuesday 18 April 2017 I attended the WDC Public Forum on behalf of MSC. As to be expected there were a number of interesting presentations from a variety of speakers and members of the public. This included the following:

- E-Plan (ISOPLAN) – Presentation of an online tool for use in local government; currently being developed for Hastings District Council. Involves utilising information from GIS mapping and planning data.
- Sandy Woodham – Cafe Owner at Mahia Motor Camp. Sandy expressed concerns at the potential loss – through sale of the property – of a significant holiday location and contributor to the Mahia economy. WDC asked to consider purchasing the camping ground.
- GNS Science – Presentation regarding the mapping of active faults connected to the Hikurangi Subduction zone. This included information about mapping done in 2010 and more recently in 2016 around Wairoa (particularly around Mahia, Nuhaka, and Mohaka).
- National Wood Sculpture Festival – Presented by CEO Fergus Power who will speak to this in our MSC meeting.
- Rail Bike – Presented by Geoff Main who will present this venture to MSC for discussion (also see Wairoa Star, Thursday 2 May 2017, page 2).

By the time the agenda is set for this MSC meeting some members of the committee may have attended events such as the Matariki Business Workshop (5-6 May), and Silicon Mahia (8 May). It will be interesting to see and hear about the benefits of such events designed to empower our community through knowledge and enterprise.

Finally, thank you to all MSC members who attended the recent Remuneration Workshop facilitated by the Māori Relationships Manager. This was a valuable exercise in understanding how the MSC budget is structured as well as giving MSC an opportunity to carefully consider how to utilise it most effectively over the coming year (1 July 2017-30 June 2018). Some matters for resolution from this workshop will be further discussed with details included in the agenda for this MSC meeting.

Nō reira, ka whakakapia tēnei rīpoata ki te whakataukāki a te tipuna rongonui, a Tama Te Rangi, arā, he ao te rangi ka uhia – mā te huruhuru te manu ka rere. Korou ora.

Kiwa Hammond  
Chairman, Māori Standing Committee  
(Te Wairoa Hōpūpū Takiwā)  
WAIROA DISTRICT COUNCIL

**Recommendation:** The MSC Chairperson **RECOMMENDS** that the Māori Standing Committee receives the report.



Secretariat  
Māori Affairs Select Committee  
Select Committee Services  
Parliament Buildings  
WELLINGTON 6160

24 April 2017

**SUBMISSION TO THE  
MĀORI AFFAIRS SELECT COMMITTEE  
IWI AND HAPŪ OF TE ROHE O TE WAIROA CLAIMS SETTLEMENT BILL**

Māori Standing Committee  
Wairoa District Council  
PO Box 54  
Wairoa  
06-838-7309  
duane@wairoadc.govt.nz

## 1. INTRODUCTION

- 1.1. Mai i te tihi o Te Whakapunake o Te Matau a Māui Tikitiki a Taranga, ka tiro atu rā ki te uru ki Panekiri maunga, ki te wai kaukau o ngā mātua tīpuna ko Waikaremoana; ka whakarongo atu ki te tai e haruru mai nei i te rāwhiti, ko Te Mahia-mai-tawhiti, ka whātaretare atu ki te tonga, ki te awa o Mohaka; ka titiro whakararo ahau ki te waitāhekeheke o Te Reinga, ko te matapuna o Te Wairoa Hōpūpū Hōngenengene Matangirau – Te Wairoa Tapoko Rau!
- 1.2. Tēnei mātau ko te Kōmiti Māori o Te Whare o Mēa o Te Kaunihera-ā-rohe o Te Wairoa e tū nei ki Mānukanui e mihi atu ana ki a koutou o Te Kōmiti Take Māori o Te Whare Pāremata o Aotearoa e tū ana ki Te Pane o Te Motu. Tēnā koutou katoa.
- 1.3. This submission is made for and on behalf of the Wairoa District Council Māori Standing Committee (MSC). The MSC would further like to support the submission submitted by His Worship the Mayor on behalf of the Wairoa District Council. The MSC commend this Bill and wish to appear before the Select Committee to speak to this submission.





