

Te Kārearea Strategic Partnership Standing Committee Agenda

Date: 16 June, 2021
Time: 9:00 am
Location: Council Chamber
Forum North, Rust Avenue
Whangarei
Attendees: Cr Phil Halse (Chairperson)
Her Worship the Mayor Sheryl Mai
Cr Gavin Benney
Cr Ken Couper
Cr Greg Innes
Cr Anna Murphy
Cr Carol Peters
Cr Simon Reid
Delaraine Armstrong
Jade Kake
Tame Te Rangi
Jared Pitman
Mira Norris
Aorangi Kawiti
Deborah Harding
Len Bristowe

Recommendations contained in the agenda are not decisions of the meeting. Please refer to minutes for resolutions.

| | |
|--|-----|
| 1. Karakia/Mihi | |
| 2. Declaration of Interests | |
| 3. Apologies | |
| 4. Confirmation of Minutes | |
| 4.1. Minutes Te Karearea Strategic Partnership Standing Committee Meeting held 21 April 2021 | 5 |
| 4.2. Minutes Te Karearea Strategic Partnership Standing Committee hui held 19 May 2021 | 11 |
| 5. Kokiri | |
| 5.1. Kokiri Progressive Partnership Action June 2021 | 15 |
| 6. Decision reports | |
| 7. Information reports | |
| 7.1. Action Log Update June 2021 | 19 |
| 7.2. Strategy Update June 2021 | 25 |
| 7.3. Changes to the Rating of Whenua Maori | 33 |
| 7.4. Representation Review 2021 update on Initial Proposal considerations | 93 |
| 7.5. Road and Place Name Changes | 109 |
| 7.6. Audit of Council Operations and Decision Making under the Treaty of Waitangi | 113 |
| 8. Public excluded | |
| 9. Closure of Meeting - Karakia | |

Te Kārearea Strategic Partnership Standing Committee – Terms of Reference

Membership

Chairpersons

Council based meetings: Councillor Phil Halse

Marae based hui: to be determined from mandated hapū members*

Members

Her Worship the Mayor Sheryl Mai

Councillors Gavin Benney, Ken Couper, Greg Innes, Anna Murphy, Carol Peters, Simon Reid and Phil Halse

Eight mandated hapū representatives: Delaraine Armstrong, Jade Kake, Tame TeRangi, Jared Pitman, Mira Norris, Aorangi Kawiti, Deborah Harding and Len Bristowe

Meetings

Bi monthly for formal standing committee meetings, with hui on being held on a marae in accordance with Tikanga*

Quorum

8 comprised of 4 councillor and 4 hapū members

*note, marae based hui will be in accordance with Tikanga and as such are outside of standing orders adopted under the Local Government Act 2002

Preamble

Te Kārearea Strategic Partnership Forum was formed late in 2012 between Te Huinga (as advocates of the hapū of Whangarei) and Whangarei District Council. The desire to 'develop more robust partnership arrangements over time' was signaled in the 2014 revision of the Agreement. This partnership Committee Represents an important step in that process. While the Purpose, Key Responsibilities and Delegations form the basis for the Terms of Reference to determine what the Committee will do, it is important that the respective principles of each of the Partners continue to underpin the relationship, and that the relationship builds on the foundations outlined in the Agreement. The Statement of Principles for each of the Partners, as established in the foundation relationship agreement, is below.

Te Huinga Statement of Principles

He Whakaputanga o Te Rangiratanga o Nu Tirenī (Declaration of Independence – 1835) and Te Tiriti o Waitangi, 1840 provides the foundational doctrines of authority and partnership that are being sought after by the hapū of Whangārei as the relationship develops with the Whangārei District Council.

Te Huinga will work towards achieving the strategic intent.

Strategic Intent

- Vision/Te Pae Tawhiti: 'Ma nga hapū ano nga hapū e korero' - 'Hapū self reliance and prosperity'
- Mission/Te Kaupapa: 'Achieving hapū aspirations through effective and enduring relationships'
- Whangārei - Māori Community Outcomes:
 - a A rohe with a vibrant Māori culture
 - b A Māori community, which is healthy and highly educated

- c A society that protects and cares for all its members
- d A rohe with a flourishing Māori economy
- e A society that appreciates and cares for its natural environment
- Nga tikanga – Values
 - a Whanau – the extended family is the social unit that Māori identify with.
 - b Mana Hapū - Hapū are the cornerstone of the Māori community and identity.
 - c Mana Motuhake – self-determination, self-reliance and self-sustainability.
 - d Whakarite – Invest time and energy in building decision-making capacity and capability.
 - e Te Manawatoopu – Of one heart and mind. We are stronger working together.
 - f Kia maia – Providing leadership through courage.

Whangārei District Council Statement of Principles

In order to improve and enhance relationships with Māori, Council acknowledge a strategic platform is required upon which to continue to build strong relationships. Council is committed to collaboration with Māori organisations within the District.

Council has a contribution to make towards Māori wellbeing, be it environmental, social, cultural/spiritual or economic. Additionally, further collaboration and relationship building processes with Crown agencies and other local territorial authorities will continue as all such organisations make up part of the many services that impact on Māori wellbeing.

Whangārei District Council wishes to engage with Māori hapū and to recognize the Treaty of Waitangi. The Local Government Act 2002 outlines the obligations of local authorities around the Treaty of Waitangi.

Purpose

To enable the primary partners (Council and hapū of Whangārei) to work closely together to achieve the agreed vision 'He Whenua Rangatira - Whangārei, a district of prosperity, wellbeing and empowered communities' and mission 'Ka tūtuki te Kāwanatanga ā-rohe, ka puāwai hoki te kotahitanga me ōna tini kaupapa - Local Government that works through effective partnership and shared decisions to provide practical solutions'. Central to this is continued development of robust partnerships through learning conversations.

The Committee provides a platform for high level/strategic discussions and priority setting between the primary partners, with preference given to *kanohi ki te kanohi* (face-to-face) and preserving tikanga. Areas of focus include, but are not limited to;

- Identifying the cultural, economic, environmental, and social issues/decisions of Council that are significant for Māori¹ in the Whangarei District. (participation)
- Ensuring Council complies with statutory provisions that refer to Te Tiriti o Waitangi (the Treaty of Waitangi), including providing oversight of key processes and controls (assurance)
- To agree mutual strategic priorities (direction)

However, it is acknowledged that areas of focus/priorities may be beyond the direct control of the committee, meaning that in some areas it will be operating in an advisory capacity.

Recognising this, and to ensure clarity, the Working Group for Maori Participation in decision making (which was tasked with developing Terms of Reference) split the responsibilities of

¹ Māori in this context is defined as people that affiliate to a whanau, hapū, Iwi, mana whenua groups

the Committee into those where it provides advice and recommendations, and those where decision making powers would be delegated.

Key responsibilities – advice and recommendations

- 1) Participation
 - a) Develop pathways (and processes) that will achieve lasting and meaningful relationships between Māori and Council.
 - b) Ensure the views of Māori are taken into account.
 - c) Recommend ways to develop Council capacity
 - d) Recommend ways to develop Māori capacity to contribute to decision making processes
 - e) Governance oversight of initiatives, Te Karearea budget and resourcing to build capacity (both Council and Māori) and deliver on the Terms of Reference
 - f) Provide for equitable participation
- 2) Direction
 - a) Identify strategic priorities for the partnership
 - b) Provide advice on topics referred by Council and Māori
 - c) Advice to, and relationships with, other committees of Council
 - d) Recommendations on harbour and waterway matters (within the jurisdiction of WDC)
 - e) Advice and recommendations on 3 Waters and flood protection infrastructure
 - f) Oversight and advice on central government reform initiatives relating to strategic priorities of the partnership and Te Ao Māori including, but not limited to, three waters reform
 - g) Provide advice and recommendations on key strategic policies, plans and projects of Council, including but not limited to growth strategies, the Long Term Plan and the District Plan
 - h) Information sharing / discussions on Treaty Settlement processes and potential co-governance opportunities (where appropriate)
 - i) Identify matters of significance to Māori that may require joint positions/advocacy with external agencies (i.e. co-governance) or recommendations to Council
 - j) Recommendations on Maori Representation (i.e. under the Local Electoral Act)
- 3) Assurance
 - a) Develop a workplan and strategy log to monitor input to, and decision making/progress on, strategic priorities identified by the Committee
 - b) Monitor and advise on council's compliance with its legislative obligations to Māori, including under the Local Government Act 2002 and the Resource Management Act 1991.
 - c) Receive and consider audit reports on Council's compliance with its legislative obligations
 - d) Monitor and ensure that appropriate action is being taken
 - e) Monitor and assess the primary partner relationship against its vision and mission
 - f) Monitoring compliance with statutory provisions that refer to Te Tiriti o Waitangi (the Treaty of Waitangi), including providing oversight of key processes and controls

Key Responsibilities – under Delegated authority

- 1) Establishing Audit Processes for statutory provisions relating to Te Tiriti o Waitangi (the Treaty of Waitangi).
- 2) Establishing Council processes and templates for Mana whakahono ā rohe Agreements and Iwi/Hapu Environmental Management Plans
- 3) Developing a Te Ao Maori framework for decision making
- 4) Establishment of working parties or steering groups
- 5) Nominating hapū representatives to any Council committee, joint committee or working group (as required, noting that nominations to Council Committees or Joint Committees must then be appointed by full Council)
- 6) Developing collaborative relationships on strategic priorities/areas of focus



Item 4.1

Te Kārearea Strategic Partnership Standing Committee Meeting Minutes

Date: Wednesday, 21 April, 2021
Time: 9:00 a.m.
Location: Council Chamber
 Forum North, Rust Avenue
 Whangarei

In Attendance

Cr Phil Halse (Chairperson)
 Her Worship the Mayor Sheryl Mai
 Cr Gavin Benney
 Cr Ken Couper
 Cr Greg Innes
 Cr Carol Peters
 Cr Simon Reid
 Delaraine Armstrong
 Jade Kake
 Tame Te Rangi
 Jared Pitman
 Mira Norris
 Aorangi Kawiti
 Deborah Harding

Not in Attendance

Cr Anna Murphy
 Len Bristowe

Scribe

Administrative matters

Jared Pitman assisted the Chairperson on behalf of hapū members.

1. Karakia/Mihi

Aperahama Edwards opened the meeting with a karakia.

Following the karakia, a minutes silence was observed in respect of the recent passing of Teina Kake.

2. Declaration of Interests

There were no declarations of interest made.

3. Apologies

Cr Anna Murphy and Len Bristowe (apologies), Deborah Harding (late arrival) and Delaraine Armstrong (early departure).

Moved By Cr Greg Innes

Seconded By Cr Gavin Benney

That the apologies be sustained.

Carried

4. Confirmation of Minutes

4.1 Minutes Te Karearea Strategic Partnership Standing Committee Meeting held 17 February 2021

Moved By Cr Carol Peters

Seconded By Cr Ken Couper

That the minutes of Te Karearea Strategic Partnership Standing Committee held on Wednesday 17 February 2021, including the confidential section, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

4.2 Minutes Te Karearea Strategic Partnership Standing Committee Hui held 17 March 2021

Moved By Cr Greg Innes

Seconded By Delaraine Armstrong

That the minutes of Te Karearea Strategic Partnership Hui held on Wednesday 17 March 2021, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

Aorangi Kawiti arrived at 9.12am during discussion on Item 5.1.

5. Kokiri

5.1 Kokiri Progressive Partnership Action April 2021

Moved By Delaraine Armstrong

Seconded By Tame Te Rangi

That Te Kārearea Strategic Partnership Standing Committee notes the report.

Carried

6. Information reports

6.1 Action Log Update April 2021

Moved By Cr Greg Innes

Seconded By Tame Te Rangi

That the Te Kārearea Strategic Partnership Standing Committee note attached Action Log.

Carried

Deborah Harding arrived at 9.52am during discussion on Item 6.2.

6.2 Strategy Update April 2021

Moved By Tame Te Rangi

Seconded By Cr Gavin Benney

That the Te Kārearea Strategic Partnership Standing Committee notes the report.

Amendment

Moved By Jared Pitman

Seconded By Cr Greg Innes

1. That Te Kārearea Strategic Partnership Standing Committee notes the report.
2. The Te Kārearea Strategic Partnership Standing Committee undergoes an information gathering exercise that includes mapping of information on Treaty of Waitangi land claims in aid of providing better decision-making on land use within the Whangarei District.

**The amendment was Carried
and subsequently Carried
as the substantive motion**

6.3 Northland Transportation Alliance Update

Moved By Cr Gavin Benney

Seconded By Cr Phil Halse

That the Te Karearea Strategic Partnership Standing Committee notes the “Northland Transportation Alliance update” report.

Carried

Delaraine Armstrong left the meeting at 10.30am during discussion on Item 6.3.

6.4 Whangarei District Pensioner Housing

Moved By Cr Greg Innes

Seconded By Deborah Harding

That the Te Kārearea Strategic Partnership Standing Committee note the provision of pension housing by Whangarei District Council.

Carried

6.5 Three Waters Reform Update - April 2021

Moved By Cr Greg Innes

Seconded By Cr Ken Couper

the Te Kārearea Strategic Partnership Standing Committee receives this report.

Carried

The meeting adjourned at 11.17am for a break and resumed at 11.25am.

6.6 Stock Control Future Options and Enhancements

Moved By Jade Kake

Seconded By Cr Simon Reid

That the Te Kārearea Strategic Partnership Standing Committee notes the report.

Carried

6.7 Hikurangi Swamp - Pump Operation late summer - Eel deaths

Moved By Jared Pitman

Seconded By Cr Ken Couper

That the Te Kārearea Strategic Partnership Standing Committee notes the report on the update on Hikurangi Swamp Pump Operation.

Amendment

Moved By Cr Ken Couper

Seconded By Aorangi Kawiti

1. That the Te Kārearea Strategic Partnership Standing Committee notes the report on the update on Hikurangi Swamp Pump Operation.
2. That the Te Kārearea Strategic Partnership Standing Committee agrees to review the progress on the Hikurangi Swamp Pump Operation in July 2021.
3. That the Chairpersons of the Te Kārearea Strategic Partnership Standing Committee write a letter to the Ministry of Primary Industries (MPI) highlighting the plight of hapū and ask for a response.

**The amendment was Carried
and subsequently Carried
as the substantive motion**

Chantez Connor-Kingi addressed Te Kārearea Strategic Partnership Standing Committee on issues relating to Item 6.7.

7. Public excluded

There was no business concluded in public excluded.

8. Karakia/Mihi

Jared Pitman closed the meeting with a karakia.

9. Closure of Meeting

The meeting closed at 12.03pm.

Confirmed this 16th June 2021.

Cr Phil Halse (Chairperson)



Item 4.2

Te Kārearea Strategic Partnership Hui Minutes

Date: Wednesday, 19 May, 2021
Time: 9:00 a.m.
Location: Council Chambers

| | |
|--------------------------|---|
| In Attendance | Len Bristowe (Chairperson) Cr Phil Halse Her Worship the Mayor Sheryl Mai Cr Ken Couper Cr Greg Innes Cr Anna Murphy Cr Carol Peters Cr Simon Reid Delaraine Armstrong Jade Kake Tame Te Rangi Jared Pitman Mira Norris Aorangi Kawiti Deborah Harding |
| Not in attendance | Jade Kake Cr Gavin Benney |
| Scribe | N.Pestana (Team leader Democracy) |

Administrative matters

- Hui livestreamed on Ngati Hine FM.
- Her Worship the Mayor commented on the hui being held in chambers this month. Tau Henare marae is being used for Hui mate. Condolences to the families.

1. Karakia

Aperahama Edwards opened the meeting with a karakia.

2. Apologies

Jade Kake and Cr Gavin Benney.

Moved By Cr Carol Peters

Seconded By Cr Ken Couper

That the apologies be sustained.

Carried

3. Community Forum (Hui a Hapori)

Delaraine Armstrong declared an interest as trustee of Te Orewai Te Horo Trust and raised the following issues on behalf of the Te Orewai Pipiwai community:

- Recent changes to rating of whenua Māori land and the impact on homeowners. Alison Puchaux (Manager Revenue) will bring a report to Te Kārearea Strategic Partnership Standing Committee to initiate korero on this. Added to action log.
- Whenua Māori are concerned and strongly object to the proposed Significant Natural Areas (SNA's). A report will be brought to Te Kārearea Strategic Partnership Standing Committee in June to initiate korero on this. Added to action log.
- Housing of whenua Māori who are returning to their ancestral land. Te Orewai Te Horo Trust supports a pathway for whenua Māori to work towards affordable home ownership.

4. Reports

4.1 Action Log Update May 2021

- Dominic Kula (General Manager Strategy and Democracy) updated Te Kārearea Strategic Partnership on aspects of the action log.
- Cr Halse updated Te Kārearea Strategic Partnership on the Hikurangi repo. The working group are meeting on Thursday 20 May 2021 to progress this mahi.

4.2 WDC Organisation Strategy and Beyond Diversity initiative

Moved By Aorangi Kawiti

Seconded By Cr Simon Reid

That the Te Kārearea Strategic Partnership Standing Committee receives the report and note the contents.

Carried

4.3 Representation review update May 2021

Moved By Jared Pitman

Seconded By Cr Greg Innes

That the Te Kārearea Strategic Partnership Standing Committee

1. Receives the report.
2. Recommends that Te Huinga bring back some options to the next Te Kārearea Strategic Partnership Standing Committee meeting.

Carried

4.4 Okara Park – Old Boys Clubrooms and rugby grounds

Moved By Aorangi Kawiti

Seconded By Deborah Harding

That the Te Kārearea Strategic Partnership Standing Committee receives the report.

Carried

4.5 Te Ao Maori Decision Making Framework

Moved By Delaraine Armstrong

Seconded By Jared Pitman

That the Te Kārearea Strategic Partnership Standing Committee

1. Notes the project status report.
2. Provides guidance on a regional approach and methods(s) to scoping and developing the Te Ao Māori Decision Making Framework.
3. Provides advice on suitable team members to engage with in scoping and developing the Te Ao Māori Decision Making Framework in these early stages.
4. Provides guidance on hapū and iwi based Geographic Information System (GIS) Mapping projects that are planned or underway in Whangārei or the region that could be appropriate to support and opportunities for inter-agency collaboration.

Carried

The hui adjourned at 11.14am for a break and recommenced at 11.29am.

5. Other Business

- Rob Forlong (Chief Executive) acknowledged Dominic Kula who is moving to a new role as General Manager Planning and Development and thanked him for his work as General Manager Strategy and Democracy.
- Rāmari Jackson-Paniora has been appointed as General Manager Strategy and Democracy and will join Whangarei District Council on 14 June 2021.
- Andre Hemara is leaving Whangarei District Council to join Kainga Ora. Rob Forlong acknowledged Andre's mahi and support to the organisation.

6. Karakia

Len Bristowe closed the hui with a karakia.

7. Closure of Meeting

The hui concluded at 12.10pm.

Confirmed this 16th day of June 2021

Len Bristowe (Chairperson)

5.1 Kokiri: Progressive Partnership Action

Meeting: Te Kārearea Strategic Partnership Standing Committee
Date of meeting: 16 June 2021
Reporting officer: Hapū Members

1 Purpose

To progress topics for 'Kokiri': Progressive Partnership Action

2 Recommendation

That Te Kārearea Strategic Partnership Standing Committee notes the report

3 Background

Following hui between Te Kārearea and Te Huinga hapū proposed the establishment of a standing agenda item on the Te Kārearea Agenda.

The intent of the item is to bring forward strategic topics or initiatives Te Huinga and Te Kārearea hapū members want to elevate with Council.

Titled "Kokiri" to denote progressive (strategic) action, the item provides an opportunity for collective discussion on initiatives aligned to the Committee's Terms of Reference.

4 Discussion

Te Kārearea Strategic Partnership Standing Committee Terms of Reference outlines key responsibilities under the 'Participation' section as:

- a) Developing pathways (and processes) that will achieve lasting and meaningful relationships between Māori and Council
- b) Ensuring the views of Māori are taken into account
- c) Recommending ways to develop Council capacity
- d) Recommending ways to develop Māori capacity to contribute to decision-making processes

In addition, the Committee has "Governance oversight of initiatives, Te Kārearea budget and resourcing to build capacity (both Council and Māori) and deliver on the Terms of Reference" and is tasked with developing a workplan to track progress on strategic initiatives.

Kokiri provides a mechanism for capacity building initiatives to be brought to the Committee for debate and the establishment of a collective view. It also provides for Committee oversight of, and direction on, these initiatives.

4.1 Initial area of focus

At the Te Karearea meeting in December 2020 the Te Kārearea Strategic Partnership Standing Committee endorsed 'a Marae based wananga to build capacity/understanding in Te Ao Māori'.

A working party of Aorangi Kawiti, Jade Kake, Cr Carol Peters and Cr Ken Couper was established to plan for this.

The hui will run over 2 full days (and overnight) with the timeframes and agenda to be confirmed at a later date. Matua Rereata Makiha has agreed to facilitate.

The dates below are options given to Te Karearea committee members, Councillors and the Strategic Leadership Team.

- Saturday 10 – Sunday 11 July
- Tuesday 13 – Wednesday 14 July
- Saturday 17 – Sunday 17 July
- Wednesday 28 – Thursday 29 July

To date there have been 11 responses as follows and their date preference/s.

- Hapu – 4 – 10/11 July or 28/29 July
- Te Karearea Councillors – 4 – 10/11 July or 28/29 July
- Non Te Karearea Councillors – 2 – 17/18 July or 10/11 July
- Strategic Leadership Team – 2 – 13/14 July or 10/11 July

Given a quorum of Committee members can make 10/11 July, with it also working for SLT and non Te Karearea councillors that have responded, it is proposed to lock in that date with a backup of 28/29 July.

