

# TE WHAKAMINENGA O KĀPITI

*“He toa taki tini taku toa,  
E hara i te toa taki tahi”  
“My strength will only be achieved  
Because of the efforts of us all.”*

**Rātū 5 Hakihea 2017**

**Council Chambers, 175 Rimu Road, Paraparaumu  
10.15 am**

## **Committee Membership:**

Rupene Waaka (Ngā Hapū o Ōtaki) <b>(Chair)</b>	Kirsten Hapeta (Ngā Hapū o Ōtaki)
Chris Gerretzen (Te Āti Awa ki Whakarongotai – Charitable Trust)	Andre Baker (Te Āti Awa ki Whakarongotai – Charitable Trust)
Carol Reihana (Ngāti Toa Rangatira)	Hohepa Potini (Ngāti Toa Rangatira)
Leana Barriball (Ngāti Toa Rangatira)	
Mayor K Gurunathan (Kāpiti Coast District Council)	Cr James Cootes (Kāpiti Coast District Council)

ITEM	ORDER PAPER	(*denotes paper attached)	PAGE
1	Karakia		
2	Signing of the Memorandum of Partnership		
3	Apologies		
4	Public Speaking Time		
5	Additional agenda items		
6	* Confirmation of Minutes – 24 Whiringa-ā-nuku (October) 2017		2

## **Strategic Work Programme**

7	Presentation: Long Term Plan 2018 – update on Te Ture Whenua Māori Bill 2016 and the review of the rating system		
8	* Information on Hastings District Council Papakāinga Development (SP-17-378)		6

## **Updates / Other Matters**

9	* Matters Under Action		74
10	Iwi updates		
11	Treaty Settlements – overview from each iwi		
12	Council update		
13	Correspondence		
14	Other Business		

## **In Confidence**

15	Nomination of Chief Executive Interview Panel Member		
16	* Confirmation of Public Excluded Minutes – 24 Whiringa-ā-nuku (October) 2017		75

MINUTES	MEETING HELD ON	TIME
TE WHAKAMINENGA O KĀPITI	RATU 24 WHIRINGA-Ā-NUKU 2017	10.08 AM

Minutes of a six-weekly meeting of Te Whakaminenga o Kāpiti on Tuesday 24 October 2017, commencing at 10.08 am in the Council Chambers, 175 Rimu Road, Paraparaumu.

## MEMBERS

Mr	R	Waaka	Ngā Hapū o Ōtaki (Chair)
Mr	C	Gerretzen	Te Ātiawa ki Whakarongotai Charitable Trust
Mr	A	Baker	Te Ātiawa ki Whakarongotai Charitable Trust
Mayor	K	Gurunathan	Koromatua
Cr	J	Cootes	Mema o te Kaunihera

## IN ATTENDANCE

Mr	P	Dougherty	Tumuaki
Mr	D	Te Maipi	Kaumātua
Ms	S	Stevenson	Kaihautū Rautaki
Ms	M	Hakaraia	Kaiwhakahaere Tairangawhenua
Ms	M	Whiterod	Te Āpiha Tairangawhenua
Mr	S	Mallon	Group Manager Infrastructure
Mr	M	de Haast	Chief Financial Officer
Ms	L	Belcher	Kaiwhakahaere Ratonga Manapori

The meeting opened with a karakia by Koro Don Te Maipi. The Chair welcomed everyone to the meeting.

Te Whakaminenga o Kāpiti 17/10/110

## TUKU AROHA/APOLOGIES

*Ms Barriball had emailed her apologies but these were not received in time to be noted at the meeting.*

There were no other apologies.

Te Whakaminenga o Kāpiti 17/10/111

## PUBLIC SPEAKING TIME

Mr David Moore spoke about waste management in Kāpiti and concerns about non-compliance of the Hokio Landfill with consent conditions. Mr Moore circulated two papers and answered member's questions.

The Chair of Te Whakaminenga o Kāpiti agreed that there would be a response from Te Whakaminenga o Kāpiti to Mr Moore.

Te Whakaminenga o Kāpiti 17/10/112

## ADDITIONAL AGENDA ITEMS

There were no additional items.

MINUTES	MEETING HELD ON	TIME
TE WHAKAMINENGA O KĀPITI	RATU 24 WHIRINGA-Ā-NUKU 2017	10.08 AM

Te Whakaminenga o Kāpiti 17/10/113

**CONFIRMATION OF MINUTES – 12 SEPTEMBER 2017**

**MOVED (Cootes/Mayor)**

**That the minutes of the meeting of Te Whakaminenga o Kāpiti on 12 September 2017 are confirmed as a true and accurate record of that meeting.**

**CARRIED**

Mr Andre Baker reported back regarding the tri-iwi working group to engage in the development of the Tāngata Whenua Framework for Biosolids Reuse Framework in Kāpiti.

**Strategic Work Programme**

Te Whakaminenga o Kāpiti 17/10/114

**PRESENTATION: TE TURE WHENUA MĀORI BILL AND RATING REVIEW**

Mark de Haast delivered a presentation on the Rating system review process and answered members questions. There was discussion that more information was required by Te Whakaminenga o Kāpiti regarding Te Ture Whenua Māori Bill and regarding the impact of the rating review on Maori land.

Te Whakaminenga o Kāpiti 17/10/115

**CITIZENSHIP CEREMONIES ON MARAE - 2018 (sp-14-344)**

Mahinarangi Hakaraia (listen)

**MOVED (Baker/Gerretzen)**

- **That Te Whakaminenga o Kāpiti receives the report.**
- **That Te Whakaminenga o Kāpiti confirms the date for hosting Citizenship Ceremonies on a marae within the Kapiti rohe.**
- **That Te Whakaminenga o Kāpiti confirms that the Citizenship Ceremony on 31 January 2018 will be hosted at Raukawa Marae.**

**CARRIED**

MINUTES	MEETING HELD ON	TIME
TE WHAKAMINENGA O KĀPITI	RATU 24 WHIRINGA-Ā-NUKU 2017	10.08 AM

Te Whakaminenga o Kāpiti 17/10/116

#### **UPDATE : WAITANGI DAY – MAIA WHITEROD**

Maia Whiterod and Mahinarangi Hakaraia provided an update on the plan for Waitangi Day 2018 which is going to be an art exhibition commemorating the signatories of Treaty of Waitangi here on the Kāpiti Coast.

#### **Updates / Other Matters**

Te Whakaminenga o Kāpiti 17/10/117

#### **MATTERS UNDER ACTION**

Members discussed the matters under action.

Te Whakaminenga o Kāpiti 17/10/118

#### **IWI UPDATES**

##### Ngāti Toa Rangatira

- No one was present.

##### Ngā Hapū o Ōtaki

- There were no updates.

##### Te Ātiawa ki Whakarongotai Charitable Trust

- Andre Baker provided a report to members of Te Whakaminenga o Kāpiti.
- The Annual General Meeting has taken place and the election process for the iwi representatives who sit on the Charitable Trust has been completed.

Te Whakaminenga o Kāpiti 17/10/119

#### **TREATY SETTLEMENTS – OVERVIEW FROM EACH IWI**

- There were no updates.

Te Whakaminenga o Kāpiti 17/10/120

#### **COUNCIL UPDATE**

The Chair thanked the Chief Executive on behalf of Te Whakaminenga o Kāpiti for all his guidance and contribution to Te Whakaminenga o Kāpiti. Andre Baker echoed the thanks for good leadership and patience and an affinity for what is important to Tangata Whenua. Te Whakaminenga o Kāpiti wished the Chief Executive and his family all the best for the future.

Cr Cootes mentioned discussion with Greater Wellington Regional Council about how the Councils can work better together. One of the matters raised to consider was looking at a potential more streamlined consenting process that would potentially involve iwi and the ART confederation.



MINUTES	MEETING HELD ON	TIME
TE WHAKAMINENGA O KĀPITI	RATU 24 WHIRINGA-Ā-NUKU 2017	10.08 AM

Te Whakaminenga o Kāpiti 17/10/121  
**CORRESPONDENCE**

There was none.

Te Whakaminenga o Kāpiti 17/10/122  
**OTHER BUSINESS**

There was none.

Te Whakaminenga o Kāpiti 17/10/123  
**RESOLUTION TO GO INTO PUBLIC EXCLUDED**

**MOVED (Gerretzen/Mayor)**

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under Section 48(1) for the passing of this resolution
Māori Representation on Strategy and Policy Committee (SP-17-351)	Section 7(2)(a) – to protect the privacy of natural persons.	Section 48(1)(a) - that the public conduct of the whole or 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.

**CARRIED**

## **IN-COMMITTEE DISCUSSION**

*The meeting held a discussion 'In-Committee' from 12.05pm and came back out of Committee at 12.14pm. The meeting was closed at 12.14pm after a karakia by Don Te Maipi.*

.....  
Chair

.....  
Date

**Chairperson and Committee Members**  
TE WHAKAMINENGA O KĀPITI

5 DECEMBER 2017

Meeting Status: **Public**

Purpose of Report: For Information

## **INFORMATION ON HASTINGS DISTRICT COUNCIL PAPAKĀINGA DEVELOPMENT**

### **PURPOSE OF REPORT**

- 1 This report is to provide general information on papakāinga development from Hastings District Council, as requested at Te Whakaminenga o Kāpiti on 13 June 2017

### **DELEGATION**

- 2 Te Whakaminenga o Kāpiti may consider this matter under the Memorandum of Partnership.

### **BACKGROUND**

- 3 At Te Whakaminenga o Kāpiti, on 13 June 2017, Marama Laurenson spoke during public speaking time in her capacity as the Strategic Advisor, Culture and Heritage for Hastings District Council (HDC).
- 4 Marama spoke about the progress made by HDC in regards to the development of Papakāinga.
- 5 Following this discussion, the Chair invited Council staff to compile a report, providing further information on the HDC papakāinga development.

### **ISSUES AND OPTIONS**

#### **Issues**

- 6 The information provided in this report has been sourced from the HDC website (<https://www.hastingsdc.govt.nz/services/planning-and-resource-consents/papakāinga-development/>)
- 7 In 2008, the Papakāinga Development Guide was published as a result of a joint project between HDC, the Māori Land Court: Takitimu, and Te Puni Kōkiri: Takitimu Region.
- 8 The three agencies identified a shared objective to assist Māori to reoccupy their ancestral lands, but their respective processes did not harmonise this, which presented an obstacle to applicants.

- 9 The agencies agreed to harmonise their processes through the production of the Papakāinga Development guide, which, in 2008, won a New Zealand Post Excellence Award at the Local Government New Zealand conference.
- 10 The guide is laid out as a workbook to cover each stage of a papakāinga development project:
  - **Whānau:** Getting the approval and viable relationships within the collective ownership of land
  - **Whenua:** the legal forms under which the land may be occupied
  - **Whare:** the consents required – building, waste water management etc
- 11 Whilst the purpose of this report is to provide the information requested by members, at the meeting on 13 June 2017, please note the following.
  - The Council's decisions on the Kāpiti Coast District Proposed District Plan (PDP) were notified on 22 November 2017 and it includes provisions for papakāinga.
  - The District Plan team intend on presenting to Te Whakaminenga o Kāpiti at the hui on 6 March 2018, following the closing of the appeal process, and further information regarding the PDP's papakāinga provisions will be presented at that time.
  - It is expected that through the development of the Iwi Management Plan, any further requirements and opportunities for papakāinga will be identified and an approach to enhance the current provisions will be worked through with the District Plan team. This may result in a papakāinga development guide for Kāpiti, as a separate project, being developed.

## CONSIDERATIONS

### Policy considerations

- 12 There are no policy considerations.

### Legal considerations

- 13 There are no legal considerations.

### Financial considerations

- 14 There are no financial considerations.

## SIGNIFICANCE AND ENGAGEMENT

### Significance policy

- 15 This matter does not trigger the significance and engagement policy.

## RECOMMENDATIONS

16 That Te Whakaminenga o Kāpiti receives the report and notes its contents.

<b>Report prepared by</b>	<b>Approved for submission</b>	<b>Approved for submission</b>
---------------------------	--------------------------------	--------------------------------

Mahinarangi Hakaraia  
**Kaiwhakahaere**  
**Tairangawhenua**

Wayne Maxwell  
**Group Manager**  
**Corporate Services**

Sarah Stevenson  
**Group Manager**  
**Strategy and Planning**

## ATTACHMENT

Appendix 1    Hastings District Council Papakāinga Development Policy

toitu te whenua

# papakāinga

DEVELOPMENT GUIDE

whanau

whenua

whare

The cover design shows **Te Mata o Rongokako** (the giant of Rongokako) - Te Mata Peak near Havelock North in Heretaunga. Below the slumbering giant weaves the Tukituki river. In the distance **Ahuriri** - Napier is visible to the left and **Te Mata a Maui** - Cape Kidnappers disappears to the right. The design above represents a cross-section through the womb of **Papatuanuku**, the earth mother, bringer and sustainer of life, showing both subterranean (the Heretaunga Aquifer) and terrestrial worlds.

The thin line ascending from Papatuanuku represents her connection with Ranginui, the Sky Father, and with our creation from Te Korekore - the nothingness, through Te Po - the darkness, to Te Ao Marama - the world of light and living, our place. The drawing is also reminiscent of the wings of **Te Kaahu** - the Hawk, as it flies over the Heretaunga Plains taking in the many pathways and abundance below - a reminder of the many options open to us and the value of whenua to our well-being.

**'Toitu te whenua'** comes from the whakatauki (proverbial saying) "Whatungarongaro te tangata, Toitu te whenua" (people come and go - the land remains). It is a reminder of our responsibility as kaitiaki - custodians, responsible for care of our environment to ensure prosperity for future generations. The design on the edge of the page highlights **whanau**, **whenua** and **whare**, the three key elements of papakainga development that form the over-arching framework of this Guide. The design shows their interconnection and nurturing of one another.

*Cover and Guide developed and designed by Karl Wixon.*

*Waitaha + Kati Mamoe + Kaitahu + Moriori + Ngati Toa.*

*WIKI Design & Consultancy Ltd.  
www.wiki.maori.nz*



TE KOOTI WHENUA MAORI



HASTINGS  
DISTRICT  
COUNCIL

## mihi

Toi tū te rangi, Toi tū te whenua.  
 Haere rā koutou e te aumāngea, e nga maunga atawhai o nanahi.  
 E auē ake nei te whatumanawa, e nga mahara ki irirangi,  
 mo koutou nga totara whakahī, kua rauhingia ki te nohopukutanga o te tangata.  
 Ki te whareahuru o nga marae, o maumahara,  
 Tihei mauri ora.  
 Haaro ake ra e taku Kaahu, kanohi komiromiro, mātaia ra nga ararau  
 O Heretaunga Ararau Haukunui ki Whakapunaki.  
 Ko te Hopupu Honengenenge Matangirau.  
 Kai atu aku mata ki te tihi o Tararua Maunga.  
 Ka titiro whakararo, ki nga raparapa, ko Wairarapa.  
 Tenei i whakaoho i taku moe  
 Aue taukuri e.

E nga Maunga whakahī, e nga mana tiketike, e nga kanohi korako, tena koutou tena tataua katoa.

He reo tātaki ki a tatou mo te taonga kua whakatāhia nei ki ro pukapuka. He panui ake nei i te hononga o nga ture whakatau e pa ana ki te kaupapa papakainga, ka pa ki nga whenua Maori, kia eke te kaitiakitanga, me te turangawaewae, ā whai mana whenua ai.

Tenei ra hei whakamāmā, hei whakamārama ake i nga hikoinga i roto i nga ture Kaunihera, me nga ture o te Kooti Whenua Maori kia tutuki te wawata o te whanau.

Ko te tūmanako ka tau pai te kaupapa nei ki o tatou ngakau hei arahi i a tatou, kia eke te hanga kainga mo tena, mo tena. No reira e mihi atu ana me te powhiri ake i te taonga nei, me te hoki ano ki to tatou kaihangā hei manaaki i a tatou.

Noho ora mai ra  
 Hei konā, hei konei.

*Ngati Kahungunu Roopu Pakeke*

## introduction

The Roopu Pakeke recognise that papakainga development is a difficult and complex process for whanau. A collaborative approach by all parties involved in the process is essential to ensure papakainga development will be successful.

For the purpose of this project papakainga has been defined by the Roopu Pakeke as 'building on ancestral land'.

This Guide clearly defines the process and provides whanau with a resource to support them to realise their papakainga aspirations. The Guide is based on the Māori philosophical approach of whanau, whenua, whare and incorporates appropriate whakatauaki throughout.

The Roopu Pakeke would like to acknowledge the collaboration and goodwill of Te Puni Kokiri, Te Kooti Whenua Māori, the Hastings District Council and Housing New Zealand Corporation for the initiation of the project and their commitment to the development of this Papakainga Development Guide. We would also like to thank them for allowing our Roopu to be a part of the development.

The reference group established to support this project provided valuable insights into the barriers and issues around papakainga. They also provided the necessary review of the Guide to ensure its effectiveness and usability.

Finally, the contribution of the project consultant Karl Wixon, has exceeded all expectations in developing the Guide into what we expect to be an invaluable resource for papakainga development.





**Te Puni Kōkiri**  
REALISING MĀORI POTENTIAL

TE KOOTI WHENUA MAORI  
—  —  
MAORI LAND COURT



**HASTINGS  
DISTRICT  
COUNCIL**

### **te puni kokiri** [www.tpk.govt.nz](http://www.tpk.govt.nz)

The Takitimu Office of Te Puni Kokiri initiated the development of this Guide through partnership with Te Kooti Whenua Maori and Hastings District Council. This was done in response to a recurring desire expressed by whanau to develop Papakainga and a sense of frustration that it is in the 'too hard basket'. It was also in recognition of the relatively untapped potential of our whenua to address growing housing needs when housing is becoming unaffordable.

Te Puni Kokiri are available to support you through the process outlined in the the **whanau** section of this guide to ensure you **realise your potential**.

Talk to your regional office of Te Puni Kokiri to see how they can assist you.

### **te kooti whenua maori** [www.justice.govt.nz/maorilandcourt](http://www.justice.govt.nz/maorilandcourt)

Te Kooti Whenua Maori will need to be involved in any development of land which has title under Te Ture Whenua Maori Act 1993. The preamble of Te Ture Whenua Maori Act reaffirms the Treaty of Waitangi and recognises land as taonga tuku iho, of special significance to Maori. The Court has a role to:

- **promote** retention of Maori land
- **protect** waahi tapu
- **facilitate** occupation, development and utilisation of the land for it's owners, their whanau and hapu

Te Kooti Whenua Maori can support you to work through the **whenua** section of this guide as well as parts of the **whanau** section. Talk to your District Office.

### **hastings district council (HDC)** [www.hastingsdc.govt.nz](http://www.hastingsdc.govt.nz)

Hastings District Council provides for papakainga development in the District Plan. These provisions are not available for general land.

Your council is responsible for regulating land use under the Resource Management Act; and, for building activity under the Building Act.

It is important to work closely with planners and consents officers to have full information about what you are required to do to undertake papakainga development. This will save time and resources.

Your council will also be helpful through the **whenua** and **whare** sections of this guide. Talk to the official employed to assist with Maori issues and matters, as well as the planners and consents officers.



**he aha te mea nui o te ao?  
he tangata, he tangata, he tangata**

*what is the most important thing in the world?  
it is people, it is people, it is people*

**whatungarongaro te tangata  
toitu te whenua**

*people come and go  
the land remains*

**ko te whare e hanga te tangata  
ko te tangata e hangaia e te whare**

*the whare (whare tangata) builds the people  
and the people build the whare*

**ko te tuatahi – whanau**

**Papakainga does not exist without whanau**, therefore development can only occur through whanau working towards the achievement of a common vision.

In developing this guide, consultation revealed whanau as a key reason for both success and failure of papakainga development projects.

A whanau with shared vision, drive and commitment is highly likely to succeed, inversely a whanau that is divided or lacks commitment is likely to fail.

Aside from your whanau connected through whakapapa, you also need to build a kaupapa whanau. Surround yourself with supporters, advisors and mentors who share in your development kaupapa - including Te Puni Kokiri, Te Kooti Whenua Maori and Council. They will add capacity and capability to your whanau.

**ko te tuarua – whenua**

**Papakainga does not exist without whenua**, therefore you need to be able to work through all of the development issues and regulatory frameworks that dictate what you can and can't do on your whenua.

Connection to our whenua, or whakapapa, is central to our identity and mana as Maori. Development of your whenua is something that needs to be carefully considered in accord with the unique relationship you have with your whenua as kaitiaki, as those holding mana whenua or ahi kaa roa.

