



Te Tai Tokerau Papakāinga Toolkit

Māori Housing Toolkit



He Mihi

*Ka hoki kī te tīmatanga, ko te pū, ko te weu, ko te more, ko te aka.
E takoto mai ngā atua nei ko Ranginui ko Papatūānuku, kei waenganui
tonu ā rāua tamariki e noho ana, e whakaora tonu ana. Tēnei te hono
hei tūhono i a tātou, kia tūhono, kia tūtaki, kia whiti te noho tahi e,
Tihei mauri ora!*

*Ō tātou mate tuatini, i takoto mai ai i roto i te kōpū o te whenua,
e tika ana hei poroporoaki i a rātou. Āpiti hono, tātai hono, te hunga
mate ki te whenua; āpiti hono, tātai hono ko te whenua ki te hunga ora.*

E ngā iwi, e ngā mana, ka huri ngā mihi ki a koutou.

No reira, tēnā koutou, tēnā koutou, tēnā tātou katoa.

We return to the beginning, where life itself began. Like the development cycle of a plant, earth transformed itself into various stages of evolution. Papatuanuku and Ranginui lay together with their children, and today continue to dwell and sustain all people. This relationship joins people and the land, it binds us and it joins us so that our co-existence will flourish. Long live this life force.

To our many deceased who lie in the belly of the land, it is right that they be appropriately remembered. Let the deceased then be reunited with the earth below. So, too, let us the living, be united with the land above.

All peoples, all authorities, our acknowledgements goes out to you.

Greetings to you, greetings to us all.





KO TE PIKO O TE MAHURE,
TERA TE TUHU O TE RAKAU

THE WAY THE SAPLING IS
SHAPED DETERMINES HOW
THE TREE GROWS.

Te Tai Tokerau Papakāinga Toolkit

The Te Tai Tokerau Papakāinga toolkit is designed to help Māori land owners understand and navigate the process for undertaking a papakāinga development on their ancestral lands.

The meaning of papakāinga can vary from a cultural and historical view. Traditionally, the literal meaning of papakāinga is, 'a nurturing place to return to'. However in the context of this guide, papakāinga is generally considered as 'development of a communal nature on ancestral land owned by Māori.'

Papakāinga developments can be difficult. A lot of people and organisations are involved and it can be hard to get agreement. This guide gives a simple outline of the steps to get a papakāinga development approved and ready for construction.

Summary Brochure

This toolkit is supported by a simpler summary brochure which can be viewed here: www.fndc.govt.nz/files/assets/public/documents/building-forms-for-open-cities/papakainga

Whare puni, Te Ore Ore. Ref: 1/2-083927. Alexander Turnbull Library, Wellington, New Zealand. /records/22886952 (the image has been cropped)



Kaupapa Vision

Identifying your Whenua

The first thing to identify is the block of land and whether it has the potential for a papakāinga development. You may want to identify a number of blocks and consider which one best suits a papakāinga development. At this point, it is also important to visit your whenua to understand the key land features.

Identifying your Vision

Get your whanau and shareholders together early on to have an initial hui and think about what your objectives are for your whenua. At this initial hui, it is important to identify a whanau project manager to help drive the project. In the visioning phase, don't be limited by costs or restrictions, just focus on the collective vision for your whenua. Housing should be a key part of any papakāinga development, but don't let your vision be limited to that – think of other activities that may be appropriate such as marae, community facilities or educational services. Also think about what skills there are in your whanau to help out e.g. are there members who have skills in engineering or project management?

Initial Assistance and Funding

It is important early on to identify funding that you may be able to access for your papakāinga development. Some organisations can provide funding or assistance for visioning and further work. Through Te Puni Kōkiri, you may be eligible for Special Housing Action Zone grants, Kāinga Whenua Infrastructure grants and funding from the Māori Housing Fund.

Contact details for further assistance:

Te Puni Kōkiri Māori Housing Network

📞 0800 758 956

✉️ maorihousing@tpk.govt.nz

🌐 tpk.govt.nz/en/whakamahia/maori-housing-network

Te Matapihi National Māori Housing Organisation

✉️ info@tematapihi.org.nz

🌐 tematapihi.org.nz

Te Rūnanga-A-iwi-o-Ngāpuhi Tara Rawiri, Iwi/hapū Development

📞 09 401 5530

✉️ tara.rawiri@ngapuhi.org

Kara George, Housing

📞 09 401 5530

✉️ kara.george@ngapuhi.org

Identify Your Vision

Use this list of questions as a starting point to help you identify the kaupapa for your whenua.