4.2 Further areas of focus?

Other areas of focus that hapū have identified for discussion under Kokiri that potentially fall under the committees Terms of Reference include:

| Kokiri Topic | Description | Timeframes? |
|---|--|-------------|
| Develop Council and Māori Capacity | Wananga to enhance Council knowledge in Te Ao Māori? Engagement of hapū technicians? Te Ao Māori decision making framework (included in Committee ToR) | |
| Māori representation | Māori wards? Other opportunities for Māori Representation? | |
| Treaty of Waitangi | Quarterly updates? Discussion of co-governance opportunities? Establish audit process (included in Committee ToR) | |
| Councils compliance on legislative obligations to Māori | Aligned to Audit processes, ongoing monitoring and reporting to the Committee | |

This meeting will provide an opportunity to further explore these topics, and work through priorities to focus on moving forward.

It is anticipated that the direction provided through Kokiri will feed into the Committee's workplan.

4.3 Resourcing

The working group involved in the establishment of Te Kārearea (which was comprised of three hapū and three councillors) proposed the budget/resourcing below for the new Committee, which was subsequently approved by Council:

| Outcome | Description | Total |
|-------------------------------|---|-----------------------------------|
| Te Kārearea Meeting Fees | Meeting fee set at \$280 per meeting | \$27,000 |
| Internal resourcing / support | 0.3 FTE Democracy resource to support committee meetings, agendas etc 0.5 FTE for internally resourced technical/secretariat support (yet to be allocated) | \$50,000 (internal staffing cost) |
| Systems/support | Systems support for kaupapa/initiatives including newsletters, photocopying printing etc. | \$3,000 |
| Te Kārearea/Hui a Hapū | Meetings on Marae, hapū update hui, travel, catering, koha etc | \$20,000 |
| Capacity building | Remaining budget to support hapū capacity (i.e. technical advice etc) | \$50,000 |
| TOTAL | | \$150,000 |

Within the budget \$50k is allocated for 'building capacity'. In addition to this internal resourcing was allocated. Recruitment for this position is currently being worked through. Going forward it is anticipated that this position will work with the partners on key initiatives, and be responsible for developing and driving the Committee's work plan.

5 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

7.1 Action Log Update April 2021

Meeting: Te Kārearea Strategic Partnership Standing Committee
Date of meeting: 21 April 2021
Reporting officer: Dominic Kula (General Manager Strategy and Democracy)

1 Purpose

To brief the Te Kārearea Strategic Partnership Standing Committee on the actions undertaken for queries brought up at the previous meetings in the attached Action Log.

2 Recommendation/s

That the Te Kārearea Strategic Partnership Standing Committee note attached Action Log.

3 Background

Queries from previous Te Kārearea Strategic Partnership Standing Committee meetings are added to the Action Log with council updating actions.

4 Attachments

Action Log

Te Karearea Strategic Partnership Standing Committee Action Log

| Item # | Meeting | Date item raised | Type of Issue / Action required | Action item | Action taken / Comments | Status |
|----------|-----------------------|------------------|--|--|---|-------------|
| 2020- 01 | Te Kārearea hui | 18/11/2020 | Request - support | Support sought for the NSPS (Ngunguru Sandspit Protection Society) petition requiring WDC to change the bylaw to prohibit vehicles driving on the estuary and ocean beaches in the Ngunguru Sandspit Scenic Reserve. | 18/12/2020 To check with NTA on the process for this. 7/12/2020 Awaiting response on speed limits on beaches from NTA. 9/2/2021 NTA has advised that this can be incorporated into Council's Tutukaka Coastal area speed limit review. This area is in in Tranche 4, which is currently programmed for mid-late 2022 for consultation with implementation in 2023. This is similar to the approach for 90 Mile Beach in Far North, where the hapu and council are creating a management plan, where one element was speed limit. With 90 Mile Beach, there has been engagement and consultation alongside the management plan, which will also be the process here. | In progress |
| 2020- 02 | Te Kārearea hui | 18/11/2020 | Health and Safety Incident | Report of accident with Council's rubbish truck. | 7/12/2020 Health and Safety Incident report logged. Requested more details from Aorangi Kawiti for Health and Safety Incident report. 17/12/2020 Further email to Aorangi Kawiti requesting more details to proceed with Health and Safety Incident report. 9/2/2021 Require further details to complete Health and Safety Incident report 17/3/2021 Aorangi Kawiti reported that vehicle has been fixed. Advised that Council cannot action this item further without details required to complete Health and Safety Incident report. | Complete |
| 2020- 03 | Te Kārearea hui | 18/11/2020 | Query - feedback required / Agenda Item for future meeting | Query on how WDC works with NTA. | 18/11/2020 NTA overview to be scheduled for the new year. Dominic spoke to NTA manager 2/2/21. 17/3/2021 Item on April Te Kārearea agenda. | Complete |
| 2020- 04 | Te Kārearea hui | 18/11/2020 | Resolution | Resolution that the Chief Executive invite Minister Nanaia Mahuta to have a discussion on Three Waters with the Te Kārearea Standing Committee | 18/11/2020 Chief Executive has had Initial discussions with government officials with a positive response. A letter is being drafted for sign off by hapū and Council Chairs. 21/12/2020 Letter sent to Hon Nanaia Mahuta inviting her to meet with Te Karearea. 23/12/2020 Received acknowledgement of receipt of the invitation. 4/02/21 Hui held | Complete |
| 2020- 05 | Te Kārearea Committee | 9/12/2020 | Request - feedback required / Agenda Item for future meeting | Request for Te Kārearea / Te Huinga to have the opportunity to consider how Council's pensioner housing serves Māori. Discussion should include how pensioner housing provides for kaumatua and kuia and tools to support papakainga housing | 9/12/2020 Dominic Kula will arrange for a report back to Te Kārearea. 17/02/2020 Feedback provided to Te Karearea Standing Committee. General Manager Community will provide an overview of Councils pensioner housing portfolio to present to Te Karearea Standing Committee. 17/3/2021 Item on April Te Kārearea agenda. | Complete |
| 2020- 06 | Te Kārearea Committee | 9/12/2020 | Request - feedback required | Request for feedback from Te Kārearea / Te Huinga on Camping in Public Places (noting that the bylaw is subject to a formal statutory process). | 9/12/2020 Delaraine Armstrong will put on Te Huinga's agenda for discussion. | In progress |
| 2020- 07 | Te Kārearea Committee | 9/12/2020 | Request - information required | Request for Te Kārearea to be provided with a high level capex programme list | 08/12/2020 Capex programme provided | Complete |

| Item # | Meeting | Date item raised | Type of Issue / Action required | Action item | Action taken / Comments | Status |
|----------|----------------------------|------------------|--|---|---|-------------|
| 2020- 08 | Te Kārearea Committee | 9/12/2020 | Request - support | Request for support from Council for Māori cemeteries and for planning/facilities support in rural areas | 9/12/2020 Funding in the draft LTP outlined, while there is increased funding for rural areas (particularly in Transportation) and a playground programme there is currently no funding for urupa. Feedback to be provided through the LTP process. 17/2/2020 Delaraine Armstrong will put on Te Huinga's agenda for discussion. 17/03/2021 Dominic Kula provided clarification as per minutes of Te Kārearea hui on 17 March 2021. | In progress |
| 2020- 09 | Te Kārearea Committee | 9/12/2020 | Request - feedback required | Query whether Te Kārearea could have the opportunity to be involved in Council's review of its Procurement Policy. | 17/2/2020 Business Support to look into this. | In progress |
| 2020- 10 | Te Kārearea Committee | 9/12/2020 | Resolution | Resolution that a Marae based wananga to build capacity / understanding of Te Ao Māori be held. | 9/12/2020 Hapu members to work through what this could involve and report back to the Committee. 17/2/2020 Working party formed to plan this . Working party made up of Aorangi Kawiti, Jade Kake, Cr Carol Peters and Cr Ken Couper. 21/4/2020 Working group to meet after April Te Kārearea meeting. | In progress |
| 2020- 11 | Te Kārearea Committee | 17/2/2021 | Request - feedback required | Concerns raised that Marae are treated as 'commercial buildings' through the Building Consent process. | 26/2/2021 Response requested from staff. 8/3/2021 Response provided: Marae fall into the commercial building definition under legislation due to the need for specified or life safety features. This requirement is above a residential residence. | Complete |
| 2020- 12 | Te Kārearea Committee | 17/2/2021 | Request - feedback required / Agenda Item for future meeting | Request for information/discussion on the Hikurangi repo (swamp) | 26/2/2021 Response requested from staff. Item scheduled for April. 17/3/2021 Item on April Te Kārearea agenda. | Complete |
| 2020- 13 | Te Kārearea Committee | 17/2/2021 | Request - feedback required | Divesting of the Otangarei Marae - Cllr Peters sought progress on the process for the transfer of the Otangarei Marae to hapu | 26/2/2021 Response requested from staff. Historic information pulled out and being reviewed to determine what is required. 21/4/2021 Dominic Kula provided an update to Te Kārearea. There are three different ways to approach this, proposal is to sit down with new Trust to establish what their aspirations are. | In progress |
| 2020- 14 | Te Kārearea Committee | 17/2/2021 | Agenda Item for future meetings | Query on discussions WDC has had with Kainga Ora. Desire to have a 'housing workstream' to look at opportunities for action alongside Kainga Ora. | 17/2/2021 Informal housing group established and information requested/provided. First meeting held 11/03/21. Cllr Peters to lead and report back to Committee with scope and Terms of Reference. 21/4/2021 Cr Peters updated Te Kārearea on progress of the working group. The group have met a few times and determined that Council needs to have a position on what is Local Government's role in housing. | In progress |
| 2020-15 | E-Mail request (Jade Kake) | 2/3/2021 | Request - feedback required | Puhipuhi Mercury Abandoned Mine - opened in 1907 and abandoned in 1945 and nothing has been done by WDC and NRC or the Government to clean it up. This is a head water that flows into the Kaipara Harbour and Whangarei Harbour. Puhipuhi has high rain fall and also the Exploration Mining Permit did hanging over this area as a threat. Concern that this site is slowly over the years missing off the District Maps. Climate Change and pollution issue. | 3/3/2021 Response provided covering historic (1998) District Plan provisions requiring remediation prior to a new activity occurring, and the current requirements under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health | Complete |

| Item # | Meeting | Date item raised | Type of Issue / Action required | Action item | Action taken / Comments | Status |
|---------|----------------------------|------------------|---------------------------------|--|---|-------------|
| 2020-16 | E-Mail request (Jade Kake) | 2/3/2021 | Request - feedback required | There are two farm dams up Puhipuhi Road and the WDC has not for many years put in correct and large road drains meaning every heavy rain the surface water washes into our maori bush reserve this needs to be corrected. | 4/3/2021 Issue not known to staff. Request for address and/or photos from complainant in order to log it as a CRM for the contractors to look into. | In progress |
| 2020-17 | Te Kārearea hui | 17/3/2021 | Agenda Item for future meetings | Stock at Mokau | 17/3/2021 Issue regarding Road Safety Concerns about stock on roads to be placed on the agenda for April. 17/3/2021 Item on April Te Kārearea agenda | Complete |
| 2020-18 | Te Kārearea Committee | 21/4/2021 | Agenda Item for future meeting | Te Tiriti Audit | 21/4/2021 Dominic Kula to provide draft framework and scope in document for Te Tiriti o Waitangi Audit and bring back to next meeting for discussion. Te Kārearea to workshop this once information provided. Item on Te Kārearea agenda for 16 June Standing Committee meeting. | In progress |
| 2020-19 | Te Kārearea Committee | 21/4/2021 | Agenda Item for future meeting | Inner City living | 21/4/2021 Report on Inner City Living to be brought back to Te Kārearea. Business case and toolkit currently being drafted. To be brought back to Te Kārearea. | In progress |
| 2020-20 | Te Kārearea Committee | 21/4/2021 | Resolution | GIS / Matauranga Māori project | 21/4/2021 Te Kārearea to undergo an information gathering exercise that includes mapping of information on Treaty of Waitangi land claims in aid of providing better decision-making on land use within the Whangarei District. Feedback sought from Te Kārearea on hāpu/iwi GIS mapping initiatives and opportunities for collaboration 19 May 2021. | In progress |
| 2020-21 | Te Kārearea Committee | 21/4/2021 | Resolution | Hikurangi Swamp / Repo | 21/4/2021 Progress on the Hikurangi Swamp Pump Operation to be reviewed by Te Kārearea in July 2021. Chairpersons of the Te Kārearea to write a letter to the MPI highlighting the plight of hapū and ask for a response. | In progress |
| 2020-22 | Te Kārearea hui | 19/5/2021 | Agenda Item for future meeting | Rating of whanua Māori | 19/5/2021 Report on rating of Whenua Māori land to be brought back to Te Kārearea. Item on Te Kārearea agenda for 16 June Standing Committee meeting. | In progress |
| 2020-23 | Te Kārearea hui | 19/5/2021 | Agenda Item for future meeting | Significant Natural Areas | 19/5/2021 Report on Significant Natural Areas to be brought back to Te Kārearea. Council staff are currently in the process of mapping the draft Significant Natural Areas (SNAs) and drafting the associated rules in accordance with our obligations under the Northland Regional Policy Statement. Staff have worked through the SNA project with Te Karearea and Te Huinga on a number of occasions since the initial project initiation hui with Te Karearea in July 2019. Since that time Whangarei District Council has elected to delay the notification of the draft maps and rules until the government releases the National Policy Statement for Indigenous Biodiversity (NPS-IB), which is scheduled to go to the minister for gazetting in July 2021. However, in the meantime Council staff have presented overviews of the SNA Plan Change twice to Te Karearea and more recently, as a result of feedback from Te Karearea prior to Christmas, Te Huinga. At Te Huinga in May a discussion was held on what was the best way to engage regarding SNAs. It was suggested that two hui be held, at rural marae - Mokau and Mangakahia in August 2021 following the gazetting of the NPS-IB, and that these could be co-hosted by Council staff and Te Huinga. | In progress |

| Item # | Meeting | Date item raised | Type of Issue / Action required | Action item | Action taken / Comments | Status |
|---------|-----------------|------------------|---------------------------------|-----------------------|---|-------------|
| 2020-24 | Te Kārearea hui | 19/5/2021 | Resolution | Representation Review | 19/5/2021 Resolution that Te Huinga bring back some options to the next Te Kārearea Strategic Partnership Standing Committee meeting. To be put on Te Huinga's agenda in May. | In progress |

7.2 Strategic work programme update: June 2021

Meeting: Te Kārearea Strategic Partnership Standing Committee
Date of meeting: 16 June 2021
Reporting officer: Tony Horton (Manager – Strategy)

1 Purpose

To update Te Kārearea Strategic Partnership Standing Committee on future strategic work programme and facilitate discussion of priorities.

2 Recommendation

That Te Kārearea Strategic Partnership Standing Committee notes the report

3 Background

Creation of Te Kārearea Strategic Partnership Standing Committee provides an opportunity to work alongside hapu on strategic priorities. This report outlines:

- the key projects in Council's current strategic work programme
- overview of central government policy and future reforms (to the extent that these are known)

The report provides an opportunity for discussion of the strategic priorities including opportunities to how to work together.

4 Discussion

4.1 Work programme

The strategic work programme is largely driven by the legislative requirements. It is comprised of the following key projects:

| Growth Management | Description | Timeframes |
|--|--|--|
| Draft Whangarei District Growth Strategy | Strategic document which outlines the key issues facing our District and how we will respond to those issues. Also aligns with the requirements of the | Draft report presented to Te Huinga – May 2021 |

| | | |
|--|--|--|
| | National Policy Statement on Urban Development. | Workshop with Te Huinga proposed for June 2021 Adoption – Mid 2021 Implementation – ongoing Reviewed every 3 years. |
| Housing Demand and Capacity Assessment | Requirement of the National Policy Statement on Urban Development. Assesses the demand for housing and ability to meet that demand over the next 30 years. Discussions and collaboration with the Whai Kainga Group (Comprising of Ministry of Social Development, Te Puni Kokiri and Kainga Ora) | Work underway First assessment by 31 July 2021. Reviewed every 3 years. |
| Future Development Strategy | Requirement of the National Policy Statement on Urban Development. Sets out how and where new homes and business will be built. | Programme to begin in late 2021 Completed to inform the 2024-34 LTP |
| Inner city living | Programme to investigate opportunities to enable and encourage more inner-city living opportunities. | Underway and budget contribution in 2020-2021 Annual Plan Draft Reports – July 2021 |

| Place based Planning | Description | Timeframes |
|-----------------------|--|--|
| Placemaking Programme | Location specific plans created with the community to set out a 30 year vision. The plan will focus on future housing and development as well as infrastructure provision. | Hikurangi and Tikipunga Plans (Pilot schemes). Underway with targeted engagement with hapū – April/May Public engagement planned for late June |

| | | |
|-------------------------------------|---|---|
| | | Adoption in August Then move through other areas such as Waipu and Parua Bay (August onwards) |
| Waterfront Precinct Plan | The third of the City Centre precinct plans, this focuses on the Hatea and Waterfront areas. It aims to tie together existing projects as well as set direction for the long term. | Consultation underway - June 2021 Draft and finalise – mid / late 2021 |
| Northland to Auckland Corridor Plan | Central government led spatial plan for the corridor between North Auckland and Whangarei (likely also to include Dargaville). Based on the model established by the Hamilton to Auckland Corridor Plan. Ministry of Housing and Urban Development to develop and engagement strategy which includes iwi and hapu. | Timeframes not confirmed yet by central government. Discussions at an officer level but no detail on timeframes. |

| Climate Change | Description | Timeframes |
|---------------------------------|--|---|
| Climate Action Plan | A plan focusing on District wide actions to reduce emissions as well as adaption to a changing climate. | Partner and stakeholder engagement – Underway Wider public engagement – May Workshop with Te Huinga planned for June/July Finalise action plan - September |
| Climate Change Risk Assessments | Place specific risk assessments, linked to the region-wide programme. The assessments will identify risk and begin an approach with the community to identify solutions. | Subject to LTP Funding Initial scoping underway. Assessments begin in late 2021 |

| | | |
|--|--|--|
| | | |
|--|--|--|

| Statutory Policy and Bylaws | Description | Timeframes |
|------------------------------------|---|---|
| Camping in Public Place Bylaw | Review of the 2017 bylaw to manage freedom camping across the District. | Complete |
| Trade Waste bylaw | Review of existing 2012 bylaw which regulates the discharge of trade waste to the reticulate waste water network. | Consultation – Mid 2021 Adoption – Late 2021 |
| Animals Bylaw | Review of existing 2017 bylaw which manages the keeping of animals in urban areas. Through submissions on the LTP the approach to management of cats will be a key issue to address through this bylaw review. | Consultation – Mid/ Late 2021 Adoption – Late 2021 |

| Corporate Planning | Description | Timeframes |
|---------------------------|---|---|
| 2021 – 31 Long Term Plan | Sets out the 10-year plan of programmes and projects as well as the revenue and budget. | Consultation closed on 1 April 2021 Hearings – 13 – 14 April 2021 Adoption – 24 June 2021 |

4.2 Housing

Long Term Plan

Housing has been identified as a key strategic priority for this Council. In defining this priority, it is clear that alone, Whangarei District Council, cannot fully address the housing issues.

Housing issues were raised through a number of submissions received on our Long Term Plan. In response to these submissions new funding has been allocated towards housing (noting that this is

subject to final decision making on the LTP will occur on 24 June Council Meeting). The new funding includes:

- \$4m funding for new pensioner housing units
- \$150k to develop a housing strategy for Whangarei

This will sit alongside and support our existing ongoing housing workstream which are summarised below:

- Approximately \$400k - \$500k per annum on pensioner housing maintenance
- Implementation of the NPS-UD, include Housing Capacity Assessments
- Support for community housing providers, including technical support for site specific development opportunities
- Partnership with MSD and Kainga Ora through the Whai Kainga group
- Business case development for inner city living opportunities.
- District plan review for our urban areas.
- Place specific planning and placemaking programmes for our growth hot spots

Whai Kainga

Whangarei District Council has been asked to participate in a number of discussions around housing. This has primarily been through the Whai Kainga Group. This group is chaired by Ministry for Social Development and includes other government agencies such as Ministry for Housing and Urban Development, Te Puni Kokiri and Kainga Ora. The primary focus of Whai Kainga is around Maori housing including lifting home ownership, enabling more homes to be built and addressing housing quality.

Alongside Whai Kainga we have continued to provide support and information to Kainga Ora. This includes providing information on our District Plan zoning and infrastructure capacity. This information will be used in the creation of a Regional Investment Plan for Kainga Ora. Our discussions with Kainga Ora are promoting the other outcomes our Council and community are seeking to deliver, such as revitalisation of our city centre through more inner city living.

The information shared with the Whai Kainga Group has also been provided to the Te Karearea Housing Group (comprising of Jade Kake, Deborah Harding, Delaraine Armstrong, Councillor Carol Peters, Councillor Gavin Benny and Councillor Ken Couper). Following the sharing of this information, further discussions took place on the priorities of the Te Karearea Housing Group and key areas to focus on. Views were broadly split between Council focusing on/enhancing its core role and functions (i.e. through enabling regulatory/planning frameworks and facilitating urban design outcomes) vs. Council taking a broader role (i.e. in social housing and homelessness).

Next Steps

The next steps include:

- Developing options for the funding allocated to a housing strategy. This includes identifying opportunities for partnership and leverage of existing programmes and projects
- Continue to support the Whai Kainga group and Kainga Ora

4.3 Future for Local Government Review

On 23 April 2021 the Minister of Local Government established a Review into the Future for Local Government. The Review will consider, report and make recommendations to the Minister of Local Government.

The review of local government will explore how councils can maintain and improve the wellbeing of New Zealanders in the communities over the next 30 years.

This is in the context of wide ranging reforms to the Resource Management Act and the Three Waters. The review will explore what local government's future looks like, including:

- roles, functions and partnerships
- representation and governance
- funding and financing.

Government has confirmed Jim Palmer as Chair of the review panel, who will be joined by four members: John Ombler QSO, Antoine Coffin, Gael Surgenor and Penny Hulse. The panel members will be engaging with a broad range of stakeholders including iwi/Māori, other stakeholders impacted by changes in local government, the public including diverse communities, and local and central government representatives.

The Review will start engaging with the sector from May 2021. It will issue an interim report on the probable direction of the Review in September 2021. This will be followed by a draft report for public consultation in September 2022, and a final report in April 2023.