- 1.5. The MSC is a committee of the Council. The MSC acts as a check and balance on Council processes, especially on those matters requiring a Māori perspective, as well as an advisory body for Council on matters requiring a Māori perspective. This includes the development and revision of Council policies and strategies.
- 1.6. Representation of the MSC refers to the mechanisms which provide for individual and groups authorised to speak for tangata whenua on behalf of their respective marae within eight takiwā (district) determined by the Wairoa District Council. This allows tangata whenua to take issues to their takiwā representatives or the MSC, who can then advocate for the tangata whenua to Council and other bodies (if appropriate).
- 1.7. The MSC is made up of nine (9) independent representatives decided at a series of hui-ā-takiwā (district hui) of hapū/marae and are endorsed representatives to the Committee. The MSC membership also includes His/Her Worship the Mayor (ex-officio) and two elected Councillors.
- 1.8. The purpose of the MSC, according the Terms of Reference, is to:
- *Advocate on behalf of tangata whenua to local, regional and national bodies as appropriate;*
  - *Consider governance issues relating to Council obligations to tangata whenua; and*
  - *Investigate and report to the Council on any issues that the Māori Standing Committee considers necessary that may have an implication for tangata whenua.*
- 1.9. This submission is made in support of the Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Bill.

## 2. RELATIONSHIP WITH TANGATA WHENUA

- 2.1. The Wairoa District Council supports the requirements to seek and develop strategic partnerships with iwi and Māori organisations. Iwi and Māori organisations are best placed to support Māori to exercise their tino rangatiratanga in determining decisions for Māori.
- 2.2. The Council will honour all engagement processes, agreements and memorandum of understanding developed with Māori as they relate to its decision-making policies. Equally so, the Council further acknowledges and accepts the great importance of Te Tiriti o Waitangi and is committed to upholding the spirit of the principles of this living document.
- 2.3. On 26 November 2016, the Wairoa District Council, together with the Hawke's Bay Regional Council and Tātau Tātau o Te Wairoa Trust signed a Tripartite Relationship Agreement at the Iwi and Hapū of Te Rohe o Te Wairoa Deed of Settlement signing ceremony.



2.4. The Agreement enables the three parties to act consistently with the following relationship principles:

- *Recognise and acknowledge that the parties benefit from working together by sharing their vision, knowledge and expertise;*
- *Maintain a collaborative relationship that reflects true partnership;*
- *Work together in an open, honest, transparent, cooperative and mutually respectful manner;*
- *Agree that principles of manaakitanga, kaitiakitanga and rangatiratanga will underpin their relationship;*
- *Commitment to working strenuously and in good faith to resolve any disagreement that may arise;*
- *Acknowledge that the relationship is evolving, not prescribed, and*
- *Respect the independence of the parties and their individual mandates, roles and responsibilities.*

2.5. This Agreement enhances the existing relationship between all parties, without displacing existing relationships that either Council has with the iwi and hapū represented by Tātau Tātau o Te Wairoa Trust.

### **3. RECOMMENDATIONS TO THE MĀORI SELECT COMMITTEE**

3.1. We reiterate that the MSC submits its' support for the Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Bill and that they wish to appear before the Select Committee to speak to this submission.

3.2. The MSC supports the establishment of '*...Te Rohe of Te Wairoa Reserves Board-Matangirau to administer and manage a mix of Crown and Wairoa District Council-owned reserves*'. This is in relation to Subpart 5 (sections 61-68) which '*...provides for a joint board (including appointees from the Wairoa District Council and the trustees) to be established to manage the Te Rohe o Te Wairoa reserves (described in Schedule 4)*'.



3.3. The MSC recommends that section 64(4) be amended to correct some minor grammatical anomalies.

3.3.1. THAT section 64(6) of the Bill be amended from:

*A member may be removed only by the member's appointer, starting the date on which the removal takes effect, to the other appointer and the member.*

to

*A member may be removed only by the member's appointer giving written notice **to the other appointer and the member, stating** the date on which the removal takes effect.*

3.4. The MSC observes that section 64(6) is ambiguous and could be taken out of context if not read in conjunction with the remaining sections of Subpart 5, in particular section 65(4). If section 64(6) is read in isolation, this could be misinterpreted that Council membership on the Joint Board could include un-elected members for a term of the Joint Board, rather than 'the 89<sup>th</sup> day after the next triennial general election', being the culmination of that previously elected members term.