- Is there a name of the land block?
- What is the area of the land block?
- What is currently on the site?
- What are the opportunities?
- What are the constraints?
- Kaupapa for the project?
- What do you and your whanau want to achieve?
- What skills are there in the whanau?
- Are there historical korero relevant to the whenua?

ŪHAIA TE PĀE
TAWITHI KIA TATĀ,
ŪHAIA TE PĀI
TATA KIA MAUĀ

ONE EYE ON THE
WORK IMMEDIATELY
BEFORE US, AND
THE OTHER ON THE
DISTANT HORIZON



Information Gathering

Whangārei Māori Land Court

☎ (09) 983 9940
✉ mlctaitokerau@justice.govt.nz
🌐 maorilandcourt.govt.nz

Council Contacts

Far North District Council

☎ (09) 401 5200 (0800 920 029)
✉ ask.us@fndc.govt.nz
🌐 fndc.govt.nz

Kaipara District Council

☎ (09) 439 3123 (0800 727 059)
✉ council@kaipara.govt.nz
🌐 kaipara.govt.nz

Whangārei District Council

☎ (09) 430 4200 (0800 WDC INFO)
✉ mailroom@wdc.govt.nz
🌐 wdc.govt.nz

Northland Regional Council

☎ Whangārei (09) 470 1200
Dargaville (09) 439 3300
Kaitiāia (09) 408 6600
Ōpua (09) 402 7516
✉ mailroom@nrc.govt.nz
🌐 nrc.govt.nz

Other Organisations

New Zealand Transport Agency

☎ 09 430 4355
🌐 nzta.govt.nz

Heritage NZ Pouhere Taonga

☎ 09 407 0470
✉ inforhland@heritage.org.nz
🌐 heritage.org.nz

Once there is a clearer idea of the kaupapa, you will need to gather information about your whenua. Information that needs to be considered includes:

- The arrangement of land ownership;
- The presence of any significant natural features on your whenua, such as vegetation, waterways or heritage features;
- Topography and any natural hazards that could affect the site such as flooding or land stability and;
- Any planning requirements that may have an effect on where buildings or infrastructure could be located.

Māori Land Court

The Māori Land Court (Te Kooti Whenua Māori) manages all dealings to do with Māori land, including creation and changes to land titles, and the ability to contact other owners or trustees. There is a regional office in Whangārei that you can visit during the week, or contact via phone or email.

The Māori Land Court is able to provide information on the ownership information of your whenua, known as the 'Schedule of Owners'. You may need to check that the ownership information and contact details are up to date. Each owner has a shareholding which relates to an interest in a proportional area of the block. These shares are not specifically identified as areas of land on the ground, unless the land has been apportioned by applying to the Māori Land Court.

The Māori Land Online website maorilandonline.govt.nz also provides the ability to search for basic information on a block of land before going to the Māori Land Court to get more detailed information. The Māori Land Court has also published a series of booklets which can help explain further aspects of land ownership, trusts, and the Māori Land Court itself. They can be found here: maorilandcourt.govt.nz/about-mlc/publications

You may also be able to request that Council planning staff do a site visit to your whenua to give more targeted advice.

Council Information

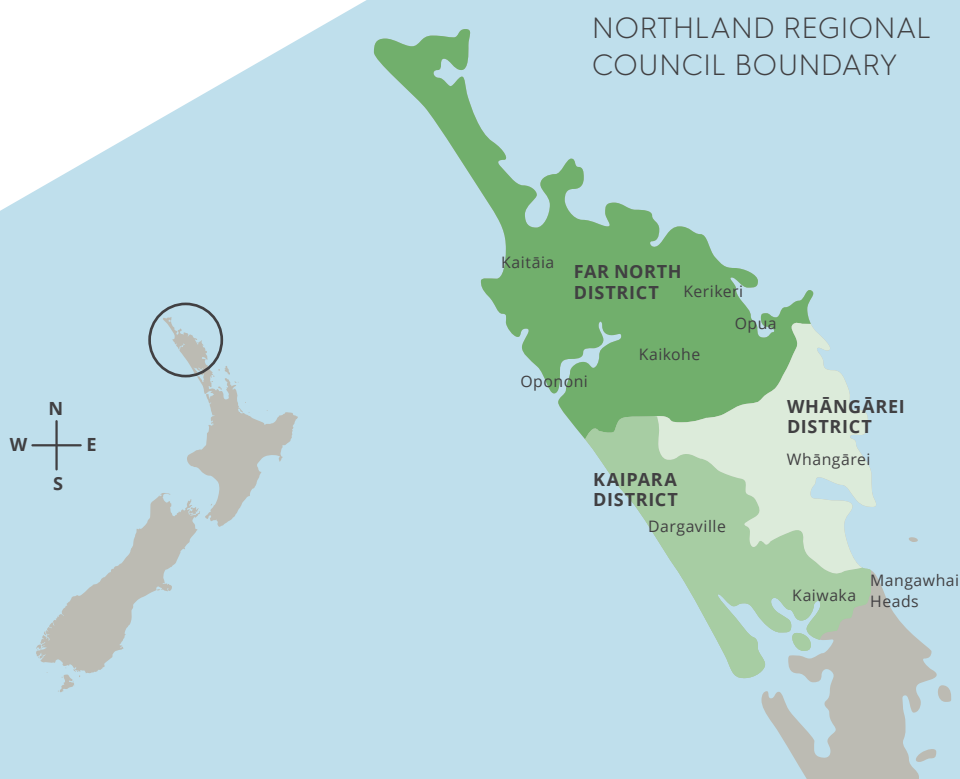
Your local and regional council are also important sources of information. For Northland, there are three local councils: Far North District Council, Kaipara District Council, and Whangārei District Council and one regional council, Northland Regional Council.