4.4 Resource management system reform

Central government plans to repeal the Resource Management Act 1991(RMA) and replace it with three new pieces of legislation. This will have wide ranging impacts for local government and for Maori. The reform is based on the findings of the comprehensive review of the resource management system which were released last year. The review was carried out by the independent Resource Management Review Panel led by Hon Tony Randerson, QC.

The Ministry for the Environment hosted a hui in March in Whangarei to begin discussions on the reforms. We are expecting further consultation through the drafting process. Details released by central government provide an overview of the proposed legislation:

Natural and Built Environments Act

The purpose of this Act is to enhance the quality of the environment to support the wellbeing of present and future generations. This would be achieved by:

- promoting positive outcomes for both the natural and built environments
- ensuring that use, development and protection of resources only occur within prescribed environmental limits to ensure adverse effects on the environment are avoided, remedied or mitigated.

Under this proposed Act, central government's proposed new National Planning Framework will provide a set of mandatory policies and standards on specified aspects of the new system. These will include environmental natural limits, outcomes and targets.

The Natural and Built Environments Act will be passed into law by the end of 2022

Strategic Planning Act

The Strategic Planning Act provides a strategic and long-term approach to how we plan for using land and the coastal marine area.

Long-term spatial strategies in each region will be developed to identify areas that:

- will be suitable for development
- need to be protected or improved
- will need new infrastructure and other social needs such as hospitals and schools
- are vulnerable to climate change effects and natural hazards such as earthquakes.

Central government has established a new interdepartmental executive board, the Strategic Planning Reform Board, to oversee the development of this Act. The Strategic Planning Reform

Board will ensure greater collaboration, alignment and support across government agencies. Board members include the:

- Secretary for the Environment (Chair)
- Secretary for Housing and Urban Development
- Secretary for Transport
- Secretary for Internal Affairs
- Director-General of Conservation
- Secretary to the Treasury

Further government agencies will be involved such as Te Arawhiti, Te Puni Kōkiri, Ministry for Primary Industries, Ministry of Business, Innovation and Employment and the Ministry for Culture and Heritage.

The proposed Strategic Planning Act will be passed into law by the end of 2023.

Climate Change Adaptation Act

This Act would support New Zealand's response to the effects of climate change. It would address the complex legal and technical issues associated with managed retreat and funding and financing adaptation.

At this stage there is limited detail available on this proposed act, beyond its broad purpose outlined above.

The proposed Climate Change Adaptation Act is proposed to be passed into law by the end of 2023.

Next steps

For both the Future for Local Government Review and the Resource Management System Reforms, Whangarei District Council will have an active role through submissions and advocacy along with wider local government sector. This will include advocating for the best possible outcomes for our community and also ensuring the engagement from central government with hapu is appropriate and meaningful.

7.3 Changes to the Rating of Whenua Māori

Meeting: Te Kārearea Strategic Partnership Standing Committee
Date of meeting: 16 June 2021
Reporting officer: Revenue Manager - Alison Puchaux

1 Purpose

To inform the committee on changes to the rating of Whenua Māori.

2 Recommendation

That the Te Kārearea Strategic Partnership Standing Committee notes the report on changes to the rating of Whenua Māori.

3 Background

One of the purposes of Council is to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

For Māori Freehold Land (MFL) our objectives are to support its use, recognise its importance, facilitate development and avoid further alienation amongst others (see Schedule 11 of the Local Government Act 2002 at Attachment 1).

In April 2021 the Government passed changes to reduce rating barriers for Māori landowners (Local Government (Rating of Whenua Māori Amendment Bill – Attachment 2). The main act amended is the Local Government (Rating) Act 2002 (LGRA).

This new legislation provides for:

1. making wholly unused land non-rateable
2. rating individual homeowners on Māori land separately (separate rating areas)
3. Council to write off rates arrears
4. Ngā Whenua Rāhui kawenata land to be made non-rateable,
5. standardization of rates remissions for Māori freehold land under development,
6. treating multiple blocks as one
7. protection of Māori land converted to General land by the Māori Affairs Amendment Act 1967 from being sold as abandoned land
8. removing the two-hectare limit on the non-rateability for marae and urupā
9. rating of homes and commercial activities on Māori reservation and marae.

4 Discussion

While the intention of the amendments is clear, how the changes are applied is complex and we believe will take a number of years to implement. One of our concerns is the accuracy of the information we have about each Māori block. While we have some information about each block, in many cases we are not advised when the information needs to be updated, meaning our records are often inaccurate. While some information is sent with each rates and valuation notice (and is available online and at our offices), the cooperation of Māori landowners to improve this information is required so that we can correctly apply the legislative changes and rate each property correctly.

The table below shows the number of properties by ratability, as well as the split between those with improvements (fencing, building dwellings etc.) of more or less than \$10,000 – Taituarā (the new name for SOLGM - the Society of Local Government Managers) has suggested that land with improvements of less than \$10,000 may indicate that they are unused and possibly non-rateable. Also included are all rating apportionments – which are created when we need to separate a property between rateable and non-rateable (e.g. marae) parts and/or occupation orders.

| Rateability | Improvements \$10,000 or less | Improvements More than \$10,000 | Total properties |
|-------------------|----------------------------------|------------------------------------|------------------|
| Rateable | 117 | 334 | 451 |
| Partial remission | 54 | 75 | 129 |
| 100% remission | 166 | 33 | 199 |
| Non-rateable | 95 | 25 | 120 |
| Total | 432 | 467 | 899 |

1. Making wholly unused land non-rateable

Our rating information database maintains the land value and capital value for each property in the district. Changes to properties are noted following a building or resource consent. Our valuers may inspect the property when they receive a notice of the change to update our records. In some cases, improvements may not have been consented, so we do not have records of the change; alternatively the improvement e.g. dwelling has been removed. However triennially we send a valuation notice and this is an opportunity for owners to check our records along with the quarterly rates notices.

There are 120 properties that are treated as non-rateable under current legislation. We have 199 properties that benefit from 100% remission and a further 129 that are partially used and receive partial remission under current policy. We are reviewing those with 100% remission to decide whether they need further investigation, or we can convert them to being non-rateable. We will also review those with partial remission and hope that owners will contact us if the property is unused.

We have 117 rateable properties, that have improvements of less than \$10,000. Similarly we hope that owners will contact us if the property is unused. Adjustments to rates will be from the date the was not used or 1 July 2021, whatever is later.

We have created an application form which will be available online once our proposed webpage for the Rating of Whenua Māori is available. Meanwhile, we can send the form (Attachment 3) or meet with whanau.

2. Separate Rating Areas

Occupiers of Multiple Owned Māori Land blocks with a dwelling can apply to have a Separate Rating Area (SRA). The area needs to be identified and the agreement from the other owners/trustees needs to be obtained.

This means individual portions of collectively owned land will be allocated to the occupiers for rating purposes, and those people would receive rating invoices directly. This also allows occupiers to be eligible for a rates rebate.

It's important to understand that this arrangement will be for rating purposes only and will not create any legal property rights but will ensure homeowners have the same rating liability and access to rates rebates as other homeowners.

Similarly, we have created an application form which will be available online once our proposed webpage for the Rating of Whenua Māori is available. Meanwhile, we can send the form or meet with occupiers (Attachment 4).

3. Write off of rates arrears

Sections 90A-D of the LGRA provides for the write off unrecoverable rates where all practicable steps have been undertaken to collect payment. This includes rates debt inherited from deceased MFL owners.

There are 80 properties with considerable arrears. We will review these but are hoping to be contacted by owners to discuss options. Where the property is used and revenue earned, section 93 of the LGRA allows Council to request the financial statements of the trust, to limit the trust rating liability to the derived income.

Similarly, we have created an application form which will be available online once our proposed webpage for the Rating of Whenua Māori is available. Meanwhile, we can send the form or meet with occupiers (Attachment 5)

4. Ngā Whenua Rāhui kawenata land to be made non-rateable

We have obtained a list of the land and are making any changes to the rating information database necessary.

5. Standardisation of rates remissions for Māori freehold land under development

Our proposed and current policy provides for remission and postponement of rates for MFL under development (proposed policy at Attachment 6). The current application form is available online and the proposed policy will also be available once it is adopted.

6. Treating multiple blocks as one

If blocks that originated from different blocks are being used as one, then rates relief for the uniform annual charges is available. The current application form is available online (Attachment 7).

7. Protection of Māori land converted to general land by the Māori Affairs Amendment Act 1967 from being sold as abandoned land

Our current practice is to ensure that abandoned land that was converted to general land by the 1967 Act is not sold i.e. we are already in line with the legislation change.

8. Removing the two- hectare limit on the non-rateability for marae and urupā

We are reviewing the properties impacted by the change but would welcome any information from the land owners.

9. Rating of homes and commercial activities on Māori reservation and marae

Similarly, we are reviewing the properties impacted by the change but would welcome any information from the land owners.

4.1 Financial/budget considerations

Any properties that are changed to being non-rateable will reduce the number and value of rateable properties. If the properties are already receiving 100% remission, there will be no financial impact. However, if the properties are not receiving remission than the required rates funding will need to be spread across other ratepayers. In 2020-21, the net rates set (after remissions) for the 171 properties with improvements less than \$10,000 was \$211,000. There may be other properties with improvements over \$10,000 which are unused

4.2 Policy and planning implications

The amendments require that we review rates remission and postponement policies by 30 June 2022. The policies were reviewed and consulted on concurrently with the 2021-31 Long Term Plan. We received 2 submissions

Other council policies will need to be reviewed as part of the 2024-34 Long Term Plan.

5 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda publication on the website.

6 Attachments

1. Schedule 11 Local Government Act 2002
2. Rating of Whenua Māori Amendment Bill
3. Application: Unused land (draft)
4. Application: Separate Rating Area (draft)
5. Application: Write off rates arrears (draft)
6. Proposed rates remissions for Māori freehold land
7. Application: Treating multiple blocks as one

Schedule 11

Matters relating to rates relief on Māori freehold land

ss 5(2), 108(4), 109(2), 110(2)

- 1 The matters that the local authority must consider under [section 108\(4\)](#) are—
 - (a) the desirability and importance within the district of each of the objectives in [clause 2](#); and
 - (b) whether, and to what extent, the attainment of any of those objectives could be prejudicially affected if there is no remission of rates or postponement of the requirement to pay rates on Māori freehold land; and
 - (c) whether, and to what extent, the attainment of those objectives is likely to be facilitated by the remission of rates or postponement of the requirement to pay rates on Māori freehold land; and
 - (d) the extent to which different criteria and conditions for rates relief may contribute to different objectives.

- 2 The objectives referred to in [clause 1](#) are—
 - (a) supporting the use of the land by the owners for traditional purposes:
 - (b) recognising and supporting the relationship of Māori and their culture and traditions with their ancestral lands:
 - (c) avoiding further alienation of Māori freehold land:
 - (d) facilitating any wish of the owners to develop the land for economic use:
 - (e) recognising and taking account of the presence of waahi tapu that may affect the use of the land for other purposes:
 - (f) recognising and taking account of the importance of the land in providing economic and infrastructure support for marae and associated papakainga housing (whether on the land or elsewhere):
 - (g) recognising and taking account of the importance of the land for community goals relating to—
 - (i) the preservation of the natural character of the coastal environment:
 - (ii) the protection of outstanding natural features:
 - (iii) the protection of significant indigenous vegetation and significant habitats of indigenous fauna:
 - (h) recognising the level of community services provided to the land and its occupiers:
 - (i) recognising matters related to the physical accessibility of the land.

**Local Government (Rating of Whenua Māori)
Amendment Bill**

Government Bill

As reported from the committee of the whole House

**Local Government (Rating of Whenua Māori)
Amendment Bill**

Key to symbols used in reprinted bill

As reported from the committee of the whole House

text inserted

~~text deleted~~

Hon Nanaia Mahuta

Local Government (Rating of Whenua Māori) Amendment Bill

Government Bill

Contents

| | Page |
|---|------|
| 1 Title | 6 |
| 2 Commencement | 6 |
| Part 1 | |
| Amendments to Local Government (Rating) Act 2002 | |
| 3 Amendments to Local Government (Rating) Act 2002 | 7 |
| <i>Amendments to Part 1 (preliminary and key provisions)</i> | |
| 4 Section 3 replaced (Purpose) | 7 |
| 3 Purpose | 7 |
| 5 Section 4 amended (Outline) | 7 |
| 6 Section 5 amended (Interpretation) | 7 |
| 7 New section 5A inserted (Transitional, savings, and related provisions) | 8 |
| 5A Transitional, savings, and related provisions | 8 |
| 8 Section 10 replaced (Who is ratepayer?) | 8 |
| 10 Who is ratepayer? | 8 |
| 9 Section 12 amended (Liability for rates) | 8 |
| 10 Section 20 amended (Rating units in common ownership) | 9 |
| 11 New section 20A inserted (Rating units of Māori freehold land used as a single unit) | 9 |
| 20A Rating units of Māori freehold land used as a single unit | 9 |
| <i>Amendments to Part 2 (rating information database and rates records)</i> | |
| 12 Section 27 amended (Rating information database) | 9 |

**Local Government (Rating of Whenua Māori)
Amendment Bill**

| | | |
|-------------|--|-----------|
| 13 | Section 28 amended (Inspection of rating information database) | 10 |
| 14 | Section 28A amended (Inspection of complete rating information database) | 10 |
| 15 | Section 28B amended (Local authority must inform owners of right to withhold certain information from database) | 10 |
| 16 | Section 28C amended (Owner entered on database may require local authority to withhold information from database) | 10 |
| 17 | Section 28D repealed (Transitional provision for local authority to establish database) | 10 |
| 18 | Section 29 amended (Objections to rating information database) | 10 |
| 19 | Section 37 amended (Rates records) | 10 |
| 20 | Section 38 amended (Inspection of rates records) | 11 |
| 21 | Section 39 amended (Objection to rates records) | 11 |
| 22 | Section 41 amended (Amended assessment if error in rating information database or rates record is corrected) | 11 |
| 23 | Section 41A amended (Amended assessment to give effect to objection to valuation under Rating Valuations Act 1998) | 11 |
| | <i>Amendments to Part 3 (assessment, payment, and recovery of rates and remission and postponement)</i> | |
| 24 | Part 3 heading amended (Assessment, payment, and recovery of rates and remission and postponement) | 11 |
| 25 | Section 44 amended (Notice of rates assessment) | 11 |
| 26 | Section 45 amended (Content <u>Contents</u> of rates assessment) | 11 |
| 27 | Section 46 amended (Rates invoice) | 11 |
| 28 | Section 47 amended (Issue of amended rates invoice) | 12 |
| 29 | Section 48 amended (Delivery of rates assessment and rates invoice) | 12 |
| 30 | Section 49 amended (Late delivery of rates invoice) | 12 |
| 31 | Section 51 amended (Combined rates assessment and rates invoice) | 12 |
| 32 | Section 54 amended (Power not to collect small amounts) | 12 |
| 33 | New section 62A inserted (Person actually using certain abandoned general land liable for rates) | 12 |
| | 62A Person actually using certain abandoned general land liable for rates | 12 |
| 34 | Section 63 amended (Legal proceedings to recover rates) | 13 |
| 35 | New section 65A inserted (Recovery of unpaid rates from person actually using certain land) | 13 |
| | 65A Recovery of unpaid rates from person actually using certain land | 13 |
| 36 | Section 67 amended (Enforcement of judgment) | 13 |
| <u>36AA</u> | <u>Section 75A amended (Unpaid levy under Infrastructure Funding and Financing Act 2020)</u> | <u>14</u> |
| 36A | Section 77 amended (Sale or lease of abandoned land) | 14 |

**Local Government (Rating of Whenua Māori)
Amendment Bill**

| | | |
|------|---|----|
| 37 | Section 78 amended (Court may order sale or lease of abandoned land) | 14 |
| 38 | Heading to subpart 2 of Part 3 amended (Remission and postponement) | 14 |
| 39 | New sections 90A to 90D and cross-heading inserted | 14 |
| | <i>Power of chief executive to write off rates</i> | |
| 90A | Chief executive may write off rates that cannot be recovered | 14 |
| 90B | Chief executive may write off rates of deceased owners of Māori freehold land | 15 |
| 90C | Chief executive may delegate power to write off rates | 15 |
| 90D | Amount of rates written off to be included in notes to financial statements | 15 |
| | <i>Amendments to Part 4 (rating of Māori freehold land)</i> | |
| 40 | Section 92 amended (Recording name of ratepayer) | 15 |
| 41 | Section 93 amended (Limitation of trustee liability) | 15 |
| 42 | Cross-heading above section 96 replaced | 15 |
| | <i>Person actually using Māori freehold land in multiple ownership or separate rating areas</i> | |
| 43 | Section 96 amended (Person actually using land liable for rates) | 16 |
| 44 | Section 97 amended (Rates assessment delivered to person actually using land) | 16 |
| 45 | Section 98 replaced (Recovery of unpaid rates from person actually using land) | 16 |
| 98 | Ratepayer of underlying rating unit not liable for rates on separate rating area | 16 |
| 46 | New sections 98A to 98F and cross-heading inserted | 16 |
| | <i>Separate rating areas on Māori freehold land</i> | |
| 98A | How rating unit on Māori freehold land divided into separate rating areas | 16 |
| 98B | Apportionment of rates for separate rating areas | 17 |
| 98C | Contents of rates assessment for separate rating area | 18 |
| 98D | When separate rating area divided from rating area | 18 |
| 98E | How separate rating area ceases to be a separate rating area | 19 |
| 98F | Election to make lump sum contributions must be made on behalf of underlying rating unit | 19 |
| 47 | Section 114 amended (Remission of rates) | 20 |
| 48 | New section 114A inserted (Remission of rates on Māori freehold land under development) | 20 |
| 114A | Remission of rates for Māori freehold land under development | 20 |

**Local Government (Rating of Whenua Māori)
Amendment Bill**

| | | |
|----|---------------------------|----|
| 49 | New Schedule 1AA inserted | 21 |
| 50 | Schedule 1 amended | 21 |

Part 2

Amendments to other legislation

Amendments to Infrastructure Funding and Financing Act 2020

| | | |
|------------|---|-----------|
| <u>50A</u> | <u>Amendments to Infrastructure Funding and Financing Act 2020</u> | <u>22</u> |
| <u>50B</u> | <u>Section 7 amended (Interpretation)</u> | <u>22</u> |
| <u>50C</u> | <u>Section 37 amended (Who must pay levy)</u> | <u>22</u> |
| <u>50D</u> | <u>Section 51 amended (Responsible SPV may correct annual levy resolution)</u> | <u>23</u> |
| <u>50E</u> | <u>Section 57 amended (When SPV recovers unpaid levy)</u> | <u>23</u> |
| <u>50F</u> | <u>Section 58 amended (Levy is charge against rating unit)</u> | <u>23</u> |
| <u>50G</u> | <u>Section 59 amended (Invalidity of levy not ground for refusal to pay levy)</u> | <u>23</u> |
| <u>50H</u> | <u>Section 61 amended (Rating information database)</u> | <u>23</u> |
| <u>50I</u> | <u>Section 65 amended (Rates records and objections, etc, to rates records)</u> | <u>23</u> |
| <u>50J</u> | <u>Section 68 amended (Assessment of levy liability)</u> | <u>23</u> |
| <u>50K</u> | <u>Section 69 replaced (Rating units in common ownership)</u> | <u>23</u> |
| | <u>69 <u>When responsible levy authority must treat 2 or more rating units as 1 unit for assessing levy</u></u> | <u>24</u> |
| <u>50L</u> | <u>Section 70 amended (Levy assessment notified to levypayer)</u> | <u>24</u> |
| <u>50M</u> | <u>Section 71 amended (Information in levy assessment)</u> | <u>24</u> |
| <u>50N</u> | <u>Section 73 amended (Further processes for levy assessment and levy invoice)</u> | <u>24</u> |
| <u>50O</u> | <u>Section 77 amended (Levy remission and levy postponement policies relating to Maori freehold land)</u> | <u>24</u> |
| <u>50P</u> | <u>Section 78 amended (Remission of levy)</u> | <u>24</u> |
| <u>50Q</u> | <u>New section 79A and cross-heading inserted</u> | <u>24</u> |
| | <u><i>Write-off of levy</i></u> | |
| | <u>79A <u>Write-off of levy</u></u> | <u>25</u> |
| <u>50R</u> | <u>Section 82 amended (Recovery action generally)</u> | <u>25</u> |
| <u>50S</u> | <u>Section 83 amended (Legal proceedings to recover levy)</u> | <u>25</u> |
| <u>50T</u> | <u>Section 91 amended (Excess levy at end of levy period)</u> | <u>25</u> |
| <u>50U</u> | <u>Section 95 amended (Responsible levy authority to inform responsible SPV about previous contributions)</u> | <u>25</u> |
| <u>50V</u> | <u>Section 96 amended (Responsible SPV may direct responsible levy authority to transfer previous contributions and remit levies)</u> | <u>26</u> |
| <u>50W</u> | <u>Section 97 amended (Responsible levy authority must refund or return previous contributions if no direction)</u> | <u>26</u> |

Amendment to Local Government Act 2002

| | | |
|----|--|----|
| 51 | Amendment to Local Government Act 2002 | 26 |
|----|--|----|

