

Development of Housing on Multiple-Owned Maori Land in the Western Bay of Plenty



**He whenua taimaha te whenua,
He Tangata maamaa te Tangata**

(The land is heavy but people are light, people die or leave but the land remains)

***Karanga te ra, karanga ki nga karanga maha
Kia hikitia te tahuhu o te matauranga ki te toi o nga rangi
Kia rapuhia he ara tika mo ngai tatou te Maori
Kia noho pai ai tatou i runga i nga whenua
i whakarerea mai i wa tatou matua tupuna
Hei oranga hoki mo nga uri whakatupuranga puta noa.***

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1. Executive Summary

1.1 Background

This paper outlines the process, findings and recommendations of a joint review group that was established in October 2004 to facilitate the development of housing on Maori land in the Western Bay of Plenty.

The objectives of the group were to better understand the current barriers to the development of housing on multiple owned Maori land and to identify local collaborative solutions that would address these. While there have been a number of projects and reports undertaken in the past to understand and document such issues, the establishment of this project represents the first comprehensive "whole of government" approach to resolving the issues at a local level.

Each of the agencies involved has a key role to play in the development of housing on Maori land. At the inception of the project an invitation was issued to the senior management within each organisation to invite them to participate; all agencies chose to do so. The membership of the joint review group is made up of local representatives from each organisation as follows:

- Housing New Zealand Corporation (HNZC)
- Maori Land Court (both Waiairiki and Waikato-Maniapoto)
- Smartgrowth
- Te Puni Kokiri
- Tauranga City Council
- Western Bay of Plenty District Council
- Western Bay of Plenty District Council Maori Forum

This project was initiated in response to the low numbers of housing developments recorded in the Western Bay of Plenty, difficulties being experienced by owners, and requests from local Maori that these issues be addressed by agencies. The desire to see advancement for housing development on Maori Land in this area has long been expressed by Tangata Whenua and is evidenced in numerous report findings and meeting records which are outlined in the document body.

1.1.1 Smartgrowth

In 2004, the Western Bay of Plenty District Council and Tauranga City Council together with Environment Bay of Plenty (EBOP) and Tangata Whenua adopted an action plan for the long-term growth in the Western Bay of Plenty (known as Smartgrowth). This plan identified significant future growth within the Maori population in the Western Bay of Plenty and the need to address this growth through strategies such as the facilitation of housing on multiple owned Maori land. This project links closely to the Tangata Whenua objectives in the Smartgrowth strategy as well as having three out of four of the Smartgrowth partners (as well as Smartgrowth itself) represented on the project group.

The population forecasts within Smartgrowth predict that the Maori population will treble in the sub-region over the next 50 years. It also estimates that Tangata Whenua housing or Papakainga will provide for 50% of the projected growth in the Maori population of 16,000 people.

1.1.2 Housing Affordability

The Western Bay of Plenty has experienced significant growth in its population and, as a consequence, significant growth and pressure within its housing market. Housing affordability is now a major issue with the house to income ratios in the Tauranga and Western Bay districts being some of the highest in the country (see affordability ratio table pg 15).

Housing affordability has been identified as an important influence on the well-being of communities and regional economies.

Issues such as reduced access to labour have been noted, as high house prices see low to medium paid workers migrating elsewhere. Other effects on the labour market include trends towards increased wages as the housing costs create upward pressure on local wages. ⁱ

This project presents a window of opportunity to address issues such as housing affordability and population growth for Maori within the Western Bay of Plenty. While attempts to better facilitate Maori housing development in the past have not been successful, a number of important aspects relating to this project indicate that it is more likely to succeed. They are:

- The coming together of key agencies that have the ability to jointly address barriers to development. Each of these agencies is wishing to adopt a "whole of government" approach to the issue and each has organisational objectives to promote Maori development, Maori land development and Maori housing development.
- The implementation of the Smartgrowth Strategy
- Smartgrowth is linked strongly into the project providing key information, support and the frameworks needed for future development of the project.
- The availability of multiple owned Maori land in our area.
- This area has more Maori land than most other regions in the country with over 20,000 hectares of multiple owned Maori land in the Western Bay of Plenty.
- Owners who are wishing to develop, but have not done so in the past due to the existing barriers. Owners and Tangata Whenua representatives have taken part in the information collection stage of the project and express a keen interest to remain involved and give support to the project.

1.2 Project Method

As an initial step towards project commencement an Inception Reportⁱⁱ was prepared by the Western Bay of Plenty District Council. This report proposed that the project be undertaken in two stages. Stage one, to assess local barriers and issues; Stage two – to develop new processes to reduce barriers and "test" these new processes with a local pilot project.

While this is a joint project, Stage one of the project was initiated and supported by the Western Bay of Plenty District Council.

Over several months of working together the joint review group has collated local data, feedback and organisational knowledge. This has allowed the group to clearly identify a set of issues to be addressed. The information included feedback from the Western Bay of Plenty Maori forum, data relating to numbers of developments occurring in the Western Bay of Plenty and findings from several other groups and reports that have looked into similar issues.

1.3 Issues Identified

The key barriers to housing development on Maori land in the Western Bay of Plenty were identified as:

- ▶ Need to reduce **bureaucracy** and time to undertake housing development.
- ▶ Need for improved **access to agencies** and agency information
- ▶ **Need to work with owners in early stages** to increase capacity (providing information, training, support)
- ▶ **Zoning is too restrictive** (eg dwelling densities)
- ▶ **Financial contributions** – adds significant costs
- ▶ **Severe restrictions associated with borrowing against Maori Land** – chattel security only to the value of the building
- ▶ **Inability to repay mortgages** (low incomes/beneficiaries) \$76,000 is average loan given by HNZZ, based on ability to pay.
- ▶ **Costs of building a house** – what can be built for \$60-\$80,000 in the Western Bay of Plenty

1.4 Solutions

In response to these issues, the joint review group has proposed to continue to build on the collaborative approach by:

- ▶ Establishing a collaborative forum with representation from each of the participating organisations to meet regularly to oversee specific issues relating to housing developments in the Western Bay of Plenty.
- ▶ Clearly identifying the development stages and the agencies required to work with owners at each step of the development.
- ▶ Promoting the development of structure plans for trusts/owners that will identify the **long term plans for the land** establish the **overall infrastructure requirements at the outset of the project** and assess options for financial contributions to best suit the development.
- ▶ Looking at flexible packages, assessing different options for funding as well as options for "affordable houses".

The negative impact that financial contributions have on Maori housing development featured highly in all feedback and discussions. **The solutions examined within the context of this project were aimed at reducing the costs of contributions within the current rules and frameworks.** It is considered that the application of financial contributions to Maori housing developments should be re-examined by both the Western Bay of Plenty District and Tauranga City Councils.

1.5 Outcomes

While the findings of this report are not necessarily new and in many ways reiterate the issues that have been documented previously, what is new and significant is that the key agencies have come together to resolve these issues collectively.