Local Councils

Your local council is responsible for the everyday uses and needs in your area, such as roads, water supply and stormwater and wastewater management. Local councils also manage the effects of the development of land.

Each local council has a main office, which you can visit in person. You can also look up or request information on a council's website. Another service that is offered is the ability to speak to a duty planner to ask for planning information related to your whenua.

WHAOWHIA
TE KETE
MATAURANGA
FILL YOUR
BASKET OF
KNOWLEDGE





Other Useful Information

The following websites also provide a range of background information and resources relating to housing:

Māori Housing Network (Te Puni Kōkiri)

➔ tpk.govt.nz/en/whakamahia/maori-housing-network

Housing New Zealand

Kainga Whenua Loan Scheme

➔ kaingaora.govt.nz/home-ownership/first-home-loan/check-you-are-eligible-for-first-home-loan/

Te Matapihi

Māori housing information, tools and resources

➔ tematapihi.org.nz/resources

The following types of information may be relevant to your whenua at this point:

- Hazards such as flooding, or land stability;
- Roads and access;
- Archaeological sites, Waahi Tapu or other cultural or heritage features that are protected such as trees, or stone walls;
- Whether there are any existing services: e.g. water, stormwater, sewer;
- Zoning information which can guide aspects such as building setbacks, and height, and;
- Landscapes of significance such as within coastal areas, or surrounding maunga, or containing significant areas of native vegetation.

Northland Regional Council

The Northland Regional Council, manages resource use in relation to three main areas: water, soil and air.

The main office is located in Whangārei, with other locations in Ōpua, Dargaville, and Kaitiāia. Information that the Northland Regional Council holds that you may need:

- Location of wetlands or other significant areas of vegetation;
- Aquifers supplying drinking water that may be at risk from an increasing number of users, or at risk of contamination from seawater;
- Erosion prone land, if any earthworks are proposed in these areas;
- Where drainage systems can be located in relation to waterways;
- Soil types;
- Significant earthworks;
- Communal sewerage systems.

Other Organisations

Other organisations may also have information relevant to your whenua. For instance, if your whenua is accessed off a State Highway, then it is a good idea to talk to the New Zealand Transport Agency (NZTA) about their access requirements. Heritage New Zealand Pouhere Taonga also hold information about archaeological sites that may apply to your whenua, and it is worthwhile contacting them to request any information they may have.

Your Checklists

Use these checklists below to help gather the information you will need from the Māori Land Court, Local Council and Northland Regional Council.

Māori Land Court

- ☐ Legal description of the land/name of the block
- ☐ Status of the land
(e.g. Māori, Customary, Freehold, General)
- ☐ Survey plan showing boundaries
(Māori Land Plan)
- ☐ Schedule of owners
(list of owners and their shareholdings)
- ☐ Memorial schedule for the block
(shows leases/occupation orders, mortgages, trusts)
- ☐ Name of the trust and trustees
- ☐ A copy of the trust order
- ☐ Hearing dates
(given in the Māori Land Court Panui)

Northland Regional Council

- ☐ Soil information
(e.g. soil type, erosion prone land)
- ☐ Water supply
(aquifer information, location of existing water bores)
- ☐ Mapped wetlands
- ☐ Hazard maps

Local Council

- ☐ Land area
- ☐ Title information
- ☐ Aerial photos
- ☐ District Plan – Zoning
- ☐ District Plan – Additional controls/overlays
(e.g. landscape areas, coastal area, geological features)
- ☐ Archaeological sites
- ☐ Hazards
(e.g. flooding, instability, coastal inundation, mining)
- ☐ Contacted duty planner at Far North, Kaipara, or Whangārei District Council?