3.5. The MSC recommends that section 64(6) be amended to add the reference to section 65.

3.5.1. THAT section 64(6) be amended from:

*A member appointed by the Wairoa District Council does not cease to hold office on his or her ceasing to hold office as an elected member of the Wairoa District Council (despite section 31(f) of the Reserves Act 1977).*

to

*A member appointed by the Wairoa District Council does not cease to hold office on his or her ceasing to hold office as an elected member of the Wairoa District Council (despite section 31(f) of the Reserves Act 1977) **in accordance with section 65.***



3.6. The MSC observes that section 66(2)(b)(vi) does not reflect the intention as outlined in the Deed of Settlement, in particular clauses 5.37 through to 5.39, which states:

*5.37 The initial Chair will be appointed by Council by giving written notice of the appointment to the governance entity and the relevant member and the Council will continue to be responsible for appointing subsequent Chairs for the duration of that board's term.*

*5.38 The initial Deputy Chair will be appointed by the governance entity by giving written notice of the appointment to the Council and the relevant member and the governance entity will continue to be responsible for appointing subsequent Deputy Chairs for the duration of that board's term.*

*5.39 At the close of the initial board's term, the right of appointment held by each appointer under clauses 5.37 and 5.38 will shift to the other party for the duration of each subsequent board's term*

3.7. The MSC strongly recommends that this Section be revised to reflect the intent of the Deed of Settlement.

## Whenua Rāhui

### 1) How much land is currently under 'whenua rāhui' in the Wairoa District?

There are approximately 90 properties that have been registered under the whenua rāhui within the Wairoa District.

### 2) What is the process to apply?

If land owners believe their Māori land is eligible they can contact the Council directly (through the Māori Relationships Manager (MRM) for example) and ask for an application form to be sent out. Sometimes the Council may identify eligible land and will make contact with the owner (if possible) directly.

Information required on the application form include:-

- Details of ownership (burden of proof of eligibility is on the owner/s of the property)
- Details of contacts
- Details of property and occupancy
- Details of rates outstanding
- Conditions of application covering land and other issues
- A declaration.

Once the completed form is received either the CEO or MRM will check through it to ensure that it is completed correctly. The MRM will then arrange a site visit to inspect its eligibility. Once the site visit is completed, all complying applications are to be considered against the criteria by the MRM who will compile a report and recommendation to the CEO for consideration. If the application is approved, the CEO will inform the Rates Officer and a letter is sent to the owners notifying approval.

If accepted, the land is entered on the register for a specified term, not exceeding three years. After the specified term expires, the owner/s may re-apply/re-register. In the event of the land or any portion of the land being occupied or sold within that three year period a 'claw back' provision applies to enable the Council to recover the rates remitted for the applicable period. Once registered, Council or other duly designated officers are given approval to undertake periodic inspection of land to confirm unoccupied status.

If the application is declined, the owner/s can appeal the decision either directly with the CEO or MRM. If required the application can be referred to the Māori Standing Committee for consideration. Once the appeal has been reviewed a further recommendation will be made to the CEO for consideration.

### 3) Who is eligible to apply?

All land that is listed on the application must be:-

- Māori land or Māori freehold land, whether it be in individual or multiple ownership
- The land must be of historical, ancestral or cultural significance
- If the land has been purchased instead of being inherited, then it must be purchased for its ancestral or cultural significance and not as saleable land
- The land must be unoccupied. In accordance with Section 96(2) of the Local Government (Rating) Act 2002, 'occupation' is where a person/persons do one of more of the following:-
  - Leases the land
  - Resides upon the land
  - De-pastures or maintains any livestock whatsoever on the land
  - Cultivates the land and plants any crop thereon
  - Stores anything upon the land
  - Uses land in any other way