The inception report proposed a two-stage process; firstly identifying barriers and establishing new processes to address these and secondly undertaking a pilot project to test these. New processes have not yet been clearly established; instead a set of options has been identified. It is recommended by the group that a pilot be undertaken and that the feasibility of any new processes be determined prior to commencing with the pilot

1.6 Recommendations

As a result of the first stage of the project the joint review group has developed the following recommendations:

1. That the Western Bay of Plenty District Council and the Tauranga City Council re-examine the application of financial contributions as they apply to multiple owned Maori land.
2. That the current joint review group be formalised to establish a collaborative forum that would oversee all development on Maori Land in the Western Bay of Plenty. The role of this group will need to be clarified but should include working with Tangata Whenua in:
 - Addressing operational issues for individual groups or cases
 - Alignment of systems and processes between agencies
 - Overseeing the development of local resources (as in recommendation 3)
 - Providing support to the stage 2 pilot (as in recommendation 5)
3. That the development of an "Information Pack" with an associated roll-out strategy, be undertaken that will document all local processes relating to development of housing on multiple owned Maori land.
4. That the Smartgrowth definitions for Papakainga /Tangata Whenua Development Zones be adopted by all agencies to ensure common understandings and consistency of approach.
5. That a pilot project be undertaken in the Western Bay of Plenty area to "test" and refine the development processes as recommended in this paper including:
 - Identifying and documenting the critical steps and key milestones that must be achieved in housing developments.
 - Agencies working more closely with owners - Marae based activities or working directly with trusts (kanohi ki te kanohi).
 - Agencies working more closely together with the aim of reducing duplication and aligning processes locally (as with recommendation 2).
 - Structure plans to be jointly developed with councils and owners to identify the long-term development for the land and establish the overall infrastructure requirements at the outset of the project.
 - Flexible funding approaches to developments be explored which include:
 - Trusts being able to build rentals for purchase
 - Flexible loan terms for social housing developments (rental housing) accessing funds through the Housing Innovation Fund (HIF)
 - Options for owners to build own homes (kapahanga)
 - Consideration of other funding options to support development (accommodation supplement, SWISS funding)

- Consider options for Affordable Housing locally
6. That the joint review group remain to oversee the project at an operational level to assist the pilot and further streamline the process.
 7. That a formal structure be developed between participating organisations to give high level support to stage two of the project.
 8. That options be explored to determine how the pilot evaluation and project management will be provided.

2. Background

In October of 2004 a joint collaborative group was established with a goal of facilitating housing on multiple owned Maori land in the Western Bay of Plenty. This group was made up of representatives from a wide range of organisations as well as representation from Tangata Whenua.

2.1 Inception of Project

This project was initiated in response to the low numbers of housing developments recorded in the Western Bay of Plenty, difficulties being experienced by owners and requests from local Maori that these issues be addressed by agencies. The desire to see the advancement of housing development on Maori Land in this area has long been expressed by Tangata Whenua and is evidenced in numerous report findings and meeting records, which are outlined later in this document.

At a Western Bay of Plenty District Council Maori Forum Hui at Hei Marae, Te Puke in May 2004, the ongoing issue of housing development on multiple owned Maori land was raised again by the Forum members. As a result of this meeting the Western Bay of Plenty District Council initiated this joint project involving other key agencies with the aim to facilitate housing on Maori land in the Western Bay of Plenty.

As a first step in this process the Western Bay of Plenty District Council hosted a meeting in July 2004, which was attended by each of the key agencies involved in the development of housing on Maori land. Following this meeting the project "Inception Report"² was produced.

An invitation was then sent to senior management within each organisation to ask them to participate in a joint project; all agencies chose to do so and a joint review group was established. The membership of the joint review group is made up of local representatives from each organisation as follows:

- ▶ Housing New Zealand Corporation
- ▶ Maori Land Court (both Waiairiki and Waikato-Maniapoto)
- ▶ Smartgrowth Western BoP
- ▶ Te Puni Kokiri
- ▶ Tauranga City Council
- ▶ Western Bay of Plenty District Council
- ▶ Western Bay of Plenty District Council Maori Forum

The objectives of this group were to better understand the current barriers to the development of housing on multiple owned Maori land and to identify local collaborative solutions that would address these. While there have been a number of projects undertaken in the past to understand and document such issues, the establishment of this joint collaborative project represents the first comprehensive "whole of government" approach to resolving the issues at a local level.

The inception report proposed a two-stage process. The first stage is to assess the current situation, identify the key barriers and develop a set of local solutions. The second stage would involve undertaking a pilot project to "test" any changes in the process of housing development on Maori land.

While this was a joint project, stage one of the project was initiated and supported by the Western Bay of Plenty District Council.

2.2 Smartgrowth

In 2004, the Western Bay of Plenty District Council and Tauranga City Councils together with Environment BOP and Tangata Whenua adopted an action plan for the long-term growth in the Western Bay of Plenty (known as Smartgrowth). This plan identified significant future growth within the Maori population in the Western Bay of Plenty and the need to address this growth through strategies such as the facilitation of housing on multiple owned Maori land.

This project links closely to the Tangata Whenua objectives in the Smartgrowth strategy as well as having 3 out of the four Smartgrowth partners represented on the group (there is also a member of the Smartgrowth team on the project group). The population forecasts within Smartgrowth predict that the Maori population will treble in the sub-region over the next 50 years. It also estimates that Tangata Whenua housing or Papakainga will provide for 50% of the projected growth in the Maori population of 16,000 people.

2.3 Housing Affordability

The Western Bay of Plenty has experienced significant growth in its population through the last two decades and, as a consequence, significant growth and pressure within its housing market. Housing affordability is now a major issue; with the house to income ratios in the Tauranga and the Western Bay districts being among the highest in the country (see affordability ratio table pg 15.)

While there are clearly social imperatives for having affordable housing options in a community; housing affordability is also identified as having an important influence on local economies. It has been identified that housing affordability can affect the economic well-being of regions in the follow ways¹:

- ▶ Impinging on innovation drivers - regional economies may risk alienating young, creative workers
- ▶ Reducing access to labour - where high house prices encourage low-medium paid workers to migrate elsewhere – with possibilities of labour shortages
- ▶ Creating pressure on wages and salaries – high house prices tend to contribute to upward pressure on local wages – effecting the ability of local producers to remain competitive
- ▶ Having implications for the goal of "liveable cities" – increases in homelessness or crime, with this raising strong barriers to investors

This project presents a window of opportunity to address issues such as housing affordability and population growth for Maori within the Western Bay of Plenty. While attempts to better facilitate Maori housing development in the past have not been successful, a number of important aspects relating to this project indicate that it is now more likely to succeed. They are:

- ▶ The coming together of key agencies that have the ability to jointly address barriers to development.
- ▶ Each of these agencies is wishing to adopt a "whole of government" approach to the issue and each of these agencies has organisational objectives to promote Maori development, Maori land development and/or Maori housing development.

- ▶ The implementation of the Smartgrowth strategy.
- ▶ Smartgrowth is linked strongly into the project providing key information, support and the frameworks needed for future development of the project.
- ▶ The availability of multiple owned Maori land.
This area has more Maori land than most other regions in the country with over 20,000 hectares of multiple owned Maori land in the Western Bay of Plenty.
- ▶ Owners who are wishing to develop, but have not done so in the past due to the existing barriers.
Owners and Tangata Whenua representatives have taken part in the information collection stage of the project and express a keen interest to remain involved in the project and provide support as needed.