Papakainga is about developing 'intentional communities'. That is to say, it is about developing our relationships with one another and our whenua, in an intentional way - in accord with our values and how we wish to live and interact with each other and our environment. It is important to keep these cultural drivers at the forefront of your thinking in the face of legalities and controls.

**ko te tuatoru – whare**

**Papakainga does not exist without whare.** The creation of homes for whanau on your whenua in an intentional community is what papakainga is about.

Building is becoming an increasingly complex and regulated activity. The D.I.Y. days have gone. You may still be able to swing a hammer on site - but only with a licenced building practitioner supervising you.

From design to consent, to occupation, there is a lot to work through that will determine the quality, look and feel of your final living environment.

What you create needs to enable you to live in the way and manner you desire - why else would you put yourself through the stress of building?  
To make this happen you need to direct and manage the process effectively.

## nga wā – the phases

1. Whanau
2. Whenua
3. Whare

### using this guide

This guide has been developed and designed to provide you with a simple 'step by step' process for developing housing on Maori land - particularly land under Te Ture Whenua Maori Act 1993. It follows a phased approach starting with **whanau**, then focussing on **whenua** and finally design and building of **whare**.

It has a range of checklists and 'fill in the blank' spaces and is intended to be used in a 'hands-on' way. You can download a copy of the guide from [www.hastingsdc.govt.nz](http://www.hastingsdc.govt.nz). Print out as many copies of pages as you need so you can write on them and continue to update information on them as you go.

The Guide does not replace the need to work through these processes with Te Kooti Whenua Maori and your Territorial Local Authority (Council). They will be able to provide you with more detailed and up to date information and guidance.

## whakatika – the process

1. Leadership
2. Information
3. Proposal
4. Feasibility
5. Site Plan
6. Legal
7. Design
8. Contracts

### development process – the steps

The Guide is based on working through each of the three phases: whanau, whenua and whare. Each 'phase' has three 'steps', or stages to work through.

The Guide is arranged so that it follows a logical sequence of activity where each phase and step builds on the outcomes of the earlier phase and steps.

It is recommended that you read through the entire guide to start with before working through each step. Each 'phase' acts as a control gate to the next - if you have not completed one you will not be adequately prepared to enter the next. If you leap ahead you will probably find yourself having to go back.

The process chart on the next page maps out 'packages' of work and acts as an overarching project guide. You can write target finish dates for each step across the bottom of the page and identify who is responsible for leading each 'package' by writing their initials on it next to its unique code number.

## ngā aho – the strands

1. Whanau
2. Maori Land Court
3. Council
4. Budgeting
5. Consultants

### development process – the strands

The Guide also identifies 'strands' of activity. These 'strands' of activity run through the phases and steps and are identified on the process chart on the next page as swimming lanes.

Each 'strand' or swim lane has a focus on particular area of the process, such as Te Kooti Whenua - Maori Land Court, the Council, Budget, or Consultants.

Each 'step' on each 'strand' progressively builds on the last. It is recommended that you look to the steps behind and ahead of where you are in the process within that 'strand' to reflect on what you have done and what you will be doing next. This will help to provide context to what you are doing.

**Beware of the sharks - they are common pitfalls or obstacles.**

**process map:** Insert initials of a person responsible for each box below and a target finish date for each step along bottom of page.

phase ➤

whanau

whenua

whare

step ➤

1 leadership 2 information 3 proposal 4 feasibility 5 site plan 6 legal 7 design 8 contracting 9 building

1.1 <input type="text"/> whanau leadership <i>WHANAU DISPUTES</i>	2.1 <input type="text"/> analysis & consulting <i>POOR COMMUNICATIONS</i>	3.1 <input type="text"/> develop strategy	4.1 <input type="text"/> whanau readiness	5.1 <input type="text"/> cultural assessment	6.1 <input type="text"/> mandate <i>LACK WHANAU SUPPORT</i>	7.1 <input type="text"/> house design	8.1 <input type="text"/> I.D. & select contractors <i>DODGY CONTRACTORS</i>	9.1 <input type="text"/> manage building
	2.2 <input type="text"/> title info & engagement	3.2 <input type="text"/> title options	4.2 <input type="text"/> title option selection	5.2 <input type="text"/> title layout planning	6.2 <input type="text"/> court application			
	2.3 <input type="text"/> property information	3.3 <input type="text"/> planning provisions	4.3 <input type="text"/> consent requirements		6.3 <input type="text"/> resource consent <i>COMPLIANCE REQUIREMENTS</i>	7.3 <input type="text"/> building consent		9.3 <input type="text"/> inspections & compliance
		3.4 <input type="text"/> preliminary budget <i>UNDERESTIMATING COST</i>	4.4 <input type="text"/> financial viability			7.4 <input type="text"/> quantity calc & valuation <i>LOAN SHARKS</i>	8.4 <input type="text"/> estimates & finance	9.4 <input type="text"/> payments & reserves
1.5 <input type="text"/> project mentor/s	2.5 <input type="text"/> project manager	3.5 <input type="text"/> design leader			6.5 <input type="text"/> design & technical <i>WATER SUPPLY &amp; EFFLUENT</i>		8.5 <input type="text"/> contract manager <i>HIDDEN COSTS</i>	

/ / / / / / / / / /

START

FINISH

target finish date ➤

1 whanau 2 maori land court 3 council 4 budgeting 5 consultants

1.1

whanau  
leadership

## whanau

## step 1: leadership

Strong leadership of your papakainga development project is critical to project success.

Papakainga development requires leadership in a variety of domains, such as cultural leadership, design leadership, legal leadership and communications leadership.

Like the waka it also requires a variety of leadership roles or styles such as:

**Kaiwhakahaere** - leader of direction

**Kaihautu** - leader of people

**Kaiwhakatere** - tactical leader

Leadership can come from within the whanau but can also come from outside the whanau. This guide provides templates for you to identify your leaders, but also to identify where you may need external leadership or support, through the engagement of Kaitautoko - project advisors or mentors.

Whilst leadership can be shared amongst a variety of people, it is vital that the project has a **Kaiwhakahaere Kaupapa** - or Project Leader. That person needs to inspire and weld together the whanau and others towards the achievement of a compelling vision.

1.5

project  
mentor/s

## ki nga whakaeke haumi

*"Join those who can join sections of a canoe"*

Seek those leaders who are able to weld diverse groups into a successful combination.

1351



## 1 leadership

### 1 whanau

#### 1.1 whanau leadership

##### 1.1.1 Assess skills

##### 1.1.2 Identify leaders

##### 1.1.3 Assignments

##### 1.1.4 Assistance

### whanau leadership

Strong Whanau Leadership is critical for successful papakainga development. The development process is long and can be very complicated. This demands a wide range of leadership skills - whether provided by one or many.

#### 1.1.1 Assess skills

Assess your current leadership skills using the 'leadership skills inventory' template to identify leadership strengths and weaknesses.

#### 1.1.2 Identify Leaders

Based on identified skills, identify who can provide leadership in each area. Based on the outcomes of your inventory also nominate who will act as your Kaiwhakahaere Kaupapa - your overall Project Leader.

#### 1.1.3 Assignments

Based on your list of identified leaders you can assign leadership responsibilities across your whanau / trust members.

#### 1.1.4 Assistance

Where you / your team has rated poorly in terms of skills in certain areas you may require assistance from a relevant mentor or advisor. Use the next page (1.5) to identify mentors. Once identified you may want to identify them as a 'Kaitautoko' in the 'kawenga' box.

### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### leadership skills inventory

Identify who can provide leadership and rate their degree of experience by circling the appropriate number on the five point scale as follows:

- 1. Tohunga** - is a recognised expert in this area - no help required
- 2 Professional** - does this in a professional capacity - no help required
- 3. Competent Amateur** - has enough experience to do with little support
- 4. Novic** - has some experience but will need help and guidance
- 5. No experience** - Knows nothing about this - will be dependant on help

trust governance	1	2	3	4	5	Name:
project management	1	2	3	4	5	Name:
whakapapa	1	2	3	4	5	Name:
tikanga	1	2	3	4	5	Name:
kaitiakitanga	1	2	3	4	5	Name:
property development	1	2	3	4	5	Name:
communications	1	2	3	4	5	Name:
financial management	1	2	3	4	5	Name:
maori land court processes	1	2	3	4	5	Name:
resource consent	1	2	3	4	5	Name:
design	1	2	3	4	5	Name:
contract management	1	2	3	4	5	Name:
building & building consent	1	2	3	4	5	Name:

Kaiwhakahaere Kaupapa: Name:

### rauemi useful resources

#### Tipu Ake Leadership Model

[www.tipuake.org.nz](http://www.tipuake.org.nz)

#### Hui Taumata Leadership in Governance Scoping Paper

[www.huitaumata.maori.nz/pdf/leadershipingovernance.pdf](http://www.huitaumata.maori.nz/pdf/leadershipingovernance.pdf)

#### Marae Governance & Management Toolkit

Takitimu Office of Te Puni Kokiri. ph 06 878 0757

## 1 leadership

### 5 consultants

#### 1.5

#### project mentor/s

##### 1.5.1 Identify Needs

##### 1.5.2 Identify Mentors

##### 1.5.3 Engage

### project mentors

Papakainga development is complicated and requires knowledge and experience covering a wide variety of domains.

You may find it useful to enlist and engage the support of 'Kaitautoko' key mentors who can provide you / your leaders with advice and support throughout the project.

#### 1.5.1 Identify Needs

Based on your completed 'leadership skills inventory' (1.1) identify where you need assistance from outside the whanau and in what areas.

#### 1.5.2 Identify Mentors

Where you have identified a mentoring need nominate or identify who could provide mentoring in that area. It is very useful to think of who has 'been there, done that' - such people will be able to talk from experience and offer advice in respect to the 'dos and don'ts' of papakainga development.

#### 1.5.3 Engage

Once you have identified your desired Kaitautoko you need to engage them into the project and gain their agreement to provide advice or support. Once confirmed - identify mentors in the 'kawenga responsibilities' field in the bottom left corner of relevant pages in this process guide.

### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### mentoring needs table

Use the table below to list those areas of need you require mentoring or advice in, as well as where or from whom such advice could be obtained.

area of need:	mentor: (name / org)	contact details:

### rauemi useful resources

**Maori Land Court** - may be able to suggest who has 'been there done that' for local office contact see [www.justice.govt.nz/maorilandcourt/contactus.htm](http://www.justice.govt.nz/maorilandcourt/contactus.htm)  
**Te Puni Kokiri** - may be able to provide support or access to support services contact your regional office - see [www.tpk.govt.nz/community/regional/default.asp](http://www.tpk.govt.nz/community/regional/default.asp)  
**Housing NZ Corp** - may know who has done papakainga projects in your area  
 Phone: 0800 801601 ask for your regional office or papakainga loans manager

2.1

analysis &amp; consulting

2.2

title info &amp; engagement

2.3

property information

2.5

project manager

## whanau

## step 2: information

The ultimate success of your papakainga project will be dependant upon informed decision making and sound judgement.

There is no such thing as informed decision making without information.

It is important to gather and equip yourself with as much information as you can as early as possible to fuel your thinking and inform your decision making every step of the way.

This step of the development process is vital to keeping all parties as informed as possible about your development project.

Resistance to a proposal, or skepticism, is often due to fear of the unknown.

This step requires engagement of Maori Land Court and Council staff. They will be able to offer professional and technical advice throughout the life of the project so you should seek the assignment of a formal representative from each and engage them into your whanau.

You also need someone who can collate and present information in a manner that your whanau can understand. A good project manager should be able to do this.

## haere ki ō-te-rangi-pā-karu ki te kai puna mānuka

*“Go to O-te-rangi-pa-karu (your ears that don’t hear) and eat manuka seeds (seeds of trouble)”.*

If you don’t listen to good advice you will have troubles.

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## 2 information

### 1 whanau

#### 2.1 analysis & consulting

##### 2.1.1 Whakapapa

##### 2.1.2 Whenua

##### 2.1.3 Whanau

##### 2.1.4 Stakeholder I.D.

##### 2.1.5 Communications

### analysis & consulting

The more you know about your whanau and whenua - the more likely you are to succeed. Section 1 of TPK's Marae Governance & Management Toolkit provides some useful templates for undertaking all of the activities listed below (*Attached Appendix One*)

#### 2.1.1 Whakapapa

Whakapapa is essential in determining ownership in land and in binding owners together. If Maori Land Court records are not up to date you may need it.

#### 2.1.2 Whenua

It helps to know your whenua and understand its history. This is vital in helping to plan for the future in a sustainable and meaningful way and helps the design process. Research and describe things like historical occupation, sacred sites etc.

#### 2.1.3 Whanau

Involve and enlist the support of whanau early. They are needed as both contributors and decision makers throughout the process.

#### 2.1.4 Stakeholder Identification

You and your whanau may not be the only parties who have an interest in your land or proposal. Identify interested parties and ensure they are engaged early.

#### 2.1.5 Communications Planning

You need to manage communications with your whanau and other interested parties. Develop a communications plan.

### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### communications planning template

stakeholder: (who)	communications need: (What they want to know and, or, what we want them to know)	communication plan: (how we will ensure need is met and how often we will do it)	owner: (who will do it)
developed by:		approved by:	date:

### rauemi useful resources

**Maori Land Court** - they may hold whakapapa and historical info in their records for local office contact see [www.justice.govt.nz/maorilandcourt/contactus.htm](http://www.justice.govt.nz/maorilandcourt/contactus.htm)  
**Tuhono** - may be able to provide links to appropriate sources of whakapapa see [www.tuhono.net](http://www.tuhono.net)  
**Family Search** A useful global genealogy research site. see [www.familysearch.org](http://www.familysearch.org)



## 2 information

### 2 maori land court

#### 2.2

#### title info & engagement

##### 2.2.1 EstablishTitle

##### 2.2.2 Shareholding

##### 2.2.3 Administration

##### 2.2.4 Trustees

##### 2.2.5 MLC support

## title info & engagement

It is important at an early stage that you know exactly what and who you are dealing with. You need to work with the Maori Land Court to do this.

### 2.2.1 Establish Title

The Maori Land Court can provide you with a copy of the Schedule of Owners and plan of the block. You may also need to address the questions such as; Is it up to date?, Do we have owners contact details?

### 2.2.2 Shareholding

Make sure you understand the size, and hence land area, of each persons shareholding - this may determine practicality of building.

### 2.2.3 Administration

Does the block have a Trust? If so who are the Trustees and is the block being effectively administered?

### 2.2.4 Trustees

If the block has Trustees you need to discuss your ideas with them. You will ultimately need consent of beneficial owners and Trustees to proceed.

### 2.2.5 Maori Land Court Support

Your District office of the Maori Land Court has staff available to provide information and support with regards to filing any application required.

## checklist

**In consultation with the District Office of the Maori Land Court check you have the following information:**

Legal Name & Title of the Block ☐

Plan of the Block setting out boundaries ☐

Schedule of owners / shareholders ☐

Identified where successions have not been filed  
(where potential beneficial owners have not filed for succession, following the death of a beneficial owner from whom they descend) ☐

Schedule of contact details for Shareholders ☐

List of Trustees - if any ☐

Area calculation of shares  
(If you are building you may need to calculate the area of each shareholders holding to assess whether they are large enough for building - the Maori Land Court can assist you with this) ☐

Met with Trustees and/or Shareholders to discuss idea.  
(You must keep minutes of any such meetings for the Maori Land Court).  
Section 7 of TPKs Governance & Management Toolkit provides meeting Agenda and Minutes Templates - see Appendix 1. ☐

## kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

## rauemi useful resources

### Maori Land Court.

for local office contact see [www.justice.govt.nz/maorilandcourt/contactus.htm](http://www.justice.govt.nz/maorilandcourt/contactus.htm)

**Maori Land Online** you can search title / shareholders etc through the internet  
[www.maorilandonline.govt.nz/mlol/searchmlis.jsp](http://www.maorilandonline.govt.nz/mlol/searchmlis.jsp)

## 2.3 property information

### 2.3.1 Territorial Authority

### 2.3.2 Consultation

### 2.3.3 Property Info Maps

### 2.3.4 LIM reports



sample view of map from HDC website

## kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

## property information

Before going too far you should find out whether there are any significant hazards or factors that present any significant risk or impose constraints on building on your property.

### 2.3.1 Territorial Authority

You will need to engage with the Planning Office of your local Territorial Authority. Tell them about your development ideas for the property and ask what they can tell you about the property. They will be able to provide and/or direct you to appropriate information.

### 2.3.2 Consultation

In addition to your local Council, ask your whanau members, particularly those who live, or have lived, on the site, what hazards or issues they are aware of with the site e.g. flooding, slips, chemical hazards (e.g. former sheep dipping sites) etc.

### 2.3.3 Property Info Maps

A lot of information about your property is available online. You can obtain aerial views of your property and information on services, boundaries, roading, title, contours, zoning etc. This is free so get as much information as you can - it will help guide developing your proposal. Your Council may also have waahi tapu registered on your property.

### 2.3.4 LIM Report

A 'Land Information Memorandum' report can be obtained through your Council at some expense (\$200-500). It provides a history of consents and will record hazards such as flooding.

## property information checklist

The checklist below is information you should try to obtain through your Council and whanau on your property. It will help you to identify risks and constraints.

- Legal boundaries & title
- Zoning of property (including any pending zone changes)
- Aerial photograph and/or contour map
- Roading and Access - including any easements kerblines etc
- Covenants (are there any and do they place restrictions on your property?)
- Natural Watercourses, flood zones / historical flooding
- Soil type and any former landfill, or filled land e.g. silo pits
- Faultlines or known geotechnical constraints
- Existing services: water / sewer / stormwater
- Existing & historical structures / buildings (site plan)
- Wahi Tapu - sacred sites
- Archaeological Sites (Protected by Historic Places Act)
- Historic Building Sites or protected trees
- Special Planning Restrictions e.g. special character zone, significant or outstanding land, unconfined aquifer etc.
- Any chemical / waste sites e.g. old \*dipping sites.
- \* Old sheep dipping sites may present a significant hazard / barrier to development. Chemicals such as DDT, Dieldren, Arsenic and Copper have a very long life in the soil. Dealing with a contaminated site is very expensive. See the publications section of [www.mfe.govt.nz](http://www.mfe.govt.nz) for further information.*

**raquemi** *useful resources*

**Hastings District Council** - property information maps can be viewed online - you can zoom in and out and select what type of information you want the map to show. These maps can be saved and printed *see [www.hdc.govt.nz/ivy/ivyq.html](http://www.hdc.govt.nz/ivy/ivyq.html)*  
**For other Territorial Authorities consult your local Planning Office**  
**Google Earth [www.earth.google.com](http://www.earth.google.com)** can be useful in terms of obtaining aerial photographs and boundary information if you can't obtain it through your Council.

## 2 information

### 5 consultants

#### 2.5

#### project manager

##### 2.5.1 Selection

##### 2.5.2 Project Team

### project manager

You may want to start thinking about engaging or appointing a project manager at this stage of the project, before proposal development. The reason is that a good project manager will be able to guide you through and document proposal development. This may be the same person as you selected as your Kaiwhakahaere Kaupapa in section 1.1 of this guide, or it may be someone external.

#### 2.5.1 Selection

There are Project Managers by title only and then Project Managers who hold formal credentials, such as PMP, Prince 2 or a Tertiary qualification. A good project manager will add value to your project and increase your chances of success. If you use an Architect or Design professional they can provide Project Management services for the contracting and building processes later, but will probably not provide the input you need now.

#### 2.5.2 Project Team

You also need to think about your whole project team. Your team may include both internal and external team members.

You can use the 'kawenga responsibilities' box in the bottom left corner of each page of this guide to identify a Kairuruku, or coordinator for each package of work. Transfer their initials onto the swimlane diagram at the front of this guide.

### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### project manager selection checklist

You can use the following 1 to 5 point rating system to rate any particular candidate (internal or external) to identify their suitability to the role.

1. **Tohunga** - is a recognised expert in this area - no help required
2. **Professional** - does this in a professional capacity no help required
3. **Competent Amateur** - has enough experience to do with little support
4. **Novice** - has some experience but will need help and guidance
5. **No experience** - Know nothing about this - will be dependant on help

#### knowledge / skills:

project processes: initiation, planning, execution, closing	1	2	3	4	5
scope: defining what needs to be done and sticking to it	1	2	3	4	5
cost estimating & management (particularly for building)	1	2	3	4	5
time estimating & management - including scheduling	1	2	3	4	5
quality planning, assurance and control	1	2	3	4	5
risk identification, analysis and response planning	1	2	3	4	5
communications planning and management	1	2	3	4	5
contract management - including tenders, service contracts	1	2	3	4	5
human resource / team management	1	2	3	4	5
project monitoring and control - including reporting to trust	1	2	3	4	5
relationship management - whanau & other stakeholders	1	2	3	4	5
tikanga - particularly around facilitating hui, wananga etc	1	2	3	4	5

#### experience

working with maori / trusts	1	2	3	4	5
building & land development projects	1	2	3	4	5

#### credentials

has had formal project management training / qualifications	1	2	3	4	5
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### rauemi useful resources

**The Project Management Institute in NZ** may provide some useful links to Project Management Professionals (PMPs). [www.pmi.org.nz](http://www.pmi.org.nz)

**The New Zealand Institute of Management** also offers / provides a Level 5 Diploma in Project Management and may be able to identify members in your area with the Diploma. [www.nzim.co.nz](http://www.nzim.co.nz)

3.1

develop  
strategy

3.2

title  
options

3.3

planning  
provisions

3.4

preliminary  
budget

3.5

design  
leader

## whanau

## step 3: proposal

This is probably the most important step in your papakainga development project. This will set the foundation and direction for development - now and in the future.