Korero Discussion

NAKU TE
ROUROU NAU
TE ROUROU KA
ORA AI TE IWI

WITH YOUR
BASKET AND
MY BASKET THE
PEOPLE WILL LIVE

With your kaupapa established and the information collected, your whanau and other shareholders are now able to make some decisions for your papakāinga development. This step involves engaging as many of your whenua as possible. Getting other owners to support the papakāinga development and obtaining evidence of their support, is crucial to achieving the long-term goals of your papakāinga development.

Trusts

If you don't yet have a trust, you should research the options of the type of trust that can best manage your whenua and your desired papakāinga development. The Māori Land Court can help you choose the best trust structure for your situation and help you through the process for setting up a trust. Having the right structure is important as government agencies that you deal with will want to see that you have strong governance practices.

If you already have a trust, the Māori Land Court will be able to provide you with the latest list of owners, a trust structure and any other relevant information.

Once you have this information, arrange a hui with the owners to show them your proposed papakāinga development and seek initial support. Contacting owners can be challenging, but the Māori Land Court can advise on how to get everyone together.



Trust Order

A trust order defines what powers the trust/trustees have in achieving the objectives of the trust. You should review your trust order to make sure that the trust has the right powers to start a papakāinga development. You may also need to review your trustees and what skills they can offer. Amending trust orders can take a long time to get approved through the Māori Land Court. Your Māori Land Court Advisor can help you understand the trust order and how to go about changing it.

Once you have reviewed the trust order and trustees, you'll need to hold another hui with the owners to confirm any changes. The Māori Land Court can provide advice on how to go about this and filing a formal application to vary the trust order.

Title Options

You will also need to consider the title options for your papakāinga development. There are six different title options (refer to diagrams on pages 14-15) available and you should, with the help of the Māori Land Court, choose the title option that will best help you achieve the kaupapa of your papakāinga development.

Funding

Once your trust and trust order are underway, you should start talking with the Māori Land Court, Housing New Zealand and Te Puni Kōkiri about potential funding. To increase the chance of obtaining support and success you will need to show that good management processes are being followed.

Don't be afraid to be creative about how you communicate the kaupapa/vision of your papakāinga development to funding providers. Uku Developments, prepared a video (see link on page 15) for the kaupapa/vision for their papakāinga, which helped visualise their kaupapa/vision and get funding for their papakāinga development.





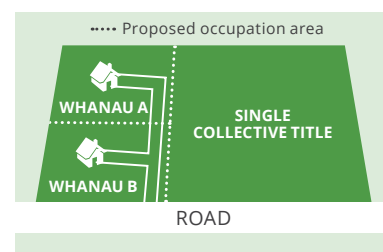
Forms of Māori Land Ownership

Current Māori land block



Owners: A, B, C, D & E

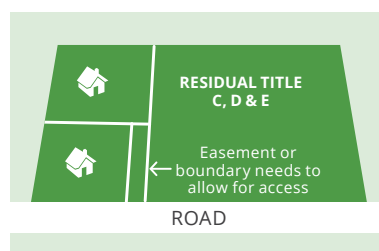
Occupation order



Owners A&B apply for an Occupation Order

Owners A&B can build on and occupy the land but no separate title is created. They do not have any exclusive rights over the land.

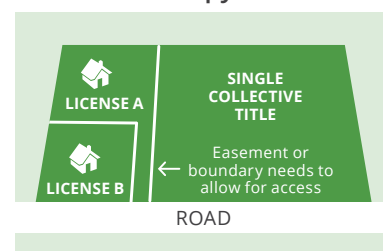
Partition order



Owners A&B file for Partition

Three separate titles created. Owners A&B can use own land as security for mortgage more easily than shared land.

License to occupy



Owners A&B apply for License to Occupy

Title unchanged but owners A&B have an exclusive right to occupy a defined part of the block for a defined period of time.

Lease



The Trust sub-divides the property for lease retaining the current collective Title

Each lease creates an 'estate' that can be bought and sold or rented by the leaseholder. The lease has a commercial value that can be used by the leasee to secure finance.

General title



If the land is under General Title

A family trust or company is able to raise finance against the equity of the land more easily than Māori Land, however Resource Consent requirements will be more stringent.