2.4 Roles and Policies Relating to Development on Maori Land

Each of the parties involved in the project has a significant role to play in the development of housing on multiple owned Maori land. Below is a brief outline of the roles and/or policies of each of the participating organisations.

2.4.1 Maori -Tangata Whenua

The Western Bay of Plenty and Tauranga Moana is the Turangawaewae of many Hapu/iwi including Ngati Ranginui, Ngaiterangi, Ngati Pukenga, Nga Potiki, Waitaha a Hei, Tapuika, Tuhourangi, Ngati Whakaaue, Ngati Whakahemo and many other Iwi and hapu.

These Iwi and Hapu have endured waves of new settlers, battles, hardships and triumphs of occupation. The region is constantly under pressure, with a diverse wealth of natural resources. The culture of the Tangata Whenua is rooted in the land, the harbour, mountains rivers and streams. It has a history of over 1000 years and is an underlying influence in the landscape.

It is the only place where the culture and heritage of the Tangata Whenua of the Western Bay of Plenty has specific relevance. Tangata Whenua of the Western Bay of Plenty are intrinsically associated with:

- ▶ The Takitimu waka, which landed at Mauao
- ▶ The Te Arawa waka, which landed at Maketu, and
- ▶ The Mataatua waka, which landed at Whakatane.

2.4.2 Te Puni Kokiri

Te Puni Kokiri contributes to Maori success by leading and influencing the way government engages with Maori, particularly through policies that enable Maori to participate and succeed. This encompasses leading advice on Maori specific initiatives, including mainstream activities. To achieve this, Te Puni Kokiri works collaboratively with other state sector agencies to ensure that their policies, programmes and services deliver equitable outcomes for Maori.

Te Puni Kokiri identified that while Maori are different people in different places with different needs; their aspirations are aligned with Government's goals which centre on Maori social, economic, cultural and environmental wellbeing. Te Puni Kokiri has further identified that the more positive impacts in these sectors occur when Government, Maori, non-government organizations and the business sector work together to unleash Maori potential.

To facilitate Maori succeeding as Maori, Te Puni Kokiri has determined that its primary role should be Policy Advice that leads and influences Maori participation and success in whatever and wherever Maori choose. Te Puni Kokiri's secondary role is that of working alongside Maori to accelerate their development initiatives by connecting whanau, hapu, iwi and Maori communities and Maori organizations with appropriate people and resources.

In summary, Te Puni Kokiri's roles and functions focus on:

- ▶ Providing lead advice to Government on policy development aimed at Maori specific outcomes.
- ▶ Working in partnership with other government agencies both to influence policy development and to monitor and evaluate performance.
- ▶ Working alongside Maori at a "flax roots" level to support Maori participation initiatives.

2.4.3 Maori Land Court -Te Ture Whenua Act

The role of the Maori Land Court is to administer Te Ture Whenua Maori Act 1993. The Act seeks to promote the retention of Maori Land in Maori ownership and to assist Maori in the effective use, management, and development, by or on behalf of the owners. (see Appendix I for detail).

2.4.4 Local Authorities/ Smartgrowth

Smartgrowth

The four SmartGrowth partners: Tauranga City Council, Western Bay of Plenty District Council, Environment Bay of Plenty and Tangata Whenua within the subregion adopted the SmartGrowth Strategy on the 3 May 2004.

The Strategyⁱⁱⁱ provides a collaborative approach to managing sub regional growth issues that guide land use to accommodate the projected population growth needs to the year 2051. Key visioning statements that look to maintain and improve its natural and cultural environment; enhance the lifestyles of its communities and provide for the social needs of the people; create a thriving sustainable economy; provide an efficient and affordable infrastructure and implement an efficient and integrated planning process for growth management.

The Strategy acknowledges that only Maori can determine their relationships and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga. Developments on multiple-owned Maori Land provide a unique combination of rural, residential, social, cultural, recreational, open space, and economic activities. Papakainga can provide sustainable residential development on multiple-owned Maori land for whanau and hapu communities throughout the sub-region.

Western Bay of Plenty District Council

Community outcomes stated in the Western Bay of Plenty District Council's Long Term Council Community Plan under the strategic area - District Visions and Community Outcomes is that "A strong relationship exists with Tangata Whenua" that ensures "The culture and traditions of the people flourish". The strategy for Council to achieve this vision is stated under its strategic area of Leadership to "Continue to develop and maintain a strong relationship with Tangata Whenua by providing for the ongoing involvement of the Maori Forum". The Maori forum is representative of hapu/iwi in the Western Bay of Plenty District Council boundary.

Tauranga City Council

Under "Planning and Working Together" Tauranga City Council's Long Term Council Community Plan (LTCCP) has a "Commitment to Tangata Whenua and the Broader Maori Community" and states:

As required by the Local Government Act 2002, Council is committed to fostering the development of Maori capacity to contribute to the decision making process.

Council's various Tangata Whenua representative groups and Takawaenga unit (staff) provides strategic direction to Council on issues pertaining to Maori.

2.4.5 Housing New Zealand Corporation

HNZC's mission is to provide access to decent homes, helping New Zealanders manage their own circumstances and contribute to community life.

This is achieved through:

- ▶ providing access to sustainable housing solutions that are affordable and of good quality to those in greatest need;
- ▶ establishing partnerships with community organisations, local government, iwi and other providers to deliver locally-based housing solutions;
- ▶ providing assistance to households on low and modest incomes who wish to become home owners; and
- ▶ providing advice to the Minister of Housing on housing policy matters.

HNZC has made a commitment to know housing, its place in families, communities and the nation and to share this knowledge with other agencies, communities, iwi and across HNZC.

Housing Partnerships, a business group of HNZC, believes that social housing providers can play a significant role in the NZ housing sector. To support this vision partnerships works with community-based organisations and local councils to deliver social housing. These are organisations that represent communities of interest and who wish to manage and/or own their housing. Working in partnership means working together to find housing solutions that meet the needs of an organisation or a local council so that they can get the best outcome.

Also see "Housing Needs of Maori Communities" - New Zealand Housing Strategy^{iv}.

3. Stage One Methodology - Assessment of Current Situation

During the last quarter of 2004 the joint review group met monthly and brought together information from each of their organisations including local feedback, data, reports and organisational knowledge.

The geographical scope of the project covers the boundaries of the two councils involved (Western Bay of Plenty District Council and Tauranga City Council).

For the purposes of the project, the "housing development process" was defined as beginning with the "first idea" of landowners wishing to develop and finishing at the time of the issuing of a building consent. The process was divided into three broad phases, which were:

- ▶ Owners agreement/TPK facilitation/Maori Land Court processes
- ▶ Council processes
- ▶ Funding option (HNZC)

During meetings, options for affordable housing were discussed but not pursued – it will be necessary to consider these in stage 2 of the project.