It is important that as many project stakeholders as possible are included in this step.

You will be developing your vision for the future of your whenua and whanau, clarifying your kaupapa, and identifying whanau needs and aspirations.

It would be useful to involve whanau members with creative talent to help visualise ideas - whether that be through words or sketches.

You will translate this into a strategy for development and project plan.

All of the information you gathered in Step 1 and 2 will be invaluable in informing your decision making.

If you don't have a good project manager in your whanau this might be a good time to engage one to help facilitate and document your planning.

It is also time to start estimating costs.

A \$10m vision with a \$100k budget might prove difficult to achieve.

**he ora te whakapiri,**

**he mate te whakatāhiri**

*"Survival in sticking together, disaster in separation"*

Identify, engage and involve your whanau - you will be far more likely to succeed if you do.

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### 3 proposal

#### 1 whanau

#### 3.1 develop strategy

##### 3.1.1 Moemoea

##### 3.1.2 Kaupapa

##### 3.1.3 Situation Analysis

##### 3.1.4 Rautaki

##### 3.1.5 Concept Design

##### 3.1.6 Project Plan

■ Templates on next pages

## development strategy

A strategy sets out how you will go about achieving your development objectives. This requires identifying the needs, vision and aspirations of your whanau.

### 3.1.1 Moemoea *vision*

Describe your vision for the future. In order to get somewhere it helps to visualise your destination and keep it in focus all the way. It is important the vision is shared by your whanau.

### 3.1.2 Kaupapa *aspiration / intent*

Identify your key aspirations and drivers. It is important to understand why you are doing what you are doing.

### 3.1.3 Situation Analysis

It is important that you actually understand what housing needs your proposal is trying to fulfil now and in the future.

### 3.1.4 Rautaki *strategy*

You need to develop a strategy that outlines how you will go about achieving your moemoea, in accord with your kaupapa and situation.

### 3.1.5 Concept Design

Use a design professional to work with your whanau to translate your vision, kaupapa and analysis into a design concept.

### 3.1.6 Project Plan

All of the above information and information from other sections of this guide needs to be integrated into a single project plan - that you continue to evolve and refer to.

## moemoea

Dreams are much easier to achieve if you can describe them and share them.

To do this you need to work with your whanau to agree on a vision for the future, the best forum for this is a noho marae where you can take the time to be together and to collectively develop a singular vision that everyone shares. Describe and visualise it in the present tense like it has already been achieved.

Think, write, draw, paint about the following in designing your future:

- Who would be there?
- How would they be living?
- How would it be different from living somewhere else?
- Is it about developing houses, or developing a community?
- How would you describe the character or feel of the place?
- What would it do for whanau relationships?
- What other features might the development include e.g. walkway, shared shed, etc

### our vision: (describe it)

*Example: Our whanau are living on our whenua - young and old, rich and poor, employed and unemployed - in a supportive community that shares responsibility for the wellbeing of every individual, as well as the collective. Our whenua is in good health and is providing healthy produce for our whanau. Our culture is strong and is woven into our*

## kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

## rauemi useful resources

### Marae Governance & Management Toolkit - Appendix One

Takitimu Office of Te Puni Kokiri. ph 06 878 0757

Housing New Zealand Corporation Development Guides. Appendix Four.

### 3 proposal

1 whanau

#### 3.1 development strategy

3.1.1 Moemoea

3.1.2 Kaupapa

3.1.3 Situation Analysis

3.1.4 Rautaki

3.1.5 Concept Design

3.1.6 Project Plan

■ Templates on next pages  
■ Template on previous page

### kaupapa

Our kaupapa is the 'why'! It is our driving aspiration that explains why achievement of our vision is important. Identify and agree on your drivers.

#### What needs or aspirations are driving this development?

Rate **how important** each of the following drivers are on a 1 to 5 scale:  
**1=Extremely 2=Very 3=Moderately 4=Slightly 5=Not at all**

<input type="checkbox"/> Economic	<input type="checkbox"/> Whanau
<input type="checkbox"/> Cultural	<input type="checkbox"/> Environmental
<input type="checkbox"/> Personal	<input type="checkbox"/> Health
<input type="checkbox"/> Other: _____	

Describe below the key drivers for this development and why they are important:

### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### situation analysis: checklist

This checklist outlines a range of things you should analyse and consider in terms of your development proposal. It may be useful to identify and make notes about some of these things on a large map of the property and surrounding area.

Whanau demographics (age, income levels, gender, marital status etc)	<input type="checkbox"/>
Community Facilities (shops, post, banking, waste collection, halls etc)	<input type="checkbox"/>
Transport (bus routes, vehicle access etc)	<input type="checkbox"/>
Employment Opportunities / Barriers	<input type="checkbox"/>
Education (kohanga / kindy, kura / schools etc)	<input type="checkbox"/>
Cultural (proximity to Marae, wahi tapu etc)	<input type="checkbox"/>
Recreational (access to sporting grounds, walkways etc)	<input type="checkbox"/>
Health (access to health services and support)	<input type="checkbox"/>

### situation analysis: quantifying need

It is important to 'future-proof' your development proposal i.e. not to let today's action negate future development. You should not only assess your needs today, but try and anticipate future needs - even if they cannot be met now. Just how many homes of what size do you need, now and in the future? Do people want to own or rent the houses? Are there 'social housing' needs? e.g. kaumatua flats, sickness beneficiaries etc. Work with your whanau to answer these questions.

#### Quantify Housing Need & Urgency

1-5yrs 5-20yrs 20+yrs

		1-5yrs	5-20yrs	20+yrs
Number of 1 bedroom homes	ownership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	rental	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	social housing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Number of 2 bedroom homes	ownership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	rental	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	social housing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Number of 3 or more bedroom homes	ownership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	rental	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	social housing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 3 proposal

#### 1 whanau

### 3.1

#### development strategy

3.1.1 Moemoea

3.1.2 Kaupapa

3.1.3 Situation Analysis

3.1.4 Rautaki

3.1.5 Concept Design

3.1.6 Project Plan

- Template on next page
- Templates on previous pages

#### rautaki strategy

Strategy is a means to an end i.e. it describes how you intend to fulfil your moemoea, in accord with your kaupapa and the needs aspirations of your whanau.

#### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

#### whainga strategic goals:

Describe your key strategic goals here - make them as **SMART** as possible. (**S**pecific **M**easurable **A**chievable **R**elevant **T**ime-bound)  
Describe the **GOAL** i.e. what you aim to achieve, then describe the **STRATEGY** i.e. how you will go about achieving it and **BY** when

**GOAL:** (what we aim to achieve)

**STRATEGY:** (describe basic steps you will take to achieve this)

**BY:** (when)



### 3 proposal

#### 1 whanau

#### 3.1

#### development strategy

3.1.1 Moemoea

3.1.2 Kaupapa

3.1.3 Situation Analysis

3.1.4 Rautaki

3.1.5 Concept Design

3.1.6 Project Plan

Template on next page

Templates on previous pages

### concept design

Now that you have a clear vision and kaupapa for your development, understand the needs and aspirations you are trying to fulfil and have a strategy for how you wish to fulfil them you need to use a design professional to facilitate the development and visualisation of a design concept.

You need to formulate a design brief by collating the information you have completed thus far and making it available to the designer so they can work with your whanau to translate this into a concept design.

It is important you select a designer you are comfortable working with and who is able to work with your whanau. You will be best served by a designer who has a facilitative and collaborative, rather than directive and isolated approach.

This is an opportunity to think creatively about what 'could be' without getting too hung up on detail at this stage.

The design concept should not just address functional issues, it should also engage with spiritual, emotional, social, intellectual and ecological thinking and principles.

The quality of thinking and rigour of debate at this stage will determine the quality of the final outcome.





### 3 proposal

#### 1 whanau

#### 3.1 development strategy

3.1.1 Moemoea

3.1.2 Kaupapa

3.1.3 Situation Analysis

3.1.4 Rautaki

3.1.5 Sketch Design

3.1.6 Project Plan

■ Templates on previous pages

### why have a project plan?

Whilst this development guide sets out a suggested development process and provides a lot of templates and checklists, it is not a project plan.

A project plan is a single document that integrates all aspects of the project in a format and manner that all of your project team members can follow.

A project plan is something that you can start to develop now, but will need to continue to develop as you move through the project and the project evolves.

It should be bought into, approved (by your Trust), realistic and formal.

Once approved it provides an authorised 'blueprint for action' and also becomes the thing against which you can monitor how well you are going.

Once the plan is being implemented in Phase Two and Three you will need to manage any changes to it. It might be a good idea to update it at the end of each step of the development project to bring it up to date and gain approval for any changes to it.

You will be generating a lot of information and records as you go through this development project - you may also want to structure some of this as appendices to your project plan. In any case you will need to make sure you have a file management system to manage how information is coded, stored, retrieved and finally archived.

The 'project plan content guide' list suggests a structure for your plan.

### project plan content guide

Moemoea / Kaupapa / Rautaki (from previous pages) ☐

Property Description & maps from Step 2 ☐

Situational Analysis (what needs / aspirations the project seeks to address) ☐

Scope description - describing what project entails (quantify if possible) ☐

Summary Milestones (Target completion dates for Steps 1 to 9) ☐

Cost & Budget information - finance plan (how you plan to finance project) ☐

Risk Identification, Analysis & Response Plan ☐

Quality Plan (how you will manage to ensure quality expectations are met) ☐

Human Resource / Whanau Plan (Use outcomes of Step 1 & identify Team) ☐

Responsibility Assignment Table (map out who is responsible for what) ☐

Organisational Chart (lines of reporting / authority) ☐

Procurement / Contract Plan (set out how you will obtain / engage the human, physical and financial resources you need) ☐

Stakeholder List (setting out who they are and contact details) ☐

Communications Plan (use template / outcomes of section 2.1) ☐

Monitoring and Reporting (describe how you will monitor & report progress) ☐

Change Management (how you will control and approve project changes) ☐

Appendices: e.g:

*Maps / Photos etc.*

*Sketch Plans*

*Whakapapa / Shareholders List*

*etc etc*

### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### rauemi useful resources

The **Project Management Institute in NZ** may provide some useful links to Project Management Information (PMPs). **[www.pmi.org.nz](http://www.pmi.org.nz)**

The '**Consumerbuild**' website also contains useful information on project management for building projects. **[www.consumerbuild.org.nz](http://www.consumerbuild.org.nz)**

## 3 proposal

## 2 maori land court

## 3.2

## title options

## 3.2.1 Title Options

## 3.2.2 Pros &amp; Cons

## 3.2.3 Identify 'Best-Fit'

■ Outlined on following page

## title options

Based on the outcomes of 3.1 you should know your vision for the development. You should now identify what form of title will provide the 'best-fit' to achieve that vision.

## 3.2.1 Title Options:

There is five main options to explore:

**Partition** (Maori Land)

Owners may partition their shares from a block to obtain a separate title. They leave the remaining land to the remaining owners.

**Occupation Order** (Maori Land)

An occupation order grants a right to occupy a new or existing house site on Maori freehold land without changing title / ownership.

**License to Occupy** (Maori Land)

A license is permission to enter upon land and use it for a stated purpose. It is personal to the licence holder.

**Lease** (Maori Land)

A lease creates an 'estate' that can be rented, bought and sold by the lessee, without changing ownership in the block.

**General Title** (General Land)

This is a form of land title for land not under Te Ture Whenua Maori Act. It is based on individual title which can be advantageous for finance.

## 3.2.2 Pros &amp; Cons

The next page sets out pros, cons and pitfalls for each option to inform your decision making.

## 3.2.3 Best - fit

Based on exploring step 3.2.1 & 3.2.2 above you should be able to identify the 'best-fit' option for you.

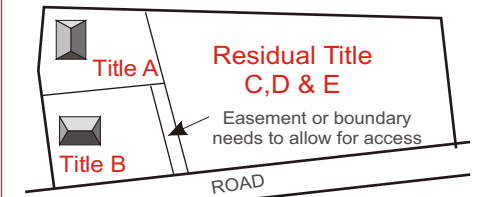
## Current Maori Land Block

5 Owners: A,B,C,D & E



## Partition Order

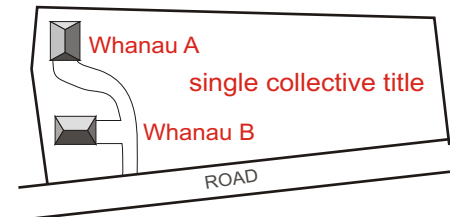
Owners A & B file for Partition



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

## Occupation Order

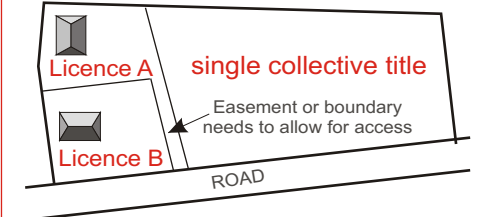
Owners A & B file an Occupation Order



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.

## License to Occupy

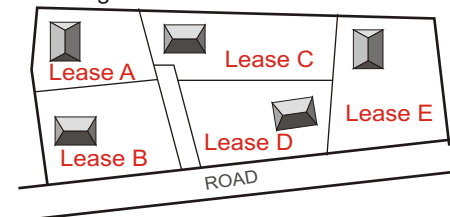
Owners A & B file for License to Occupy



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

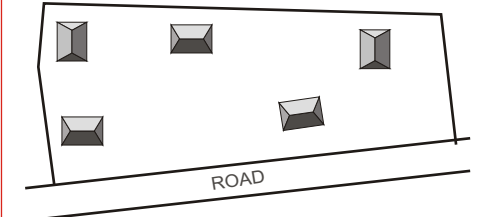
The Trust sub-divides the property for lease retaining the current collective Title.



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 lessee 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 in the land more easily than Maori Land, however Resource Consent requirements will be more stringent.

## kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

## rauemi useful resources

The Maori Land Court website contains a number of useful guide booklets that you can download [www.justice.govt.nz/maorilandcourt](http://www.justice.govt.nz/maorilandcourt) - or refer Appendix 2.

## 3 proposal

## 2 maori land court

## 3.2

## title options

## 3.2.1 Title Options

## 3.2.2 Pros &amp; Cons

## 3.2.3 Identify 'Best-Fit'

■ Outlined on previous page

## kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

	Advantages	Disadvantages	Pitfalls / Barriers
Partition	A title issued in your own name - i.e. there are no longer multiple owners. It is possible to raise finance against solely owned land and use the title as security for a loan. The status of the land as Maori land is preserved.	If you take all of your shares out of the residue you sever your links with the collectively owned land. Because you can use the land as security for finance - it is easier to lose the land from a mortgagee sale if you default on payments.	The threshold to qualify for partition in the Act is very high, so difficult to attain. (see section 4.2.2 for criteria) The costs of consultation, advertising and surveying can be high. Convincing the court that partition is <b>necessary</b> to facilitate effective use of the land, and is in the best interests of <b>all</b> owners, is not easy.
Occupation Order	The land beneath the house remains with all owners as Maori Land. If the house is relocatable you may be able to use it as security to raise finance. Easier than Partition to get court approval. Lower cost than partition - no new title. A full survey may not be required (however a suitable plan will be).	You don't own the title outright - you share land with others including their issues. Is difficult to raise finance with only house as security - particularly if not relocatable. The term of occupation is usually limited, sometimes for a limited number of years or for the life of the owner of the order (or in some cases for another generation).	The cost of consulting owners and advertising is considerable. Giving adequate notice to others and demonstrating to the court that they have had 'sufficient opportunity to discuss and consider' the proposal can be difficult. Getting enough 'support' from owners is additional to 'adequate notice'.
License to Occupy	The licensee has the exclusive right to occupy the license area and must comply with covenants. Maori land status & ownership is kept. Licenses can be very long and/or indefinite if the owners of the land agree. Licenses can allow for various provisions agreed by the owners and licensee	A license doesn't create an 'estate in land' and is usually personal to whom it is granted. Licensees may have to pay a contribution for maintenance of any common areas and share those areas with other licensees. Licensees do not actually own the land - they own a 'stratum title'.	If the Trust is empowered to grant licenses and to subdivide and if both parties comply with license terms there are few barriers. However, if problems do arise the Trustees need to act professionally and take appropriate action promptly in addressing them.
Lease	A leasehold title issued in the lessees own name gives exclusive right to occupy the area in accord with terms without changing ownership of it. Lease title can be long term, renewable, can be bought & sold and left by will. It is possible to raise finance against a leasehold title as long as terms are robust. Can be responsive to the market in terms of rent reviews, terms etc. A lease clause may be able to be negotiated to recognise ownership of a house built or brought onto the land.	There are very few disadvantages and they are not significant: Lessees have to pay rent and rates and comply with lease terms. They are subject to inspection by the landlord (the trustees). You don't actually own the land - you own a 'leasehold title'. When the lease expires the owner no longer has any right of ownership in any building unless there is a right to remove it or for compensation in the lease.	If the Trust is empowered to lease and to subdivide and if both parties comply with the lease terms there are few barriers. However, like a license, if problems do arise - such as unpaid rents, breach of terms etc, then the Trustees need to act professionally and take appropriate action promptly in addressing them. Failure to do so can cause compounding problems and could result in claims against the Trustees for non-performance or negligence.
General Title	A General title can be made out to an individual, a trust or company and makes the land available as security for finance.	If used as security the land is put at risk through potential for mortgagee sale. Is not likely to have any special concessions or provisions under District Plan meaning Resource Consent may be difficult to attain for multiple dwellings.	Potential for land to be readily sold outside of hapu / whanau interests and lost forever. More difficult to get 'government' support to develop. Resource Consent restraints

## 3 proposal

## 3 council

3.3  
planning  
provisions

## 3.3.1 Territorial Authority

## 3.3.2 District Plan

## 3.3.3 Consents

## 3.3.4 Controlled Activity

## 3.3.5 Consultation

■ Outlined on following page

## planning provisions

Before going too far with any proposal it pays to have a good understanding of any planning and consent requirements.

## 3.3.1 Territorial Authority

You will need to engage with your Local Territorial Authority to find out more. Contact their Environmental Planning Office - explain what you are proposing to do and ask to be assigned a 'planner' to assist you.

## 3.3.2 District Plan

The District Plan contains Policy that may help or hinder your project. Obtain a copy of any such policy and familiarise yourself with it.

## 3.3.3 Consents

Before building you will require a Building Consent and before that you may need a Resource Consent. Each is explained briefly here.

## 3.3.4 Controlled Activity

Under the Hastings District Plan papakainga is a controlled activity. A Resource Consent is required for these activities. The consent will be granted, but the Environmental Planning Team has the discretion to impose conditions to control the effects of the activity.

## 3.3.5 Consultation

You are encouraged to speak to an Environmental Planner at the Council before applying for Resource Consent. The processing of any resource consent is generally simpler, faster and less costly if you have already sought and followed Council advice.

## kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

## consent requirements

## do you need a resource consent?

Whether you'll need a resource consent, and what type of consent you'll need, depends on the type of activity you want to do and what rules apply to your proposal in the Hastings District Plan.

Before you start any activity that might affect your neighbours, your wider community, or your environment, contact the Council. An Environmental Planner can tell you whether you need to apply for a resource consent or whether what you are proposing is a '**permitted activity**' (can be done without Resource Consent due to meeting District Plan requirements). Activities that need a resource consent are classified as controlled, restricted discretionary, discretionary or non-complying.

The Council has to grant a resource consent for a **controlled activity** (such as papakainga) but can refuse to grant a resource consent for a restricted discretionary, discretionary or non-complying activity.

Hastings District Council deals with two types of resource consent:

**A subdivision consent** is required to legally divide land or buildings for separate ownership, such as new lots or sections (fee simple or a boundary adjustment), unit title, cross lease, or company lease.

**A land use consent** is required if your building project or land use activity does not comply with the planning standards in the Hastings District Plan. There are two options - you can either amend your proposal to comply with the planning standards, or choose to apply for a land use consent.