**Local Government (Rating of Whenua Māori)
Amendment Bill**

| | | |
|------------|---|-----------|
| 52 | Section 102 amended (Funding and financial policies) | 26 |
| <u>52A</u> | <u>Schedule 1AA amended</u> | <u>26</u> |
| | <i>Amendments to Te Ture Whenua Maori Act 1993</i> | |
| 53 | Amendments to Te Ture Whenua Maori Act 1993 | 26 |
| 54 | New section 128A inserted (Registrar may advise local authority whether rating units were previously part of same block of Maori freehold land) | 26 |
| | 128A Registrar may advise local authority whether rating units were previously part of same block of Maori freehold land | 26 |
| 55 | New section 330B inserted (Obligation to notify territorial authority of occupation order) | 27 |
| | 330B Obligation to notify territorial authority of occupation order | 27 |
| | <i>Amendments to Rates Rebate Act 1973</i> | |
| 56 | Amendments to Rates Rebate Act 1973 | 27 |
| 57 | Section 2 amended (Interpretation) | 27 |
| | <i>Amendments to Urban Development Act 2020</i> | |
| <u>57A</u> | <u>Amendments to Urban Development Act 2020</u> | <u>27</u> |
| <u>57B</u> | <u>Section 185 amended (Who must pay rates?)</u> | <u>27</u> |
| <u>57C</u> | <u>Section 189 amended (Procedure for setting rates)</u> | <u>28</u> |
| <u>57D</u> | <u>Section 190 amended (Kāinga Ora may set rates again within same financial year)</u> | <u>28</u> |
| <u>57E</u> | <u>Section 192 amended (Due date or dates for payment)</u> | <u>28</u> |
| <u>57F</u> | <u>Section 194 amended (When excess rates are refunded to ratepayers)</u> | <u>28</u> |
| <u>57G</u> | <u>Section 201 amended (Notice of rates assessment)</u> | <u>28</u> |
| <u>57H</u> | <u>Section 202 amended (Contents of rates assessment)</u> | <u>28</u> |
| <u>57I</u> | <u>Section 203 amended (Rates invoice)</u> | <u>28</u> |
| <u>57J</u> | <u>Section 205 amended (When Kāinga Ora may recover unpaid rates)</u> | <u>28</u> |
| <u>57K</u> | <u>Section 206 amended (Application of Local Government (Rating) Act 2002: calculation, payment, and recovery)</u> | <u>28</u> |
| <u>57L</u> | <u>Section 207 amended (Remission of rates)</u> | <u>29</u> |
| <u>57M</u> | <u>Section 208 amended (Recording remitted rates)</u> | <u>29</u> |
| <u>57N</u> | <u>Section 209 amended (Postponement of requirement to pay rates)</u> | <u>29</u> |
| <u>57O</u> | <u>New section 210A and cross-heading inserted</u> | <u>29</u> |
| | <i>Write-off of rates</i> | |
| | 210A When Kāinga Ora may write off targeted rates | 29 |
| <u>57P</u> | <u>Section 211 amended (Application of Local Government (Rating) Act 2002: rating of Māori freehold land)</u> | <u>29</u> |

| Local Government (Rating of Whenua Māori) Amendment Bill | | |
|---|--|----|
| cl 1 | | |
| 57Q | Section 212 amended (Rating information database to include information on targeted rates) | 30 |
| 57R | Section 213 amended (Rates records to include information on targeted rates) | 30 |
| | <i>Amendment to Māori Land Court Fees Regulations 2013</i> | |
| 58 | Amendment to Māori Land Court Fees Regulations 2013 | 30 |
| 59 | Schedule amended | 30 |
| | Schedule | 31 |
| | New Schedule 1AA inserted | |
| | <u>Schedule 2</u> | 32 |
| | <u>New Part 4 inserted in Schedule 1AA of Local Government Act 2002</u> | |

The Parliament of New Zealand enacts as follows:

- 1 Title**

This Act is the Local Government (Rating of Whenua Māori) Amendment Act **2020**.
- 2 Commencement** 5

This Act comes into force as follows:

 - (a) the following provisions come into force on **1 July 2021**:
 - (i) ~~section 6~~:
 - (i) **sections 6 to 8**:
 - (ia) **section 9(1)**: 10
 - (ii) **sections 11 to 23**:
 - (iii) **sections 25 to 32**:
 - (iv) **section 34**:
 - (v) **sections 40 to 46**:
 - (vi) **section 50**: 15
 - (via) **sections 50B to 50N**:
 - (vib) **section 50O(1)**:
 - (vic) **sections 50P and 50Q**:
 - (vid) **sections 50T to 52**:
 - (vii) **sections 56 and 57**: 20
 - (viii) **sections 57B to 57J**:
 - (ix) **sections 57L to 57O**:
 - (x) **sections 57Q and 57R**:

- (b) the rest of this Act comes into force on the day after the date of Royal assent.

Part 1

Amendments to Local Government (Rating) Act 2002

3 Amendments to Local Government (Rating) Act 2002 5

This Act amends the Local Government (Rating) Act 2002 (the **principal Act**).

Amendments to Part 1 (preliminary and key provisions)

4 Section 3 replaced (Purpose)

Replace section 3 with:

3 Purpose 10

The purpose of this Act is to—

- (a) promote the purpose of local government set out in the Local Government Act 2002 by—
 - (i) providing local authorities with flexible powers to set, assess, and collect rates to fund local government activities: 15
 - (ii) ensuring that rates are set in accordance with decisions that are made in a transparent and consultative manner:
 - (iii) providing for processes and information to enable ratepayers to identify and understand their liability for rates; and
- (b) facilitate the administration of rates in a manner that supports the principles set out in the Preamble to Te Ture Whenua Maori Act 1993. 20

5 Section 4 amended (Outline)

In section 4(4)(b), replace “remission of rates and postponement of the requirement to pay rates” with “remission of rates, postponement of the requirement to pay rates, and the write-off of rates”. 25

6 Section 5 amended (Interpretation)

- (1) In section 5, insert in their appropriate alphabetical order:

dwelling means a building or part of a building occupied as residential accommodation and includes—

- (a) a garage, a shed, and any other building used in connection with the dwelling; and 30
- (b) the land attached or appurtenant to the dwelling and commonly used in connection with the dwelling

| | | |
|-----|---|----|
| | <p>person actually using land or person actually using a rating unit means a person who, alone or with others,—</p> <p>(a) leases the land; or</p> <p>(b) does 1 or more of the following things on the land for profit or other benefit:</p> <p style="padding-left: 40px;">(i) resides on the land:</p> <p style="padding-left: 40px;">(ii) depastures or maintains livestock on the land:</p> <p style="padding-left: 40px;">(iii) stores anything on the land:</p> <p style="padding-left: 40px;">(iv) uses the land in any other way</p> <p>residual rating area means the part of a rating unit (if any) that remains after 1 or more separate rating areas are divided from the rating unit</p> <p>separate rating area means land that has become a separate rating area under section 98A</p> <p>underlying rating unit means a rating unit which has been divided into separate rating areas under section 98A</p> | |
| (2) | In section 5, definition of rates assessment , after “rating unit”, insert “or separate rating area”. | |
| (3) | In section 5, definition of rates invoice , after “rating unit”, insert “or separate rating area”. | |
| 7 | New section 5A inserted (Transitional, savings, and related provisions) | 20 |
| | After section 5, insert: | |
| 5A | <p>Transitional, savings, and related provisions</p> <p>The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.</p> | |
| 8 | Section 10 replaced (Who is ratepayer?) | 25 |
| | Replace section 10 with: | |
| 10 | <p>Who is ratepayer?</p> <p>For the purposes of this Act, a ratepayer is,—</p> <p>(a) in relation to a rating unit, the person who is named as a ratepayer in the rating information database and the district valuation roll for the rating unit:</p> <p>(b) in relation to a separate rating area, the person who is named as the ratepayer in the rating information database for the separate rating area.</p> | 30 |
| 9 | Section 12 amended (Liability for rates) | |
| (1) | After section 12(1), insert: | 35 |

**Local Government (Rating of Whenua Māori)
Amendment Bill**

Part 1 cl 12

(1A) The ratepayer for a separate rating area is liable to pay the rates that are due on the separate rating area.

(2) In section 12(2), replace “and 62” with “to **62A**”.

10 Section 20 amended (Rating units in common ownership)

In section 20, replace “setting” with “assessing”.

5

11 New section 20A inserted (Rating units of Māori freehold land used as a single unit)

After section 20, insert:

20A Rating units of Māori freehold land used as a single unit

(1) A person actually using 2 or more rating units of Māori freehold land may apply to the local authority for 2 or more of the rating units to be treated as 1 unit for the purposes of a rates assessment. 10

(2) The local authority must treat the rating units as 1 unit for assessing a rate if—

(a) the units are used jointly as a single unit by the person; and

(b) the local authority is satisfied the units are derived from, or are likely to have been derived from, the same original block of Māori freehold land, meaning the first Māori land block that was held in an instrument of title and that included the land that became the rating units. 15

(2A) For the purposes of **subsection (2)(b)**, it is sufficient evidence that 2 or more rating units of Māori freehold land are derived from the same original block of Māori freehold land if the rating units share a name in common according to the permanent record of the Māori Land Court. 20

(3) If a local authority is not satisfied that the units are derived from, or are likely to have been derived from, the same block of Māori freehold land, the local authority— 25

(a) may apply to the Registrar of the Māori Land Court for a determination as to whether the rating units are derived from the same original block of Māori freehold land; and

(b) must do so on the request of the person actually using the units.

(4) In this section, **block** has the meaning set out in section 4 of Te Ture Whenua Maori Act 1993. 30

Amendments to Part 2 (rating information database and rates records)

12 Section 27 amended (Rating information database)

(1) After section 27(5)(c), insert:

(d) 1 or more separate rating areas being divided from a rating unit under **section 98A**. 35

- (2) In section 27(6)(a) and (b), after “unit”, insert “or a separate rating area”.
- 13 Section 28 amended (Inspection of rating information database)**
In section 28(2), after “unit”, insert “or separate rating area” in each place.
- 14 Section 28A amended (Inspection of complete rating information database)** 5
(1) In section 28A(2), after “unit”, insert “or separate rating area”.
(2) In section 28A(3), after “unit”, insert “or separate rating area” in each place.
(3) In section 28A(6), after “units”, insert “or separate rating areas”.
- 15 Section 28B amended (Local authority must inform owners of right to withhold certain information from database)** 10
(1) In the heading to section 28B, after “owners”, insert “of rating units and ratepayers for separate rating areas”.
(2) In section 28B, after “owner”, insert “of a rating unit and ratepayer for a separate rating area”.
- 16 Section 28C amended (Owner entered on database may require local authority to withhold information from database)** 15
(1) In the heading to section 28C, after “Owner” insert “of rating unit and ratepayer for separate rating area”.
(2) In section 28C(1), after “owner”, insert “of a rating unit or ratepayer for a separate rating area”. 20
(3) In section 28C(2), (3)(b), and (4), after “owner”, insert “or ratepayer”.
- 17 Section 28D repealed (Transitional provision for local authority to establish database)**
Repeal section 28D.
- 18 Section 29 amended (Objections to rating information database)** 25
After section 29(1), insert:
(1A) A person who is named in the rating information database as the ratepayer for a separate rating area or its underlying rating unit may also object to the information contained in the database on the ground that the apportionment of rates fails to comply with **section 98B**. 30
- 19 Section 37 amended (Rates records)**
(1) In section 37(1), after “for each rating unit”, insert “and separate rating area”.
(2) In section 37(1)(a) and (b), after “unit”, insert “or separate rating area”.
(3) In section 37(3), after “unit”, insert “or separate rating area”.

**Local Government (Rating of Whenua Māori)
Amendment Bill**

Part 1 cl 27

- 20 Section 38 amended (Inspection of rates records)**
- (1) In section 38(1), after “rates record for a rating unit”, insert “or separate rating area”.
 - (2) In section 38(1)(d)(i), after “unit”, insert “or separate rating area”.
- 21 Section 39 amended (Objection to rates records)** 5
- In section 39(1)(b), after “unit”, insert “or separate rating area”.
- 22 Section 41 amended (Amended assessment if error in rating information database or rates record is corrected)**
- In section 41(1)(a), after “unit”, insert “or separate rating area”.
- 23 Section 41A amended (Amended assessment to give effect to objection to valuation under Rating Valuations Act 1998)** 10
- (1) In section 41A(1), after “a rating unit”, insert “or separate rating area”.
 - (2) In section 41A(1)(a) and (b)(ii), after “unit”, insert “or separate rating area”.
 - (3) In section 41A(1)(b)(i), replace “the information in relation to the rating unit” with “information”. 15
- Amendments to Part 3 (assessment, payment, and recovery of rates and remission and postponement)*
- 24 Part 3 heading amended (Assessment, payment, and recovery of rates and remission and postponement)**
- In the Part 3 heading, replace “**remission and postponement**” with “**remission, postponement, and write-off of rates**”. 20
- 25 Section 44 amended (Notice of rates assessment)**
- (1) In section 44(1), after “rating unit”, insert “or separate rating area”.
 - (2) In section 44(2), after “unit”, insert “or separate rating area” in each place.
- 26 Section 45 amended (~~Content~~ Contents of rates assessment)** 25
- After section 45(4), insert:
- ~~(5)~~ (4A) If subsection (3) applies because 1 or more separate rating areas have been divided from a rating unit,—

 - (a) the information required by subsection (1) must be provided for the residual rating area (if any) of the rating unit; and
 - (b) a separate rates assessment must be provided for each separate rating area in the rating unit in accordance with **section 98C**.
- 30
- 27 Section 46 amended (Rates invoice)**
- In section 46, after “rating unit”, insert “or separate rating area” in each place.

- 28 Section 47 amended (Issue of amended rates invoice)**
In section 47(1), after “rating unit”, insert “or separate rating area” in each place.
- 29 Section 48 amended (Delivery of rates assessment and rates invoice)**
- (1) In section 48(1), after “unit”, insert “or separate rating area”. 5
- (2) In section 48(3), replace “the rating unit” with “a rating unit or separate rating area”.
- 30 Section 49 amended (Late delivery of rates invoice)**
In section 49, after “rating unit”, insert “or separate rating area”.
- 31 Section 51 amended (Combined rates assessment and rates invoice)** 10
- (1) In section 51(1), after “units”, insert “or separate rating areas” in each place.
- (2) In section 51(2), after “rating unit”, insert “or separate rating area”.
- (3) In section 51(3), after “unit”, insert “or separate rating area” in each place.
- 32 Section 54 amended (Power not to collect small amounts)**
- (1) In section 54(1) and (2)(a), after “rating unit”, insert “or separate rating area”. 15
- (2) In section 54(3)(b), replace “that rating unit” with “the rating unit or separate rating area”.
- 33 New section 62A inserted (Person actually using certain abandoned general land liable for rates)**
- After section 62, insert: 20
- 62A Person actually using certain abandoned general land liable for rates**
- (1) This section applies to land if—
- (a) the land is general land that ceased to be Māori land under Part 1 of the Maori Affairs Amendment Act 1967; and
- (b) the land is beneficially owned by the persons, or by the descendants of the persons, who beneficially owned the land immediately before the land ceased to be Māori land; and 25
- (c) rates have not been paid to the local authority by the owner of the land for 3 years or more; and
- (d) the owner of the land— 30
- (i) is unknown; or
- (ii) cannot be found after due inquiry and has no known agent in New Zealand; or
- (iii) is deceased and has no personal representative; or

**Local Government (Rating of Whenua Māori)
Amendment Bill**

Part 1 cl 36

| | | |
|------------|--|----|
| | (iv) has given notice to the local authority that they intend to abandon or have abandoned the land. | |
| (2) | A person actually using land to which this section applies is liable for rates on the land in respect of the period commencing on or after the date they started using the land. | 5 |
| (3) | A person actually using only part of a rating unit of land to which this section applies during a financial year must be treated as having used the whole of the rating unit for the whole of the financial year unless the person establishes otherwise. | |
| (4) | The rates assessment and rates invoice must be delivered to the person actually using the land to which this section applies. | 10 |
| (5) | This section overrides sections 44 and 46. | |
| 34 | Section 63 amended (Legal proceedings to recover rates) In section 63(2), after “rating unit”, insert “or separate rating area”. | |
| 35 | New section 65A inserted (Recovery of unpaid rates from person actually using certain land) After section 65, insert: | 15 |
| 65A | Recovery of unpaid rates from person actually using certain land In proceedings under section 63 for the recovery of unpaid rates against a person actually using land to which section 62A or 96 applies (other than rates in respect of a separate rating area), the court may give judgment for a proportion of the unpaid rates if the court— | 20 |
| | (a) considers it to be reasonable to do so in the circumstances; and | |
| | (b) is satisfied that— | |
| | (i) the person did not actually use the whole of the rating unit for which the rates are claimed for the relevant financial year; and | 25 |
| | (ii) the amount of rates payable is disproportionately large compared to a reasonable rental or payment for the use. | |
| 36 | Section 67 amended (Enforcement of judgment) | |
| (1) | After section 67(2)(b), insert: | 30 |
| | (c) evidence that the land is not land described in section 62A(1)(a) and (b) . | |
| (1) | Replace section 67(3) with: | |
| (3) | Subsection (1) does not apply to— | |
| | (a) land that is subject to enactments that prohibit the alienation or transfer of that land; or | 35 |
| | (b) land described in section 62A(1) . | |

| Local Government (Rating of Whenua Māori) Amendment Bill | | |
|---|---|----|
| Part 1 cl 36AA | | |
| (2) | In section 67(4), replace “despite those enactments, the local authority may” with “the local authority may, in respect of land described in subsection (3)(a) ”. | |
| 36AA | Section 75A amended (Unpaid levy under Infrastructure Funding and Financing Act 2020) | 5 |
| | In section 75A(2), replace “Sections 63” with “ Sections 62A ”. | |
| 36A | Section 77 amended (Sale or lease of abandoned land) | |
| | After section 77(3), insert: | |
| (3A) | The application must include evidence that the land is not land described in section 62A(1)(a) and (b) . | 10 |
| 37 | Section 78 amended (Court may order sale or lease of abandoned land) | |
| | In section 78, after “complied with”, insert “and the land is not land described in section 62A(1) ”. | |
| 38 | Heading to subpart 2 of Part 3 amended (Remission and postponement) | |
| | In the heading to subpart 2 of Part 3, replace “ and postponement ” with “, postponement, and write-off ”. | 15 |
| 39 | New sections 90A to 90D and cross-heading inserted | |
| | After section 90, insert: | |
| | <i>Power of chief executive to write off rates</i> | |
| 90A | Chief executive may write off rates that cannot be recovered | 20 |
| (1) | The chief executive of a local authority must write off any outstanding rates that, in the chief executive’s opinion, cannot reasonably be recovered. | |
| (2) | The chief executive may write off rates under subsection (1) on— | |
| (a) | the chief executive’s own initiative; or | |
| (b) | the application of a ratepayer (who may make an application at any time). | 25 |
| (3) | The chief executive must— | |
| (a) | notify a ratepayer of any write-off of the ratepayer’s rates under this section; and | |
| (b) | within 30 days of receiving an application under subsection (2)(b) , provide written reasons to the applicant of the reasons for the decision to write off, or not to write off, the rates specified in the application. | 30 |

**Local Government (Rating of Whenua Māori)
Amendment Bill**

Part 1 cl 42

| | | |
|------------|--|----|
| 90B | Chief executive may write off rates of deceased owners of Māori freehold land | |
| (1) | The chief executive of a local authority may, in respect of a rating unit of Māori freehold land, write off all or part of the outstanding rates that— | |
| (a) | are payable by a person beneficially entitled to a deceased owner's beneficial interest in the land; and | 5 |
| (b) | were payable by the deceased owner at the death of the owner. | |
| (2) | The local authority must give notice to the ratepayer of any write-off. | |
| 90C | Chief executive may delegate power to write off rates | |
| (1) | The chief executive of a local authority may delegate the exercise of the powers under sections 90A and 90B to any specified officer of the local authority. | 10 |
| (2) | The chief executive must not delegate the power to delegate under this section. | |
| 90D | Amount of rates written off to be included in notes to financial statements | |
| | A local authority must ensure that the notes to the financial statements described in clause 29(1)(a) of Schedule 10 of the Local Government Act 2002 disclose the amount of rates written off each financial year under sections 90A and 90B . | 15 |

Amendments to Part 4 (rating of Māori freehold land)

| | | |
|-----------|---|----|
| 40 | Section 92 amended (Recording name of ratepayer) | 20 |
| (1) | After section 92(4), insert: | |
| (4A) | If a separate rating area is divided from a rating unit under section 98A , the person actually using the separate rating area must be entered as the ratepayer in the rating information database for the separate rating area. | |
| (2) | In section 92(7), replace “and (4)” with “(4), and (4A) ”. | 25 |
| 41 | Section 93 amended (Limitation of trustee liability) | |
| | In section 93, insert as subsection (2) : | |
| (2) | Trustees seeking to rely on section 93(1)(b) must, on request by a local authority, provide copies of any annual financial statements provided to the beneficial owners by the trustees. | 30 |
| 42 | Cross-heading above section 96 replaced | |
| | Replace the cross-heading above section 96 with: | |
| | <i>Person actually using Māori freehold land in multiple ownership or separate rating areas</i> | |

43 Section 96 amended (Person actually using land liable for rates)

(1) Replace section 96(1) with:

- (1) A person actually using land is liable for the rates on that land if the land is Māori freehold land—
- (a) in a rating unit in multiple ownership that is not vested in a trustee; or
 - (b) in a separate rating area.

5

(2) Repeal section 96(2).

44 Section 97 amended (Rates assessment delivered to person actually using land)

In section 97(2), replace “A person to whom section 96 applies and who is actually using” with “A person who is actually using land described in **section 96(1)(a)** (other than land in a separate rating area) and who is using only”.

10

45 Section 98 replaced (Recovery of unpaid rates from person actually using land)

Replace section 98 with:

15

98 Ratepayer of underlying rating unit not liable for rates on separate rating area

- (1) The ratepayer for a rating unit is not liable for any rates due on any separate rating area in the rating unit.
- (2) Sections 99 to 113 (which relate to charging orders on Māori freehold land) do not apply in respect of any rates due on the separate rating area.