3.1 Western Bay of Plenty Data

Background data from a number of sources was collected and collated as follows:

3.1.1 Demographic Data

- ▶ There were 24,327 Maori living in the Western Bay of Plenty at the time of the 2001 census.
- ▶ The Maori population within the Western Bay of Plenty of Plenty has increased by 50% between 1991 and 2001 (census).
- ▶ In 2001 38% of the Maori population were under the age of 15.
- ▶ Growth figures for the Western Bay of Plenty indicate that the Maori population will double by 2026.
- ▶ While the Western Bay of Plenty is considered an affluent area over 23,000 people in the area are in the poorest 20% of the New Zealand population (quintile 5 - NZdep2001 deprivation index). By comparison there are 25,000 people in quintile 5 living in the Eastern Bay.
- ▶ 40% of Maori in the Western Bay of Plenty are living in Deprivation quintile 5 NZdep2001, compared with only 10% of non-Maori.

3.1.2 Affordability

Housing affordability is a determinant of both home ownership and the ability to rent a home. The graph below looks at the ability of working households to become home owners^v in 2001 and considers both house price and income. It shows that the house price to income ratios (lower quartile) for workers in the Western Bay of Plenty and Tauranga districts are amongst the highest of the 73 New Zealand local authorities.

House Affordability – Ratio Analysis Tables 2001

Local Authority	Lower quartile prices, 2/3 bedroom dwellings (\$)	Working household, lower quartile incomes (\$)	House price to income ratio
Queenstown Lakes Dist	195,000	34,400	5.67
Thames Coromandel	150,000	27,100	5.54
Auckland City	225,000	44,500	5.06
Tauranga District	158,000	33,700	4.69
Rodney District	185,000	39,500	4.68
North Shore City	217,000	46,500	4.67
Tasman District	132,750	28,800	4.61
Western BoP District	139,500	30,600	4.56

Research and Evaluation Unit Housing New Zealand Corporation

- ▶ Housing affordability data for beneficiaries is not available, but it is likely that affordability poses a larger barrier to adequate housing for beneficiaries than for working families.
- ▶ As with most New Zealand regions, the average house prices in the Western Bay of Plenty have risen significantly (over 20%) since 2001^{vi}.

3.1.3 Local Data Relating to Development on Maori Land

Each of the participating organisations presented data relating to Maori housing development as follows:

3.1.3.1 Summary of Multiple Owned Maori Land in Western Bay of Plenty District

There are over 20,000 hectares of Maori land in the Western Bay of Plenty area. The majority of this land is within the Western Bay of Plenty District Council boundary. The following tables show a summary of Maori Land in each of the district council areas.

WBOPDC Maori Land Summary				
Zone	Residential	Rural	Other	Total
Road, Commercial & Other			4.6	
Future Urban	8.4			
Papakainga	149.9			
Residential	85.8			
Rural G		19,546.5		
Rural H		269.7		
Rural Residential	18.9			
Total land	263.0	19,816.2	4.6	20,083.8

SmartGrowth 2004

TCC Maori Land Summary				
Zone	Residential	Rural	Other	Total
Conservation			54.27	
Green Belt			5.44	
Industrial Business			79.26	
Rural		1,429.06		
Marae Rural	144.97			
Marae Urban	36.25			
Residential A	189.49			
Rural Residential	12.54			
Total Land	383.25	1,429.06	138.97	1951.28

Smartgrowth 2004

3.1.3.2 Maori Land Court

There are two Maori Land Courts operating in the Western Bay of Plenty, Waikato-Maniapoto and Waiariki.

Data was not available from the Waiariki Maori Land Court but the table below gives the numbers of partitions (both hapu partitions and regular partitions) and occupation orders for the Waikato-Maniapoto Court area (South of Pukekohe, including Thames Coromandel District through to Papamoa).

Waikato-Maniapoto Maori Land Court

MLC 1998-2004	WBOP	TCC	TOTAL
Occupation orders	30	22	52
Hapu Partitions	5	16	21
Regular Partitions	3	6	9

Waikato-Maniapoto Maori Land Court – internal data 2004

3.1.3.3 District Councils –Building Consents Issued on Multiple Owned Maori Land

The tables below show the numbers of building consents issued for new and resited dwellings between 1994 and 2004 in the Western Bay of Plenty and Tauranga City areas.

WBOPDC	94	95	96	97	98	99	2000	01	02	03	04	Total over 11 yrs
New Dwellings	3	2	5	4	8	8	8	2	3	4	3	50
Resited Dwellings	0	2		1	0	4	3	2	1	4	5	22
Total Homes / Year	3	4	5	5	8	12	11	4	4	8	8	72

SmartGrowth 2004

TCC	94	95	96	97	98	99	2000	01	02	03	04	Total over 10 yrs
New Dwellings	3	1	2	3	9	6	1	1	5	2	*	33
Resited Buildings	2		1			9	9	2	2	1	*	26
Total Homes / Year	5	1	3	3	9	15	10	3	7	3		59

SmartGrowth 2004

► TCC data for 2004 was not available

3.1.3.4 Funding Data - HNZN

Housing New Zealand has a number of funding packages to support the development of housing on Maori land. Low deposit rural lending and Papakainga are the two funding options that have been used locally.

Low Deposit Rural Lending

Prior to obtaining a Low Deposit Rural Loan (LDRL) applicants must complete a series of workshops relating to home ownership.

The following is the total number of graduates and loans for the LDRL programme from 2001/2 to 2003/4 for the entire Bay of Plenty. The Western Bay of Plenty was serviced by Te Tuinga Whanau who are no longer service providers for LDRL. The new providers, Tauranga Moana Trust Board, held their first workshop in February 2005.

Not all graduates of workshops will have necessarily purchased a home on Maori owned land.

Below are the numbers of graduates and loans uplifted over the last 3 years for the whole of the Bay of Plenty area. Te Tuinga Whanau data relates to the Western Bay of Plenty but may include some numbers from outside of the councils boundaries.

LDRL Graduates and Loans Uplifted	2001-2002		2002-2003		2003-2004		TOTAL Per Provider over 3 years (loans/graduate)
	Graduates	Loans	Graduates	Loans	Graduates	Loans	
Ngaitai Iwi	79	4	41	14	28	10	28/148 (18.9%)
Te Tuinga Whanau	35	2	44	9	24	6	17/103 (16.5%)
Te Runanganui o Te Arawa	77	1	38	8	76	15	24/191 (12.5%)
Total per year	7/191		31/123		31/128		69/ 442 (15.5%)

Housing New Zealand Corporation – Internal Data

The table below shows all Papakainga loans issued in the Bay of Plenty area from 2000 to 2004. Western Bay of Plenty data is represented as "Tauranga".

Papakainga loans for the Bay of Plenty 2000 - 2004.

Location	No. of Loans	Total value of loans
Torere	17	\$1,034,655
Tauranga	7	\$570,439
Tokoroa	4	\$246,702
Rotorua	4	\$204,659
Direct	9	\$569,659
Total	41	\$2,626,114

Housing New Zealand – Internal Data

The average loan was \$64,051.

Limitations of Local Data

It is clear from the data above that the organisations involved have differing methods of information collection and organisational boundaries. This has meant that it is not possible to compare data across organisations or to try to use the data to develop a comprehensive picture of development activity. Each set of data must be considered independently. However despite these limitations, it is very evident from examining any of the data sets that numbers of housing developments on Maori land over the past 5-10 years have not been high.