Contact Details

Housing New Zealand Corporation

☎ 0508 935266 (8am-5pm Mon-Fri)
✉ enquiries1@hnzc.co.nz
🌐 hnzc.co.nz

Te Puni Kōkiri – Te Taitokerau

Kaitia

25-39 Commerce Street, Kaitia 0410
☎ 09 408 2391
✉ tpk.te-taitokerau@tpk.govt.nz

Whangārei

Level 2, Tai Tokerau Māori Trust Board Building, 3-5 Hunt Street, Whangārei
☎ 09 430 3731
✉ tpk.te-taitokerau@tpk.govt.nz

Whangārei Māori Land Court

See page 8.

Links to other Resources

🌐 www.tpk.govt.nz/docs/mhn/MHN-our-processes-our-funds.pdf

🌐 www.teaomaori.news/building-papakainga-on-whanau-land-becoming-attractive-option

Waikato Māori Housing Toolkit

🌐 www.waikatodistrict.govt.nz/docs/default-source/your-district/iwi-in-our-district/2015-te-kete-paaraha-mo-nga-papakainga-ki-waikato-toolkit.pdf?sfvrsn=1a27b8c9_0

Hastings Papakāinga Toolkit

🌐 hastingsdc.govt.nz/files/all/documents/papakāinga-guide.pdf

Western Bay of Plenty Māori Housing Toolkit

🌐 westernbay.govt.nz/our-services/cultural-relations/maori-housing-toolkit/Pages/default.aspx

Technical Advice

With steps 1-3 complete, you should have the kaupapa for your papakāinga and have spoken to your whanau and other shareholders and got their approval. It is important that you have done steps 1-3 before moving on to step 4.

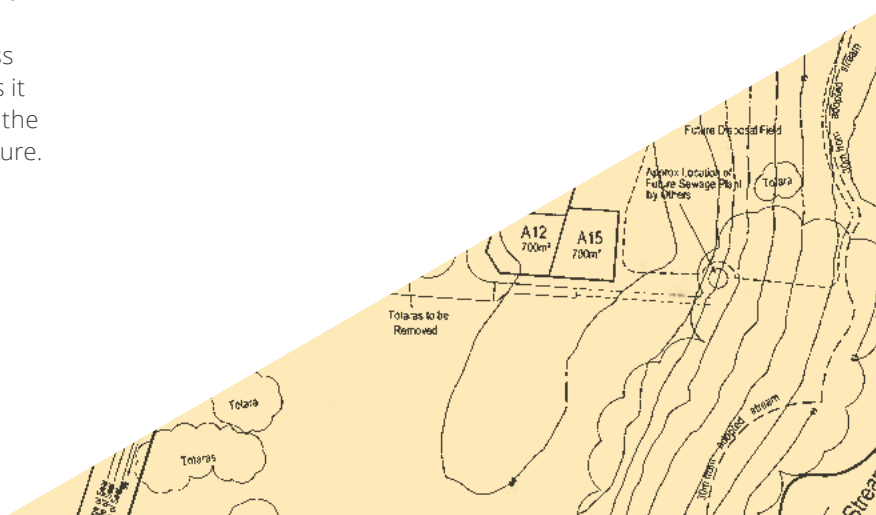
Step 4 is about figuring out the details and getting the right experts to give you the right advice. This will help you finalise your papakāinga development plan and get you ready for applying for consents from councils (see step 5). Your papakāinga development may need to be revised in response to this advice.

Technical Inputs

The information you need for your papakāinga development depends on the size and details of what you want to do. Remember to consider what skills and experience your whanau or other shareholders have as they may be able to help with some of the following technical inputs. Your local council can also help you identify what technical inputs they would require to support building and resource consent applications. It is recommended that you meet with your council early on in order to understand what may be required.

The following experts may be needed:

- **Engineer** – a geotechnical report may be needed to address whether your whenua can cope with the development. This will look at stormwater and wastewater, land stability or hazard information and how the development is designed to address any of these matters. This report is important as it will help finalise the location of any buildings on the whenua and give costs for setting up infrastructure.
- **Planner** – a planner can check your papakāinga development against your council's papakāinga rules and confirm whether a resource consent is needed. If one is needed, the planner can put together an application and help get it approved by the council.
- **Architect/Architectural Designer** – to draw up architectural plans showing site layout and building construction details. These details are important for getting a building consent.
- **Project Manager** – getting consents and organising building work can be hard work. Depending on the size of your papakāinga development, you may want to engage an independent project manager early on to help keep things moving.
- **Landscape Architect** – if your whenua is in a coastal location or on top of a maunga, you may need to engage a landscape architect to consider the landscape of the site, and any planting/restoration works.
- **Other Technical experts:** depending on the details of your papakāinga, it may also be necessary to engage a lawyer (to give legal advice on your trust order and Māori Land Court processes), an ecologist (to consider ecological effects especially if there are areas of native bush on the whenua) and a surveyor.