20

46 New sections 98A to 98F and cross-heading inserted

After section 98, insert:

Separate rating areas on Māori freehold land

98A How rating unit on Māori freehold land divided into separate rating areas

25

- (1) A local authority may divide a separate rating area from a rating unit on Māori freehold land on the request of a person in accordance with this section.
- (2) A local authority must determine a part of a rating unit to be a separate rating area if the identified part of the rating unit—
- (a) comprises a dwelling; and
 - (b) is used separately from the other land in the rating unit.
- (3) If the rating unit is managed by a trustee, the request for a separate rating area—
- (a) must be made by the trustee with the consent of the person actually using the identified part of the rating unit; and

30

35

**Local Government (Rating of Whenua Māori)
Amendment Bill**

Part 1 cl 46

| | | |
|---|--|----------|
| (b) | must include the full name and postal address of the person actually using the identified part of the rating unit and evidence that they consent to the request. | |
| (4) | If the rating unit is not managed by a trustee, the request for a separate rating area may be made by the person actually using the identified part of the rating unit. | 5 |
| (4A) | On receiving a request under subsection (4) , a local authority must notify the ratepayer or ratepayers for the rating unit of the request. | |
| (5) | Requests for separate rating areas may be made at any time during the financial year. | 10 |
| (6) | The division of a separate rating area from a rating unit under this section does not create any right of occupancy or interest in the land. | |
| 98B Apportionment of rates for separate rating areas | | |
| | The local authority must apportion the rates assessed for the underlying rating unit between each separate rating area and any residual rating area in the unit as follows: | 15 |
| (a) | the apportionment of any rate must be assessed in accordance with the same values and factors that were used to assess the total rates for the underlying rating unit under section 43; and | |
| (b) | any general rate must be apportioned between separate rating areas and any residual rating area by apportioning the rateable valuation of the underlying rating unit between each separate rating area and any residual rating area, but always using the same category of rateable land under section 14 that applies to the underlying rating unit; and | 20 |
| (c) | any uniform annual general charge set under section 15(1)(a) for the underlying rating unit must be apportioned equally between each separate rating area and any residual rating area in the underlying rating unit; and | 25 |
| (d) | any uniform annual general charge set under section 15(1)(b) for the underlying rating unit must be apportioned equally between each separate rating area, and any residual rating area, and any residual rating area in the underlying rating unit that is a separately used or inhabited part of the rating unit according to the local authority's definition (<i>see</i> clauses 15 and 20 of Schedule 10 of the Local Government Act 2002); and | 30 |
| (e) | any targeted rate must be apportioned between each separate rating area and any residual rating area in the underlying rating unit by apportioning the factors under section 18 that apply to the underlying rating unit between each separate rating area and any residual rating area, but always using the same category of rateable land under section 17 that applies to the underlying rating unit; and | 35 40 |

| | | |
|------------|---|----------|
| (f) | to avoid doubt, the sum of the apportionments of all rates for the separate rating areas and any residual rating area must equal the sum of all rates that would apply to the underlying rating unit without apportionment. | |
| 98C | Contents of rates assessment for separate rating area | 5 |
| (1) | A rates assessment for a separate rating area must clearly identify all of the following: | |
| (a) | the name and address of the local authority: | |
| (b) | the name and address of the ratepayer: | |
| (c) | the number on the district valuation roll of the underlying rating unit: | 10 |
| (d) | the legal description of the underlying rating unit: | |
| (e) | the location of the separate rating area: | |
| (f) | the rateable value of the separate rating area: | |
| (g) | the amount and description of each rate: | |
| (h) | the activities or groups of activities of the local authority that will be funded from each rate: | 15 |
| (i) | the relevant matters in Schedule 2 that are required to determine— | |
| (i) | the category (if any) to which the separate rating area belongs for the purposes of setting general rates differentially under section 13(2)(b): | 20 |
| (ii) | the category (if any) to which the separate rating area belongs for the purposes of setting a targeted rate under section 16(3)(b) or (4)(b): | |
| (j) | the information on the factors used to calculate the amount of the liability of the separate rating area in respect of each targeted rate: | 25 |
| (k) | the total amount of rates payable on the separate rating area for the financial year: | |
| (l) | the information set out in section 45(1)(l) to (p). | |
| (2) | If the ratepayer has elected to make a lump sum contribution to a local authority's capital project, the rates assessment must also identify the target rates for the financial year for which, as a result of the election, no liability attaches to the separate rating area. | 30 |
| 98D | When separate rating area divided from rating area | |
| (1) | A determination by a local authority that a part of a rating unit is a separate rating area applies on and from the commencement of— | 35 |
| (a) | the financial year following the financial year in which the request for the determination is made; or | |

**Local Government (Rating of Whenua Māori)
Amendment Bill**

Part 1 cl 46

| | | |
|------------|--|----|
| | (b) if the requestor and the local authority agree, the financial year in which the request is made. | |
| (2) | Subsection (3) applies if, before a rating unit is divided or ceases to be divided into separate rating areas for a financial year, a local authority has sent a notice, a ratepayer has made a payment, or either has done anything else that affects who is liable for rates (or apportionments of rates) under this Act for that financial year. | 5 |
| (3) | The local authority may do anything required to adjust who is liable for rates (or apportionments of rates), and anything required to adjust any related matters, under this Act for that financial year to reflect the division or removal of the division. | 10 |
| 98E | How separate rating area ceases to be a separate rating area | |
| (1) | A local authority may determine that a separate rating area divided from a rating unit is no longer a separate rating area— | |
| | (a) on the request of the trustee of the rating unit; or | 15 |
| | (b) if the rating unit is not managed by a trustee, on the request of the person actually using the separate rating area; or | |
| | (c) on its own initiative if— | |
| | (i) the dwelling on the separate rating area has been removed or demolished, or is no longer habitable; or | 20 |
| | (ii) there is no person actually using the separate rating area. | |
| (2) | A determination by a local authority that a separate rating area is no longer a separate rating area applies on and from the commencement of— | |
| | (a) the financial year following the financial year in which an application is made by the trustee of the underlying rating unit: | 25 |
| | (b) if the trustee and the local authority agree, the financial year in which the request is made: | |
| | (c) if the local authority makes the determination on its own initiative, the financial year following the financial year in which the determination is made. | 30 |
| (3) | The local authority must write off any rates outstanding in respect of a separate rating area when the local authority ceases to apportion the rates between separate rating areas under subsection (2) . | |
| 98F | Election to make lump sum contributions must be made on behalf of underlying rating unit | 35 |
| | If Part 4A applies to a rating unit that has been divided into separate rating areas, the eligible ratepayer is the ratepayer for the underlying rating unit. | |

47 Section 114 amended (Remission of rates)

In the heading to section 114, after “rates”, insert “**on Māori freehold land generally**”.

48 New section 114A inserted (Remission of rates on Māori freehold land under development)

5

After section 114, insert:

114A Remission of rates for Māori freehold land under development

- (1) The purpose of this section is to facilitate the occupation, development, and utilisation of Māori freehold land for the benefit of its owners.
- (2) A local authority must consider an application by a ratepayer for a remission of rates on Māori freehold land if—
 - (a) the ratepayer has applied in writing for a remission on the land; and
 - (b) the ratepayer or another person is developing, or intends to develop, the land.
- (3) The local authority may, for the purpose of this section, remit all or part of the rates (including penalties for unpaid rates) on Māori freehold land if the local authority is satisfied that the development is likely to have any or all of the following benefits:
 - (a) benefits to the district by creating new employment opportunities:
 - (b) benefits to the district by creating new homes:
 - (c) benefits to the council by increasing the council’s rating base in the long term:
 - (d) benefits to Māori in the district by providing support for marae in the district:
 - (e) benefits to the owners by facilitating the occupation, development, and utilisation of the land.
- (4) The local authority may remit all or part of the rates—
 - (a) for the duration of a development; and
 - (b) differently during different stages of a development; and
 - (c) subject to any conditions specified by the local authority, including conditions relating to—
 - (i) the commencement of the development; or
 - (ii) the completion of the development or any stage of the development.
- (5) In determining what proportion of the rates to remit during the development or any stage of the development, the local authority must take into account—

**Local Government (Rating of Whenua Māori)
Amendment Bill**

Part 1 cl 50

- | | |
|---|--------------------|
| <p>(a) the expected duration of the development or any stage of the development; and</p> <p>(b) if the land is being developed for a commercial purpose, when the ratepayer or ratepayers are likely to generate income from the development; and</p> <p>(c) if the development involves the building of 1 or more dwellings, when the ratepayer or any other persons are likely to be able to reside in the dwellings.</p> <p>(6) Sections 85(2) and 86 apply to a remission made under subsection (3).</p> <p>(7) This section does not limit the application of section 85 or 114 to Māori freehold land.</p> | <p>5</p> <p>10</p> |
|---|--------------------|

49 New Schedule 1AA inserted

Insert the **Schedule 1AA** set out in the **Schedule** of this Act as the first schedule to appear after the last section of the principal Act.

50 Schedule 1 amended 15

- | | |
|---|---|
| <p>(1) In Schedule 1, after clause 1, insert:</p> <p>1A Land that is subject to a Ngā Whenua Rāhui kawenata under section 77A of the Reserves Act 1977 or section 27A of the Conservation Act 1987.</p> <p>(2) In Schedule 1, clause 10, delete “that does not exceed 2 hectares and”.</p> <p>(3) In Schedule 1, replace clauses 12 and 13 with:</p> <p>12 Land that is used for the purposes of a marae, excluding any land used—</p> <p style="padding-left: 20px;">(a) primarily for commercial or agricultural activity; or</p> <p style="padding-left: 20px;">(b) as residential accommodation.</p> <p>13 Land that is set apart under section 338 of Te Ture Whenua Maori Act 1993 or any corresponding former provision of that Act and used for the purposes of a meeting place, excluding any land used—</p> <p style="padding-left: 20px;">(a) primarily for commercial or agricultural activity; or</p> <p style="padding-left: 20px;">(b) as residential accommodation.</p> <p>13A Māori freehold land on which a meeting house is erected, excluding any land used—</p> <p style="padding-left: 20px;">(a) primarily for commercial or agricultural activity; or</p> <p style="padding-left: 20px;">(b) as residential accommodation.</p> <p>13B Land that is a Māori reservation held for the common use and benefit of the people of New Zealand under section 340 of Te Ture Whenua Maori Act 1993.</p> <p>(4) In Schedule 1, after clause 14, insert:</p> <p>14A An unused rating unit of Māori freehold land.</p> <p>(5) In Schedule 1, note 1, insert in its appropriate alphabetical order:</p> | <p>20</p> <p>25</p> <p>30</p> <p>35</p> |
|---|---|

**Local Government (Rating of Whenua Māori)
Amendment Bill**

Part 2 cl 50A

meeting place means any church, meeting house, hall, dining hall, kitchen, or other building (other than a dwelling) used as a meeting place and includes any land attached or appurtenant to and commonly used in connection with any such building

- (6) In Schedule 1, after note 4, insert: 5
- 4A For the purposes of **clause 14A**,—
- (a) a rating unit is **unused** if—
- (i) there is no person actually using any part of the rating unit; or
- (ii) the entire rating unit is used in a similar manner to a reserve or conservation area and no part of the rating unit is— 10
- (A) leased by any person; or
- (B) used as residential accommodation; or
- (C) used for any activity (whether commercial or agricultural) other than for personal visits to the land or personal collections of kai or cultural or medicinal material from the land; 15
- and
- (b) a rating unit must not be treated as being used solely because a person is a participant under the Climate Change Response Act 2002 in respect of an activity relating to the rating unit.

Part 2

20

Amendments to other legislation

Amendments to Infrastructure Funding and Financing Act 2020

50A Amendments to Infrastructure Funding and Financing Act 2020

Sections 50B to 50W amend the Infrastructure Funding and Financing Act 2020. 25

50B Section 7 amended (Interpretation)

- (1) In section 7(1), definition of **levypayer**, after “rating unit”, insert “or separate rating area”.
- (2) In section 7(1), insert in its appropriate alphabetical order:
- separate rating area** means land that has become a separate rating area under **section 98A** of the Local Government (Rating) Act 2002 30

50C Section 37 amended (Who must pay levy)

- (1) After section 37(1), insert:
- (1A) The ratepayer for a separate rating area is liable to pay all levy that is due on the separate rating area. 35

**Local Government (Rating of Whenua Māori)
Amendment Bill**

Part 2 cl 50K

- (2) In section 37(2)(a), after “62,”, insert “**62A**,”.
- (3) After section 37(2)(b), insert:
- (c) the ratepayer for a rating unit is not liable for any levy due on any separate rating area in the rating unit.
- 50D Section 51 amended (Responsible SPV may correct annual levy resolution)** 5
- (1) In section 51(1)(b), after “rating unit”, insert “or separate rating area”.
- (2) In section 51(4), after “rating unit”, insert “or separate rating area” in each place.
- 50E Section 57 amended (When SPV recovers unpaid levy)**
- In section 57(1)(a) and (b), after “rating unit”, insert “or separate rating area”. 10
- 50F Section 58 amended (Levy is charge against rating unit)**
- In section 58, insert as subsection (2):
- (2) **Subsection (1)** does not apply in respect of a levy due on a separate rating area.
- 50G Section 59 amended (Invalidity of levy not ground for refusal to pay levy)** 15
- In section 59, after “rating unit”, insert “or separate rating area”.
- 50H Section 61 amended (Rating information database)**
- In section 61(1),—
- (a) after “rating units”, insert “and separate rating areas”; and
- (b) replace “the unit” with “any rating unit or separate rating area” in each place. 20
- 50I Section 65 amended (Rates records and objections, etc, to rates records)**
- In section 65(1), after “rating unit”, insert “and separate rating area”.
- 50J Section 68 amended (Assessment of levy liability)**
- In section 68(2),— 25
- (a) after “rating unit”, insert “or separate rating area”; and
- (b) replace “that unit” with “the rating unit or separate rating area”.
- 50K Section 69 replaced (Rating units in common ownership)**
- Replace section 69 with:

Local Government (Rating of Whenua Māori)
Amendment Bill

Part 2 cl 50L

- 69** When responsible levy authority must treat 2 or more rating units as 1 unit for assessing levy
The responsible levy authority must treat 2 or more rating units as 1 unit for assessing levy if the rating units are treated as 1 unit under section 20 or **20A** of the Local Government (Rating) Act 2002. 5
- 50L** Section 70 amended (Levy assessment notified to levypayer)
In section 70(1) and (2), after “rating unit”, insert “or separate rating area”.
- 50M** Section 71 amended (Information in levy assessment)
Replace section 71(2) with:
- (2) The following sections of the Local Government (Rating) Act 2002 apply to a rates assessment that includes levy liability: 10
- (a) section 45 (contents of rates assessment): and
- (b) **section 98C** (contents of rates assessment for separate rating area).
- 50N** Section 73 amended (Further processes for levy assessment and levy invoice) 15
After section 73(d), insert:
- (e) **section 98B** (apportionment of rates for separate rating areas):
- (f) **section 98D** (when separate rating area divided from rating area):
- (g) **section 98E** (how separate rating area ceases to be a separate rating area).
- 50O** Section 77 amended (Levy remission and levy postponement policies relating to Maori freehold land) 20
- (1) In section 77(1), after “rating units”, insert “or separate rating areas”.
- (2) After section 77(1), insert:
- (1A) **Section 114A** of the Local Government (Rating) Act 2002 (remission of rates for Māori freehold land under development) applies to a levy under this Act. 25
- (1B) However, the responsible levy authority may remit a levy under **section 114A** of the Local Government (Rating) Act 2002 only with the consent of the responsible SPV.
- 50P** Section 78 amended (Remission of levy)
In section 78(1) and (3)(a), after “rating unit”, insert “or separate rating area”. 30
- 50Q** New section 79A and cross-heading inserted
After section 79, insert:

**Local Government (Rating of Whenua Māori)
Amendment Bill**

Part 2 cl 50U

Write-off of levy

79A Write-off of levy

- (1) This section applies if—
- (a) there is an unpaid levy under this Act in respect of a rating unit or separate rating area; and 5
 - (b) the chief executive of the responsible levy authority intends to write off rates in respect of that unit or separate rating area under **section 90A or 90B** of the Local Government (Rating) Act 2002.
- (2) The responsible levy authority must notify the responsible SPV—
- (a) that the chief executive will write off the rates; and 10
 - (b) whether the chief executive is doing so on an application under **section 90A(2)(b)** of the Local Government (Rating) Act 2002.
- (3) On receiving the notice, the responsible SPV may write off any unpaid levy—
- (a) that the responsible SPV considers cannot reasonably be recovered; or
 - (b) to which **section 90B(1)(a) and (b)** of the Local Government (Rating) Act 2002 applies. 15
- (4) The responsible SPV must—
- (a) notify a levypayer of any write-off of the levypayer's levy under this section; and
 - (b) within 30 days of receiving a notice under **subsection (2)(b)** that the chief executive will write off rates on the application of a ratepayer under **section 90A(2)(b)**, provide written reasons to the levypayer for the decision to write off, or not to write off, the levypayer's levy. 20

50R Section 82 amended (Recovery action generally)

After section 82(2)(b), insert:

- (ba) **section 62A** (person actually using certain abandoned general land liable for rates): 25

50S Section 83 amended (Legal proceedings to recover levy)

In section 83(2), replace “Sections 63” with “**Sections 62A**”.

50T Section 91 amended (Excess levy at end of levy period)

In section 91(2)(a), after “rating unit”, insert “or separate rating area”. 30

50U Section 95 amended (Responsible levy authority to inform responsible SPV about previous contributions)

In section 95(2)(c), after “rating units”, insert “or separate rating areas”.

Local Government (Rating of Whenua Māori)
Amendment Bill

Part 2 cl 50V

50V Section 96 amended (Responsible SPV may direct responsible levy authority to transfer previous contributions and remit levies)

In section 96(1)(b), after “rating unit”, insert “or separate rating area”.

50W Section 97 amended (Responsible levy authority must refund or return previous contributions if no direction)

In section 97, after “rating unit”, insert “or separate rating area” in each place.

Amendment to Local Government Act 2002

51 Amendment to Local Government Act 2002

Section 52 amends **Sections 52 and 52A** amend the Local Government Act 2002.

52 Section 102 amended (Funding and financial policies)

After section 102(3), insert:

(3A) The following policies must also support the principles set out in the Preamble to Te Ture Whenua Maori Act 1993:

- (a) the revenue and financing policy, the policy on development contributions or financial contributions, and the policy on the remission and postponement of rates on Māori freehold land adopted under **subsection (1)**:
- (b) any rates remission policy or rates postponement policy adopted under **subsection (3)**.

52A Schedule 1AA amended

In Schedule 1AA, after clause 21, insert the **Part 4** set out in **Schedule 2** of this Act.

Amendments to Te Ture Whenua Maori Act 1993

53 Amendments to Te Ture Whenua Maori Act 1993

Sections 54 and 55 amend Te Ture Whenua Maori Act 1993.

54 New section 128A inserted (Registrar may advise local authority whether rating units were previously part of same block of Maori freehold land)

After section 128, insert:

128A Registrar may advise local authority whether rating units were previously part of same block of Maori freehold land

- (1) This section applies if a local authority makes an application under **section 20A(3) of the Local Government (Rating) Act 2002** for a determination as to whether 2 or more rating units were previously part of the same block of Maori freehold land.

**Local Government (Rating of Whenua Māori)
Amendment Bill**

Part 2 cl 57B

- (2) The Registrar may make a determination as to whether the rating units were previously part of the same block of Maori freehold land.
- (3) The Registrar may decline to make a determination if satisfactory evidence is unavailable.

55 New section 330B inserted (Obligation to notify territorial authority of occupation order) 5

After section 330A, insert:

330B Obligation to notify territorial authority of occupation order

The Registrar of the Maori Land Court must notify the relevant local authority of—

- (a) any occupation order made under section 328; and
- (b) any amendment or cancellation of an occupation order made under section 330.

Amendments to Rates Rebate Act 1973

56 Amendments to Rates Rebate Act 1973 15

Section 57 amends the Rates Rebate Act 1973.

57 Section 2 amended (Interpretation)

- (1) In section 2(1), replace the definition of **property** with—

property means—

- (a) a rating unit within the meaning of sections 5B and 5C of the Rating Valuations Act 1998; or
- (b) a separate rating area within the meaning of section 5 of the Local Government (Rating) Act 2002

- (2) In section 2(1), definition of **residential property**, paragraph (a), after “unit”, insert “or separate rating area” in each place. 25

Amendments to Urban Development Act 2020

57A Amendments to Urban Development Act 2020

Sections 57B to 57Q amend the Urban Development Act 2020.

57B Section 185 amended (Who must pay rates?)

- (1) In section 185(1), after “rating unit”, insert “or separate rating area” in each place. 30
- (2) In section 185(2), after “62,”, insert “**62A**.”

57C Section 189 amended (Procedure for setting rates)

Replace section 189(5)(a) with:

- (a) sections 20 (rating units in common ownership), **20A** (rating units of Māori freehold land used as a single unit), and 22 (defence land) of the Local Government (Rating) Act 2002:

5

57D Section 190 amended (Kāinga Ora may set rates again within same financial year)

- (1) In section 190(1)(b), after “rating unit”, insert “or separate rating area”.
- (2) In section 190(4), after “rating unit”, insert “or separate rating area” in each place.

10

57E Section 192 amended (Due date or dates for payment)

In section 192,—

- (a) after “rating unit”, insert “or separate rating area”; and
- (b) after “that unit”, insert “or area”.

57F Section 194 amended (When excess rates are refunded to ratepayers)

15

- (1) In section 194(3)(a), after “rating units”, insert “or separate rating areas”.
- (2) In section 194(3)(b), after “rating unit”, insert “or separate rating area”.

57G Section 201 amended (Notice of rates assessment)

In section 201(1) and (3), after “rating unit”, insert “or separate rating area” in each place.

20

57H Section 202 amended (Contents of rates assessment)

In section 202(1)(c) and (d), after “rating unit”, insert “or separate rating area”.

57I Section 203 amended (Rates invoice)

- (1) In section 203(1), after “rating unit”, insert “or separate rating area” in each place.
- (2) In section 203(3)(a) and (d), after “rating unit”, insert “or separate rating area”.

25

57J Section 205 amended (When Kāinga Ora may recover unpaid rates)

- (1) In section 205(1)(a) and (3)(b), after “rating unit”, insert “or separate rating area”.
- (2) In section 205(1)(b), replace “the unit” with “the rating unit or separate rating area”.

30

57K Section 206 amended (Application of Local Government (Rating) Act 2002: calculation, payment, and recovery)

In section 206(1)(j), replace “and 62” with “to **section 62A**”.

57L Section 207 amended (Remission of rates)

In section 207(1), after “rating unit”, insert “or separate rating area”.

57M Section 208 amended (Recording remitted rates)

In section 208(a), after “rating unit”, insert “or separate rating area”.

57N Section 209 amended (Postponement of requirement to pay rates)

5

In section 209(1), after “rating unit”, insert “or separate rating area”.