## do you need a building consent?

YES! Whether you are building new, demolishing, altering or relocating a house you will need a building consent. Building work is governed by the Building Act 2004. A building consent is Council's written consent to carry out building work that it considers will comply with the requirements set out in the building code based on an approved set of plans and specifications.

## what is a code compliance certificate (ccc)?

A CCC is a formal statement that building work has been carried out in compliance with the approved building consent and the NZ Building Code. You will need to attain this when you have finished building.

## rauemi useful resources

**Hastings District Council** - fact sheets and guidelines are available on the Council website see [www.hastingsdc.govt.nz/planning/index.htm](http://www.hastingsdc.govt.nz/planning/index.htm)

**For other Territorial Authorities consult your local Planning Office**



### 3 proposal

#### 3 council

### 3.3 planning provisions

#### 3.3.1 Territorial Authority

#### 3.3.2 District Plan

#### 3.3.3 Consents

#### 3.3.4 Controls

#### 3.3.5 Consultation

■ Outlined on previous page

### consultation

You should meet with an Environmental Planner at the Council to discuss your proposal and likely consent issues to identify what consent pathway you are likely to follow.

A pre-application discussion will help:

- confirm whether a Resource Consent will be needed;
- determine the fee to be deposited with the application;
- explain the resource consent process and what it involves;
- identify the relevant issues and information needed to submit any application for consent;
- identify any property and people that may be affected by the proposal and any consultation that may be required;
- identify technical experts who may be required to input into the project; and
- identify any initial concerns with the proposal that you will have to address in your application.

They may also be able to advise you on carrying out an 'Assessment of Environmental Effects' (AEE), which will be required for the application later.

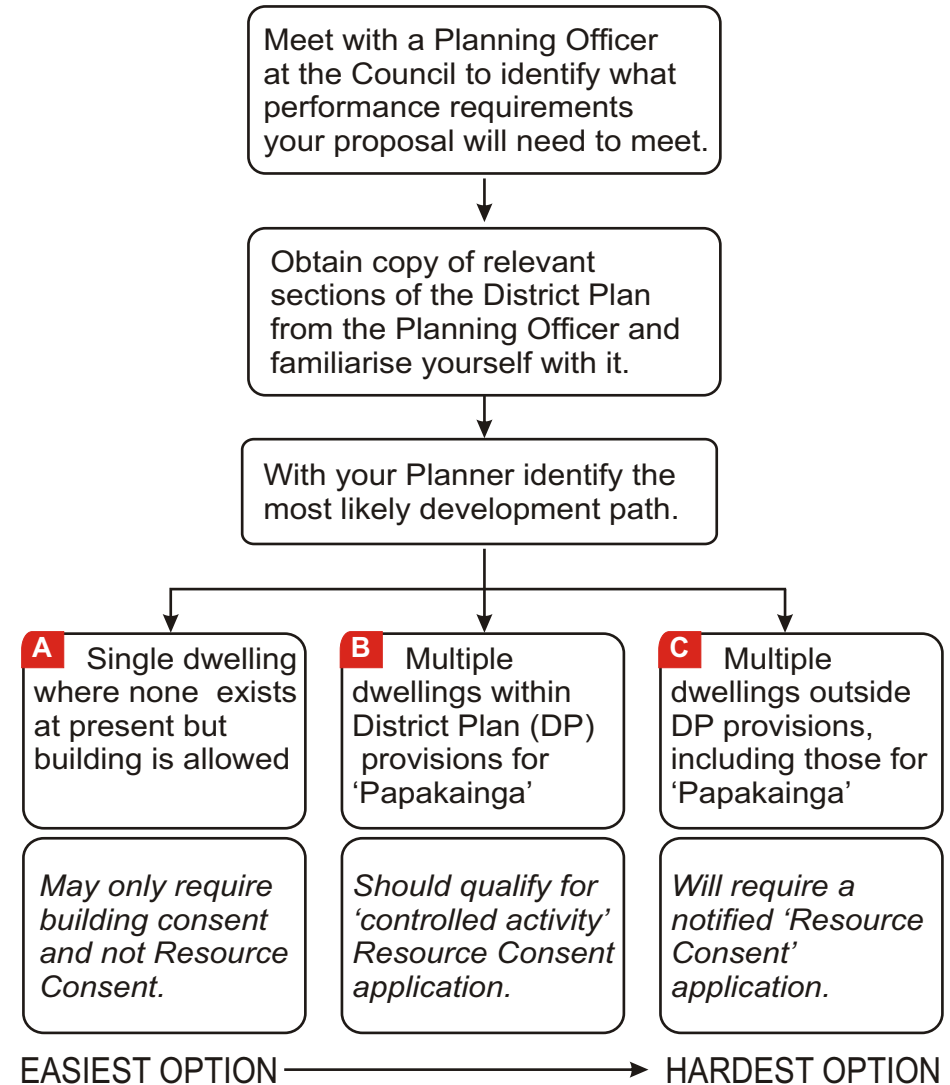
### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### consent pathways

The flowchart below is a guide only, intended to help you to work out what development path you are likely to take. You need to discuss this with a Planning Officer at your Local City or District Council.



### 3 proposal

#### 4 budgeting

#### 3.4

### preliminary budget

#### 3.4.1 Cost Estimating

#### 3.4.2 Finance

#### 3.4.3 Budget

### preliminary budget

It is important that you get a handle on how much your project is likely to cost as early as possible. At this stage you should have some idea about the number and size of houses you want to build so you should be able to work out an initial cost estimate as a basis for considering what funds you have available and how any balance will be financed.

#### 3.4.1 Cost Estimating

At this stage you can only work out a 'best guess' cost based on looking at all areas of cost and in some cases applying applicable rates. Use the table on this page to develop an estimate.

#### 3.4.2 Finance

At this stage you need to think about where funding or finance is going to come from to meet your cost estimate. Options may include own funds, mortgage finance, using equity in other properties etc. It is a good idea to start talking to your bank manager or a good mortgage broker at this stage - they can probably explore options with you.

#### 3.4.3 Budget

Your project budget should make provision for cost variation and unexpected costs. At this stage you may want to allow 15 % contingency for cost variation on expected costs and a further 5% for unexpected costs. That means working out your best estimate and adding another 20%.

### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### budget template

Legal costs - Maori Land Court / conveyancing	\$
House costs (work on \$1500 per square metre)	\$
Design Costs (Architect about 10% of house costs above - Architectural Designer 5% or consult design & build contractor)	\$
Structural Engineer (as required for house design \$200-\$1500)	\$
Geotechnical Engineer (if site is steep, has fill or unstable)	\$
Civil Engineer (if there are large site works or roads required)	\$
Project Manager (if the project requires managing & you do not use an architect or someone from within the whanau or trust)	\$
Valuer (You will need an 'off plan' valuation & reviews during build)	\$
Insurance (You may need builders works insurance during building)	\$
Consents (You will need Building & may need Resource Consent)	\$
Contributions (You will be required to pay min \$4k per house for roading, reserves, infrastructure etc if you are in a rural area)	\$
Site Services (You may need portaloo, container, skip bin etc)	\$
Site prep (This may or may not be included in house building cost)	\$
Services Connection (You will need temporary then permanent connections of power, water, phone to the site and then house/s)	\$
Drainage (Depending on the site you may need drainage systems)	\$
Sewage Systems (If you cannot connect to sewer mains you will probably need an effluent treatment & disposal system \$10k+)	\$
Water bore (If you can't connect to mains you may need a bore)	\$
Landscaping (Topsoil after site finished, planting, mulching etc)	\$
Roading (if required), driveways, fences, paving etc.	\$
Fit-out (Drapes, floor coverings, furniture, appliances)	\$
<b>SUB-TOTAL</b>	\$
<b>PLUS 20% CONTINGENCY</b>	\$
<b>BUDGET</b>	\$

### rauemi useful resources

[www.nailed.co.nz](http://www.nailed.co.nz) - a sponsored site by building industry companies  
[www.consumerbuild.org.nz](http://www.consumerbuild.org.nz) - by Dept of Building & Housing & Consumers Institute  
[www.buildingguide.co.nz](http://www.buildingguide.co.nz) - a commissioned general building process guide  
[www.level.org.nz](http://www.level.org.nz) - authority on sustainable building  
[www.branz.co.nz](http://www.branz.co.nz) - the Building Research Association of New Zealand

## 3 proposal

## 5 consultants

## 3.5

## design leader

## 3.5.1 Selection

## 3.5.2 Service Offer

## 3.5.3 Engagement

**design leader**

You will need to engage the services of a design professional to facilitate and lead the development of the design concept described in section 3.1. If you have a designer within your whanau or friends they may offer to assist with this. If this is the case you still need to consider whether they have the appropriate skills and experience to ensure the best outcome possible. There are many aspects of developing papakainga that are functional and technical, however the design concept you develop now has significant potential to effect the quality of the final outcome.

**3.5.1 Selection**

You need to exercise care in selecting both the right kind of designer as well as one with the right experience and most importantly one you can comfortably work with.

**3.5.2 Service Offer**

Once you have identified a designer or designers you should discuss your project and needs with them and then request an Offer of Service from them setting out the scope of work to be undertaken, deliverables and cost, as well as any terms of trade.

**3.5.3 Engagement**

You need to formally engage the selected designer through either acceptance of their Offer of Service and Trade Terms, or through developing your own contract for them to sign.

**kawenga responsibilities**

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

**design professionals**

As you progress through your project you will need to engage a range of design professionals, from architects, to planners, to engineers.

At this stage of the project you need a lead designer. The lead designer will often coordinate the engagement of other design professionals.

Your project will need an Architect, or Architectural Designer.

**Architects** generally hold a Bachelor Degree in Architecture and professional registration with the New Zealand Institute of Architects.

**Architectural Designers** may hold qualifications in other design disciplines such as Architectural Design / Drafting or Spatial Design. They may be members of the Architectural Designers New Zealand Inc or the Designers Institute of New Zealand. Architects who elect not to register with NZIA will also trade as Architectural Designers as use of the term Architect is protected by law.

**Landscape Architects** usually hold a degree qualification in Landscape Architecture or a related discipline and are registered with the New Zealand Institute of Landscape Architects. It may be beneficial to involve a Landscape Architect in the Concept Design process in addition to an Architect or Architectural Designer.

**selection and engagement**

Word of mouth is probably one of the best methods of identifying a suitable designer. Ask around - designers reputations are usually known. When you meet with a prospective designer ask to see some of their work, particularly anything similar to what you are proposing. Ask for referees and check them out - talk to previous clients. Most of all it should be someone you feel comfortable with and can develop a good rapport.

A designer should meet with you at no cost to discuss your brief and needs in order to provide you an offer of service clearly setting out expected costs.

**rauemi useful resources**

New Zealand Institute of Architects [www.nzia.co.nz](http://www.nzia.co.nz)

Designers Institute of New Zealand [www.dinz.org.nz](http://www.dinz.org.nz)

Architectural Designers New Zealand Inc. [www.adnz.org.nz](http://www.adnz.org.nz)

New Zealand Institute of Landscape Architects [www.nzila.org.nz](http://www.nzila.org.nz)

Hau Kainga - Maori Housing Design Guide. Housing NZ Corporation.

4.1

whanau  
readiness

4.2

tile option  
selection

4.3

consent  
requirements

4.4

financial  
viability

## whenua

## step 4: feasibility

The focus of this phase shifts from whanau to whenua - however the whanau are still central to it all.

Having completed Phase One you now have a well considered proposal and project plan that sets out enough information to commence detailed site planning and developing any applications you need to file with the Maori Land Court and Council.

However, you would not want to proceed with all of that and sink significant funding into a proposal that you cannot afford or realise.

This step then is vital before proceeding any further. It aims to assess whether what you are proposing is feasible by asking:  
Are the whanau ready?  
Can you meet any Maori Land Court Requirements?  
Is what you are proposing likely to obtain any Resource Consent or meet any necessary requirements as a 'controlled activity'?  
Is it financially feasible?

Assessing this will either cause you to rethink and revisit what you are proposing or hopefully will help affirm your proposal and give you the confidence to proceed.

## e kore koe e tata mai i ngā tairo a tū-te-koropanga

*"You cannot penetrate the brambles  
of Tu-te-koropanga".*

Impenetrable obstacles can make  
your proposal impossible.

170



## 4 feasibility

## 1 whanau

## 4.1

## whanau readiness

## 4.1.1 Whanau Readiness

## 4.1.2 Mandate

## 4.1.3 People Capacity

## preparedness &amp; mandate

It is vital for the success of your development that your whanau is ready, agrees on your proposal and has the capacity and capability to proceed - before going any further.

## 4.1.1 Whanau Readiness

You really need to assess whether the whanau shareholders are ready to undertake this development initiative.

## 4.1.2 Mandate

Any proposal you have developed will ultimately require the support and approval of shareholders, and trustees to proceed.

You need to consider now how likely you are to gain the level of support or mandate necessary to continue with this development.

Section 6.1 of this guide sets out what you need to do to evidence mandate for the Maori Land Court.

## 4.1.3 People Capacity

You need to assess whether you have the people capacity to follow through with the development. Are your project leaders and project team on-board and committed? Do you have access to the right skills and experience to ensure you can achieve your vision?

The 'whanau preparedness checklist' here provides some useful prompts to assess readiness.

## whanau preparedness checklist

- All shareholders / owners have been identified and engaged ☐
- Trust / hapu / whanau has agreed on a shared vision for initiative ☐
- We are clear about our kaupapa / drivers for the project ☐
- Project has good leadership & support from external mentors / advisors ☐
- Whanau are committed to project ☐
- Significant disputes or objections have been discussed and dealt with ☐
- We have a good handle on what we expect the project might cost ☐
- We have identified what resources we can apply to project (human & \$) ☐
- We have identified how we might fund / finance the development ☐
- Our whanau understand their project roles and responsibilities ☐
- We have discussed and considered risk adequately ☐
- We have considered and discussed any adverse impacts on our land ☐
- We expect to get full support for any preferred title option ☐
- We have project management and administrative systems in place ☐
- We have discussed our proposal with the Maori Land Court & Council ☐
- We have discussed our proposal with other affected parties ☐
- We have discussed our proposal with some of the consultants and contractors we might use to gauge interest / feedback. ☐

## kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

## 4 feasibility

### 2 maori land court

#### 4.2

#### title option selection

##### 4.2.1 Option Selection

##### 4.2.2 Partition

##### 4.2.3 Occupation Order

##### 4.2.4 License to Occupy

##### 4.2.5 Lease

##### 4.2.6 General title

■ Outlined on following pages

### selecting options

This section provides a bit more detail about title options than section 3.2 in order for you to properly assess whether your preferred title option is going to be feasible to attain.

#### 4.2.1 Option Selection

Use the following pages to assess whether your selected option is feasible - then discuss your thinking with the Maori Land Court to confirm your analysis is correct.

#### 4.2.2 Partition (Maori Land)

Owners may partition all or part of their shares from a block to obtain a separate title. They leave any remaining shares in common title.

#### 4.2.3 Occupation Order (Maori Land)

An occupation order grants a right to occupy a house site on Maori freehold land. This may be a new building site or an existing house.

#### 4.2.4 License to Occupy (Maori Land)

A license is permission to enter upon land and use it for a stated purpose. It does not create an 'estate' that can be bought and sold and is personal to the licence holder.

#### 4.2.5 Lease (Maori Land)

This creates an estate that is rented by the leaseholder and can be bought, sold and used to secure finance. The title stays the same.

#### 4.2.6 General Title (General Land)

This is not detailed here - refer section 3.2 for more detail.

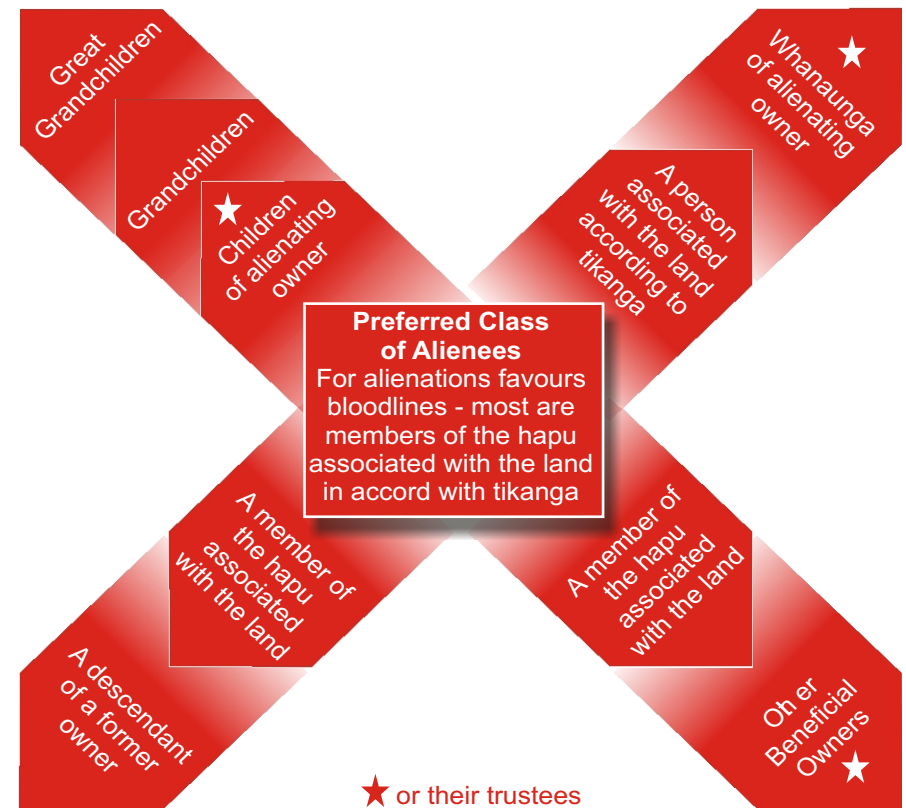
### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### preferred class of alienee

In terms of feasibility you need to also note that many of the opportunities provided in the Act are limited to or favour members of the "preferred classes of alienees" (PCA). These people are usually members of the hapu associated with the land in terms of tikanga. However, a person's direct descendants may also be included for some dealings whether or not they are members of the hapu. This diagram shows the classes:



### rauemi useful resources

The Maori Land Court website contains a number of useful guide booklets that you can download see [www.justice.govt.nz/maorilandcourt](http://www.justice.govt.nz/maorilandcourt) - or Appendix 2

## 4 feasibility

## 2 maori land court

## 4.2

## title option selection

## 4.2.1 Option Selection

## 4.2.2 Partition

## 4.2.3 Occupation Order

## 4.2.4 License to Occupy

## 4.2.5 Lease

## 4.2.6 General title

- Outlined on following pages
- Outlined on previous page

**criteria**

The Act requires the court to take into account:

- Owners opinion as a whole
- The effects of the proposal on the interests of all owners
- The best overall land use

The next requirements are more strongly worded. The Court must not make a Partition Order unless it is satisfied that:

**For non-incorporation land.**

- The land owners have had sufficient notice of the application and sufficient opportunity to discuss and consider it.
- There is a sufficient degree of support amongst the owners.

**For incorporation land**

The shareholders have:

- Been given express notice of the application
- Passed a “special resolution” supporting the application

(see *Māori Incorporations Constitution Regulations 1994*).

And also that:

- The order is **necessary** to facilitate the effective operation, development and utilisation of the land; or
- The order gives effect to a gift of a member of the donor’s whanau who is a member of the preferred class of alienees.

Anyone seeking partition must address these issues and show the Court how their case qualifies for a partition order. **It is important this work is done before the application is filed.**

**dwelling sites for maori**

There is a special provision in section 296 of the Act to provide dwelling sites for Māori on land held in multiple ownership. This allows the Court to partition Māori land to create a dwelling site for an owner. These Orders may be made in favour of a husband and wife (or civil union partner or de facto partner) jointly where at least one partner is member of the preferred classes of alienee, or as individual owner.

Where the Court has made an order under this section, the order can be cancelled after 5 years, if:

- the Court is satisfied that the land has not been used as a dwelling site, and
- the consent of any mortgagee is given to the cancellation.

However, the Court should not cancel the Order, if it is satisfied that:

- failure to use the land as a dwelling site was due to circumstances beyond the control of the person in whom the land was vested, or
- for some other reason that person should not be deprived of title to the land.

Partition can be costly. Any new title must be surveyed and that may include survey of the land from which the area is partitioned. The cost of consultation can also be significant, especially if meetings need to be advertised. However, if the applicant is granted a Partition Order, they will achieve a separate title.