3.2 Reports/Documents Relating to Maori Housing Development in the Western Bay of Plenty

A number of reports have been produced looking at development of Maori housing with specific reference to the Western Bay of Plenty.

3.2.1 Te Puni Kokiri – Regional Housing Issues Feedback from Maori

In 1998 Te Puni Kokiri undertook a number of projects looking at Maori Housing issues as part of its "grass roots monitoring"^{vii}. These projects focused on collecting information from Maori at a local level and looked at housing programmes and lending schemes (HNZC), interacting with councils (WBOPDC) and issues related to home ownership and rental accommodation.

NB. The HNZC funding packages referred to below are outlined in Appendix II. Key points identified were:

- I. **Papakainga Lending**; there had been a substantial decline in the number of Papakainga loans taken up in all areas of New Zealand, but most dramatically in the Bay of Plenty.

TPK assessment of Papakainga Loans 1990 – 1998

Year	BOP	Northland	Auckland	Waikato	Gisborne	Other	Total NZ
1990/91	91	119	19	16	6	6	257
1991/92	37	84	17	14	6	6	164
1992/93	4	12	2	1	6	4	29
1993/94	2	13	-	1	2	-	18
1994/95	16	15	1	2	1	1	36
1995/96	6	17	-	1	4	2	30
1996/97	3	5	2	-	4	-	14
1997/98	8	30	3	-	4	3	48
Total	167	295	44	35	33	22	596

Te Puni Kokiri 1998

- II. **Low Deposit Rural Lending Scheme.** Low percentages of programme graduates uplifting LDRL loans (1994/5 - 12% in Tairāwhiti; 9% in Taitokorau). With graduates saying that the workshops *"provided sufficient information about barriers, but did not provide ways to actually overcome these"*.
- III. **Home Ownership.** All respondents expressed the desire for home ownership, - but stated they would need higher income levels, stable income or employment to enable this. Beneficiaries felt they had inadequate income to own a home. In Auckland even those with jobs found that home ownership was difficult to achieve.
- IV. **Building on Multiply Owned Maori Land in Western Bay of Plenty District Council Region** (TPK 1999 full report reviewed^{viii})

This report was produced in 1999 and looked specifically at Western Bay of Plenty District Council processes. The researchers spoke with local Maori about the services provided by council; gaining feedback from those who wished to build and those who had already built on Maori land.

The conclusions of the report identify the main issues as:

- Adequacy and comprehensibility of Council information available to Maori.
- Adequacy of Council expertise in relation to Maori land and compliance with by-laws.
- User friendliness of Council services to Maori.
- Costs of complying with council policies and regulations associated with building on Maori Land.

The report states:

"In particular, Maori owners feel they incur significant costs due to Council processes and policy, in time and money, which are only appropriate for larger sub-division developers"

The report recommended that:

- Council foster closer relationships with Maori land owners, to disseminate and explain council information and policies that affect Maori.
- The Maori Liaison and Maori Forum Committee roles be promoted more extensively.
- Together with other key agencies, Council jointly develops an information brochure outlining the steps of development.
- Consideration be given to trialing an information workshop.
- Council considers greater flexibility in classing Papakainga housing developments, within the category of "subdivision" in relation to the costs and fees imposed on such.

As an outcome of this report, the Tauranga Moana Trust Board produced two booklets. They outlined the development process for owners; in particular the council processes. These booklets were specific to each council - one for the Western Bay of Plenty District Council and one for Tauranga City Council. While the effectiveness of these booklets has not been evaluated it is considered that it may have been useful to have an implementation strategy to support the booklets.

3.2.2 Smartgrowth Tangata Whenua Forum – Constraints and Opportunities on Multiple Owned Maori Land in the Western Bay Subregion

The Smartgrowth Combined Tangata Whenua Forum prepared a document outlining the constraints and opportunities on multiple owned Maori land^x.

This document examines the role of the Maori Land Court, provides a comparison between Tauranga City Council and Western Bay of Plenty District Council planning rules, outlines financial contributions and gives examples of developments that have not proceeded. The report states:

"There are several examples where Papakainga developments are constrained by either environmental performance standards, by statutory process or by costs"

The report also highlights issues identified at Marae workshops in 2003:

- **Papakainga Development** – a need to develop a joint understanding of what "Papakainga development" is
- **Iwi and Hapu Management Plans** – what resources are available for the development of Hapu and Iwi plans?
- **Infrastructure** – need for acknowledgement of the contributions Tangata Whenua have made to growth and development in the Western Bay of Plenty. Examples given:
 - Mount Maunganui Wharf
 - Oxidation Ponds at Te Maunga
 - Pipelines through Maori land
 - Roding networks
 - Water catchments
- **Environmental Issues** – With growth it is important to ensure the retention and protection of heritage sites

The recommendations of this report were:

- The development of Papakainga development plans, linked to Iwi management plans.
- That Councils consider **owning and maintaining common infrastructure facilities** such as effluent treatment plant, and charge residents through rates.
- Council review financial contributions to ensure that fees paid for services are appropriate to the location and scale of development.
- An information pack be developed that indicates all issues and potential cost implications as well as identifying assistance available to applicants through Council resources or grants.

3.3 Western Bay of Plenty District Council Maori Forum Feedback

As part of the information collection a meeting was held with the Western Bay of Plenty District Council Maori Forum to gain updated feedback. This forum is made up of representatives from Iwi throughout the Western Bay of Plenty District Council boundary. Key themes from this meeting are as follows:

- ▶ It is important that the **special significance of Maori Land** is recognised.
- ▶ **Funding of Financial Contributions/funding Infrastructure is a barrier to housing development.**
- ▶ **Planning and zoning restrictions** hinder development.
- ▶ **Defining Papakainga** – need for a common understanding of what this means.
- ▶ **Amounts able to be borrowed do not meet what is needed to build a house.**
- ▶ The “bureaucracy” within certain agencies such as the Maori Land Court, Council and HCNZ that needs to be dealt with to undertake housing development is very difficult.

Examples of comments for each issue are as follows:

Special Significance of Maori Land

“There is a significant difference between Maori and Pakeha/General land, council policies and other organisations need to recognise this”.

Financial Contributions

“Contributions are a major issue”.

“Deposits on houses are depleted by financial contributions”.

“There is a need for acknowledgement and recognition that many local utilities are built on Maori Land”.

Planning and zoning restrictions

“Intensive building should be allowed - intensive living is not new –historically there were up to 6,000 people living in settlements”

Defining what Papakainga Development means

“Maori need to be able to make judgements and be in control of what we are able to do – Papakainga should be planned from the people who use the land”.

“There is a need for a common understanding of what “Papakainga” means, this needs to be consistent across both councils.”

Amounts able to be borrowed

"Maori in difficult situations and cannot raise capital".

"\$80,000 will not build a house – It costs \$120,000".

"Chattel security does not allow for infrastructure costs"

Bureaucracy

"It is like two (rugby) teams going onto the field not knowing the rules".

"Timeframes for approvals too long".

"Need to know all the information requirements of organisations".

"We are often having to duplicate steps".

"Can we get the process onto one piece of paper".

"Need for a one-stop-shop".