57O New section 210A and cross-heading inserted

After section 210, insert:

Write-off of rates

210A When Kāinga Ora may write off targeted rates

10

(1) This section applies if—

- (a) there is an amount of targeted rates under this Act that is unpaid for a rating unit or separate rating area; and
- (b) the chief executive of the relevant territorial authority intends to write off rates in respect of that unit under **section 90A or 90B** of the Local Government (Rating) Act 2002.

15

(2) The relevant territorial authority must notify Kāinga Ora—

- (a) that the chief executive will write off the rates; and
- (b) whether the chief executive is doing so on an application under **section 90A(2)(b)** of the Local Government (Rating) Act 2002.

20

(3) On receiving the notice, Kāinga Ora may write off any unpaid targeted rates—

- (a) that Kāinga Ora considers cannot reasonably be recovered; or
- (b) to which **section 90B(1)(a) and (b)** of the Local Government (Rating) Act 2002 applies.

(4) Kāinga Ora must—

25

- (a) notify a ratepayer of any write-off of the ratepayer’s targeted rates under this section; and
- (b) within 30 days of receiving a notice under **subsection (2)(b)** that the chief executive will write off rates on the application of a ratepayer under **section 90A(2)(b)**, provide written reasons to the ratepayer for the decision to write off, or not to write off, the ratepayer’s targeted rates.

30

57P Section 211 amended (Application of Local Government (Rating) Act 2002: rating of Māori freehold land)

After section 211(2), insert:

35

Local Government (Rating of Whenua Māori)
Amendment Bill

Part 2 cl 57Q

(2A) A relevant territorial authority may remit targeted rates under **section 114A** of the Local Government (Rating) Act 2002 only with the consent of Kāinga Ora.

57Q Section 212 amended (Rating information database to include information on targeted rates) 5

In section 212,—

- (a) after “rating unit”, insert “or separate rating area”; and
- (b) replace “the unit” with “the rating unit or separate rating area” in each place.

57R Section 213 amended (Rates records to include information on targeted rates) 10

In section 213,—

- (a) after “rating unit”, insert “or separate rating area”; and
- (b) replace “that unit” with “the rating unit or separate rating area”.

Amendment to Māori Land Court Fees Regulations 2013 15

58 Amendment to Māori Land Court Fees Regulations 2013
Section 59 amends the Māori Land Court Fees Regulations 2013.

59 Schedule amended

In the Schedule, after item 25(o), insert:

- (p) determination whether rating units were previously **128A** 60
part of the same block of Māori freehold land

Schedule
New Schedule 1AA inserted

s 49

Schedule 1AA
Transitional, savings, and related provisions

5

s 5A

Part 1
Provisions relating to Local Government (Rating of Whenua Māori)
Amendment Act 2020

- | | | |
|----------|---|--------------|
| 1 | Definition of amendment Act In this Part, amendment Act means the Local Government (Rating of Whenua Māori) Amendment Act 2020 . | 10 |
| 2 | Local authority must write off rates arrears for Māori freehold land that is non-rateable on commencement of section 50 of amendment Act On the commencement of section 50 of the amendment Act, a local authority must write off rates arrears in respect of— <ul style="list-style-type: none"> (a) land that is subject to a Ngā Whenua Rāhui kawenata; and (b) Māori freehold land that is unused (within the meaning of Schedule 1 of this Act). | 15 |
| 3 | Recognition of pre-commencement actions and processes in relation to separate rating areas Any action or process undertaken before the commencement of section 46 of the amendment Act by a local authority or any other person may be taken into account by the local authority in determining a part of a rating unit to be a separate rating area on or after the commencement date if the local authority is satisfied that the action or process is consistent with the provisions of this Act as amended by the amendment Act. | 20 25 |

Schedule 2

New Part 4 inserted in Schedule 1AA of Local Government Act 2002

s 52A

| <u>Part 4</u> | |
|---|--|
| <u>Provisions relating to Local Government (Rating of Whenua Māori)</u> | |
| <u>Amendment Act 2020</u> | |
| 22 | <u>Delayed effective date of requirement for certain funding and financial policies to support principles in Preamble to Te Ture Whenua Maori Act 1993</u> |
| (1) | <u>Section 102(3A)</u> (as inserted by section 52 of the Local Government (Rating of Whenua Māori) Amendment Act 2020) does not apply to any policy adopted before the effective date for the relevant policy. |
| (2) | The policies referred to in section 102(3A) must— |
| (a) | be reviewed for compliance with that section by the effective date for the relevant policy; and |
| (b) | be amended or replaced as required in order to achieve compliance with that section on or before the effective date. |
| (3) | If a local authority amends its revenue and financing policy under section 93(4) before 1 July 2024 solely for the purpose of complying with section 102(3A) , the amendment is not required to be audited in accordance with sections 93D(4) and 94. |
| (4) | In this clause,— |
| | commencement date means the commencement of section 52 of the Local Government (Rating of Whenua Māori) Amendment Act 2020 |
| | effective date means,— |
| (a) | for a revenue and financing policy adopted under section 102(1), 1 July 2024; |
| (b) | for a policy on development contributions or financial contributions adopted under section 102(1), the date of the completion of the first review of the policy in accordance with section 106(6) that commenced after the commencement date; |
| (c) | for a policy on the remission and postponement of rates on Māori freehold land adopted under section 102(1), 1 July 2022; |
| (d) | for any rates remission policy or rates postponement policy adopted under section 102(3), the earlier of— |
| (i) | 1 July 2024; and |

**Local Government (Rating of Whenua Māori)
Amendment Bill**

Schedule 2

- (ii) the date of the completion of the first review of the policy under section 109(2A) or 110(2A) that commenced after the commencement date.

Legislative history

27 February 2020
12 March 2020
3 August 2020
16 March 2021
17 March 2021

Introduction (Bill 226–1)
First reading and referral to Māori Affairs Committee
Reported from Māori Affairs Committee (Bill 226–2)
Second reading
Committee of the whole House

Application for Māori Freehold Land to be Non-Rateable

Local Government (Rating of Whenua Maori) Amendment Act 2021

Schedule 1 Categories of non-rateable land

Part 1, Land fully non-rateable

Section 14A Unused rating unit of Māori Freehold Land

Property Information

| | | | |
|-------------------|--|-----------------------|--|
| Property ID | | Valuation Roll Number | |
| Property Address | | | |
| Legal Description | | | |
| Owners | | | |
| Land Value | | Property Category | |
| Capital Value | | Land Use | |
| Improvement Value | | Area | |

Rates Information

| | | | |
|----------------------|----|-------------------|--|
| Opening Balance | \$ | Last Payment Date | |
| Rates Current year | \$ | Current Remission | |
| Total Amounts Owning | \$ | Remission % | |

Declaration

| | | | |
|------------------|--|---------------|--|
| Applicant's Name | | | |
| Contact Number | | Email Address | |
| Postal Address | | | |

| | |
|--|---|
| Is the land unoccupied and unused? <input type="checkbox"/> Yes <input type="checkbox"/> No | Are the Owners/Trustees aware of your application? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Is there any income derived from the land? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please provide any financial statements to support your application</i> | |

If used or occupied, please provide details on how the land is used

| | |
|--|--|
| <input type="checkbox"/> Leases on the land | <input type="checkbox"/> Resides on the land |
| <input type="checkbox"/> Depastures or maintains livestock on the land | <input type="checkbox"/> Stores anything on the land |
| <input type="checkbox"/> Uses the land in any other way | <input type="checkbox"/> Others (please specify below) |
| | |
| | |

Are there any buildings on it? Please list and attach photos

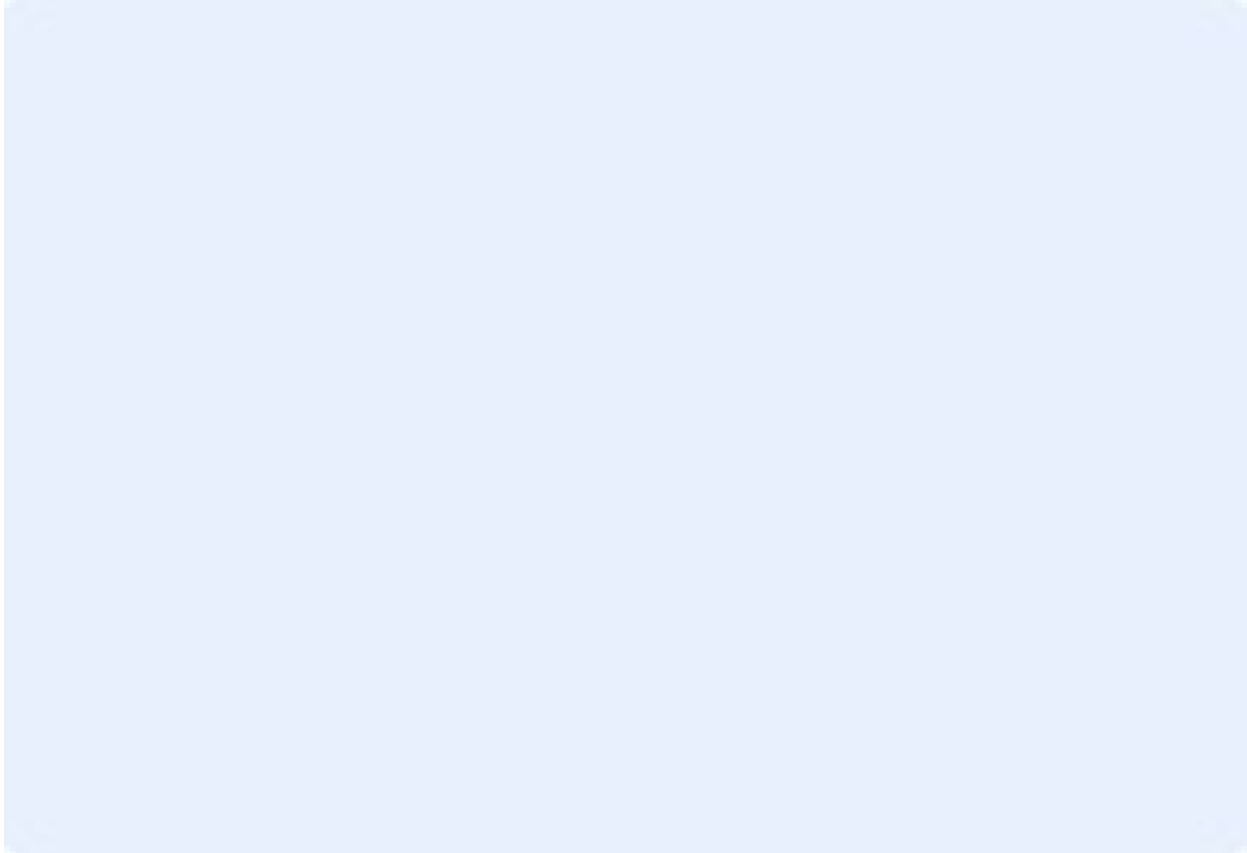
| |
|--|
| |
| |

How does this property meet the non-rateable criteria?

| |
|--|
| |
| |
| |

On the map below/attached, please mark the area you are applying for a write off

insert or attach GIS map



I declare that all the details provided are true and correct

| | | | |
|------------------------|--|------|--|
| Applicant's signature: | | Date | |
| Name in Print | | | |

Office Use only

| | | | |
|-----------------------------------|-----------------------------------|------|--|
| Approved <input type="checkbox"/> | Declined <input type="checkbox"/> | Date | |
| Delegated officer's signature: | | | |

Application for Separate Rating Area on Māori Freehold land

Property Information

| | | | |
|-------------------|--|-----------------------|--|
| Property ID | PID number(s) - include apportionments | Valuation Roll Number | Assessment number(s) - include apportionments. |
| Property Address | Property Address. | | |
| Legal Description | Legal description | | |
| Owners | Full list of owners. | | |
| Land Value | LV | Property Category | |
| Capital Value | CV | Land Use | |
| Improvement Value | Difference between CV and LV | Area | |

Rates Arrears Information

| | | | |
|--------------------|--|------------------------|--|
| Prior Arrears | | Penalties Arrears | |
| Rates Current year | | Penalties Current year | |
| Total rates owing | | | |

Please see reverse and complete the Declaration form

Authorisation from other Owners/Trustees (Attach authorisation from the Trust)

| | | |
|------------------|--|---------------|
| Applicant's Name | First name(s), (include middle names) Last name | |
| Contact Number | | Email Address |
| Postal Address | Full address, including postcodes and rural delivery numbers if applicable | |

Authorisation from other Owners/Trustees (Attach authorisation from the Trust)

| | | |
|-----------------------|----------------|-----------|
| Owners/Trustee's Name | Contact Number | Signature |
| | | |
| Owners/Trustee's Name | Contact Number | Signature |
| | | |
| Owners/Trustee's Name | Contact Number | Signature |

The council's valuation service provider may need to access the property to apportion the value according to your application

Tell us how you use your area. Are there any buildings on it? Please attach photos

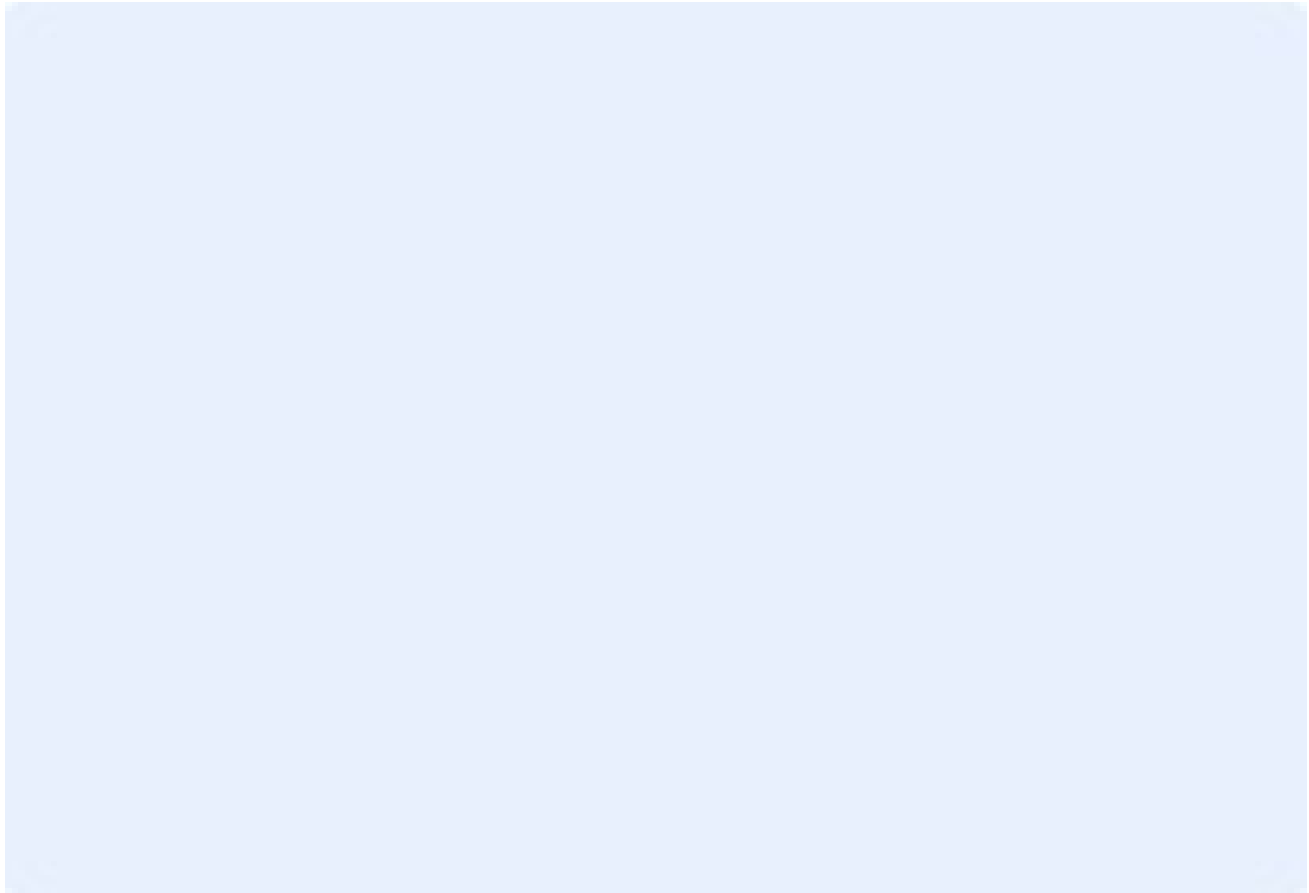
| |
|--|
| |
| |
| |
| |
| |
| |

Please write any information how the rest of the property is used

| |
|--|
| |
| |
| |
| |
| |
| |

On the map below/attached, please mark the area you are applying for a separate rating area

insert or attach GIS map



I declare that all the details provided are true and correct

| | | | |
|------------------------|--|------|--|
| Applicant's signature: | | Date | |
| Name in Print | | | |

Office Use only

| | | | |
|-----------------------------------|-----------------------------------|------|--|
| Approved <input type="checkbox"/> | Declined <input type="checkbox"/> | Date | |
| Delegated officer's signature: | | | |

Application for Write Offs on Māori Freehold Land Historical Debt

☐ Unrecoverable Section 90A

☐ Unrecoverable Section 90B – Deceased Owners (note year deceased):

Property Information

| | | | |
|-------------------|--|-----------------------|--|
| Property ID | PID number(s) - include apportionments | Valuation Roll Number | Assessment number(s) - include apportionments. |
| Property Address | Property Address. | | |
| Legal Description | Legal description | | |
| Owners | | | |
| Land Value | LV | Property Category | |
| Capital Value | CV | Land Use | |
| Improvement Value | Difference between CV and LV | Area | |

Rates Arrears & Remission Information

| | | | |
|---------------------|----|-------------------|--|
| Prior Arrears | \$ | Last Payment Date | |
| Rates Current year | \$ | Current Remission | |
| Total Amounts Owing | | Remission % | |

Please see reverse and complete the Declaration form

Declaration

| | | |
|------------------|--|---------------|
| Applicant's Name | First name(s), (include middle names) Last name | |
| Contact Number | | Email Address |
| Postal Address | Full address, including postcodes and rural delivery numbers if applicable | |

| | |
|--|--|
| Is the land unoccupied and unused? <input type="checkbox"/> Yes <input type="checkbox"/> No | Are the Owners/Trustees aware of your application? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Is there any income derived from the land? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please provide any financial statements to support your application</i> | |

If used or occupied, please provide details on how the land is used

| | |
|--|--|
| <input type="checkbox"/> Leases on the land | <input type="checkbox"/> Resides on the land |
| <input type="checkbox"/> Depastures or maintains livestock on the land | <input type="checkbox"/> Stores anything on the land |
| <input type="checkbox"/> Uses the land in any other way | <input type="checkbox"/> Others (please specify below) |
| | |
| | |
| | |
| | |

Are there any buildings on it? Please list and attach photos

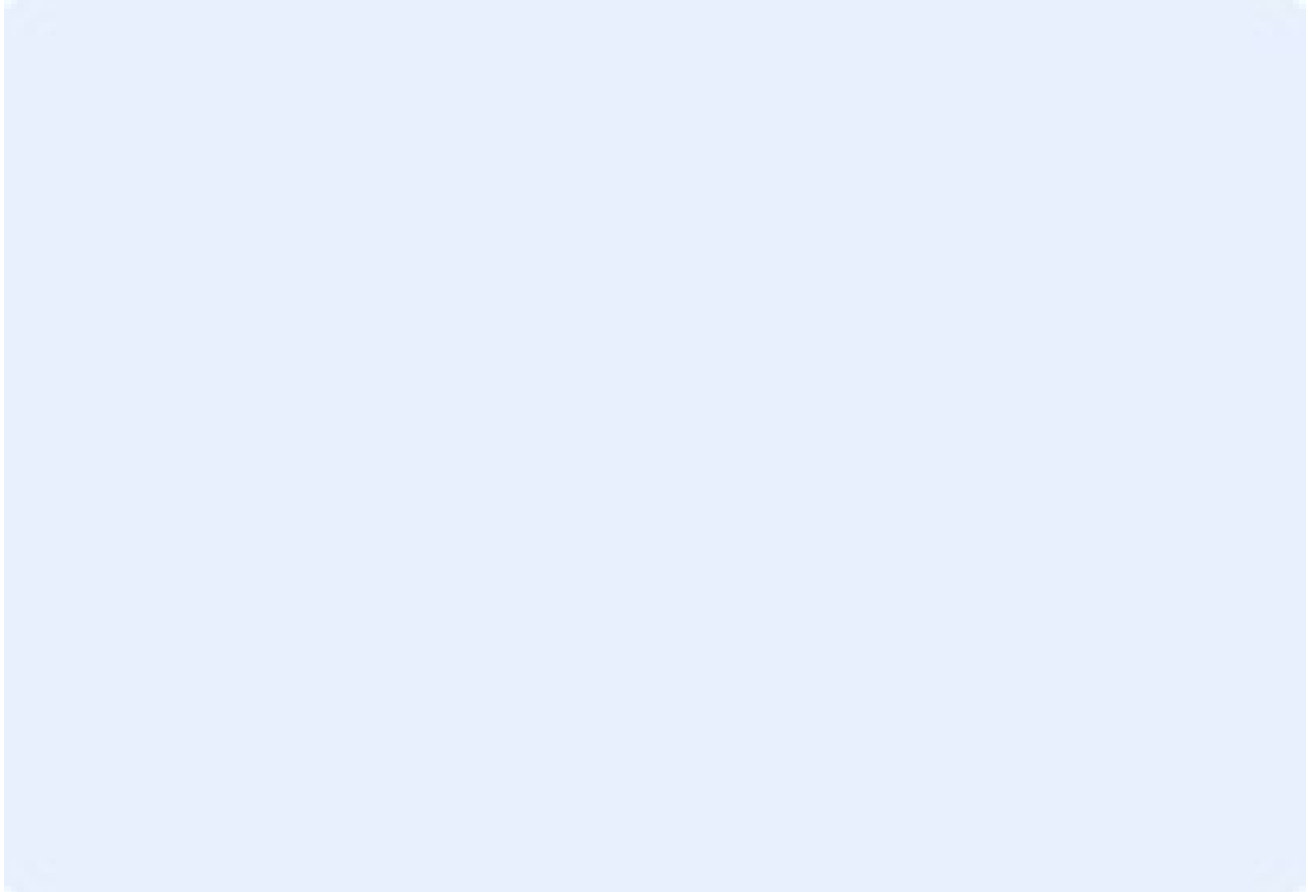
| |
|--|
| |
| |
| |

Why would you like Council to write off the rates?

| |
|--|
| |
| |
| |

On the map below/attached, please mark the area you are applying for a write off

insert or attach GIS map



I declare that all the details provided are true and correct

| | | | |
|------------------------|--|------|--|
| Applicant's signature: | | Date | |
| Name in Print | | | |

Office Use only

| | | | |
|-----------------------------------|-----------------------------------|------|--|
| Approved <input type="checkbox"/> | Declined <input type="checkbox"/> | Date | |
| Delegated officer's signature: | | | |

Māori Freehold Land

POLICY 21/114 REMISSION OF RATES ON MĀORI FREEHOLD LAND

Objectives of the Policy

Some Māori freehold land in the Whangārei District is unoccupied and unproductive. This land creates a significant rating burden on the Māori owners who often do not have the ability or desire to make economic use of the land. Often this is due to the nature of the ownership or it is isolated and marginal in quality.