ĒHARA TAKU TOA, I TE TOA
TAKITAHĪ, ĒNGARĪ, HE TOA TAKITINI

SUCCESS IS NOT THE WORK OF
ONE, BUT THE WORK OF MANY

Ongoing Management

During step 4, it is also important to get some advice about ongoing maintenance of dwellings and buildings. Papakāinga developments usually have communal infrastructure e.g. shared wastewater management systems, and careful thought is needed at the design stage to figure out how this going to be managed and what the on-going costs are.

Papakāinga Development Plan

The ultimate goal of the technical advice, is to get a final papakāinga development plan ready for step 5. The technical advice should enable you to confirm:

- The location and number of papakāinga building sites.
- The layout and costs of infrastructure.
- The allocation process for house sites.
- Building design and estimated costs.
- A business case which you can present to organisations for funding applications.

Funding & Assistance

Getting technical advice can be expensive and challenging, but funding and assistance might be available from the following organisations:

Māori Housing Network (Te Puni Kōkiri)

☎ 0800 758 956

✉ maorihousing@tpk.govt.nz

🌐 tpk.govt.nz/en/whakamahia/maori-housing-network

Te Matapihi National Māori Housing Organisation

☎ 0226 390 955

✉ info@matapihi.org.nz

🌐 tematapihi.org.nz

Council contact details

See page 8.



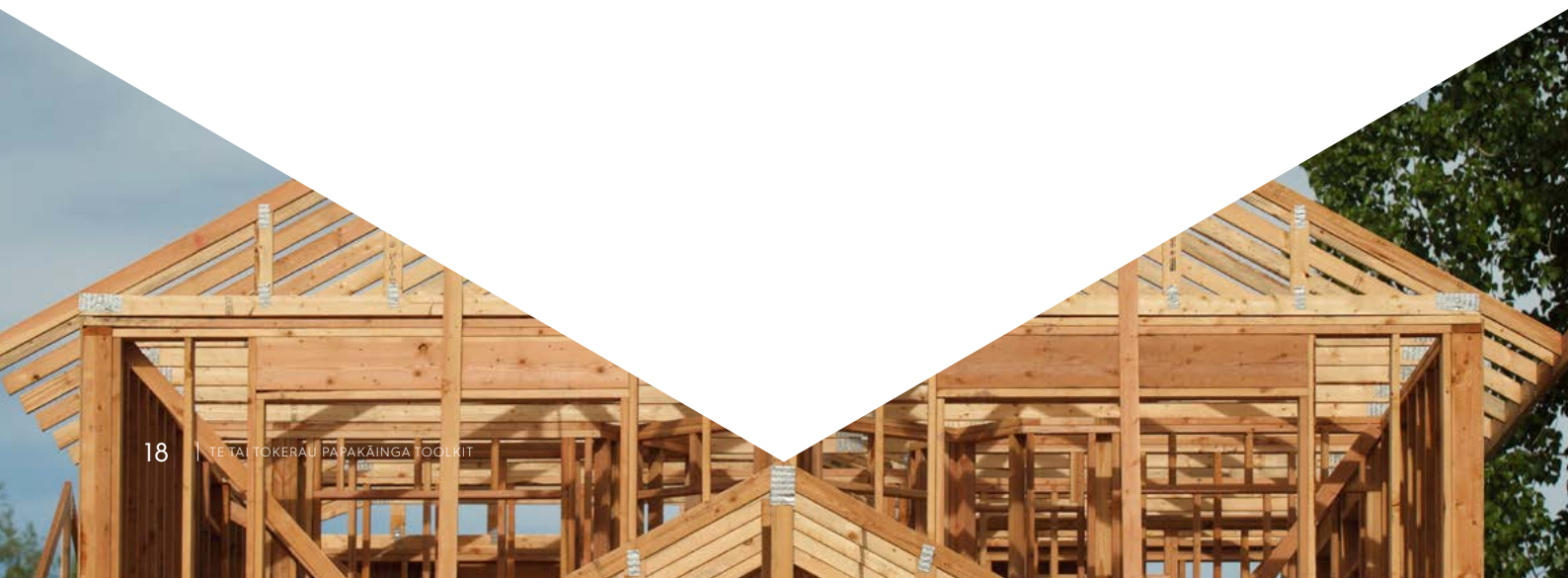
Getting Consents

What is the difference between a building consent and a resource consent?

Almost all building construction and drainage work will require a building consent. A building consent is a formal approval granted by your local council to show that your building work meets the requirements of the Building Code. This makes sure that your building is safe and meets the right technical standards.