4. Outcomes

In December 2004 the joint review group held its final meeting where all information and workshop outcomes were brought together. From this a set of clearly identified and documented local issues were established and agreed to by both Tangata Whenua and the agency representatives.

For the process of clarifying issues three subgroups were established to consider the 3 key development stages:

1. **Owners agreement / Maori Land Court** - the key agencies being Te Puni Kokiri and the Maori Land Court
2. **Planning and Consent** - Key agencies being WBOP District Council, Tauranga City Council, Smartgrowth
3. **Funding** - key agency being HNZA, Te Puni Kokiri

It was anticipated at the outset of the project that new processes for housing development on multiple owned Maori land would be identified during stage one. This has not occurred.

The joint review group has however identified the barriers in each of the stages and developed a set of recommended solutions to address these. The feasibility of each of the solutions will be determined prior to moving to stage two of the project.

Issues Identified

The table in Appendix III shows the full list of issues identified for each of these stages and the solutions that were discussed and agreed to by the group at its final meeting.

The key issues identified were:

- ▶ The need to reduce **bureaucracy** and time to undertake housing development.
- ▶ The need for improved **access to agencies** and agency information.
- ▶ Need to **work with owners in early stages** to increase capacity (information, training, support).

- ▶ **"Planning for today"** – developments can be sporadic (eg one or two houses built at a time with no allowance for future growth).
- ▶ **Zoning restrictions** have an impact on development.
- ▶ Need to more clearly define **what Papakainga means**.
- ▶ **Financial contributions** – these add significant costs to housing projects.
- ▶ **An inability to borrow against Maori Land** – chattel security.
- ▶ **An inability to repay mortgage** (low incomes/beneficiaries) \$76,000 is average loan based on ability to pay.
- ▶ **The costs of building a house** – what can be built for \$60-\$80,000?

4.1 Reduce Bureaucracy and Improve Access to Agencies

The difficulties experienced with accessing agencies, agency information and dealing with the overall bureaucracy, was a strong theme in local feedback and reports. It has been reported that issues of "bureaucracy" have led to delays, which have hindered, and at times even halted developments.

It was also identified that the attainment of key milestones in the initial stages of developments are very important. The achievement of early steps such as gaining owners approval and the development a long-term vision for land developments were acknowledged as critical to the overall success of housing projects. The role of local agencies in assisting with this, by working more closely with owners (kanohi kite kanohi), was raised in a number of forums.

Recommended solutions to address issues identified are:

- 4.1.1 **Recommended Solution:** To continue with a "Whole of Government Approach". It is recommended that the current joint review group be formalised to establish a collaborative forum that would assist with all development on Maori Land in the Western Bay of Plenty. The role of this group will need to be clarified and formalised but should include working with Tangata Whenua in:

- ▶ Addressing operational issues for individual groups or cases.
- ▶ Alignment of systems and processes between agencies.
- ▶ Overseeing and contribution to the development of local resources. (as in recommendation 2).
- ▶ Providing support to the stage 2 pilot (as in recommendation 3).

It has been agreed that significant benefit has been gained by the agencies working together to date, with greater understanding of the differing roles each organisation plays and identification of opportunities to resolve issues between agencies.

The formalising of linkages between the agencies will eliminate the need for owners to negotiate issues between agencies. It will also create opportunity for organisations to align their processes and promote consistent approaches. The Western Bay of Plenty has two Councils and two Maori Land Courts which operate in the area.

Agencies: All Agencies

- 4.1.2 **Recommended Solution:** Development of Memorandum of Understanding agreements between all participating agencies. To support closer agency working it is proposed that all agencies involved would jointly sign MOU agreements to formalise any new working. These agreements may include details outlining participation in and support for stage two of the project, establishment of any formal groups (as above) and aligning and/or sharing of processes and information.

Agencies: All Agencies

- 4.1.3 **Recommended Solution:** Clearly identifying those critical steps in housing development, including identifying the key milestones that must be achieved. These will be clearly documented prior to the pilot commencing and will also be documented as a local resource / information pack.

Agencies: All Agencies

- 4.1.4 **Recommended Solution:** Agencies working more closely with owners (kanohi ki te kanohi). This option includes agencies working with owners to build capacity to undertake housing developments including training for trustees, ensuring owners are aware of funding options available to support them during the planning stages and working with owners to develop long term plans for land use and infrastructure (eg structure plans).

Agencies: All Agencies

- 4.1.5 **Recommended Solution:** Production of "Information Pack" for housing development on Maori land.

It is proposed that an information pack be produced as common resource for the Western Bay of Plenty.

This may be in written form, CD or computer/web based information and will be developed using a range of local input. An agreed implementation strategy will also be developed to ensure the information is easily accessible.

While this resource will be developed independently of the pilot, it would be informed by any process improvements and changes that occur as an outcome of the pilot. Ideally this resource would be updated on an ongoing basis.

Agencies: All Agencies

4.2 Zoning and Planning

Zoning

A number of issues were identified relating to district plan rules and zoning. Examples such as restrictions to dwelling densities (1 house per 4,000 m² for some rural zones) have been cited as limiting factors to developments in the past.

The issue of "Papakainga or Marae zoning" in district plans was raised, with the need to develop a common understanding of what these terms mean to both councils and Tangata Whenua. It was also identified that agencies need to develop a consistent definition and understanding of what is meant by Papakainga development when working with each other and with owners.

Feedback stated the need for a more flexible approach to "Papakainga developments" to allow whanau/hapu/iwi to have greater input into where developments may occur and what is able to be developed on their land.

The issue of the definitions relating to Papakainga and Marae zoning is currently being considered by Smartgrowth.

Financial Contributions

Financial contributions were identified as a key barrier to development. Specific issues raised relating to financial contributions include not knowing the level of financial contributions at the outset of developments and that the levels of contributions are high in comparison to the house price.

Financial contributions are calculated individually for each development and will vary dependant on where the land is and the value of the development. Feedback has indicated that financial contributions can add around \$10-20,000 to the costs of building a home.

The solutions examined within the context of this project were aimed at reducing the costs of contributions within the current rules and frameworks. It is considered that the application of financial contributions to Maori housing developments should be re-examined by the both the Western Bay of Plenty District and Tauranga City Councils.

Long Term Planning for Blocks

Historically some housing developments on Maori land have developed slowly, with one or two houses being built at a time. This means that long term planning for the block, including knowing the ultimate demand on services, may not have been considered. This has lead to some owners incurring higher costs down the line as the developments grow and services have needed to be upgraded to meet the expanding development.

Sporadic developments have also meant that financial contributions have not been able to be applied across all dwellings, with district plan rules allowing the first one or two dwellings to be exempt from financial contributions, while subsequent dwellings have had financial contributions applied to them.

Recommended solutions to address planning issues:

- 4.2.1 **Recommended Solution:** **Structure Plans** The tool proposed to address planning issues and levels of financial contributions is the development of "structure plans" for those owners who wish to build on blocks of land. These plans will be **developed with councils and owners together and identify the long-term development for the land, establishing the overall infrastructure requirements at the outset of the project.**

These can be up to 30-year plans that could be linked to Hapu/iwi management plans and may consider land uses other than housing. **Structure plans can identify the appropriate levels of infrastructure for the development - tagging financial contributions to that level of services.** This will mean that infrastructure costs will apply to the specific block and will be known "upfront" for any whanau wishing to build. It also means the costs can be spread across all dwellings on any particular development.