The objective of the policy is:

- To recognise situations where there is no occupier or no economic or financial benefit is derived from the land.
- Where part only of a block is occupied or used, to grant remission for the portion of land not occupied or used.
- To encourage owners or trustees to use or develop the land.
- Where the owners cannot be found, to take into account the statutory limitation of time for the recovery of unpaid rates.
- Any other matter in accordance with schedule 11 of the Local Government Act 2002.

Criteria and conditions

1. The land must be Māori freehold land (as defined in the Local Government (Rating) Act 2002) or the land is general land that ceased to be Māori land under Part 1 of the Māori Affairs Amendment Act 1967 which does not produce any income.
2. The land or portion of the land must not be 'used'. This includes leasing the land, residing on the land, maintaining livestock on the land, using the land for storage or in any other way.
3. In order to encourage the development of the land, the rating unit may be apportioned into useable and non- useable portions and the rates will be remitted on the percentage of non- useable land.
4. To be considered for rates remission under this policy, the owner, occupier or ratepayer must apply for rates remission under this policy, provide information in the prescribed form on how the relevant criteria and conditions are satisfied and complete relevant statutory declarations as may be required by Council.
5. However, if the owners of an unoccupied block cannot be found, the Council may apply a remission without the need for a request.
6. If the circumstances of a ratepayer who has been granted a remission under this policy changes, the ratepayer must inform Council within 30 days. The change in circumstances may mean that the rating unit or part of the rating unit, is no longer eligible for a remission under this policy in future rating years
7. All land identified under this policy for remission, will be reviewed triennially.

Delegations

Decisions on remission of rates under this policy will be delegated to officers as set out in Council's delegation manual.

POLICY 21/115 POSTPONEMENT OF RATES ON MĀORI FREEHOLD LAND

Objectives of the Policy

The difficulty in establishing and contacting owners or occupiers of Māori land means that there are often rate arrears when ownership or use is finally established. Also new occupiers or owners may wish to use the land but are reluctant to take on the outstanding rate arrears. In order to facilitate and encourage the use of the land, the arrears may be postponed if the current rates are met.

Council wishes to encourage the development and use of Māori freehold land where Council considers the full payment of the rate arrears would be a disincentive.

Conditions and Criteria

Council will postpone rates in accordance with the policy where the application meets the following criteria:

1. The land must be Māori freehold land, as defined in the Local Government (Rating) Act 2002 or the land is general land that ceased to be Māori land under Part 1 of the Māori Affairs Amendment Act 1967.
2. The owners, occupiers or ratepayers has applied for rates postponement under this policy and provided information in the prescribed form on how the relevant criteria and conditions are satisfied and has completed relevant statutory declarations as may be required by Council.
3. The owners, occupiers or ratepayers agree payment conditions with Council to pay current and future years' rates.
4. The rates will remain as a statutory charge against the property until six years from the date they were assessed and will then be written off.

Delegations

Decisions on postponement of rates under this policy will be delegated to officers as set out in Council's delegation manual.

Rating units in common ownership

Section 20 Local Government (Rating) Act 2002

Applicant Details

Owners Name _____

Postal Address _____

Contact number _____ Email _____

Property ID(s) for consideration _____

Property ID with full rates

I have read the conditions on page 2 and apply for the above property IDs to be treated as one rating unit under Section 20 Local Government (Rating) Act 2002 for the following reasons;

Comments

[illegible]

I declare that all the details provided are true and correct.

Signature _____ Date _____

Name (please print) _____

Office use only

GIS map attached ☐

Application

Approved / Declined

Review date

Delegated officer's signature

Date _____

Local Government (Rating) Act 2002

20 Rating units in common ownership

Two or more rating units must be treated as 1 unit for setting a rate if those units are:

- a) owned by the same person or persons; and
- b) used jointly as a single unit; and
- c) contiguous or separated only by a road, railway, drain, water race, river, or stream.

7.4 Representation Review 2021 – Update on initial proposal considerations

| | |
|---------------------------|--|
| Meeting: | Te Kārearea Strategic Partnership Standing Committee |
| Date of meeting: | 16 June 2021 |
| Reporting officer: | Emily Thompson (Manager Democracy and Assurance) Nicolene Pestana (Team Leader Democracy) |

1 Purpose

To update the Committee on discussions by Council, Te Kārearea and Te Huinga on preferred options for the initial proposal for representation.

2 Recommendation/s

That Te Kārearea Strategic Partnership Standing Committee notes the report.

3 Background

The Local Electoral Act (LEA) 2001 requires local authorities to undertake a review of their representation arrangements at least once every six years. Council last reviewed its representation arrangements in 2018 which took effect for the 2019 and 2022 triennial elections.

On 3 November 2020, Council resolved to establish Māori wards for the 2022 and 2025 triennial elections, necessitating a review of the representation arrangements in 2021, with the outcome to apply for the 2022 and 2025 triennial elections.

The process and timeline that councils are required to follow when undertaking a review of representation arrangements is prescribed by the LEA.

Integral to the process is ensuring that communities, hapū and interest groups across the Whangarei District are informed and engaged throughout the review process and provided with an opportunity to give their views and provide feedback for Council to consider when developing the initial proposal for public consultation.

Steps taken in the process to date

- 4 March 2021 Council and Te Kārearea briefing – overview of process and timelines
- 17 March 2021 Te Kārearea hui – overview of process and timelines
- 1 April 2021 Council briefing – considerations and principles

- April – May Information to interest groups, communications campaign, engagement with Advisory Groups, drop-in sessions in Central Library
- 7 April to 7 May Informal Survey
- 12 May 2021 Council and Te Kārearea briefing – considering various representation scenarios
- 19 May 2021 Te Kārearea hui – update on representation review process
- 27 May 2021 Te Huinga hui – confirm preferred option for Māori ward(s)
- 1 June 2021 Council and Te Kārearea briefing – confirm preferred option for initial proposal

Community feedback from informal preliminary consultation and the informal survey has been reported on in previous briefings. In summary, the informal survey results leaned towards a ward system for the district, retaining the current ward structure (with the establishment of Māori wards) and number of councillors. Survey participants were evenly divided on whether to establish Community Boards.

The LEA provides that the electoral population estimates as at 30 June 2020 (as provided by Statistics New Zealand) must be used for this process. Council does not have discretion to use any other population numbers. The electoral population numbers as at 30 June 2020 are as follows:

- General electoral population 79,600
- Māori electoral population 18,730
- Total electoral population 98,330

The LEA prescribes a formula for calculating the number of Māori and general ward councillors (based on the electoral population estimates). For the Whangarei district, the following formula applies:

- 12 Councillors (in total) = 10 general and 2 Māori ward councillors
- 13 Councillors (in total) = 11 general and 2 Māori ward councillors
- 14 Councillors (in total) = 11 general and 3 Māori ward councillors
- 8 Councillors (in total) = 6 general and 2 Māori ward councillors

In considering representation arrangements for the district, Council must bear in mind the following three key principles:

- Communities of interest
- Effective representation
- Fair representation

In considering the above and taking into account feedback from communities, hapū and interest groups, Council and Te Kārearea have worked through 11 possible scenarios for representation. Six scenarios were discarded as they did not align with the legislative requirements for fair representation. Five scenarios were considered at the Council and Te Kārearea briefing on 12 May 2021 with two options identified for further development. A further option was proposed at the Te Kārearea hui on 19 May 2021. These three options were presented to Council and Te Kārearea members at the briefing on 1 June 2021.

4 Discussion

Council staff attended the Te Huinga hui on 27 May to provide an update on the options considered on 12 May 2021 and 19 May 2021 and to discuss the structure of the Māori

ward(s). Te Huinga and Te Kārearea have indicated support for one Māori ward across the district. Based on the total number of councillors identified in previous briefings as the optimum number for effective representation, this would equate to two representatives from the Māori ward.

At the Council and Te Kārearea briefing on 1 June 2021, the following options were presented:

Option 1 (reorganisation of wards)

- Mayor (elected district wide).
- 12 councillors in total comprised of:
 - 2 Māori ward councillors elected from 1 district wide Māori ward.
 - 10 general councillors elected from 6 general wards:
 - North Coastal General – 1 councillor
 - Whangarei Heads General – 1 councillor
 - Whangarei Urban General – 5 councillors
 - Bream Bay General – 1 councillor
 - Hikurangi and Rural North General – 1 councillor
 - Maungatapere and Rural South General – 1 councillor

Option 2 (modified status quo)

- Mayor (elected district wide).
- 13 councillors in total comprised of:
 - 2 Māori ward councillors elected from 1 district wide Māori ward.
 - 11 general councillors elected from 6 general wards:
 - Denby General – 2 councillors
 - Whangarei Heads General – 1 councillor
 - Okara General – 3 councillors
 - Bream Bay General – 2 councillors
 - Hikurangi Coastal General – 2 councillors
 - Mangakahia-Maungatapere General – 1 councillor

Option 3 (reduced Council, district wide)

- Mayor (elected district wide).
- 8 councillors in total comprised of:
 - 2 Māori ward councillors elected from 1 district wide Māori ward.
 - 6 general councillors elected from 1 district wide ward.
- With or without community boards.

Since March, seven briefings/hui on the Representation Review have been held with councillors and/or Te Kārearea. Feedback from these briefings/hui along with feedback from the informal preliminary consultation and the informal survey, have been invaluable in identifying three preferred options.

At the 1 June briefing, councillors generally looked towards a 'modified status quo' (Option 2), with hapū having a preference towards district wide representation by 8 councillors (Option 3). However, a number of councillors identified Option 3 as their second preference. However, in general, a clear preference was not indicated to provide staff with direction to progress one

clear option as the 'Initial Proposal'. The minutes of the 1 June briefing are attached as Annexure A.

Given this, and recognising the spirit of partnership and participation in Council decision making, all options will be summarised for the Council meeting on 24th June.

A district-wide system would be a significant departure from the current representation arrangements. At the 1 June briefing, it was acknowledged that in order to provide effective representation for communities of interest, community boards may have to be established. Should Council decide to establish community boards in conjunction with Option 3, further discussion and development of the nature and structure of these community boards will have to take place before an initial proposal can be brought back to Council in July. This will push out the timeframes for the issuing of the public notice and consultation with the community, previously provided to the public and a revised timeline will be developed. A recommendation has been included in the agenda to accommodate this scenario. An information paper on community boards has been included in this agenda as Attachment B to provide more information on the community boards and the impact of the establishment of community boards.

Based on feedback from the 1 June briefing, a recommendation will be put forward for either a modified status quo option (Option 2) to be moved as the preferred option for an Initial Proposal **or** for the process to be halted to allow for further discussion and development of Option 3 (district-wide option with community boards). However, if Option 1 is preferred by a majority of councillors, this can be brought forward as an alternative motion/amendment on the day.

5 Attachments

- | | |
|--------------|---------------------------------------|
| Attachment A | Minutes - 1 June briefing |
| Attachment B | Information paper on Community Boards |

Council Briefing Minutes

Date: Tuesday, 1 June, 2021
Time: 9:00 a.m.
Location: Council Chamber
 Forum North, Rust Avenue
 Whangarei

In Attendance

 Her Worship the Mayor Sheryl Mai
 (Chairperson)
 Cr Gavin Benney
 Cr Vince Cocurullo
 Cr Nicholas Connop
 Cr Ken Couper
 Cr Tricia Cutforth
 Cr Shelley Deeming
 Cr Jayne Golightly
 Cr Phil Halse
 Cr Greg Innes
 Cr Anna Murphy
 Cr Carol Peters
 Cr Simon Reid
 Aorangi Kawiti (Te Kārearea)
 Len Bristowe (Te Kārearea)

Not in Attendance

 Cr Greg Martin

Scribe

 N. Pestana (Team Leader Democracy)

The briefing was facilitated by Her Worship the Mayor.

1. Apologies

Cr Greg Martin, Deborah Harding (Te Kārearea).

2. Reports

2.1 Representation Review 2021 - Preferred Option

Dominic Kula (General Manager, Strategy and Democracy) recapped the process and discussions that have been held to date, which have led to three options for the initial proposal for discussion at today's briefing.

- Feedback from Te Kārearea and Te Huinga supports the establishment of one Māori ward across the district.
- Feedback from the Council and Te Kārearea briefing on 12 May indicated support for two of the options (Options 1 and 2).
- Feedback from the Te Kārearea hui on 19 May indicated a preference for the third option (Option 3).

The purpose of the briefing is to confirm a preferred option for the initial proposal for consultation. Council will adopt this preferred option on 24 June 2021.

Emily Thompson (Manager, Democracy and Assurance) ran through the presentation which covered the detail of the options, as follows:

Option 1 - overview

- Mayor (elected district wide).
- 12 councillors in total.
- 10 general councillors elected from 6 general wards:
 - North Coastal General – 1 councillor
 - Whangarei Heads General – 1 councillor
 - Whangarei Urban General – 5 councillors
 - Bream Bay General – 1 councillor
 - Hikurangi and Rural North General – 1 councillor
 - Maungatapere and Rural South General – 1 councillor
- 2 Māori ward councillors elected from 1 district wide Māori ward.

Option 1 – points for discussion

- Retains wards.
- Creates new ward names to align to communities.
- Reduces councillor numbers to 12 providing for an uneven number of councillors (13).
- Focuses on communities of interest (inclusion of Ngunguru Ford Road (currently in Whangarei Heads ward) into North Coastal General ward, inclusion of Hikurangi (currently in Hikurangi Coastal ward into Hikurangi and Rural North ward, creation of one Whangarei Urban General ward which combines current Denby and Okara wards).
- Assumption that wards cover communities of interest so community boards not required.
- Two proposed wards (North Coastal and Whangarei Heads) do not meet the +/- 10% rule but compliance would split communities – this would create automatic review by the LGC.

Option 2 – overview

- Mayor (elected district wide).

- 13 councillors in total.
- 11 general councillors elected from 6 general wards:
 - Denby General – 2 councillors
 - Whangarei Heads General – 1 councillor
 - Okara General – 3 councillors
 - Bream Bay General – 2 councillors
 - Hikurangi Coastal General – 2 councillors
 - Mangakahia-Maungatapere General – 1 councillor
- 2 Māori ward councillors elected from 1 district wide Māori ward.

Option 2 – points for discussion

- Retains wards.
- Retains current ward names.
- Retains total councillor numbers (13).
- Splits communities of interest from Okara and Denby which may prompt review by LGC.
- Assumption that wards cover communities of interest so community boards not required.
- Meets the +/-10% rule.

Option 3 - overview

- Mayor (elected district wide).
- 8 councillors in total.
- 6 general councillors elected from 1 district wide ward.
- 2 Māori ward councillors elected from 1 district wide Māori ward.
- With or without community boards.

Option 3 – points for discussion

- Two ward structure - 1 general district wide ward and 1 Māori district wide ward.
- Removes current wards and ward names.
- Reduces councillor numbers to 8.
- May require establishment of community boards as communities of interest not adequately represented.
- +/-10% rule does not apply for district wide general or Māori wards.

General discussion

There was discussion on the effects of upcoming Local Government reform and whether this is the right time to be making extensive changes to representation. Consistency and solidarity is key at this time. Others felt that the community needs to get accustomed to Māori wards before making substantive changes to representation. However, opposite views were that if reform favours becoming more regional, then a district wide approach is a step in that direction.

Feedback - Option 1

- There was strong support for one Whangarei urban ward and for the inclusion of Ngunguru Ford Road into a Coastal ward.
- Identified disadvantages of this option:
 - One representative for urban and coastal wards will be challenging.
 - Some parts of Hikurangi see themselves as part of the coastal ward.
 - Waipu, Ruakaka and Portland are three substantial and different communities.
 - Separating of Mangakahia to the side would create a divide in the Bream Bay area which currently works well as a ward.
 - The two rural wards are too extensive and workloads for councillor will be too much.

Feedback - Option 2

- There was strong support for the two urban wards to be combined into one urban ward.
- Some favoured this option as being the option with the least change thus likely to receive the least number of objections.
- Identified disadvantages of this option:
 - Urban growth issues with areas on the fringes of urban areas cutting into rural wards.
 - Boundaries of urban areas change dramatically.
 - The street splits in the urban area could be problematic.

Feedback - Option 3

- There was some support for this option but only if community boards are established.
- There was some support for the numbers of councillors to be increased to 10 in total.
- Identified advantages of this option:
 - This option is the most democratic as it allows voters to choose the six people they want to represent them on Council and allows electors to be able to vote for multiple councillors.
 - If there were community boards, Council would not have to be involved with operational issues and could focus more on strategic issues.
 - Numerically, this option is the most indicative of the population of Whangarei and is more reflective of a partnership.
 - This option provides for more agile decision making.
 - This option provides an opportunity for a more Whangarei district view.
 - This option allows for the best person for the job and is most reflective of the oath taken by councillors.
 - This provides better representation for Māori.

- Identified disadvantages of this option:
 - This option does not allow for diverse thinking as it does not ensure that there will be a range of views across the district.
 - Fewer councillors does not mean better decisions, just faster decisions.
 - This option could allow for the election of a lot of urban councillors, leaving out rural councillors. This would result in an unbalanced Council.
 - This option could possibly reduce ratepayers identification with councillors.
 - The cost of campaigning district wide would be prohibitive to candidates standing for election.
 - This option works well in theory but would not work well in practice.
 - This option would exclude part time councillors as the workload would be too much.
 - Dropping the number of councillors will lead to the community feeling abandoned, people need to feel part of the district and the decision-making process.
 - Community boards would add another level of governance which have to be funded by the rate payer and would be difficult to implement.
 - This option would be most effective with the SPV electoral system.

Dominic Kula and Emily Thompson summarised the discussion. There is some appetite for change, but others also feel that now is not the right time for too much change. There is a balance between the two ward options. There is an interest in Option 3, specifically the detail on community boards in the district. Staff will work on a recommendation to Council based on feedback received at today's briefing.

3. Closure of Meeting

The briefing concluded at 11.45am.

Attachment B

Information Paper – Community Boards

Community boards were created by local government reforms in 1989. Community Boards are unincorporated bodies which are neither a local authority nor a committee of local authority. They are designed to bring local government closer to communities.

1. Community Boards in New Zealand

Of the 66 territorial authorities, 41 have community boards.

The nature and structure and delegations provided to community boards is varied across Councils who have them. Some territorial authorities have one or two community boards e.g. Rotorua Lakes Council has a Rotorua Lakes Community Board and a Rotorua Rural Community Board. Other territorial authorities have community boards which cover the whole district e.g. Southland District Council with nine community boards. Other have community boards which are subdivided into communities.

Some comparable examples to WDC (with 100,000 pop) are:

- New Plymouth District Council (pop 86,000) - three wards and four community boards (CBs not matching wards);
- Far North District Council (pop 71,000) - three wards and three subdivided community boards (CBs matching wards);
- Waikato District Council (pop 83,000) - 10 wards and five community boards (CBs not matching wards) – undergoing a rep review to streamline wards/boards;
- Rotorua Lakes Council (pop 77,000) - no wards (at large) and two community boards (part district only);
- Hastings District Council (pop 88,000) - five wards and one community board (part district only);
- Lower Hutt City Council (pop 112,000) - six wards (electing six councillors) and six councillors elected at large and three community boards;
- Wellington City Council (pop 216,000) - five wards and two community boards;

2. Purpose of a community board

Community boards are there to:

- Represent and advocate for the interests of a community;
- Consider and report on any matter referred to it by their council, and any issues of interest to the community board;
- Make an annual submission to their council on expenditure within the community;
- Maintain an overview of services provided by their council within the community;
- Communicate with community organisations and special interest groups within the community;
- Undertake any other responsibilities delegated by their council.

It is also common for community boards to administer community grant funding.

3. Functions, duties and delegation of community boards.

The functions, duties and powers of community boards are set by the LGA 2002 and delegated to them by Council. Community boards must operate within governing legislation, including processes contained in the LGIOMA 1987 and LGA 2002. Community boards may not hold property, make bylaws, hire staff, set a long-term plan or annual plan or raise rates. Councils set the budget of their community boards.

Delegations to community boards can be as wide or as limited as Council deems appropriate. It has been acknowledged that community boards are only as effective as the delegations and budget provided to them by their Council.

Table 1 below contain a comparison between the limited delegations provided to the Rotorua Lakes community boards and the wider delegations provided to Far North District Council community boards.