### 4) What is the purpose of whenua rāhui?

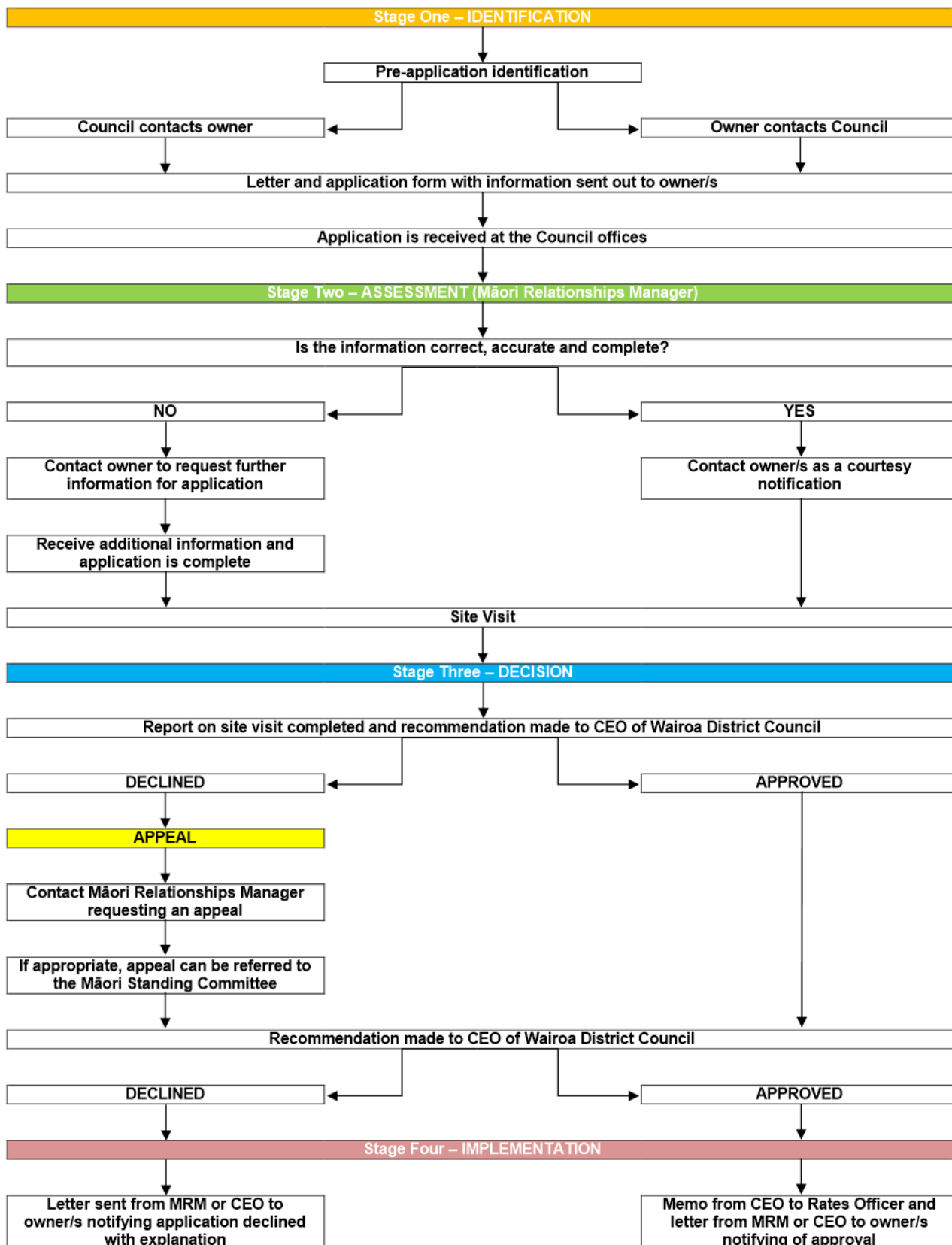
The Wairoa District Council recognises the many and varied issues surrounding the ownership of Māori land, in particular the question of local authority rates. In order to address these issues the Council developed a Whenua Rāhui register and policy to enable it to utilise the provisions of Section 114 of the Local Government (Rating) Act 2002. The policy works on the principle of the recognition of occasions when it would be unfair and/or unreasonable to collect rates from owners of Māori land due to varying circumstances resulting from the unique form of ownership of Māori land.

### 5) What benefits can it bring to whanau to have land designated as whenua rāhui?

The fundamental benefits of having land designated as whenua rāhui is that:-

- the owner/s would not have to pay rates for a time not exceeding three years
- the owner/s will not incur a debt for land not being utilised during this time
- the owner/s can re-apply for continued registration at the completion of the three year exemption (providing they still meet all the criteria)
- it alleviates the stress of trying to contact multiple owners annually to pay the rates

**Whenua Rauhi Application Flowchart**



APPLICATION TO BE ENTERED ON WHENUA RĀHUI REGISTER

The Chief Executive Officer  
 Wairoa District Council  
 P O Box 54  
 WAIROA

CONFIDENTIAL

I / We hereby apply for the following property to be entered on the Whenua Rāhui Register for consideration of a discretionary rate remission pursuant to Section 114 of the Local Government (Rating) Act 2002.