**hapu partition**

Section 301 of the Act makes special provisions for land that is held by owners who are all members of the same hapu. These partitions can be exempt from the need to seek Resource Management consent for the subdivision. However, owners planning to do this for papakainga housing purposes must remember that they will need a building permit from the Local Body before they can build their house. If there are grounds for Resource Management consent to be refused, then it is very likely that a building permit application may also be at risk. Whenever building is contemplated, any person applying to the Court for a partition should seek a full partition rather than a hapū partition. If those consents are all obtained at the beginning, then unnecessary hurdles and barriers can be avoided later on. If the problem can't be resolved, the applicant needs to know as early as possible before too much time, effort and money is spent.

**partition**

Is dealt with under Part 14 of Te Ture Whenua Maori Act 1993.

An owner or a group of owners may partition all or part of their shares from a block to obtain separate title. They leave the remaining land to the remaining owners - this is called the residue. Usually a person partitions out all their shares but it is possible to leave some shares in the residue block. Some owners do this to ensure whanau links with residue land are not lost.

## 4 feasibility

### 2 maori land court

#### 4.2

#### title option selection

##### 4.2.1 Option Selection

##### 4.2.2 Partition

##### 4.2.3 Occupation Order

##### 4.2.4 License to Occupy

##### 4.2.5 Lease

##### 4.2.6 General title

- Outlined on following pages
- Outlined on previous pages

### occupation order

Is dealt with under Part 15 of Te Ture Whenua Maori Act 1993 and the Maori Occupation Orders Regulations 1994. An Occupation Order grants a right to occupy a house site on Maori freehold land. This may be a building site or an existing house. The occupation period may be for a set term or until an event (such as death). A beneficial owner in Maori land or anyone entitled to succeed to a deceased owner may apply for an Occupation Order under section 328.

### criteria

The Act requires the Court to take into account:

- Owners opinion as a whole
- The effect of the proposal on the interests of all the owners
- The best overall land use and development

The next requirements are more strongly worded - the Court must not make an Occupation Order unless and until it is satisfied that:

- the land owners have had sufficient notice of the application and sufficient opportunity to discuss and consider it
- there is a sufficient degree of support among the owners
- the land owners understand that succession can occur
- the land owners understand that the term may be limited
- the extent of the interest (i.e. shares in the land) held by the applicant justifies the order (including access to the site)
- if the land is vested in trustees or an Incorporation, their consent is required.

Anyone seeking an Occupation Order must address these issues and show the Court how their case qualifies for an Order. It's important that this work is done before the application is filed. It's also important to ensure that, if an Order is granted by the Court, the Local Body will issue a building permit. Neither approval is useful without the other!

### other considerations

**Lessee or Mortgagee Consent:** Not included in sections 328 or 329 of the Act, but equally necessary, is the consent of any lessee or mortgagee. Leases can be partially surrendered from the affected area. Both leases and mortgages can be "apportioned" by the Court to the residue area. Of course, the rental payable may need to be adjusted. Any costs would be met by the person seeking the occupation order. If the lease is not surrendered or apportioned, the lessee retains the exclusive right to occupy the area.

**Access:** Unless the house site is adjacent to a road, the applicant should also seek an easement to give access from a legal road to the house site. The easement will need to cover:

- Location and measurements
- Sharing with other land users
- Cost of construction and maintenance

Only the Court can make easements over Maori land. An order can issue under section 315 of the Act. Easements over Maori land are not created by other documents.

### succession to occupation orders

It has been possible to succeed to a deceased owner of an Occupation Order since 1 July 2002. The original termination period stated in the Order will still apply (section 108(2C)). Because succession is possible, the owner of an Occupation Order can leave their interest in their Will to anyone who qualifies to receive such an interest under section 108 of the Act (similar rules apply as for succession to Maori land).

### court may review occupation order

A shareholder or the owner of the Occupation Order may apply to the Court for a review of the Order. The Court may conduct the review as if making the initial Order. It must regard the fact that the occupation could pass by succession.

### rights of a surviving spouse

In the event of the death of a landowner, occupying a dwelling under an Occupation Order or License to Occupy, the surviving spouse may need to seek a further determination order from the Court in respect to any continued tenure of the dwelling.



## 4 feasibility

### 2 maori land court

#### 4.2

#### title option selection

##### 4.2.1 Option Selection

##### 4.2.2 Partition

##### 4.2.3 Occupation Order

##### 4.2.4 License to Occupy

##### 4.2.5 Lease

##### 4.2.6 General title

- Outlined on following pages
- Outlined on previous pages

### license to occupy

A license is permission to enter upon land and use it for a stated purpose.

A license is generally personal to whom it is granted. In other respects, licenses are similar to leases and are granted to a licensee by land owners or their trustees or agents on agreed terms and conditions. The term may be for a period of time or it might be undefined.

Often the license is fully paid at the beginning of the term.

### considerations

A license is permission granted to a person to use something, and differs from a lease which gives a lessee a legal or equitable estate in the land. A lease can be bought and sold - a license can not. A license does not create an 'estate' in land.

The Trust Order may also impose some limitations or conditions. The Court's involvement when a License to Occupy is arranged is minimal. The three ways of arranging a lease (outlined in section 4.2.5) also apply to Licenses to Occupy.

#### Tripartite Agreement

If there is a lender involved, the three parties can make a "tri-partite agreement" a Deed is signed by the land owners (usually the trustees), the licensee as occupier and the lender. The Deed needs to be forwarded to the Court for approval or confirmation.

#### Trusts

If trustees don't have power in their Trust Order to sign and manage a License to Occupy, the Trust Order will need to be varied by the Court. Some Trust Orders give the trustees power to grant Licenses to Occupy but may limit to whom a license may be granted. The trustees must comply with the Trust Order or have it varied.

#### Rights of surviving spouse

See previous page.

### access

This can be overlooked in the initial planning for papakainga housing. However, it is a crucial ingredient that needs to be well considered. Poor or contested access is a recipe for ongoing trouble and that should be avoided at all costs. Access needs to be addressed right at the start of planning. Access also needs to be factored into the area required for an Occupation Order when assessing if the shareholder has enough shares for an Order to be made.

The Court may create **easements** for right-of-way or access purposes (section 315 of the Act). Conditions can be included in the Court's order. Those conditions may include payment for use of the land, limit who may use the easement and set out responsibility for maintenance. Easements over Maori land can only be created by Maori Land Court order in terms of section 287 of the Act.

The Court may lay out **roadways** (section 316 of the Act). Consents of the affected neighbouring owners, trustees, any lessees and also the Roding Authorities are required. Before the Court can lay out a roadway over Maori land, it must be satisfied that:

- the owners have had sufficient notice of the application;
- the owners have had sufficient opportunity to discuss and consider it; and
- there is a sufficient degree of support among the owners.

Usually these roadways exist as a Maori Land Court order which is registered against the titles of the affected lands they are deemed to be private roadways. However, the Court does have jurisdiction to recommend that a roadway be declared public road or street (section 320 of the Act). This would occur for larger subdivisions where the Local Body becomes responsible for maintenance of the road upon agreement.

### subdivision (also relevant to leases)

Trustees, if they have power in their Trust Order, may subdivide the land into several sections. They can then arrange separate licenses, leases or tri-partite agreements on the various sections to individual householders. Subdividing the land does not change the ownership at all, it merely draws in new boundary lines and creates new titles or sections all owned by the same people (the trustees). A proper survey plan is needed for depositing in the Land Titles Office (LINZ). When the plan has been deposited, a copy must be noted by the Court so the Court records can be updated to show the new boundaries and land descriptions. The leases or Tripartite agreements can then be registered against those sections.



## 4 feasibility

### 2 maori land court

#### 4.2

#### title option selection

##### 4.2.1 Option selection

##### 4.2.2 Partition

##### 4.2.3 Occupation Order

##### 4.2.4 License to Occupy

##### 4.2.5 Lease

##### 4.2.6 General title

■ Outlined on following pages

■ Outlined on previous pages

### option 1:

#### owners sign the lease

If there are only a few owners and they are all living and able to sign a lease, they can arrange for their lawyer to draw up a lease document which they can all sign. The owners will deal directly with the lessee over payment of rent and compliance with other lease covenants. If the lease is for housing purposes, a clause can be negotiated and included to recognise ownership of any house that may be built or moved onto the land. The clause could give the lessee either a right to remove the building or a right to compensation. If such a clause is not included in the lease, then any building erected on leasehold land becomes the property of the landowner when the lease ends. Compensation provisions are complex and both parties need the assistance of a competent lawyer.

### option 2:

#### appointing an agent

Owners may appoint an agent to sign and manage the lease for them - arranged at a meeting of the owners of the land called under Part 9 of the Act. This arrangement is useful when all the owners are not able to sign the documents. The agency will be limited to simply signing the documents and dealing with the lease - agents under these provisions have no other powers in respect of the land. The meeting passes a resolution that agrees to the agency, identifies the agents and sets out the terms of the lease. That resolution needs to be confirmed by the Court under section 155 of the Act and agents are appointed under section 183(6)(h) or section 185. The agent draws up and signs the lease with the lessee and a copy is usually sent to the Court.

### option 3:

#### create a trust

Owners may create a trust under section 215 of the Act (Ahu Whenua) and give their trustees power to arrange and manage long term leases. All sorts of other powers can also be included in the Trust Order. When trustees are arranging a lease, they must check their Trust Order to make sure that they actually have the power to do so, if not the Trust Order will need to be varied (see below). The trustees will deal directly with the lessee over payment of rent and compliance with other lease covenants.

## lease

Leases are granted to a lessee (the leaseholder) by land owners or their trustees/agents for a set period of time on agreed terms and conditions. Those conditions usually include payment of rent for the use of the area & maintenance of the land. The Court's involvement when a lease is arranged is minimal. There are three ways of arranging a lease which are set out in this section.

### lease registration

Leases can be registered against the LINZ title. A "leasehold title" can issue if the terms of the lease are long enough to justify that action. A lessee would do this to offer their lease as security for finance. Unless there are special clauses contained in covenants, a lease can be bought and sold on the open market. This can make a registered lease attractive to a lender. If this occurs, the parties can make a "tri-partite agreement"

### trust order

If trustees do not have power in their Trust Order to sign and manage a lease, it will need to be varied by the Court. Variation of a Trust needs to be approved by the owners of the land at a properly notified and called meeting before the application for the variation is filed under section 244. Some Trust Orders give the trustees power to grant leases but limit to whom a lease may be granted.

### lease term

Who a lease is being granted to, and the proposed length of term, will determine what provisions of Te Ture Whenua Act will apply and the relevant procedures to be followed. *Refer to Sections 150A, 150C and 160 of the Act.*

Any lease over 35 years will also require a subdivision Resource Consent from Council.

Any rights of renewal the lease may contain must be factored in when assessing the lease term.

## 4 feasibility

### 3 council

#### 4.3

#### consent requirements

##### 4.3.1 Consent Path

##### 4.3.2 Controlled Activity

##### 4.3.3 Resource Consent

### consent requirements

You should now have enough information to assess whether your project is likely to meet any Council requirements for either papakainga as a 'controlled activity' under any relevant provisions of the District Plan and any necessary Resource Consent Requirements.

#### 4.3.1 Consent Path

Based on the outcomes of 3.3. you should have some idea whether you will be seeking to progress your development as a 'controlled activity' or through any 'resource consent' application.

#### 4.3.2 Controlled Activity

If you are planning to submit for a 'Controlled Activity' Resource Consent you will need to ensure your proposal conforms with the necessary controls. Use the checklist here to assess whether meeting such controls appears feasible.

#### 4.3.3 Resource Consent

Based on your consultation with a Council Environmental Planner you should have identified any additional Resource Consent Requirements you need to meet, such as effluent treatment and disposal, water supply etc. You should assess and seek advice as necessary to determine whether such requirements can be met. You should also consult the Council to assess any potential roading or access issues or likely constraints.

### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

## papakainga controls checklist

It is important that you understand and are able to undertake your proposed development in accord with any necessary resource management controls required by your Council.

The following checklist is standards required by the Hastings District Council for papakainga developments:

10 metre maximum building height + maximum height in relation to other buildings on site (2.75m + 3/4 of distance between that building and the mid-point of any other building). ☐

Minimum distance from property boundaries: 7.5m front (road) and 5m for all other boundaries. ☐

Maximum percentage of site permitted to be covered by building = 35% ☐

Safe sight line distances required from access points to public roads (you will need to consult Council on this in respect to your proposal) ☐

Minimum 80m<sup>2</sup> (minimum dimension of 5m) outdoor living space adjacent to principle living area required for each residential unit. ☐

Minimum 15m<sup>2</sup> (minimum dimension of 2.5m) service court (for rubbish storage, clotheslines etc) required within 10m of each residential unit. ☐

Minimum separation between residential buildings of 5m or 10m where living area faces adjacent building. ☐

Sufficient area of land is set aside for effluent disposal system. (In general you may need up to 500sqm for a single dwelling plus another 500sqm in reserve. You should consult your City or District Council and you may need to consult your Regional Council to assess what area might be required and relevant restrictions) ☐

### rauemi useful resources

Refer Appendix Three for a copy of the Papakainga Section of the District Plan which sets out the requirements.  
Also refer to the Hastings District Council website [www.hastingsdc.govt.nz](http://www.hastingsdc.govt.nz)

## 4 feasibility

### 4 budgeting

#### 4.4

#### financial viability

##### 4.4.1 Development Cost

##### 4.4.2 Finance / Funding

##### 4.4.3 Ongoing Costs

##### 4.4.4 Ongoing Income

##### 4.4.5 Viability

### rates

The Hastings District Council provides a remission of rates for the period of development of Papakainga under the District Plan - up to a maximum of five years.

The Council will also be able to provide you with an estimate of the likely rating costs of your proposed development upon completion. Consult your Council for advice.

### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### financial viability

You should by now have enough information to do a preliminary assessment of financial feasibility of your proposal. In this case feasibility is basically a question of whether you can afford the full development and ongoing costs.

#### 4.4.1 Development Cost

You can use the budget you developed in section 3.4 based on estimated cost as an indication of the development cost of the project. If necessary review and confirm the figures you developed by consulting with necessary professionals.

#### 4.4.2 Finance / Funding

You need to assess what 'cash' you have towards the development costs and what level of mortgage finance will be required. You may need a market appraisal or valuation for this. In addition you may be able to access funding towards some of the development costs such as fees.

#### 4.4.3 Ongoing Costs

You need to identify ongoing costs such as loan repayments, rates, maintenance, electricity, gas etc.

#### 4.4.4 Ongoing Income

Depending on the type of development you are undertaking you may be generating an income through leases, rentals or dividends from other sources.

#### 4.4.5 Viability

Can you finance the project?

Can you afford the ongoing costs?

Do you need to rethink or phase the development?

### viability checklist

#### Development Costs vs Finance & Funding Available

Expected Development Cost ( <i>transfer &amp; update from 3.4</i> )	\$ _____
(-) Less available cash (personal / trust funds etc)	\$ _____
(=) Finance & Funding Required	\$ _____
(-) Less development funding (grants) available	\$ _____
(-) Less Loan / Finance available (or required)	\$ _____
(=) <b>Balance</b> ( <i>The balance will identify whether you expect your project to break even or if you have a shortfall</i> )	\$ _____

#### Ongoing Costs vs Expected Income (capacity to pay)

##### Expected ongoing costs (per annum):

Loan / mortgage repayments	\$ _____
Rates	\$ _____
Services: Water, Power, Gas	\$ _____
Maintenance (including any contributions to collective)	\$ _____
Other: _____	\$ _____
Total A:	\$ _____

##### Expected income:

Leases / Rentals	\$ _____
Other: _____	\$ _____
Total B:	\$ _____
Total A - Total B ( <i>this is the ongoing costs you need to cover</i> ):	\$ _____

### rauemi useful resources

Housing New Zealand Corporation may be able to provide you with advice or assistance in carrying out a feasibility study - talk to your regional office. The Planning Office of your Council may also be able to provide you with some ideas of costs based on data of previous projects, as could some building companies, designers and Quantity Surveyors.

## 5.1

cultural  
assessment

## 5.2

title layout  
planning

## whenua

## step 5: site plan

Before you can make any application to the Maori Land Court you need to develop a site plan as the basis for any application.

Once you have made any application and been successful the site plan you develop now will be the basis for developing a more detailed site plan later in terms of any Resource Consent you might require.

It is important in developing such a site plan that you define and incorporate any cultural drivers or imperatives in how the site is laid out and how any title, license or lease boundaries are defined.

In step 3 'Proposal' you developed a concept sketch which may address what needs to be developed for this step.

Once again it is important whanau are involved in and drive this process - rather than being driven by the designer, planner or architect.

Unless you direct and adequately brief the designer they will not necessarily consider your cultural drivers in terms of how they influence the design and title layout.

## hokia ki o maunga kia purea e koe i ngā hau o tāwhirimātea

*"Return to your ancestral mountains  
to be cleansed by the winds of  
Tawhirimatea".*

It is important that you walk your whenua to clarify your thinking before committing to any final plan.



## 5 site plan

### 1 whanau

#### 5.1

#### cultural assessment

##### 5.1.1 Cultural Assessment

##### 5.1.2 Walk the whenua

##### 5.1.3 Sketch Plan

### cultural assessment

In Phase One you described your vision and kaupapa for the development and developed a concept design reflecting this.

You now need to progress that concept design into further detail.

#### 5.1.1 Cultural Assessment

A cultural assessment of your whenua is important. A cultural assessment really explores, identifies and defines those cultural considerations that:

- need reflecting in any design
- need caution or sensitivity in approach
- may exist beyond the physical bounds of the space

#### 5.1.2 Walk the whenua

It is important to actually walk the whenua - you have a better sense of space and place and will be able to more effectively identify those things that are important to you and your whanau. Take a notepad and camera to record and note your thoughts and observations.

#### 5.1.3 Sketch Plan

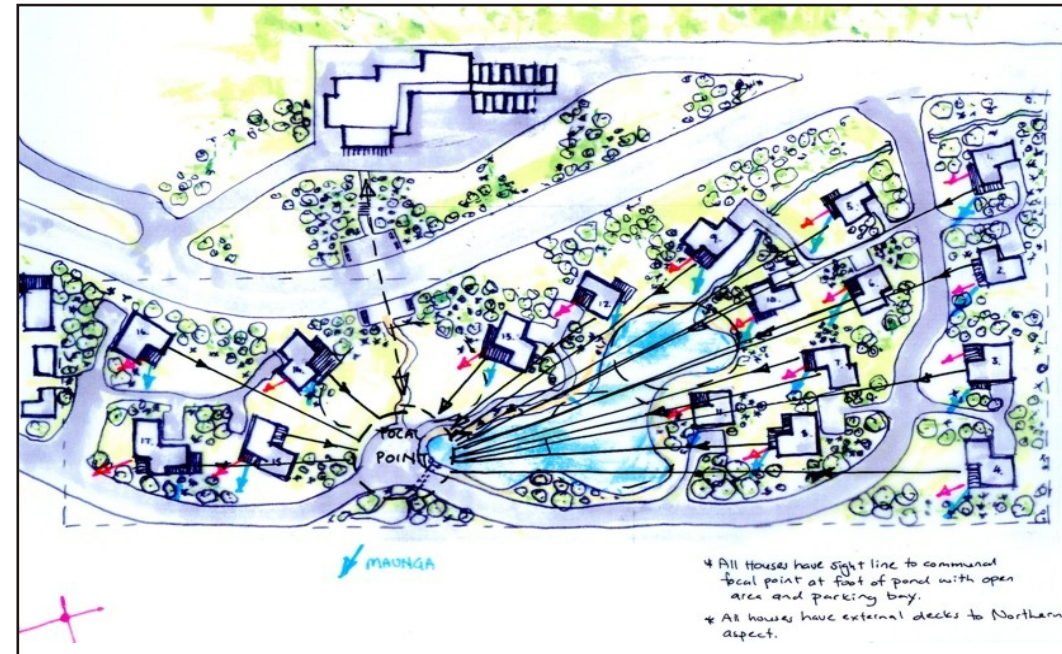
You don't have to be a design professional to develop a sketch plan. Get a plan and make marks and notes on it - even if they are only gestural or directional. Things like axis or direction to key points of reference can be shown e.g. direction to maunga tapu / desired site orientation, logical boundary locations etc.

### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### sample sketch plan



Site Analysis Drawing © Karl Wixon. WIKI Design & Consultancy Ltd

This sample site analysis drawing takes into account a number of cultural, social, community and site factors important to the whanau, in this case including:

- visibility - sight lines to maunga tapu;
- shared aspect for all houses to a communal area / gathering place as a focal point;
- all houses having a view shaft / connection to pond;
- position and screening in relation to road;
- linkage to adjacent community facilities (off edge of plan);
- orientation of houses to one another in small whanau clusters; and
- all houses having outdoor living spaces with northern aspect.