Table 1: Delegations to Far North District Council and Rotorua Lakes community boards

| Far North District Council community boards | Rotorua Lakes community boards |
|--|---|
| <ul style="list-style-type: none"> ○ Set local priorities for minor capital works. ○ Recommend local service levels and asset development priorities for civic amenities. ○ Reallocate capital budgets within the Annual Plan of up to 5% for any specific civic amenity, provided that overall budgetary targets are met. ○ Make grants from the allocated Community Funds. ○ Provide comment to council staff on resource consent applications. ○ To hold, or participate in hearings, as the Council considers appropriate, in relation to submissions pertinent to their community made to plans and strategies including the Long Term Plan and Annual Plan and if appropriate recommend decisions to the Council. ○ Appoint management committees for local reserves, cemeteries, halls and community centres. ○ Allocate names for previously unnamed local roads, reserves and other community facilities, and recommend name changes of previously names roads, reserves, and community facilities. ○ To consider the provisions of new and reviewed reserve management plans for recommendation to the Council. ○ To provide recommendations to Council in respect of applications for the use and/or lease of reserves not contemplated by an existing reserve management plan. ○ Recommend new bylaws or amendments to existing bylaws. ○ Prepare and review management plans for local cemeteries. ○ Control of use of Public Spaces – dispensations on signs. | <ul style="list-style-type: none"> ○ Make submissions (as a Community Board) to any organisation relating to matters of interest to the Board in respect of the Boards area. ○ Represent the interests of the community at Council, Committee or Subcommittee meetings when a motion under debate relates to a matter that the Board considers of particular interest to the residents within its community. ○ Consider matters referred to it by Council, including reports relating to the provision of Council services within the Boards area, and make submissions or recommendations in response to those matters as appropriate. ○ Monitoring and keeping Council informed of community aspirations and the level of satisfaction with service provided. ○ Providing input to Councils Long Term Plan and Annual Plan. ○ Providing input to the proposed District Plan changes. ○ Providing input to strategies, policies and plans that impact on the Boards area. ○ Providing input to bylaw changes that impact on the Boards area. |

| | |
|---|--|
| <ul style="list-style-type: none"> ○ Mobile Shops and Hawkers – recommend places where mobile shops and/or hawkers should not be permitted. ○ Parking and Traffic Control – recommend parking restrictions, and areas where complying camping vehicles may park, and consider and grant dispensations. ○ Public Places Liquor Control – recommend times and places where the possession or drinking of alcohol should be permitted. ○ Speed Limits – recommend places and speed limits which should be imposed. | |
|---|--|

4. Nature and structure of community boards

Community boards must have a minimum of 4 members and a maximum of 12 members. At least 4 members of the community board must be elected. Community board members are elected at local body elections. Councillors may be appointed as members of the community board, but appointed members must make up less than half of the total number of members.

Division of a community board area into electoral subdivisions may be appropriate when the community board area is made up of a number of distinct communities of interest and the formation of subdivisions will provide more effective representation of those communities of interest. When deciding whether to subdivide a community board area, Council must consider effective and fair representation (application of the +/- 10% rule).

Examples of the structures of two community boards are contained in tables 2 and 3 below.

Table 2: Far North District Council subdivided community boards model

| Council Structure | Community Board | Membership | Community Boards | |
|---|---|---|------------------|-----------------------------------|
| <p>Ward-based system with community boards running alongside wards.</p> <p>Nine councillors elected by ward plus the Mayor elected at large (10 in total).</p> <p>Three wards:</p> <p>Bay of Islands Whangaroa Ward, represented by 4 councillors</p> <p>Kaikohe-Hokianga Ward, represented by 2 councillors</p> <p>Te Hiku Ward, represented by 3 councillors.</p> | Bay of Islands Whangaroa Community Board, subdivided into communities | 7 elected community board members. 1 appointed councillor from the Bay of Islands Whangaroa Ward | Paihia | 1 elected community board member |
| | | | Whangaroa | 1 elected community board member |
| | | | Kerikeri | 3 elected community board members |
| | | | Russel-Opua | 1 elected community board member |
| | | | Kawakawa-Moerewa | 1 elected community board member |
| | Kaikohe-Hokianga Community Board, subdivided into communities | 6 elected community board members. 2 appointed councillors from the Kaikohe-Hokianga Ward | Kaikohe | 3 elected community board members |
| | | | South Hokianga | 2 elected community board members |

| | | | | |
|--|--|---|----------------|-----------------------------------|
| | | | North Hokianga | 1 elected community board member |
| | Te Hiku Community Board, subdivided into communities | 6 elected community board members. 2 appointed councillors from the Te Hiku Ward | Kaitaia | 3 elected community board members |
| | | | Doubtless Bay | 1 elected community board member |
| | | | North Cape | 1 elected community board member |
| | | | Whatuwhiwhi | 1 elected community board member |

Table 3: Rotorua Lakes Council subdivided community boards model

| Council Structure | Community Board | Membership |
|---|-------------------------------|--|
| District wide system with community boards. 10 Councillors elected district wide plus the Mayor (11 in total). Councillors represent the entire area as city is not divided into wards. Two community boards – Rotorua Lakes Community Board and Rotorua Rural Community Board | Rotorua Lakes Community Board | 4 elected community board members and 1 appointed councillor |
| | Rotorua Rural Community Board | 4 elected community board members and 1 appointed councillor |

5. Remuneration of community board members

Remuneration for community board members is set by the Remuneration Authority as follows:

- Remuneration of community board members is based on the population size of the communities it serves and is relative to the remuneration of the Council's elected members.
- Councillors appointed as members of Chairs of a community board are not entitled to remuneration as a councillor as well as community board member.
- The Chairperson's remuneration is set at twice that of a board member, including any member's additional remuneration, if any.
- The Deputy Chair of a community board is remunerated as a board member.
- If the Council delegates further functions to the community boards and wants community board remuneration to increase accordingly, the value of that increase will come out of the governance remuneration pool, recognising that work done by community board members relieve councillors of this work.
- In addition to remuneration, community board members are paid reasonable expenses for travelling.

Remuneration and costs of the community board is funded from rates. This could be split so that remuneration is funded by a targeted rate and costs are funded from general rates.

6. Costs of Community Boards

Costs of Community Boards would include:

- Costs to establish community boards: additional election costs, induction costs, IT and telephony equipment;
- Governance and administration costs to support community boards: hiring of meeting venues, travelling costs, catering costs, printing costs.
- In addition, there would be an impact on staff time. This would impact staff in preparing reports for community board meetings and attending meetings, reporting back to community boards or to Council, managing the finances of the community board, community development officers, communications staff, IT support.
- Additional governance resource would be required (1FTE) to set up governance, draft founding documents and terms of reference, prepare and distribute agendas, attend and minute meetings.

7. Pros and Cons and effectiveness of Community Boards

Information regarding the pros and cons and effectiveness of Community Boards has been difficult to source and varies between Councils.

In 2018, a survey of Community Boards was conducted and a report on this survey was published by Business Lab. This report provides useful insight into the effectiveness and benefits of community boards and was attached to the briefing paper for the 12th May 2021 briefing.

Findings of this report were:

- The benefits and effectiveness of a community board is largely determined by the powers and responsibilities delegated to it by Council, the budget allocated to it by Council and its relationship with Council.
- Community boards have declined by 30% in the last decade as the role of community boards is increasingly unclear to councils and to the boards themselves.

If done well, community boards offer an excellent opportunity to deliver democracy at 'grass-roots' level. For Council this will mean providing community boards with the resources, support and budget required for them to be effective. Once community boards are established, they can only be disestablished through the representation review process.

7.5 Place & Road Name Changes

Meeting: Te Kārearea Strategic Partnership Standing Committee
Date of meeting: 16 June 2021
Reporting officer: Dominic Kula – General Manager, Planning & Development

1 Purpose

To seek initial feedback from members of Te Karearea of place and road name change requests and the process for the requested changes.

2 Recommendation

That the Te Kārearea Strategic Partnership Standing Committee notes the report and provides initial feedback on this kaupapa.

3 Background

Council have received a number of requests to change road and place names. These have included requests to change the names of individual streets, and for place name changes for suburbs. Key examples include changing the suburb names for Kamo and Parihaki to Te Kamo and Parihaka.

In the case of place names Council does not manage the process and would have to research the proposed change before making an application to the New Zealand Geographic Board (NZGB). This process can be time and resource intensive.

However, Council currently has no programme or resourcing dedicated to this kaupapa

Given the recent prominence of this issue, and the number of requests received, staff are seeking initial feedback from the Committee.

4 Discussion

Requests to change road and place names come up periodically for a number of reasons.

There are two distinct processes for road names and place names.

Road Names

The renaming of roads is covered by Council's Road Naming Policy. Under the policy, road naming is intended to be enduring, a name change is therefore generally only proposed if Council considers that the change will result in a clear benefit to the community.

Reasons for changing road names may include:

- To correct the spelling
- To eliminate duplication in spelling or sound
- To prevent confusion arising from major changes to road layout
- To make geographical corrections
- To assign different names to separate ends of a road with a permanently impassable section somewhere along the length
- Where names have been changed or corrupted by long established usage, it is not usually advisable to attempt to restore the original form. That spelling which is sanctioned by general usage should be adopted
- When a private road or private way is requested to be renamed a minimum of 80% of the property owners/residents must approve of the change. There is no guarantee that a request will succeed.

The changing of road names will comply with the Local Government Act 1974. Section 319 states Council shall have power in respect of roads to do the following things:

- 319(j) To name and to alter the name of any road and to place on any building or erection on or abutting on any road a plate bearing the name of the road.

Road name changes are assessed by the Resource Consents Management team. Any change to road names would be a decision of the Strategy, Planning & Development Committee.

Place Names

Council periodically receives requests to change place names within the district. However, anyone can make an application to the NZGB. If Council were to pick up these requests on behalf of hapū or the community the following indicative process could apply.

1. Review request and initiate discussions with the submitter(s) on the proposal including assessing the general support or opposition.
2. Discuss the proposal with the NZGB Ngā Pou Taunaha o Aotearoa to assess any history or other relevant information.
3. Prepare a paper to the appropriate Council Committee for decision on whether a name change should be taken further.
4. If Council recommends taking a name change process to the NZGB Ngā Pou Taunaha, undertake consultation with hapu, iwi and the community on the proposed change.
5. After consultation, prepare a paper to Council for a decision on whether a name change proposal should be submitted to the NZGB Ngā Pou Taunaha o Aotearoa.
6. If a decision is made to proceed submit an application to the NZGB Ngā Pou Taunaha o Aotearoa.

It is the responsibility of the NZGB Ngā Pou Taunaha o Aotearoa to consider the proposal and submission against its naming rules, criteria, standards, guidelines and policies. Each proposal is considered on a case by case basis which includes researching name proposals to check for correct spelling and historical accuracy.

The NZGB Secretariat investigates, researches and carries out any further consultation and provides a comprehensive report with recommendations for the NZBG to consider. If a proposal is accepted the proposed name is advertised and submissions are requested.

4.1 Financial/budget considerations

There is no budget allocated in the Long Term Plan 2021-31 for place name changes and consultation. This would therefore be a new workstream to be picked up once additional resourcing has been recruited or would require other workstreams to be put on hold.

5 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via the Agenda publication on the council website

7.6 Audit of Council Operations and Decision Making under the Treaty of Waitangi

| | |
|----------------------------|--|
| Meeting: | Te Kārearea Strategic Partnership Standing Committee |
| Date of meeting: | 16 June 2021 |
| Reporting officers: | Bernadette Aperahama, Senior Strategic Planner Dominic Kula, General Manager Planning and Development |

1 Purpose

To provide an update on the initial discussions and planning to undertake an audit of Council's operations and decision making under the Treaty of Waitangi.

2 Recommendations

That the Te Strategic Partnership Standing Committee

1. Notes the project status report.
2. Provides guidance on the approach to undertake an independent audit of Council's operations and decision making under Te Tiriti o Waitangi (the Treaty of Waitangi)

3 Background

For some time, ngā hapū o Whangārei have advocated for Whangārei District Council to undertake an independent audit of Council's operations and decision making under Te Tiriti o Waitangi (the Treaty of Waitangi). In consideration of the findings and recommendations within the *Tane Whakapiripiri* report and the long term advocacy of Te Huinga, the Strategic Leadership Team (SLT) of Council committed to an audit undertaken by an independent external supplier.

Staff presented to the Strategic Leadership Team and Te Huinga in early November 2019 and obtained support for a partnered approach to:

- collaboratively develop the scope of the audit;
- identify potential providers who could undertake the audit;
- participate in the assessment of potential providers as part of Council's procurement process.

Te Huinga welcomed the audit and the partnered approach.

Following the initial conversation with Te Huinga, Covid 19 created uncertainty regarding the available resourcing both in terms of available budget and staff resourcing.

Since the introductory discussion with Te Huinga, Te Kārearea Strategic Partnership Standing Committee has been established with assurance responsibilities within the Terms of Reference. Specifically, '*Monitoring compliance with statutory provisions that refer to Te Tiriti o Waitangi (the Treaty of Waitangi), including providing oversight of key processes and control*'.

4 Discussion

4.1 Examples of audits or reviews by other Councils

There has not been much activity in this area by local government. However, in working through the initial proposal with SLT and Te Huinga in November 2019 a scan of the sector was undertaken (Attachment 1 provides a high level summary of findings at that point in time). However, we are aware that a number of Councils have started looking at the

In working through this staff approached key sector Local Government New Zealand (LGNZ) and the Local Government department of the Office of the Auditor General who were only aware of the work undertaken by Auckland Council and Wellington City Council.

Auckland Council started a regular audit process in 2011. At the time, the audit assessed the processes and controls that existed within the Auckland Council group to meet the requirements of Treaty of Waitangi Principles (Treaty Principles), Māori legislative rights, Treaty Settlements, Memorandums of Understandings and Service Agreements.

Subsequent three yearly reviews take place to align with the development of the Long Term Plan. The scope of the first audit was co-created between Auckland Council, the Independent Maori Statutory Board and Pricewaterhouse Coopers. The scope of each review has changed over time.

Key feedback from Auckland Council was to ensure any consultant engaged had a robust understanding of Local Government (i.e. what a Council can and can't do, and the functions of different types of Councils), and to ensure that the partners had a clear/consistent understanding of the outcomes going into the process (i.e. a manageable list of recommendations that can be implemented over short, medium and long term).

The work by other Councils have tended to focus on specific areas or outcomes. For example, in 2013 Hamilton City Council undertook a review to identify options for a functional model to better respond to the needs of iwi, mana whenua and mātāwaka. Similarly, in 2017 Wellington City Council undertook a review of how they engage with iwi which led to the creation of a more strategic Council-iwi leaders forum.

4.2 Scope and oversight for WDC Audit?

SLT initially agreed to an operational Audit of Council's legislative responsibilities. This was worked through with elected members, Te Huinga and the Maori Participation in Decision Making Working Group prior to being included in the Terms of Reference for Te Kārearea. In this hui initial feedback will be sought from Te Kārearea on the:

- Scope/outcome sought (is this still an operational Audit against legislative responsibilities? Initial views on outcomes and key actions?)
- Approach for fleshing out the scope alongside Te Kārearea
- Role and involvement of Te Huinga
- Potential for collaboration with Northland Regional Council
- Commitment of budget from the Te Kārearea cost centre (\$50k is currently unallocated, with additional budget coming on stream next financial year through the LTP)

5 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

Table 1 Summary of the approaches of other local authorities

| | | | |
|------------------|--|----------------|--|
| Council | Auckland Council (via IMSB) | Contact | |
| Auditor | Pricewaterhouse Coopers The team at PWC is the same team from the first audit. | Contact | |
| Frequency | 3 yearly | | |
| Detail | <p>First of its kind nationally undertaken in 2011/2012.</p> <p>The audit assessed the current processes and controls that existed within the Auckland Council group to meet the requirements of Treaty of Waitangi Principles (Treaty Principles), Māori legislative rights, Treaty Settlements, Memorandums of Understandings and Service Agreements.</p> <p>Scope was co-created between IMSB, PWC& AC.</p> <p>Scope has changed over time for each audit.</p> <p>Approach of first audit</p> <p><u>Phase One - Developing the audit approach</u></p> <ol style="list-style-type: none"> Identify the legal framework; Develop the audit approach – stakeholders, guidelines, audit plan for each statutory provision. Endorsement of the approach <p><u>Phase Two - – Auditing Council against the audit approach</u></p> <ol style="list-style-type: none"> Input from Māori; Interviews with Council staff (including local board and CCO staff); An audit report outlining PwC's: <ul style="list-style-type: none"> <input type="checkbox"/> Observations; <input type="checkbox"/> Priority ratings; <input type="checkbox"/> Recommendations; Agreed actions and recommendations <p>The audit identified ten key findings where council was determined to be lacking:</p> <ul style="list-style-type: none"> • knowledge of obligations • policies • processes, systems and data • rolls and responsibilities • decision-making | | |

| | |
|-----------------------------|---|
| | <ul style="list-style-type: none"> • consultation and engagement • capacity • training and awareness • communication • monitoring <p>Council develops a Te Tiriti o Waitangi Audit Work Programme (eg current one is 2018- 2021) that addresses the findings and recommendations of each audit. This supports the self-review of Council's groups.</p> <p>Feedback from Auckland Council staff:</p> <ul style="list-style-type: none"> • Choose a supplier who has an understanding of the difference in responsibilities across regional and district councils; • Be clear on the scope and intended outcomes. Eg a manageable list of recommendations that can be implemented over short, medium and long term. |
| Financial commitment | <p>Audit One 2011/12: \$100,517</p> <p>2012/13: Nil</p> <p>2013/14: \$140,347</p> <p>Audit Two 2014/15: \$160,000</p> <p>2015/16: \$25,000</p> <p>2016/17: \$28,000</p> <p>Audit Three 2017/18: \$162,290</p> |
| Link | <p>Te Tiriti o Waitangi Audits: https://www.imsb.maori.nz/what-we-do/te-tiriti-o-waitangi-audit/</p> <p>Assessment of Expenditure to improve outcomes for Maori: https://www.imsb.maori.nz/assets/IMSB%20Assessment%20of%20Council%20Expenditure%20FINAL.pdf</p> |

| | | | |
|------------------|---|----------------|--|
| Council | Auckland Council (via IMSB) | Contact | |
| Auditor | KPMG | Contact | |
| Frequency | 2 x financial years | | |
| Detail | Assess the effectiveness of Auckland Council systems for planning and expenditure on projects earmarked to improve Māori outcomes in the last two financial years | | |

| | |
|-----------------------------|---|
| Financial commitment | Not known |
| Link | Assessment of Expenditure to improve outcomes for Maori: https://www.imsb.maori.nz/assets/IMSB%20Assessment%20of%20Council%20Expenditure%20FINAL.pdf |

| | | | |
|-----------------------------|---|----------------|--|
| Council | Wellington City Council | Contact | |
| Auditor | Paul Beverley from Buddle Findlay | Contact | |
| Frequency | 2017 and another to be undertaken shortly. | | |
| Detail | To review the WCC mechanisms for working with iwi to meet the obligations of WCC under the Treaty and any partnership MOUs. | | |
| Financial commitment | Not known | | |
| Link | Document available for review. | | |

| | | | |
|-----------------------------|--|----------------|--|
| Council | Hamilton City Council | Contact | |
| Auditor | Pricewaterhouse Coopers | Contact | |
| Frequency | 2013 | | |
| Detail | Review of Maori partnerships and representation. Identify options for a functional model to better respond to the needs of iwi, mana whenua and mataawaka. | | |
| Financial commitment | Not known | | |
| Link | Document available for review. | | |

| | | | |
|-----------------------------|---|----------------|--|
| Council | Waikato Regional Council | Contact | |
| Auditor | Kowhai Consulting https://kowhai.biz/Our-Story | Contact | |
| Frequency | 2000 | | |
| Detail | Undertook an audit of Environment Waikato Procedures and Processes for Working with Tangata Whenua. | | |
| Financial commitment | - | | |

| | |
|-------------|---|
| Link | Document reference: Kowhai Consulting Ltd, 2000, An Audit of Environment Waikato Procedures and Processes for Working with Tangata Whenua. Environment Waikato. |
|-------------|---|

| | | | |
|-----------------------------|--|----------------|--|
| Council | Bay of Plenty Regional Council | Contact | |
| Auditor | Internal reviews undertaken by Komiti Maori | Contact | |
| Frequency | - | | |
| Detail | This committee's main function is to implement and monitor Council's legislative obligations to Māori people and to ensure and facilitate Māori input into community outcomes and policy development and implementation. | | |
| Financial commitment | Not known | | |
| Link | Not known | | |

| | | | |
|---------------------|--|----------------|--|
| Organisation | Parliamentary Commission for the Environment | Contact | |
| Auditor | | Contact | |
| Frequency | 2002 | | |
| Detail | <p>Development of a Treaty based environmental audit framework which could be applied to evaluate the work of central and local government agencies with environmental and resource management responsibilities, and the work of tangata whenua, in relation to:</p> <ul style="list-style-type: none"> • Te Tiriti o Waitangi / the Treaty of Waitangi 1840 and the principles derived from it • the various provisions in NZ's environmental legislation for Maori values and interests • processes for iwi and hapu participation in NZ's environmental management • improved environmental outcomes that recognise and provide for the values, interests, knowledge and tikanga of tangata whenua in the natural taonga, resources, sites and landscapes of significance to them <p>The report is accompanied by:</p> <ul style="list-style-type: none"> • Nga Ture - a summary of the relevant environmental legislation • Nga Whakatutakitanga Hou - a survey of current initiatives being undertaken by central government agencies | | |

| | |
|-----------------------------|---|
| | <ul style="list-style-type: none"> Nga Whakamaramatanga - case studies of audit and evaluation projects in New Zealand. |
| Financial commitment | Not known |
| Link | https://www.pce.parliament.nz/publications/archive/1997-2006/he-rangahau-ki-te-aria-ko-te-tiriti-te-putake-e-whakatuturutia-ai-nga-tikanga-mo-te-taiao |

RESOLUTION TO EXCLUDE THE PUBLIC

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

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

| | |
|----|--|
| 1. | The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the information. {Section 7(2)(c)} |
| 2. | To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i))}. |
| 3. | To protect the privacy of natural persons. {Section 7(2)(a)}. |
| 4. | Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court. {Section 48(1)(b)}. |
| 5. | To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and it is in the public interest that such information should continue to be supplied. {Section 7(2)(c)(i)}. |
| 6. | In order to maintain legal professional privilege. {Section 2(g)}. |
| 7. | To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}. |

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

"That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item _____.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because _____.

Note:

Every resolution to exclude the public shall be put at a time when the meeting is open to the public.