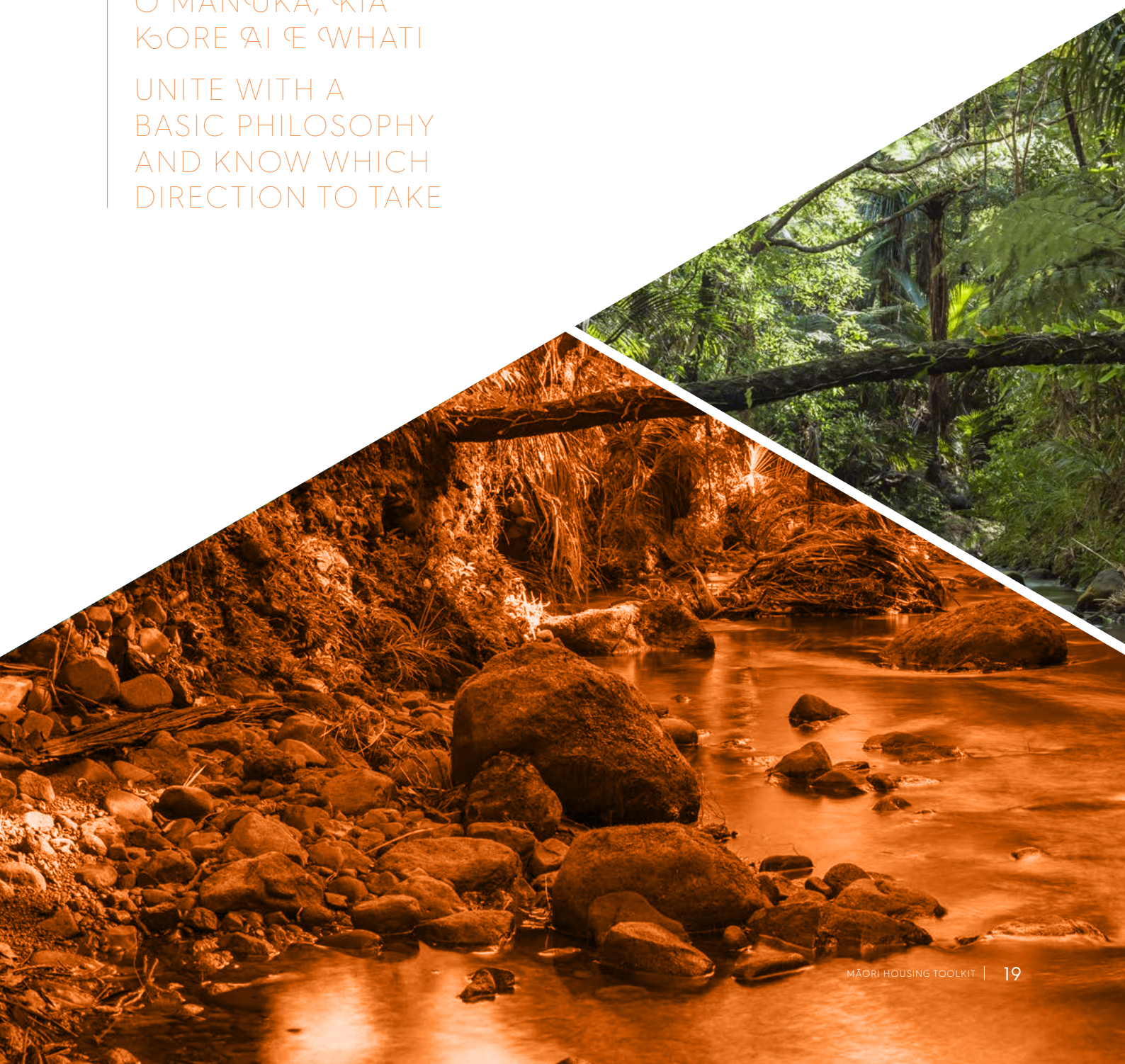
The requirements of the Building Code (and building consents) are mainly to ensure buildings are constructed in a manner that provides for the wellbeing of occupants and guests.

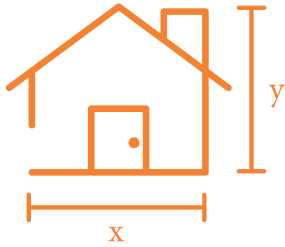
A resource consent may also be required for your papakāinga development. A resource consent is a formal approval granted by your council to breach a rule in a plan. Each district and region have plans. These state what you can do on your whenua without a resource consent. The requirements of plan rules (and resource consents) is mainly to ensure buildings and site works are constructed in a manner that provides for the wellbeing of the wider community. This makes sure that development does not adversely affect the environment, your neighbours and wider community. Resource consents may be required from both local and regional councils.