It is considered that other issues such as zoning restrictions can also be addressed at the time of structure plan development.

Agencies: District and City Councils

- 4.2.2 **Recommended Solution:** Smartgrowth has undertaken a significant amount of work looking at how Papakainga zoning is defined and applied in the Western Bay of Plenty. Once this work is finalised, and agreed definitions developed, these will be adopted by all agencies to ensure common understandings and consistency of approach.

Agencies: Smart growth, Councils- All Agencies

4.3 Funding

The main issue identified with funding housing development was the level of financing that could be raised. Two aspects determine the amount of borrowings; firstly the ability of homeowners to service the loans and secondly, the inability to secure loans against multiple owned Maori land.

Housing New Zealand reports that the average loan approved through the Low Deposit Rural Lending programme is \$76,000. The size of the loan usually being determined by the ability of the household to service the debt.

The inability to secure against Maori land means that loans are in the form of a chattel security, with security held solely over the dwelling, limiting the amount able to be borrowed and placing restrictions on the type of homes that may be built.

HNZC

HNZC is currently the only readily recognisable lender on multiple owned Maori land. Private lending institutions have been known to lend on Maori Land however it is recognised that this is an extremely rare occurrence and Maori by and large experience major barriers when attempting to source finance from private institutions. Housing New Zealand has a variety of packages that can be applied to multiple owned Maori land, see appendix VI for a full list.

Funding packages outlined below will be dependant upon the ability of whanau/hapu/iwi to service the loan.

- 4.3.1 **Recommended Solution:** That a flexible approach to funding developments be explored which may include:

- ▶ Trusts may be able to build rentals for purchase.
- ▶ Flexible loan terms for social housing developments (rental housing) – accessing funds through the Housing Innovation Fund (HIF).
- ▶ Options for owners to build own homes (kapahanga).
- ▶ Low Deposit Rural Lending (LDRL).
- ▶ Papakainga loans.

Agencies: HNZC

- 4.3.2 **Recommended Solution:** Support for the development of Structure Plans to determine:

- ▶ Whole land use/housing strategy developed to determine funding needed.
- ▶ Encompass all costs into Structure Plan.
- ▶ Identify Resources, including people needed allowing partnerships to be determined at the development stage.

Agencies: Councils

4.3.3 **Recommended Solution:** Consideration of other funding options to support development:

- ▶ SWISS funding– Expenditure for Infrastructure (Social Housing).
- ▶ Accommodation Supplement is available to all New Zealanders to assist with accommodation expenses. Availability of the accommodation supplement is subject to application and meeting Work and Income criteria.

Agencies: All Agencies

4.3.4 **Recommended Solution:** Affordable Housing Options

It is thought that a number of options may be available for affordable housing. It will be important to assess all options that are available prior to stage two to ascertain what can be built for \$60-80,000. Relocatable homes have been used in other areas as an affordable option, these should also be considered.

Agencies: All Agencies

4.4 **Tools and Documentation to Support the Development of Housing on Multiple Owned Maori Land**

It is anticipated that the pilot stage will see the development of a number of tools that will assist with housing development on Maori land locally. An information pack and structure plans have been identified at this stage.

It is anticipated that "Memorandum of Understandings" will be developed between agencies to support the collaborative forum and stage two pilot.

5. Stage Two - Pilot

The inception report set timeframes for both stage one and stage two of the project. Stage one has been completed well within target timeframes (Feb/March).

Stage two was expected to be initiated by July 2005 taking a minimum of 12 months.

The milestones for stage two are as follows:

- ▶ Identify project management group
- ▶ Identify project manager
- ▶ Identify source of funding for project management
- ▶ Identify scope of Stage Two.
- ▶ Develop criteria for selection of pilot.
- ▶ Select pilot.
- ▶ Project management and apply new process throughout stage two.
- ▶ Document all aspects of process and identify opportunities for further improvement.

Organisational participation – Stage Two

The joint review group has worked at an operational level for stage one, identifying barriers and issues and options for improvements. As the project moves forward, a more formal project structure will need to be developed. This may be in the form of a joint sponsorship group made up of high-level representatives from participating organisations, that will oversee the operational aspects of the project.

It is recommended that the current group remain throughout stage two to continue to give operational assistance to stage two.

Support and sponsorship for stage one has come from the Western Bay of Plenty District Council. Options to support the project management and evaluation of stage two will need to be considered.

6. Conclusion

This joint collaborative group came together last year with a goal of facilitating housing development on Maori Land in the Western Bay of Plenty. Stage one of the project was to identify issues, develop and document new processes as stage one of the project. Stage two of the project would move forward to test these processes with a group of owners.

While a revised process for the development of housing on Maori land has not yet been documented as an outcome of stage one, there is general agreement that the collaborative approach taken to date has been very significant. It is felt that the journey that has been taking so far has been far more important than the point that has been reached.

There is clear agreement about the need to progress this project forward to develop and refine the organisational processes and strengthen links and relationships between each of the agencies. Key strategies such as establishment of a regular joint forum, development of a joint information resource and Memorandum of Understanding agreements will all support this goal. Stage two will then give opportunity to test and further refine any changes.

The development of a clear information resource that sets out the steps involved in housing development on Maori land will assist owners (groups and individuals) and organisations to understand all aspects of this process. Information at an organisational level will also be a key tool in understanding the level of housing development activity and what impact any changes are having on the overall goal of increased housing on Maori land. It will be important that organisational information is able to be aligned and used collectively.

In response to the issues identified, the joint review group has focused its strategies on working with trusts or groups, as opposed to individuals wishing to build, with an emphasis on developing long term plans for land use. While this approach is aimed to assist trusts or groups, it is also anticipated that there will be benefits to individuals wishing to build with better co ordination of services and improved information. For the larger developments it is believed that significant gains will be made that will assist owners and positively influence the overall objectives of housing more Maori on their land.

7.

Recommendations

As a result of the first stage of the project the joint review group has put forward the following recommendations:

1. That the Western Bay of Plenty District Council and the Tauranga City Council re-examine the application of financial contributions as they apply to multiple owned Maori land.
2. That the joint review group be formalised to establish a collaborative forum that would assist with all development on Maori Land in the Western Bay of Plenty. The role of this group will need to be clarified but should include working with Tangata Whenua in:
 - Addressing operational issues for individual groups or cases.
 - Alignment of systems and processes between agencies.
 - Overseeing the development of local resources (as in recommendation 2).
 - Providing support to the stage 2 pilot (as in recommendation 3).
3. That the development of an "Information Pack" with an associated roll-out strategy, be undertaken that will document all local processes relating to development of housing on multiple owned Maori land.
4. That the Smartgrowth definitions for Papakainga /Tangata Whenua developments areas be adopted by all agencies to ensure common understandings and consistency of approach.
5. That a **pilot project** be undertaken in the Western Bay of Plenty area to "test" and refine the development processes as recommended in this paper including:
 - Identifying and documenting the critical steps and key milestones that must be achieved in housing developments.
 - Agencies working more closely with owners - Marae based activities or working directly with trusts (kanohi ki te kanohi).
 - Agencies working more closely together with the aim of reducing duplication and aligning processes locally (as with recommendation 2).
 - **Structure plans** to be jointly developed with councils and owners to identify the long-term development for the land and establish the overall infrastructure requirements at the outset of the project.
 - Flexible funding approaches to developments be explored which include:
 - ◆ Trusts being able to build rentals for purchase.
 - ◆ Flexible loan terms for social housing developments (rental housing) accessing funds through the Housing Innovation Fund (HIF).
 - ◆ Options for owners to build own homes (kapahanga).
 - Consideration of other funding options to support development (accommodation supplement, SWISS funding).
 - Consider options for Affordable Housing locally.
6. That the joint review group remain to oversee the project at an operational level to assist the pilot and further streamline the process.