### rauemi useful resources

It may be useful to consult and view plans of other papakainga development projects to see what considerations they have taken into account. The Council, Housing New Zealand Corporation and your Architect or Architectural Designer may be able to source relevant examples.



## 5 site plan

### 2 maori land court

#### 5.2

#### title layout planning

##### 5.2.1 Area Calculation

##### 5.2.2 Boundaries

##### 5.2.3 Peg it out

##### 5.2.4 Title layout

### title layout planning

If you are filing for partition, occupation order, or are considering license to occupy or lease - you will need to determine title or estate boundaries.

Eventually these will have to be professionally surveyed but for filing an application with the Maori Land Court you are only required to provide a 'sketch plan', so there is no need to use a professional surveyor just yet - your lead designer should be able to help you with this.

#### 5.2.1 Area Calculations

You need to ensure you have calculated the area of each shareholders shares so that you can determine appropriate scale of any partitions or subdivision and residue.

#### 5.2.1 Boundaries

Make sure you work out the best location for boundaries using your sketch plan as a guide. You will need to consider natural contours, usability of space, suitable location for building, accessibility etc.

#### 5.2.2 Peg it out

Get yourself a 30 or 50m fibreglass tape reel and peg it out on site - you can only do so much on plan. Better to check it now before it's too late.

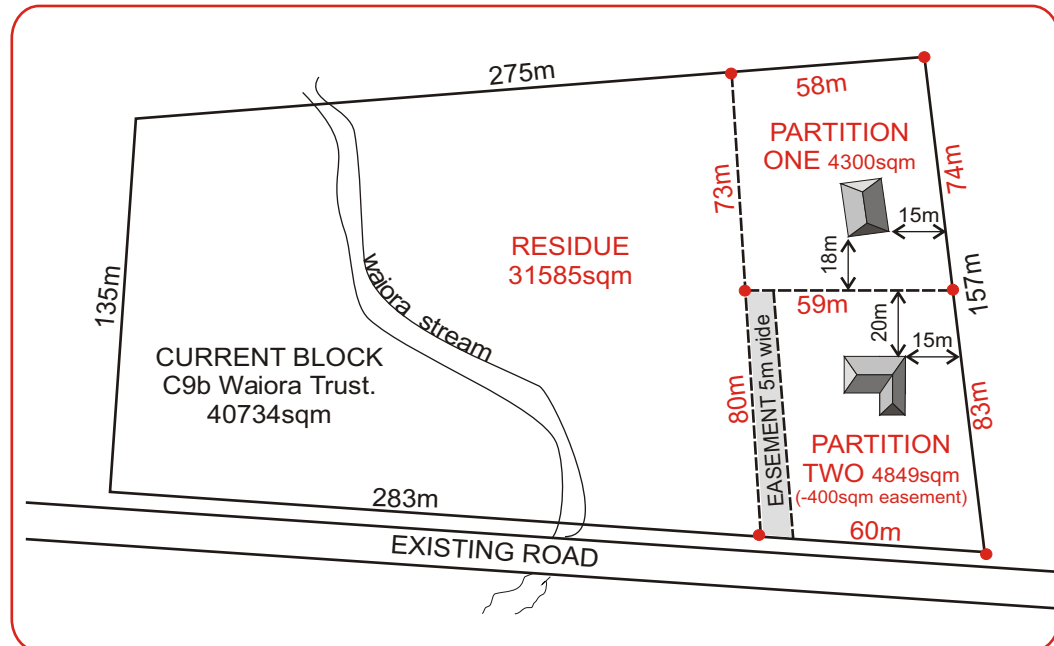
#### 5.2.3 Title layout

Once you have resolved this you need to develop a title layout 'sketch plan'. A sample plan and checklist is provided to guide you. However you should clarify requirements with your District Maori Land Court office.

### title layout checklist

Make sure a dimensioned plan is provided to scale, which clearly identifies:

- the area or size of any portions to be partitioned out ☐
- the position of any easement or roadway required for access ☐
- the position or locality of the partition relative to the whole block ☐
- proposed siting of buildings ☐
- other buildings/occupations ☐
- any river, lake, or seashore boundaries of the whole block ☐



### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### rauemi useful resources

The Maori Land Court website contains a number of useful guide booklets that you can download see [www.justice.govt.nz/maorilandcourt](http://www.justice.govt.nz/maorilandcourt) - or Appendix 2

6.1

mandate

6.2

court  
application

6.3

resource  
consent

6.5

design &  
technical

## whenua

## step 6: legal

You are now ready to enter formal legal processes that once completed are your 'green light' to building on your whenua.

Mandate is critical to this if you are intending to file any application through the Maori Land Court.

You must ensure you have support for an up to date proposal prior to court application and you will need to be able to evidence this.

You will be able to file an application with the Maori Land Court based on your plans drawn up in step 5.2.

The Maori Land Court will also need evidence that what you are proposing will be able to attain any necessary Resource Consent.

However, without an approved application through the Maori Land Court it could be a waste of money completing the level of work required to attain Resource Consent.

You will need to work with both the Maori Land Court and Council to ensure you provide enough detail to meet their minimum requirements.

Once any Maori Land Court application is approved you can then proceed to complete the full detail required to apply for Resource Consent.

**ko te tangata ki mua,  
ko te whenua ki muri**

*"First the people, then the land".*

Before making applications to the Maori Land Court or Council you need to have the mandate of the people.

## 6 legal

## 1 whanau

## 6.1

## mandate

## 6.1.1 sufficient notice

## 6.1.2 opportunity

## 6.1.3 support

## 6.1.4 objections

## 6.1.5 affected parties

## 6.1.6 evidence

**mandate**

Before you file any application with the Maori Land Court you will need to ensure you have whanau support for the proposal, particularly now that it is sufficiently developed. The Maori Land Court has to be satisfied that the proposal is in the best interests of the owners and as such will assess the following:

**6.1.1 sufficient notice**

You must provide the owners sufficient notice of the proposal and any meetings to consider it.

**6.1.2 opportunity**

The owners need to have had adequate opportunity to consider the proposal e.g. hui, presentations, opportunity for issues and questions to be asked & responded to etc.

**6.1.3 support**

There needs to be a sufficient degree of support amongst the owners i.e. the majority, if not all, should support it.

**6.1.4 objections**

The merit of any objections to the proposal will be considered by the court - you should discuss and try to resolve any objections before going to Court.

**6.1.5 affected parties**

Any affected parties are entitled to attend court hearings - if they wish to be heard they can file a 'Notice of Intention to Appear' and be noted on the court files as an interested party.

**6.1.6 evidence**

Refer to the checklist here for collating evidence of the above.

**kawenga responsibilities**

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

**evidence checklist**

You should collate all records that evidence support for the proposal evidencing **sufficient notice, opportunity, and support** - including:



Copy of owners / shareholder list with contact details including full postal address and phone numbers

☐


Copies of any letters to owners regarding proposal

☐

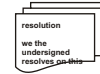

Copies of any advertisements / notices about the proposal or meetings (with a verifiable date)

☐


Copies of any meeting agendas / presentation / programmes

☐


Copies of any meeting minutes / signed attendance lists

☐


Copies of any formal resolutions by trustees or management

☐


Copies of any letters of support

☐
**rauemi useful resources**

The Maori Land Court website contains a number of useful guide booklets that you can download see [www.justice.govt.nz/maorilandcourt](http://www.justice.govt.nz/maorilandcourt) - or Appendix 2

## 6 legal

## 2 maori land court

## 6.2

## court application

## 6.2.1 Court Process

## 6.2.2 Application Checklist

## 6.2.3 Court Hearing

## 6.2.4 Satisfy Conditions

■ Outlined on following pages

## court application

You should by now have all of the information you need to file any necessary application to the Maori Land Court.

### 6.2.1 Court Process

The Court Process is mapped out here for a Title Order. Make sure you understand it and follow it.

### 6.2.2 Application Checklist

You will need to collate and present the necessary documents and plans to satisfy the application criteria.

A checklist of requirements is set out on the next page.

### 6.2.3 Court Hearing

You, your solicitor or agent will need to present your application. Any objections will also be heard by the Court.

### 6.2.4 Satisfy Conditions

The Court may provide approval subject to conditions. You will need to satisfy, or ensure these conditions can be satisfied before proceeding further. This may include professional survey of land.

## court process

Owner consultation & support achieved

Check that all Local Body Criteria can be met (controlled activity or resource consent)

File MLC application. Attach all supporting papers, consents and sketch plans

Judge reads application and may issue directions

When judge's directions are met, case is heard in court

If all criteria are met and objections are dealt with, the court may grant an order

If the order is subject to survey - applicant pays  
Any other conditions must also be satisfied by the applicant

MLC ownership and title records are updated to show new block

When Survey is complete, Court staff register the order against the land title (LINZ)

If the application is for sole owner -

## kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

## rauemi useful resources

The Maori Land Court website contains a number of useful guide booklets that you can download see [www.justice.govt.nz/maorilandcourt](http://www.justice.govt.nz/maorilandcourt) - or Appendix 2

## application checklist for partition

- Details of the lands affected by the application ☐
- A valuation of the land or lands showing the value of the land before partition and the value of each separate area created after partition ☐
- Details of any improvements that the applicant has made to the land if she/he requires them to be taken into account ☐
- A sketch plan showing, in sufficient detail to satisfy the Court: ☐
  - the area or size of the portion to be partitioned out
  - the position of any easement or roadway required for access
  - the position or locality of the partition relative to the whole block
  - any river, lake, or seashore boundaries of the whole block
- A list of the owners including their full addresses where possible ☐
- Details how ownership of the land is to be apportioned after partition ☐
- Details of notice to the owners (and any trustees), the opportunity they have had to discuss it and the amount of support for the proposal ☐
- The minutes of the owners' meeting with an original of the newspaper advertisement and any mail-out should be filed ☐
- Any consents that may be required, including: ☐
  - the land owners (minutes of the meeting where they consented are required);
  - any trustees;
  - any lessee (if the lease still has some time to run, the lessee will need to surrender the lease over the part partitioned for housing or the Court can "apportion" the lease to the residue area by Court order if everyone agrees);
  - any mortgagee and details of the mortgage;
  - the Roding Authority; and
  - the Local Body.
- A copy of the Title search from Land Information New Zealand ☐
- A submission to the Court outlining why you consider that your application meets the criteria required by the Court ☐
- The Court's filing fee. ☐

## application checklist for occupation order

- Details of the land affected by the application ☐
- Sketch plan showing: ☐
  - the whole block
  - the site location
  - other buildings/occupations
  - drawn to scale including measurements of the proposed site from boundaries and significant landmarks (other buildings, fences etc)
- Details of notice to the owners (and any trustees), the opportunity they have had to discuss it and the amount of support for the proposal. ☐
- The minutes of the owners' meeting with an original of the newspaper advertisement and any mail-out should be filed ☐
- Any consents that may be required, including: ☐
  - the land owners (minutes of the meeting where they consented are required)
  - any trustees
  - any lessee
  - the Roding Authority
  - any mortgagee
  - committee of management of any Maori incorporation.

*(The Court will need to know that consenting parties were fully aware of the proposal when they consented)*
- A copy of the Title search from Land Information New Zealand ☐
- A submission to the Court outlining why you consider that your application meets the criteria required by the Court ☐
- The Court's filing fee. ☐
- When the Court grants an Occupation Order of an existing house, it can also make an order under section 18(1)(a) of the Act determining the ownership of the house to show the owner of the Occupation Order as the owner of the house. You should seek such an order when you file your application if you want to own (and not just occupy) the house. If the house hasn't been built yet, don't forget to come back to the Court later when the house is built and ask for this order. Having an Occupation Order does not necessarily imply ownership of a house. It needs to be established that the occupier paid for the house or was gifted or willed the building by a former owner(s) then the Court can establish ownership.*



## 6.3

## resource consent

## 6.3.1 Process

## 6.3.2 Site Plan

## 6.3.3 AEE

## 6.3.4 Application

## 6.3.5 Satisfy Conditions

■ Outlined on following page

## resource consent

By now you will have a sketch plan setting out any details you will have had to provide the Maori Land Court including demonstration that any consent requirements can be met. Now you are ready to prepare and submit your Resource Consent application.

## 6.3.1 Process

The chart here sets out the Resource Consent process that you need to understand.

## 6.3.2 Site Plan

You will need to develop a detailed site plan that satisfies the Council that the proposal is compliant with consent requirements.

## 6.3.3 AEE

You will need to submit an 'Assessment of Environmental Effects'. This is an important part of your application that you will need professional input into.

## 6.3.4 Application

You will need to prepare all of the information necessary for submission with the Resource Consent Application. A checklist is set out on the next page.

## 6.3.5 Satisfy Conditions

Once your Resource Consent Application has been reviewed by Council you may be advised of conditions or requirements that you need to address or redress in the plan. Such conditions will need to be satisfied to obtain consent or in some cases will be monitored after consent is issued.

## kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

## resource consent process

## Pre-application discussion.

Discuss your application with an Environmental Planner at the Council to ensure you understand what is required

## Prepare your Resource Consent Application

ensuring it meets any consent requirements identified by Council

## Written approval from affected neighbour's / persons

You may need to discuss your proposal with them if it is outside the controlled activity. In any event it is useful to provide evidence of neighbour's support for the proposal

## Fees and charges

A **deposit fee** will need to be paid at time of submission. For a non-notified consent this may be \$300-\$600. For a limited notified or notified consent this will be \$4000+. Further charges may be possible, particularly if an application goes to hearings

## Lodgement Check

Before your application can be formally received it will go through a lodgement check to ensure everything that needs to be provided is included

## Council reviews application

Your application will be reviewed by relevant council specialists and consultants to ensure it meets consent requirements - it will then be allocated to an Environmental Planner. If further info is required it will be requested within 10 days. The planner will then make a recommendation whether the Council should grant consent and any conditions that should be put on it. If it is not a controlled activity application they may seek to hear from affected parties through a hearing

## Council Hearing (if required)

If your consent needs to go to hearing a panel or commissioner will hear evidence for and against your application in order to decide whether to approve it

## Decision

You will receive a letter advising you whether your application is approved or declined. If approved it will include details of any conditions that need to be met and any expiry date on the consent. If declined you may appeal the decision if you think it is unfair

## rauemi useful resources

More detailed information on the Resource Consent Process is attached in Appendix Three and is available through the Hastings District Council website [www.hastingsdc.govt.nz](http://www.hastingsdc.govt.nz)

## 6.3

resource  
consent

## 6.3.1 Process

## 6.3.2 Site Plan

## 6.3.3 AEE

## 6.3.4 Application

## 6.3.5 Satisfy Conditions

■ Outlined on previous page

**site plan**

For your Resource Consent application you will need to provide a site plan that sets out sufficient detail to evidence compliance with any necessary controls, standards and requirements for consent.

Plan Requirements:

- Drawn to a recognised metric scale e.g. 1:100, 1:200, 1:500.
- Should have a north point.
- Site boundaries.
- Boundaries of any proposed subdivision or partitions.
- Site features e.g. contours, water bodies, significant areas of planting (wahi tapu if relevant).
- Location of any existing and proposed dwellings and accessory buildings (to scale).
- Roading & existing or proposed access ways.
- Water & power supply / points of connection.
- Stormwater & Effluent Disposal.
- Elevations of dwellings in respect to one another.
- Details in accord with Controls e.g. distances to boundary, site coverage, outdoor living and service court areas etc.
- Clearly show the name of the person and/or company who drew the plan.
- Date on which it was drawn and Relevant version / variation #.
- Identification of scale at specified size e.g. 1:200 @ A2.
- Sheet identification number.

**application / lodgement checklist**

You need to ensure the following is provided:

Payment of a fee deposit ☐

Current copy of certificate of title (less than 3 months old) ☐

Completed and signed application form ☐

All requested information:

- name & address of applicant and owner / occupier of the site to which the application relates (address for service); ☐
- description of the activity and its location; ☐
- type of consent sought and other resource consents required; ☐
- assessment of environmental effects (see below); ☐
- one set of accurate plans (see notes to left); ☐
- provision of specialist reports supporting the application; ☐
- any information required by the District Plan; ☐
- written approvals of affected persons (if required); and ☐
- date and signature. ☐

**assessment of environmental effects (AEE)**

This is required for your application and what needs to be included is set out in the District Plan.

In the case of Papakainga development on Maori Land the information needed is restricted to the methods of provision of water and waste disposal for the residential buildings and compatibility of the proposal with the current site and any proposed future development. It is preferable for this to be assessed and documented by a professional and any necessary consultants e.g. engineer.

**kawenga responsibilities**

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

## 6 legal

## 5 consultants

## 6.5

## design &amp; technical

## 6.5.1 Designer

## 6.5.2 Planner

## 6.5.3 Surveyor

## 6.5.4 Engineers

## 6.5.5 Legal

**What you get for Design fees**

Your lead Architect or Designer's fee will roughly break down to:

- 15 percent for initial sketches.
- 15 percent for developed design.
- 40 percent for final plans.
- 30 percent for periodic observation while building is in progress, and contract administration.

The fee may range between 6-15% of the cost of the house - depending

**kawenga responsibilities**

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

**design & technical**

You may require the assistance of a range of professionals for this and further steps of your development project. Whether you need them will depend on the scale and nature of your proposal and the character of the site - your lead designer and Council planning office should be able to advise.

**6.5.1 Designer**

Your lead Architect or Architectural Designer should be able to help you with any plans necessary for the Court and Consent.

**6.5.2 Planner**

A planner should be able to assist you to ensure your proposal fits with necessary planning controls and development of the 'Assessment of Environmental Effects' Report.

**6.5.3 Surveyor**

If you are partitioning or sub-dividing the block in some way you may be required by the Maori Land Court or for Resource Consent to engage a surveyor to properly set out new boundaries or titles.

**6.5.4 Geotech & Civil**

You may need to engage a Geotechnical and/or Civil Engineer to assess the suitability of the site for the proposed buildings as well as its capacity for management of effluent disposal, waste and stormwater.

**6.5.5 Legal**

If any aspects of your proposal may be legally contentious you may require legal advice.

**who does what?**

Profession	What they do	Associations
Architect or Architectural Designer	Principally the design of the houses and other buildings, but will also develop master plan of site and set-out of buildings and other features. Generally act as lead designer on any building projects.	NZ Institute of Architects www.nzia.co.nz Designers Institute of NZ www.dinz.org.nz Architectural Designers NZ www.adnz.org.nz
Planner	Planners specialise in areas such as transportation, urban design, rural environments, Resource Management & Planning controls.	NZ Planning Institute www.nzplanning.co.nz
Landscape Architect	Design of hard (earthworks) and soft (planting) landscapes and outdoor living spaces, heritage conservation.	NZ Institute of Landscape Architects www.nzila.org.nz
Surveyor	A Registered Professional Surveyor Licensed as a Cadastral Surveyor is the only person who can legally define the physical boundaries of land - which any Certificates of Title issued are based upon.	NZ Institute of Surveyors www.surveyors.org.nz
Quantity Surveyor	Completes estimates of quantities from plans in order to develop accurate cost estimates.	NZ Institute of Quantity Surveyors www.nziqs.co.nz
Geotechnical Engineer	Practitioners in Soil Mechanics, Rock Mechanics and Engineering Geology. They can assess capacity & suitability of ground conditions for building.	NZ Geotechnical Society www.nzgeotechsociety.org.nz Institute of Prof. Engineers www.ipenz.org.nz
Civil Engineer	Specialise in earthworks and engineering for roads, stormwater systems, re-contouring, building platforms etc.	Institute of Professional Engineers in NZ www.ipenz.org.nz
Structural Engineer	Specialise in engineering of built forms such as houses, bridges etc. Involved in assessing wind forces, loadings, bracing etc.	Institute of Professional Engineers in NZ www.ipenz.org.nz
Registered Valuer	Will be required to assess market value 'off-plans' for lenders and during building for draw-down of finance.	NZ Institute of Valuers & Property Institute of NZ www.property.org.nz
Lawyers	Property Law Resource Management Law Trusts and Societies	NZ Law Society www.nz-lawsoc.org.nz Maori Law Society www.maorilawsociety.co.nz

7.1

house  
design

7.3

building  
consent

7.4

estimates  
& finance

## whare

## step 7: design

All of the steps so far have really been laying the ground-work necessary for building homes on your whenua.

By now you should have gained approval from the Maori Land Court for any partitioning, occupation or sub-division of your whenua and gained the necessary Resource Consent from Council based on a proposed number and location of houses on your whenua - and the capacity of the site to cater for any necessary effluent, stormwater and water management issues.

Now you can focus on the houses themselves.

The first step in this is design, which there are a range of options for. By now you should have appointed and used a lead designer for your project who will most likely be the same person leading house design.