WHAKAPŪPŪTIA MAI
Ō MĀNŪKA, KIA
KORE AI E WHATI

UNITE WITH A
BASIC PHILOSOPHY
AND KNOW WHICH
DIRECTION TO TAKE





Building Consents

You will need a building consent for any new houses or other communal buildings you wish to build, even if these are relocated onto the site, or you are making alterations to buildings that already exist.

Inspections are done regularly by your local council to check building work against the approved plans. While it is best to know exactly what you want when you first

apply for building consent, there is still an opportunity to alter plans after the original building consent is approved. When a building is complete a code of compliance certificate is issued by your local council to confirm that your building meets the Building Code.

Alongside a building consent, additional permits may also be required. For example if a new vehicle entrance is to be created onto a public road, or a connection is required to public utilities (if available).



Resource Consents

Pre-application meetings

Before applying for a resource consent from your local council, you can request a pre-application meeting with council staff. This allows you to discuss your papakāinga development and get direction on what information you need to provide and any other neighbouring properties that you should talk to about your proposal. These meetings are generally free, and council staff are helpful in explaining the process. You may also like to consider asking if a Council planner can visit your whenua as part of the pre-application process

After you have had a pre-application meeting with your local council, and have all your technical inputs and reports together, this information is ready to be lodged. If you have engaged a planner in step 4, then they can help ensure that your application has all the right information and talk to council for you through the process.

Applying for Resource Consent

There are a number of paths that a resource consent application could follow when it is being considered by a council. This depends on the activity status and complexity of your application, and the range of effects the proposal could have beyond the site. Examples of potential effects that could impact upon the surrounding area, and neighbouring properties include things such as the location and total number of buildings on a site, building setbacks, noise or the removal of vegetation.

The activity status of an application for resource consent can be found out by going through the planning rules found within the District Plans of the local council, and the Regional Plans of the regional council.

Timeframes

When a resource consent is lodged, a council usually has 20 working days to make a decision on the application. Your council may request further information. This will put your application on hold until the information is received.

Notified Resource Consent Applications

An application for resource consent may be notified if the proposal has more than minor environmental effects. Notification means that an opportunity is given to those affected, to make a submission on the proposal indicating their view and reasons for this.

Those who make a submission can request a hearing with an independent commissioner. The independent decision maker then considers the submissions and all of the information and then makes a decision as to whether the resource consent should be granted or not.



District Plans

Far North District Council

➔ www.fndc.govt.nz/Your-Council/District-Plan

Kaipara District Council

➔ kaipara.govt.nz/Service+Info/District+Plan.html

Whangārei District Council

➔ www.wdc.govt.nz/Services/Property/Planning/Operative-District-Plan

Regional Plans

Regional Water and Soil Plan

➔ www.nrc.govt.nz/resource-library-summary/plans-and-policies/regional-plans/regional-water-and-soil-plan/

Council Fees

There are costs associated with obtaining both resource and building consents from your local council. Usually a deposit fee is required. The remaining costs are assessed by charging for the actual and reasonable time taken and for any site visits or inspections required.

Development Contributions

Development contributions may also be required for papakāinga developments as a contribution towards infrastructure such as roads, and community facilities including parks and libraries. Please check with your local council for further information on development contributions. They will be able to give you an estimate of what your development contributions may be.



Nga Whakinga

Acknowledgements

The preparation of this toolkit has been funded by the 'Whanaketia te Whenua kia ora Ai Te Tangata – Developing the Land to Benefit the People' (Whanaketia project. This includes representatives from the Northland Regional Council, Far North District Council, Whangārei District Council and Kaipara District Council.

Case Study Acknowledgements

Thanks to Aroha Shelford from uKu Developments for the use of the images on page 11 and 13. The images were taken from uKu Developments papakāinga housing project video which can be viewed here: www.teaomaori.news/building-papakāinga-on-whanau-land-becoming-attractive-option

Far North District Council

☎ (09) 401 5200 (0800 920 029)

✉ ask.us@fndc.govt.nz

🌐 fndc.govt.nz

Kaipara District Council

☎ (09) 439 3123 (0800 727 059)

✉ council@kaipara.govt.nz

🌐 kaipara.govt.nz

Whangārei District Council

☎ (09) 430 4200 (0800 WDC INFO)

✉ mailroom@wdc.govt.nz

🌐 wdc.govt.nz

Northland Regional Council

☎ Whangārei (09) 470 1200

Dargaville (09) 439 3300

Kaitiāia (09) 408 6600

Ōpua (09) 402 7516

✉ mailroom@nrc.govt.nz

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