**A. LAND OWNERSHIP** (Please tick appropriate box)

Individual Ownership   
 Multiple Ownership   
*If multiple ownership, please refer to E2 (ii)*

<b>Applicant Surname:</b> _____	<b>Applicant Phone Number</b>
<b>Applicant Given Name:</b> _____	Home: _____
<b>Address of Applicant:</b> _____	Work: _____
_____	
_____	

**Property Legal Description:** \_\_\_\_\_  
**Property Owners Name:** \_\_\_\_\_

**B. ADDRESS OF PROPERTY TO BE CONSIDERED FOR WHENUA RĀHUI**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**C. DETAILS OF PROPERTY**

1. Situation of Property  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
2. If property unoccupied – Detail how long unoccupied \_\_\_\_\_
  
3. If unoccupied for less than a year, explain why unoccupied \_\_\_\_\_  
 \_\_\_\_\_
  
4. Valuation Roll Number \_\_\_\_\_

**D. DETAILS OF RATES OUTSTANDING (If known)**

Current Balance      \$ \_\_\_\_\_      Annual Rates Levied \$ \_\_\_\_\_



**E. CONDITIONS OF APPLICATION**

*E.1 Conditions Concerning Land*

- (i) The land listed on the application must be Māori land or Māori freehold land as defined in Part VI, Section 129 of Te Whenua Māori Act 1993 or Part 1, Sub-Paragraph 1, Section 5 of the Local Government (Ratings) Act 2002.
- (ii) The land must be unoccupied by any person/s with no place of residence built thereon or land use made thereof. Occupied land is defined in Part 4, Section 96 of the Local Government (Ratings) Act 2002.
- (iii) The land must have historical, ancestral or cultural significance. If the land has been purchased instead of being inherited then it must be purchased for its ancestral or cultural significance and not as a saleable asset.

*E.2 Other Conditions*

- (i) Burden of proof of eligibility is on the owner/s of the property.
- (ii) Where land is in multiple ownership a copy of the minutes authorising individuals to act for owners should be enclosed.
- (iii) The Whenua Rāhui Register will be reviewed every three (3) years and eligible landowners will need to re-register.
- (iv) In the event of the land or any portion of the land being occupied or sold within that three year period, a claw back provision applies to enable Council to recover the rates remitted for the applicable period.
- (v) Council or other duly designated officers are given approval to undertake periodic inspection of land to confirm unoccupied status.
- (vi) Council reserves the right to seek further information, eg *Memorial Schedule of Owners*, if the Council deems it necessary.

**I / WE SOLEMNLY AND SINCERELY DECLARE** that the particulars detailed above are correct and that the conditions concerning land detailed under 'E' apply. I / We also agree to the other conditions under 'E'.

Declared at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
**Solicitor or a Justice of the Peace**

\_\_\_\_\_  
**Signature of Applicant**

STATUS OF APPLICANT (Please tick appropriate box) OWNER

REPRESENTATIVE OF OWNER

SHAREHOLDER


PLEASE CONTACT THE WAIROA DISTRICT COUNCIL IF ASSISTANCE IS REQUIRED TO COMPLETE APPLICATION FORM

**8.2 DISUCUSSION ITEMS**

**Author:** Charlotte Knight, Governance Advisor & Policy Strategist

**Authoriser:** Fergus Power, Chief Executive Officer

**Appendices:** Nil


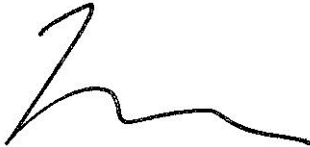
**RECOMMENDATION**

*No recommendation.*

**Discussion items**

- Takiwā reports
- National Wood Sculpting Competition – Fergus Power
- Rail Bike Adventure – Geoff Main
- Whenua Rāhui – Here Nissen

**Signatories**

	
Charlotte Knight Author	Fergus Power Approved by

**9 PUBLIC EXCLUDED ITEMS****RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>9.1 - Public excluded item for discussion</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7