Don't underestimate the importance of this stage. The design of the house will effect the way you live, feel and act. It should fit your lifestyle, rather than you having to modify your life style to fit it.

Once you have finished this step you will have what you need to obtain building consent, cost estimates and an 'off-plan' valuation - for finance.

**mataihi tuku ki raro, he  
whare auahi; mataihi tū  
non, rakorako non a raro**

*"A house with its front end low is smoky; a house that stands boldly forth is exposed".*

This whakatauki reminds us of the importance of siting and designing your house carefully.



## 7 design

### 1 whanau

#### 7.1 house design

##### 7.1.1 Design Options

##### 7.1.2 Design Brief

##### 7.1.3 Design Process

##### 7.1.4 'Green' Design

■ Outlined on following page

#### IMPORTANT NOTE:

If you are seeking finance to build a house on Maori Land without individual title you will need to use the house itself as security for the loan. This means it will have to be relocatable i.e. on timber frame floor, not concrete. Make sure this is part of the design brief if required.

#### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### house design

To this point of the process design focus has been on site layout and configuration. Now you can design the houses. You may also be trying to design a community - make sure this is part of the designers brief.

#### 7.1.1 Design Options

You can either engage designers independently from building contractors or enter a design & build contract. You will generally get the best design outcomes through direct engagement of the designer. Design & build contracts tend to work with 'off the shelf' designs and may not use design professionals - however this means lower design costs.

#### 7.1.2 Design Brief

This page sets out a checklist of considerations required to formulate a useful design brief. At the end of the day the more time you spend defining what you want, the more likely you are to get it.

#### 7.1.3 Design Process

The table on the next page outlines a six stage process. You will most likely have completed stage one and part of stage two already. To get to building consent you will need to complete everything up to end of stage 5.

#### 7.1.3 'Green' Design

As kaitiaki - you should think about environmental effects and design for sustainability. Some notes are provided for your consideration.

### formulating a design brief

By now you will have a lot of information to inform the design process. The proposal including concept design you developed in step 3, the cultural assessment and title layout plans developed in step 5 and consent documents developed in step 6 will all form part of your design brief. In addition you should consider and provide the following:

**Project Details:** Title, Location, Client Name and contact person. ☐

#### Project Parameters:

Time. (Projected start and finish dates or deadlines) ☐

Cost. (Overall Project Budget, plus apportioning of budget if known)

Quality (Expectations - High, Average, Low). ☐

#### Aesthetics

Describe or provide examples of aesthetic preferences considerate of; Form; basic shapes and volumes. ☐

Space; layout, qualities of, size / volume.

Colour; examples of colour palettes that you like. (could be in anything)

Texture / Materials; Examples of materials and textures that you like.

Light; examples of light quality that you like, both natural and artificial.

Products; If relevant, provide examples of products or fittings you like.

Existing elements: If there are certain items, products or things you want integrated into the design you need to provide photos & info.

Style: Photos & magazine cutouts of houses / interiors that inspire you.

(Note: It is useful to develop a 'sample board' or 'scrapbook' of visual reference).

#### Sustainability

Materials, Alternative Energy Sources, water conservation / use etc (see 7.1.4) ☐

#### Project Scope.

List all of the known project elements and issues for consideration, including a list of spaces and their function and characteristics. ☐

#### Issues and Constraints

List any known issues or constraints related to the project, internal or external, that could or should affect the design - including cultural. ☐

### rauemi useful resources

A number of professional organisations have information on developing a design brief, including the New Zealand Institute of Architects [www.nzia.co.nz](http://www.nzia.co.nz). Refer to Appendix Five for links to design and building websites.



## 7 design

### 1 whanau

#### 7.1 house design

##### 7.1.1 Design Options

##### 7.1.2 Design Brief

##### 7.1.3 Design Process

##### 7.1.4 'Green' Design

■ Outlined on following page  
■ Outlined on previous page

## design process outline

### STEP 1: PRE-DESIGN

This includes conducting meetings between designer and client to clarify the brief and expectations.

Review project background including property information.

Develop a relationship and engagement agreement between designer and client - including defined expectations, roles and responsibilities.

Site visit & analysis.

Preliminary Council enquiries if required.

### STEP 2: CONCEPT DESIGN

This stage should be as collaborative and explorative as possible.

It explores and tests ideas and may challenge your thinking.

It uses sketch floor plans, 3-D sketches and possibly models (including CAD) to explore and present you with a range of options from which to accept or evolve the design concept and direction.

This step should engage in broad and creative thinking.

### STEP 3: DEVELOPED DESIGN

Once you have agreed on the preferred concept your Architect or Designer will then proceed to develop the design.

They will test ideas and refine detail to a final design to the extent that layout, form, materials etc are defined. Your input and feedback at this stage is critical as effort to affect change beyond this point becomes greater.

The Developed design will be enough to obtain valuation appraisals and quantity surveyors estimate before further detailing.

#### NOTE:

This process will be led by your Lead Architect or Architectural Designer. However, a number of other professionals may be required through the design process, particularly later stages. See section 6.5 for an outline of other professionals.

#### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### STEP 4: DOCUMENTATION & CONSENT

Once you are happy with the developed design and it has responded to any changes required in respect to any preliminary value and cost appraisals you can proceed to full working drawings and specification documents.

At this stage other consultants may be required, such as a structural engineer or systems design etc.

This will form the basis of your Building Consent application which the Architect or Designer can manage for you.

### STEP 5: CONTRACTS & OBSERVATION

Once you have consent you will be in a position to start obtaining quotations for the houses. Your Architect or Designer will be able to prepare procurement documents for you, including any tender documents and contract documents. They will be able to help you select contractor/s.

Once construction has started they will also provide 'project observation'. This involves site visits and is necessary to ensure that the house/s are built to plan and that any design changes during construction are managed.

### STEP 6: ADMINISTRATION & CLOSING

The Architect or Designer can manage and administer any contractual obligations for you.

They will hold the contractor to account on your behalf, certify claims for payment, manage cost variations, conduct quality checks, manage council inspections, obtain relevant producer statements and warranties etc.

On completion they will also conduct final inspections, identify any defects to be remedied, certify final claims and apply for your Code Compliance Certificate.

## 7 design

### 1 whanau

#### 7.1 house design

##### 7.1.1 Design Options

##### 7.1.2 Design Brief

##### 7.1.3 Design Process

##### 7.1.4 'Green' Design

■ Outlined on previous page

### eco-firendly approach

Protecting our environment by building with eco-friendly materials and systems has become integral in the design of modern homes.

Protecting the environment building 'green' or 'eco-friendly' homes means taking an approach that has minimal impact on the environment. This includes:

- **Choosing sustainable materials** that do not deplete the natural environment more than necessary, for example, using plantation-grown timbers and recyclable building materials.
- **Protecting air quality** by choosing paints with low volatile organic compounds. Also designing for airflow to lower the need for mechanical ventilation and to stop the growth of unhealthy moulds.
- **Using passive solar energy** where possible by placement of the house and good house design.
- **Using water wisely** – installing a tank to collect rainwater for irrigation and flushing the toilet, and installing systems to recycle waste water.
- **Using passive design** for ventilation and cooling.
- Having your designer design to the **BRANZ Greenhome**

### eco-housing

The concept of 'eco-housing' is being developed in some areas in New Zealand. The main principles of the scheme include:

- Integration of the buildings and neighbourhood with the site.
- Design for energy efficiency and natural climate control using passive solar design.
- Building materials and components chosen with regard to energy content, toxicity, environmental impact, durability and recyclability.
- Rainwater collection for household and garden use, and on-site stormwater and waste water treatment where possible.
- Solar water heaters to provide the bulk of hot water needs.
- The incorporation of other renewable energy technology where appropriate.
- Clustering of buildings to allow sufficient common land for productive and edible landscaping and recreational spaces.
- Comprehensive site design based on permaculture principles to include productive landscaping and organic gardening principles.

### Lessening Environmental Impact: Sewer & Waste Water

For information about managing sewage and waste water to lessen the impact on the environment and to save water, have a look at waste water management information on the Ministry for the Environment website [www.mfe.govt.nz](http://www.mfe.govt.nz) which includes:

- Water-saving practices in and around the home.
- Choice of household products that will enter the waste water stream.
- The different types of waste water and how it can be minimised and reused.
- Characteristics of different toilet designs, including composting toilets.

### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### rauemi useful resources

Ministry for the Environment. [www.mfe.govt.nz](http://www.mfe.govt.nz)  
 Earthsong Eco-Neighbourhood project. [www.earthsong.org.nz](http://www.earthsong.org.nz)  
 BRANZ Greenhome Scheme. [www.branz.co.nz](http://www.branz.co.nz)  
 Energy Efficiency & Conservation Authority. [www.energywise.org.nz](http://www.energywise.org.nz)

## 7 design

## 3 council

## 7.3

## building consent

## 7.3.1 Process

## 7.3.2 Planning

## 7.3.3 Plans &amp; Specs

## 7.3.4 PIMs

## 7.3.5 Wastewater

## 7.3.6 Application

■ Outlined on next page

## building consent

You will require a Building Consent for any building, demolition, alteration, or relocation of buildings and related services.

## 7.3.1 Process

See flowchart to the right of the overall Building Consent Process.

## 7.3.2 Planning

Any building consent application must also satisfy Council that any necessary planning / Resource Consent requirements are met.

## 7.3.3 Plans &amp; Specifications

A Building Consent application is based on the submission of a set of Plans and Specifications for the proposed buildings drawn up by a professional Architect or Designer.

## 7.3.4 PIMs

In order to apply for Building Consent an applicant must obtain a Project Information Memorandum (PIM). A PIM provides the applicant with any information the Council holds that may affect building.

## 7.3.5 Wastewater

If you are not able to connect to existing sewerage and stormwater systems you will need to provide an on-site wastewater disposal, site assessment, subsoil inspection and site evaluation. See next page.

## 7.3.6 Application

Once you have completed Plans & Specs you can complete and submit your application to the Council. See the checksheet on the next page.

## building consent process

## Preparing the Application

You need to do this with your Architect or Designer ensuring it meets all requirements

## Submitting the Application

You will need to submit your application and pay a fee deposit.  
It is checked to ensure it is complete.

## Checking for Compliance

The application is checked for compliance with Building Code & planning controls

## Suspending an Application

If further information is required the application will be suspended until it is provided

## Picking up the Building Consent

Once all information is provided and approved you can pick it up and pay final fees

## Building Inspections

During building, inspections will be made to ensure building compliance with consent

## Amendments

If you vary from the approved plans you will need to seek approval of amendments

## Final Inspection

Once all work is completed in accord with the consent a final inspection is required

## Code Compliance Certificate (CCC)

If all work has been completed in accord with the consent you will qualify and need to

## Final Fees

You may need to pay extra fees if inspections cost more than any fees paid to date

## kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

## rauemi useful resources

The Hastings District Council has useful information on the Building Consent process. See [www.hastingsdc.govt.nz/property/index.htm](http://www.hastingsdc.govt.nz/property/index.htm) - or refer Appendix Three for fact sheets.

## 7.3 building consent

### 7.3.1 Process

### 7.3.2 Planning

### 7.3.3 Plans & Specs

### 7.3.4 PIMs

### 7.3.5 Wastewater

### 7.3.6 Application

Outlined on previous page

**pim**

In order to apply for building consent you must supply or apply for a Project Information Memorandum (PIM). You do not need the same level of detail to apply for a PIM as you do for the building consent, but will need to provide the following:

- application on approved application form;
- the intended use of the proposed building (floor plan with rooms identified);
- the location and external dimensions of the proposed building/s (plans, elevations and site plan);
- provisions for vehicle access
- provisions for disposal of stormwater and waste water; and
- precautions to be taken if building work is to be carried out over or near any existing drains or sewers, or in close proximity to wells or water mains.

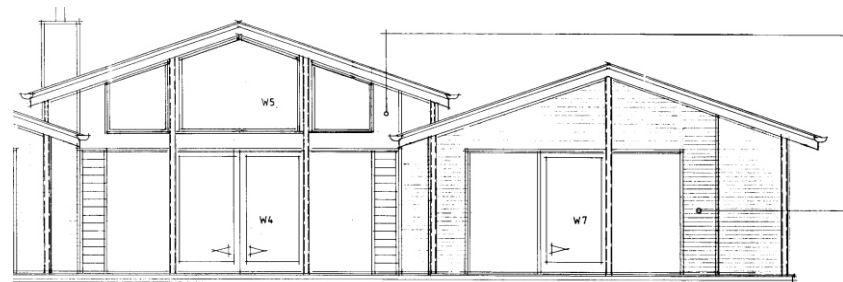
## wastewater disposal

Whilst any on-site wastewater disposal requirements may have been addressed through any Resource Consent application, you will still need to provide evidence of compliance with your building consent application along with a completed site assessment. This can be completed by an appropriately qualified professional. Your sewerage treatment system supplier should carry out the assessment for you.

## application / lodgement checklist

This should be completed by your designer for submission.  
In brief the following will be required:

- Payment of an application fee
- Proof of ownership - copy of certificate of title less than 3 months old
- Copy of, or application for, PIM (project information memorandum)
- Details of inspections & monitoring to be carried out by professionals
- Inspection access - any special requirements regarding site access
- Locality Plan at 1:500 showing physical location of building/s on site
- Details of any demolition or removal
- Site plan at 1:200 (or 1:500 for rural areas)
- Foundation Plan at 1:100
- Floor Plan at 1:100
- External elevations including risk matrix
- Cross sections and details
- Bracing Plan
- Roof framing
- Services: Plumbing and Drainage
- Specifications
- Details of who will do the work: designers, tradespeople etc



## kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

## 7 design

## 4 budgeting

## 7.4

estimates  
& finance

## 7.4.1 Estimates

## 7.4.2 Valuation

## 7.4.3 Finance

## 7.4.4 Feasibility

## estimates &amp; finance

So far any cost estimates you have produced will be based on indicative rates. Now that you have a set of detailed drawings you are much better positioned to re-assess cost and to gain a market valuation.

This will be necessary for you to ensure that what has been designed is likely to be within budget, and that the value of what you are building will exceed its cost and be adequate to raise any necessary finance.

## 7.4.1 Estimates

You can now obtain an 'off-plan' estimate of costs. This is usually done by a Quantity Surveyor, however some building supply companies and timber merchants provide this service for free if you seek a quote from them. Ask around.

## 7.4.2 Valuation

If you are seeking finance for building you will be expected to obtain an 'off-plan' market valuation from a registered valuer of what you are proposing to build.

## 7.4.3 Finance

Armed with cost estimates and market valuation you can now seek to secure the necessary finance from a lender. This table sets out finance options for you to consider. Section 8.4 also outlines mortgage options.

## 7.4.4 Feasibility

Before you start swinging hammers you can now re-assess viability of the project using the template provided in section 4.4.

## kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

## finance options

This list is provided to initiate thinking about what options may be available to you to finance your building project. You should explore any relevant options to identify and select that most suitable for your project.

Tick or Cross those places where you have explored options and identify whether they have potential.

Housing New Zealand Corporation

Te Puni Kokiri (may be able to direct you to sources of finance)

Bank Manager

Mortgage Broker

Iwi / Hapu

Design & Build Company finance

Whanau (may be able to provide loans or transfer equity)

Sale of Assets (vehicles, other properties / land)

Income to service debt e.g. rental / lease / sub-lease

Our preferred option is:

Explored	Has Potential	No Potential
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## rauemi useful resources

The Consumers Institute website has useful information on finance options, as well as pitfalls. see [www.consumer.org.nz](http://www.consumer.org.nz) or use the web-link in Appendix five to take you straight to the property section of the site.



8.1

I.D. & select  
contractors

8.4

quotations  
& finance

8.5

contract  
manager

## whare

### step 8: contracting

Congratulations, if you are ready to enter this step you have managed to successfully navigate your way through a wide range of whanau and compliance requirements to attain all of the approvals and information necessary to get on with building.

You now face a range of options and issues in finally selecting and engaging the necessary contractors to carry out your building project/s.

Whether you are building new, renovating existing, or bringing in a relocatable home - the quality of the end product is going to depend upon selecting the right contractor/s and managing them well.

Entering and managing building contracts is not for the faint hearted. Unless you are experienced at it you will need to bring in professionals.

Your lead designer is the best person to assist you through this phase - or a specialised contract manager.

There is a lot to consider and a lot of pitfalls to look out for.

There are a range of options with varying degrees of risk and cost.

If you are 'going it alone' at least make sure you get professional advice or a suitable mentor.

**kauna e rangiruatia te hāpai  
o te hoe, e kore tō tātou  
waka e ū ki uta.**

*"Do not lift your paddle out of unison or  
our canoe will never reach the shore".*

The contracting and building process  
requires a high level of coordination  
across multiple disciplines and sectors.

## 8 contracting

### 1 whanau

#### 8.1

#### I.D. & select contractors

##### 8.1.1 Options

##### 8.1.2 Planning

##### 8.1.3 Documentation

##### 8.1.4 Tenders /Quotes

##### 8.1.5 Selection

##### 8.1.6 Entering Contract

■ Outlined on next pages

#### Acknowledgement:

This section has been developed in part utilising information from the Department of Building and Housing and Consumers Institute website:

#### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### i.d. & select contractors

This section is a guide only. It is strongly advised that you use a professional architect, architectural designer or contract manager to manage this process. As such only summary information is provided.

#### 2.1.1 Options

There are various sorts of contract options identified on the table here.

#### 2.1.2 Planning

You need to plan contracting like anything else. When and how are we going to do it, what is the contract scope i.e. what does it include?

#### 2.1.3 Documentation

You will need:

Full set of plans and specifications (as relevant to each contractor)  
Procurement documents (e.g.tender)  
Building contracts.

#### 2.1.3 Tenders / Quotes

There are two main options: **Tendering** where you request seller responses through a common process, or **Quotation** where you directly approach specific contractors to request pricing.

#### 2.1.3 Selection

It pays to have a common set of criteria by which you select preferred contractor/s. Also, make sure you are comparing apples with apples when comparing prices. Use the checklist on the next page for help.

#### 2.1.3 Entering Contract

Use professionals only to write and manage the execution of contracts.

### contract options

type	description	advantages	disadvantages
Traditional	The most common form of contract is with a single 'Main' building contractor who in turn contracts all of the sub-trades necessary to complete the full project. Such contracts are usually overseen by the lead designer on behalf of the client.	This is a fairly 'low-risk' option. The Main contractor is responsible for performance of all contractors and cannot pass blame. Fixed single price is known up front except for variations during project.	Can be more expensive if project is not well defined.  Need to be cautious about variations during construction where Main contractor may seek higher margins.
Turn-key (Design & Build)	This is where you pay one price for design and construction through to completion ready for occupation - usually based on the execution of a sale & purchase agreement up front. Is common in residential subdivision.	Low financial risk due to known all inclusive price up front. Requires less management by client than traditional contracts. Single line of communications.	Tend to be expensive. You are the only one managing the contractors performance. Need to be wary of variations during construction justifying cost hikes and schedule delays.
Self-build	This option is for the experienced or very brave (or naive). This is where you act as the main contractor and may use own labour. You are fully responsible for purchasing all of the materials and labour to do the job.	Can keep costs down because you are not paying main contractors profit and contingency margins. You control all aspects of the job meaning in process changes are easier. Can use whanau labour (for some work)	<b>Very high risk.</b> You may be managing 20-30 contracts. No one to blame except yourself for cost / schedule / quality issues. Tradespeople have little loyalty to self-build clients. Carry all legal liability.

#### rauemi useful resources

www.nailed.co.nz - a sponsored site by building industry companies  
www.consumerbuild.org.nz - by Dept of Building & Housing & Consumers Institute  
www.buildingguide.co.nz - a commissioned general building process guide  
www.level.org.nz - authority on sustainable building

## 8 contracting

### 1 whanau

#### 8.1

#### I.D. & select contractors

##### 8.1.1 Options

##### 8.1.2 Planning

##### 8.1.3 Documentation

##### 8.1.4 Tenders /Quotes

##### 8.1.5 Selection

##### 8.1.6 Entering Contract

- Outlined on next page
- Outlined on previous page

## identifying contractors

It may be part of your brief with your designer that they engage the builder and subcontractors.

Usually an architect/designer works with a pool of builders (who in turn work with a pool of subcontractors). So the architect/designer will advise you who they usually work with.

If you are going to select the builder yourself, start looking around early. If you see a house you like, ask the owners who built it and if possible talk to them about any problems with construction and what the builder was like to work with.

Ask for recommendations from friends and colleagues, your mortgage manager, the real estate agent and others in the house business. Word soon gets around about who is reliable and who you should avoid.

Get a list of names and start a pre-selection list.

Other avenues are websites of builders and building companies, the Yellow Pages and the trade organisations, such as Certified Builders Association of New Zealand or Registered Master Builders Federation, and from 30 November 2007 the register of licensed building practitioners.

## contractor selection checklist

When the tenders come in, don't automatically choose the cheapest. Use a number of criteria to decide, such as:

**Price** - if a tender is way above or below the others you should question it. Some builders tender low on the initial bid just to get the job - but they'll probably be forced to cut corners, or rely on expensive variations along the way to make the job pay. They may even put their own business into jeopardy and be unable to finish the job. Expect to pay a fair price for the job – you get what you pay for. ☐

**Examples of their work** - ask them if you can talk to someone who has used them to build or renovate, and look at examples of their work. Whether they are a licensed building practitioner (this information will be available on a public register from 30 November 2007). ☐

**Qualifications** – find out if they are qualified. ☐

**Membership of trade organisations** – find out if they are members of New Zealand Certified Builders Association (CBANZ) or Registered Master Builders Federation (RMBF). ☐

**Guarantees** – whether any are offered and what is covered. ☐

**Relationship** - Finally, talk to each one and decide if you think you can work with them on a daily basis. You need to be comfortable with them, believe communication channels will be open, and confident they are capable of turning the designs into a high quality/satisfactory house. ☐

**Get an Independent Opinion** - If you still can't decide on which builder to choose, ask an independent person, for example a quantity surveyor, or another builder, to look at all the tenders. Remove the names of the builders and ask the independent person what they think of the quotes and the service being offered. You might have to pay them for this check but it is worth it. ☐

## kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

## rauemi useful resources

www.nailed.co.nz - a sponsored site by building industry companies  
 www.consumerbuild.org.nz - by Dept of Building & Housing & Consumers Institute  
 www.buildingguide.co.nz - a commissioned general building process guide  
 www.level.org.nz - authority on sustainable building

## 8 contracting

### 1 whanau

#### 8.1

#### I.D. & select contractors

##### 8.1.1 Options

##### 8.1.2 Planning

##### 8.1.3 Documentation

##### 8.1.4 Tenders /Quotes

##### 8.1.5 Selection

##### 8.1.6 Entering Contract

■ Outlined on previous pages

## entering a contract

Many building companies and individual builders will have their own form of contract. There is also a New Zealand Standard form of contract (NZS 3902:2004 House Building Contract) that has been independently developed by Standards New Zealand and is available for purchase.

Even if you decide to use another form of contract, it might be useful to compare it to the NZ Standard to make sure the one you are being offered is fair and reasonable.

There are also a number of other standard contracts available from these organisations: Certified Builders Association of NZ, (CBANZ).

Registered Master Builders Federation, (RMBF).

NZ Institute of Architects, (NZIA).

Designers Institute of NZ (DINZ).

The CBZNZ, RMBF and DINZ contracts are only available to members, but you can buy a copy of the NZIA contract. It is likely that your builder is familiar with them or has a copy. Don't accept them at face value, you may want to negotiate changes to some of the clauses.

Get a lawyer to check the contract to make sure everything is covered. Don't forget that both you and the builder must sign it, date it and initial each page.

## contract checklist

Whatever form of contract is used, make sure it includes:

- The names and addresses of you and the builder. ☐
- What the job entails and what the builder is required to do to comply with the contract - the easiest way to do this is to attach the plans and specifications to the contract. ☐
- Details of the builder's insurance (contract works and public liability). ☐
- Who pays for the building consent and other council fees. ☐
- Start and finish dates. ☐
- Who hires the subcontractors and ensures they have appropriate insurance cover. ☐
- Who supervises the subcontractors. ☐
- Whether the work is covered by a guarantee, and details of the guarantee. ☐
- How variations will be handled. ☐
- The retention/withholding sum – a percentage, usually 10%, is kept back until all work is completed, but note that a guarantee agreement may require full payment to be made on completion of work. ☐
- Penalties for delay by the builder (which you negotiate). ☐
- The price. ☐
- The payment schedule – what you pay and when. ☐
- A maintenance clause which requires the builder to fix defects that arise within a specified time after the house is completed. ☐
- A requirement that the builder will fix any damage caused by themselves or their subcontractors. ☐
- A clause that defines practical completion ☐
- A requirement that someone remains supervising the site until practical completion. ☐
- A requirement that the builder leaves the site neat and tidy. ☐
- Procedures for disputes. ☐
- A list of all the documents that accompany the contract, such as the plans and specifications, the guarantee and the insurance cover. ☐

The contract should also state your obligations to:

- Allow the builder access to the site. ☐
- Provide working drawings that meet Building Code standards. ☐
- Provide secure storage for the builder's equipment and materials (this one is negotiable). ☐
- Make progress payments when due. ☐

### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:



## 8 contracting

## 4 budgeting

## 8.4

quotations  
& finance

## 8.4.1 Getting Prices

## 8.4.2 Provisional Sums

## 8.4.3 PC Sums

## 8.4.4 GMP

## 8.4.5 Reality Check

## quotations &amp; finance

For the first time 'real' costs will now become known vs estimates.

## 8.4.1 Getting Prices

It is a good idea to invite at least three builders to tender. Let each know that you are getting others to tender. This is fair to them and keeps their pricing sharp.

## 8.4.2 Provisional Sums

Be careful of provisional sums in the quote – this is where the price is uncertain, for example the cost of some materials. Provisional sums are often underestimated so if they appear in the quote ask the builder to confirm the amount is adequate.

## 8.4.3 PC Sums

Sometimes the architect/designer sets aside a fixed amount, known as prime cost (PC) sums, for certain items e.g. taps and door handles. This leaves you to choose them yourself within the PC sum.

## 8.4.4 GMP

This is where the builder provides a guaranteed maximum price (GMP) in the contract. These sorts of contracts can provide incentive to the builder to finish on time and within the budget. You avoid the risk of uncontrolled extra costs and time - but you may pay a premium.

## 8.4.5 Reality Check

You now have the information necessary to reassess viability. This may cause review of the design and re-negotiation of contract prices.

## mortgage options

## Mortgages

Now that you have quotations and should have an 'off-plan' valuation you need to start talking seriously to a lender. **consumer.org.nz** has detailed information on the types of mortgages available, including the latest interest rates, how to apply for a mortgage, how to make a complaint if you are not satisfied with the service you receive, and how to reduce payments. Some of this information is free, but for some you need to be a member.

It is becoming more common for people to borrow money from organisations other than banks. These are known as **non-bank or non-formula lenders**. If you have been turned down by the banks, this may be an option, but if you are a risky proposition for the lender, you are likely to pay higher interest rates and fees. They may lend a smaller percentage of the property's value than banks, so you may have to top up the difference.

However, non-formula lenders can be a good option for people who want to pay off their mortgage more quickly. Some of these organisations encourage fast repayment. They may provide budgeting packages and consultants to keep an eye on you and they may have schemes to help your debt reduce, for example, having your salary direct-credited to your mortgage account. For a closer look at non-formula lenders have a look at [consumer.org.nz](http://consumer.org.nz).

Note: you need to be a member to access this information.

## Insurance

Many banks will require you to have mortgage repayment insurance. This is usually achieved by assigning your life insurance to the bank.

## Mortgage schemes

A loan option to be wary of is a scheme whereby a middleman - for example, a real estate investor - buys a property and then offers you credit to buy the property. These schemes are known by a variety of names including wrap-around mortgages, rent-to-buy, lease options, vendor finance, or installment sales contracts. The problem with these schemes is that you don't own the property until you finish paying, so you can't sell and move somewhere else, or refinance, and if the middleman goes broke you will lose all the money you've invested.

## rauemi useful resources

Consumers Institute [www.consumer.org.nz](http://www.consumer.org.nz)

## kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:



## 8 contracting

### 5 consultants

#### 8.5

#### contract manager

##### 8.5.1 Designer

##### 8.5.2 Builder

##### 8.5.3 Independent

##### 8.5.4 Self

### contract manager

Contract Management may commence from the moment you start preparing Requests for Tenders right through to post-occupation.

It is important that there is someone responsible for managing and administering any contracts you have entered into.

#### 2.1.1 Designer

In most cases your Architect or Architectural Designer will act as your Contract Manager. They provide project observation and ensure that work is undertaken and managed in accord with the contract.

#### 2.1.2 Builder

In some cases your Main Building contractor may claim to be your contract Manager - question is who is managing them? However in some cases an independent builder may be able to provide contract management services for you. However some builders may feel uneasy having another builder managing their contract.

#### 2.1.3 Independent

If you do not have an Architect or Architectural Designer managing contracts you may need to engage an independent contract manager. There are many companies offering such services.

#### 2.1.3 Self

If you have design, building, project management or legal skills and experience you may be able to manage contracts yourself.

### what is contract management?

Contract management is a specialist discipline. It can entail:

- Determining how you will do contracting i.e. methods / approach
- Preparing relevant contract / procurement documents
- Issuing Request for Tender / Quotation / Proposal documents
- Requesting seller responses
- Reviewing responses in accord with selection criteria
- Seeking further information / clarification where required.
- Making recommendations
- Conducting seller conferences / meetings if required
- Contract Negotiations
- Contract Execution
- Contract Administration
- Managing Performance / Disputes / Risk
- Reviewing and certifying Claims / Payment
- Verifying acceptance of deliverables
- Contract Closure
- Managing Termination if Required
- Maintaining records

### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### rauemi useful resources

[www.nailed.co.nz](http://www.nailed.co.nz) - a sponsored site by building industry companies  
[www.consumerbuild.org.nz](http://www.consumerbuild.org.nz) - by Dept of Building & Housing & Consumers Institute  
[www.buildingguide.co.nz](http://www.buildingguide.co.nz) - a commissioned general building process guide  
[www.level.org.nz](http://www.level.org.nz) - authority on sustainable building

9.1

manage  
building

9.3

inspections &  
compliance

9.4

payments  
& reserves

## whare

### step 9: building

Congratulations. If you have got this far you are ready to get building - however if you think you can put your feet up now you're wrong.

Building is a stressful and complex process and invariably has relationships, issues, performance and expectations to be managed.

You need to keep a close watch on the building process to ensure everything is going according to plan and to provide direction or answer questions as required.

If you are managing the construction yourself and this is your first time - then good luck - you have a hard job ahead, however if you have worked through all of the steps of this guide you will be better informed and prepared than many.

One of the most important things with managing a building project is anticipating every step as far in advance as possible to ensure things happen when they need to.

90% of your time (unless you are swinging a hammer yourself) will be invested in communications - endless conversations, phone calls, meetings, emails, faxes and memos. The other 10% will involve clocking up many miles in your car.

**ka tope tāhū āno,**

**waiho kia rere ana**

*"The ridgepole of the house is cut, so let it rise".*

Once the essential preparatory portion of a big and important project has been accomplished, completion should not be delayed.

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## 9 building

### 1 whanau

#### 9.1

#### manage building

##### 1.5.1 Client Role

##### 1.5.2 Site Foreman

##### 1.5.3 Designer

##### 1.5.4 Contract Manager

#### privity

'Privity' means a contractual relationship. Be aware of your contractual relationships. For example if you hire Company A & they sub-contract Company B - you have no contract with Company B - therefore you cannot direct Company B except through Company A.

#### kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

### manage building

The building works are going to require management from multiple perspectives.

#### 2.1.1 Client Role

You as the client have a management role to play. You need to ensure all parties are performing their jobs as per contracts and in accord with plans and specifications. Even your frequent presence on site will keep contractors on their toes.

You also need to be on site often to provide clarification and to ensure you are fulfilling any responsibilities you have in a timely fashion, such as supplying fittings. Don't let yourself become an excuse for delays.

#### 2.1.2 Site Foreman

The Site Foreman is usually responsible for managing the site on a day to day basis in terms of coordinating contractors, suppliers and activity in accord with the plans and project schedule.

#### 2.1.3 Designer

Your Architect or Architectural Designer will need to manage the main contractor on your behalf and will be responsible for ensuring everything is built according to the plans, specifications and contract.

#### 2.1.4 Contract Manager

If you do not have a designer acting as a Contract manager that role will need to be filled by an independent contract manager or yourself.

### job management

If you are responsible for managing the building works you need to ensure that you or your Main Contractor are:

- Arranging for subcontractors to be available when needed. ☐
- Dealing with suppliers and making sure materials are ordered and delivered on time. ☐
- Monitoring progress once work starts to make sure everything complies with the contract and consent documentation (including plans and specifications). ☐
- Arranging for inspections by your own professionals, for example, the designer or architect. ☐
- Arranging for inspections by the building inspectors at the end of each stage. ☐
- Answering questions that arise during building, and clarifying anything in the construction documents with the contractors. ☐
- Knowing when progress payments are due and checking claims for payment. ☐
- Negotiating with the builder and subcontractors to come back and fix any work not completed or done properly. ☐
- Processing variations and anything else that crops up along the way. ☐
- Arranging amendments to the building consent where necessary. ☐
- Arranging the final inspection for the code compliance certificate. ☐
- Ensuring the site is safe and kept clean of clutter and refuse. ☐
- Keeping your whanau and any lender 'in the loop' as required. ☐

#### rauemi useful resources

[www.nailed.co.nz](http://www.nailed.co.nz) - a sponsored site by building industry companies  
[www.consumerbuild.org.nz](http://www.consumerbuild.org.nz) - by Dept of Building & Housing & Consumers Institute  
[www.buildingguide.co.nz](http://www.buildingguide.co.nz) - a commissioned general building process guide  
[www.level.org.nz](http://www.level.org.nz) - authority on sustainable building  
[www.branz.co.nz](http://www.branz.co.nz) - the Building Research Association of New Zealand

## 9 building

## 3 council

## 9.3

## inspections &amp; compliance

## 1.5.1 Inspections

## 1.5.2 Code Compliance

## inspections &amp; compliance

When you received your building consent it will have set out the necessary inspections to be carried out during construction.

Building inspections are scheduled at critical stages of the construction process to ensure the work is being carried out in accord with the approved plans and that building codes and regulations are being met

## 2.1.1 Inspections

The chart to the right sets out the sequence of inspections. It is the responsibility of the site foreman or construction manager to book inspections at the appropriate time. It may be beneficial for you to join the inspections so you can hear any comments, advice or questions the inspector has.

## 2.1.2 Code Compliance

If all inspections have been completed to the satisfaction of the inspector, you will be able to book a final inspection upon completion. If you pass the final inspection you will qualify to apply for a 'Code Compliance Certificate' (CCC).

The CCC confirms that all work has been completed in accord with the approved plans, building code and any other relevant regulations.

A copy of your CCC may be requested by your lender before final drawdowns, or by your insurer. It is also useful for resale.

## kawenga responsibilities

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

## inspections

It is the owners / builders responsibility to book inspections. If any are missed you may not be able to obtain a Code Compliance Certificate upon completion. Generally the following inspections will be required during building:

## Foundations

Before concrete pour. Includes trenches, ground bearing, steel work etc.

## Block fill

Before filling any blocks: they are clean, steel reinforcing, washouts, floor heights

## Floor

Concrete: mesh / polythene etc. Wooden: piles, bearers, joist etc. Plumbing pipe-out

## Pre-wrap framing

Before roofing or building wrap goes on. Roof & wall framing, bracing, fixings etc.

## Plumbing Pipe-out

Check Hot and Cold supply to fixtures, water pressure etc

## Claddings

Battens, Flashings, Fixings, Window dressings, netting / paper etc

## Preline

Ceiling and wall insulation, moisture checks of framing, timber grading etc.

## Sheet bracing/ fire-linings

Before plaster & paint. These have specific installation requirements to be met.

## Drainage

Sewer and Stormwater drainage. Checked for bedding, falls, depths and compliance.

## Final

Done on receipt of application for CCC. Uses comprehensive checklist.

## rauemi useful resources

Refer to the Hastings District Council website [www.hastingsdc.govt.nz](http://www.hastingsdc.govt.nz), or refer to Appendix Three which has a fact sheets on inspections and code compliance..

## 9.4

**payments  
& reserves****1.5.1 Progress claims****1.5.2 Variations****1.5.3 Reserves****1.5.3 Draw-downs****payments & reserves**

As the building progresses you will need to manage costs and cash-flow carefully by monitoring the costs of any variations to contract and any project reserves.

**2.1.1 Progress Claims**

Building Contracts are typically paid based on an agreed percentage of the contract price being paid at certain stages of completion. See notes to the right.

**2.1.2 Variations**

When Progress Claims are made you will also be charged for the cost of variations to the contract. You need to make sure that every variation is subject to prior approval based on a cost estimate and that any claims match that estimate.

**2.1.3 Reserves**

As the contract progresses you will need to review any contingency and reserves by comparing actual costs and the cost of variations to your budget. As the project progresses you may need to adjust contingency.

**2.1.3 Draw-downs**

If you are using bank finance to fund the build you will typically draw it down in stages so as not to incur interest against the full amount from the start. The bank may require you to attain a valuation of the work complete and estimate of cost to complete from a Registered Valuer before they will release the funds - particularly if the house is the only security against the loan.

**progress payments**

Unless you are paying in one lump sum, chances are you will have a clause in your contract for regular progress payments to be made to your builder. You can negotiate with your builder how these payments will be organised:

- The number of payments.
- The amount of each payment.
- The gap or stage of progress between payments.
- The date or stage when each one is due.

If you have a project manager (including your lead Architect or Architectural Designer), one of their tasks will be to monitor progress payments on your behalf. Make sure this is specified as a task and they are qualified to recommend payment.

<b>Progress Payment #</b>	<b>%</b>	<b>Upon Completion of:</b>
<b>1</b>	<b>15%</b>	Permits & Fees Site Works and Foundations
<b>2</b>	<b>20%</b>	Wall & Roof Framing
<b>3</b>	<b>30%</b>	Internal and External Lining
<b>4</b>	<b>25%</b>	Room fit-out and finish Kitchen & Bathrooms Floor & Wall Coverings
<b>5</b>	<b>10%</b>	(Retention - Builders Profit) Defects Remedied. Certificate of Completion issued by Designer Code Compliance Certificate obtained from Council

**kawenga responsibilities**

Kairuruku / Coordinator:

Kaitautoko / Mentor or Advisor:

**rauemi useful resources**

Refer to the Master Builders Federation, your Architect, or Architectural Designer for advice on Payment Schedules.



## whakamutunga

### completion

WOW! you're ready to move in!!

Chances are however there is still a lot to do and stitch up before you can relax. Make sure the following is addressed:

#### Practical Completion:

Ensure a certificate has been issued certifying that the work has been completed in accord with the contract.

#### Code Compliance Certificate:

Make sure the Council has conducted final inspection and you have obtained your CCC.

#### Defects & liability:

Thoroughly inspect every nook and cranny and fixture to make sure that any defects have been formally noted and remedied before making any final payments or releasing retentions. If you don't do this now it will become very difficult later.

#### Guarantees / Warranties:

Make sure you have been supplied with all certificates of warranty or guarantee, including any 'producer statements' certifying work carried out by tradespeople.

#### Insurance:

Make sure you have home and contents insurance sorted before you move in.

**ENJOY!**

**he kura kāinga e hokia, he  
kura tangata e kore e hokia**

*"A treasured home will endure, not so a treasured person".*

If you look after your new home it will endure for the benefit of future generations.

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## appendices

Appendix One: Te Puni Kokiri. Marae Governance & Management Toolkit  
Appendix Two: Te Kooti Whenua - Maori Land Court. Booklets  
Appendix Three: Hastings District Council - Consent Guidelines & Templates  
Appendix Four: Housing New Zealand - Development Guides.  
Appendix Five: List of relevant web-links

*Note: Appendices are only available on electronic version of guide on CD*

## MATTERS UNDER ACTION

5 Hakihea 2017

Item	Action	Person Responsible	Notes/Update	Timeframe
<b>Hastings District Council</b>	The Chair invited staff to provide a report out of the work of Hastings District Council to be brought to Te Whakaminenga o Kāpiti to inform a way forward and highlight lessons learned around housing.	Mahinarangi Hakaraia	Report to be prepared for next meeting.	Next meeting 5 December 2017
<b>Cycleways, Walkways and Bridleways Group</b>	TWOK resolved to appoint representatives to the Cycleways, Walkways and Bridleways Advisory Group at the next meeting.	Rupene Waaka	The Chair took the action to come back to the next meeting with the name of a proposed representative.	Next meeting 5 December 2017
<b>Te Puni Kōkiri</b>	The Chair requested the TPK be invited to speak with the ART Forum regarding the Te Ture Whenua Māori Bill.	Mahinarangi Hakaraia		Next meeting 5 December 2017
<b>Representative Vacancies</b>	Review GAC and all other vacancies. Update on process to recruit Strategy & Policy Committee Representative.	Leyanne Belcher		Next meeting 5 December 2017