7. That a formal structure be developed between participating organisations to give high level support to stage two of the project.
8. That options be explored to determine how the pilot evaluation and project management will be provided.

Appendix I

The Maori Land Court and Te Ture Whenua Maori Act 1993

General Objectives

- (1) In exercising its jurisdiction and powers under the Act, the primary objective of the Court shall be to promote and assist in:
 - (a) The retention of Maori land and General land owned by Maori in the hands of the owners; and
 - (b) The effective use, management, and development, by or on behalf of the owners, of Maori land and General land owned by Maori
- (2) Applying subsection (1) of this section, the Court shall seek to achieve the following further objectives:
 - (c) To ascertain and give effect to the wishes of the owners; of any land to which the proceedings relate;
 - (d) To provide a means whereby the owners may be kept informed of any proposals relating to any land, and a forum in which the owners might discuss any such proposal;
 - (d) To determine or facilitate the settlement of disputes and other matters among the owners of any land;
 - (f) To protect minority interests in any land against an oppressive majority, and to protect majority interests in the land against an unreasonable minority;
 - (g) To ensure fairness in dealings with the owners of any land in multiple ownership;

Appendix II

Funding packages for housing developments on Māori Land

(Notes from the Process Review Group – "Funding" Working Stream)

Agency	Programme	Criteria
HNZC	Papakainga loan Individual	15% deposit Licence to Occupy Occupation Order
HNZC	Low Deposit Rural Lending – Loan Individual	Must have graduated from the LDRL course No debt – or hire purchase 3% deposit Licence to occupy Occupation order 30 – 35% Income to outgoings ratio
HNZC	Housing Innovative Fund 3 rd sector NGO	Not for profit organisations Address identified needs Interest free/principle free for 2 years Restructured at 3 rd year
HNZC	Community Based Organisation	Target group
Habitat for Humanity	Joint ventures New builds Refurbishments	Needs based 500 hours labour input
TPK/HNZC	Kapa Hanga Kainga	Mixture of LDRL & Papakainga criteria
TPK	Special Housing Action Zones	Not in Western BOP

Appendix III

Summary of Issues Identified and Associated Options/Solutions

Issue		Options/Solutions
Owners and MLC		
Maori Land Court Presence in Western Bay of Plenty	<ul style="list-style-type: none"> No MLC based in Tauranga/Western Bay of Plenty. Two Land Courts cover this area– Waiariki & Waikato/Maniapoto. Waiariki provides outreach service in Te Puke, Waikato/Maniapoto at TPK office in Tauranga each week. Access to Information and records – not available here, need records based locally 	<ul style="list-style-type: none"> Local records available online. Liaise with Marae committees for use of Marae instead of Agency Offices (where appropriate) Investigate the feasibility of Tauranga Moana having its own MLC office/sub office – maybe share with Te Puni Kokiri.
Working with owners/building capacity	<ul style="list-style-type: none"> Training - What Trustee training is happening? Could MLC hold workshops Need for MLC advisors to be with people – visit Marae, homes etc Need more information/awareness (kanohi ki te kanohi) about MLC processes and frequency of visits. 	<ul style="list-style-type: none"> MLC hold hui on Marae MLC give trustee training based on previous workshops for trustees in both Tauranga/Te Puke areas. Working directly with trusts
Time delays	<ul style="list-style-type: none"> Can be time delays processing (at least 2 months can be 12 months) Need to ensure that owners are clear about what is needed by the court People are apprehensive to talk about Maori Land. 	<ul style="list-style-type: none"> Information about the when courts are sitting, (approx. every two months) What are the processes for the court What information is required by court , better clarification of how to apply for orders etc
Owners Agreement	<ul style="list-style-type: none"> Need to work with owners to develop overall picture then work towards planned development, identifying key areas e.g. Housing, Recreation, Reserve areas Ensure owners agreement Flexible Approach – What do people wish to do? What resources & support for development of Iwi/Hapu Management Plans? Iwi Management Plans could come down to housing developments and individual structure plans. There are 2 Iwi Management Plans registered with Tauranga City Council. TCC funded 3 Iwi to undertake management planning (Vision 20/20) – identified barriers to affordable housing. 	<ul style="list-style-type: none"> Agencies to work with owners from early stages of development planning Structure Plans, that link to Iwi/Hapu management plans (see notes in council section)

Issue		Options/Solutions
TPK		
	<ul style="list-style-type: none"> There is a need to identify a lead agency that is working with owners and other agencies Need for information about financial assistance during initial stages of planning for owners (covering costs of Hui etc) 	<ul style="list-style-type: none"> Working closer with whanau/hapu/iwi. Look at accompanying other agencies to Marae – be kept informed of what is happening locally with the people Funding provisions made known to people and to look at providing services to assist owners of how to apply for funding and what funding can be used for. Giving information of funding package changes e.g. capacity building funding
Councils		
	<ul style="list-style-type: none"> Need to support the development of Iwi/Hapu Management Plans - council considers how housing is developed as part of this. Need to speak to people and find solutions Information – more and better information needed 'Planning for today only' with housing development can be "ad hoc" causing problems for owners as more houses are built on blocks 	<ul style="list-style-type: none"> Councils to work with trusts to develop structure plans that enable long term plans for the land block to be set out. Infrastructure to be planned, identifying overall level of infrastructure that is needed Structure plans should link to Hapu/Iwi management plans
Hapu Partitions	<p>Hapu Partitions/Infrastructure Costs</p> <ul style="list-style-type: none"> Hapu Partitions are not recognised as separate title. Hapu Partition does not create a new 'Certificate of title' and does not generate a section 224 certificate with councils therefore financial contributions are not calculated at this time Timing of Costs - Cannot be provided upfront for Hapu partitions 	<ul style="list-style-type: none"> Hapu Partitions - Link Hapu Partitions and financial development costs to Structure Plans allowing infrastructure costs to be understood upfront
Financial Contributions	<ul style="list-style-type: none"> Can add \$10-20,000 to the cost of a house Differs between two local Councils. Knowing <u>all</u> costs 'up front', when is it to be paid? 	<ul style="list-style-type: none"> Structure plans can identify an 'agreed' level of services <ul style="list-style-type: none"> identify infrastructure for whole development e.g. pipes roads etc. Level of services determined within Structure Plan – scaled economy

Issue		Options/Solutions
Councils		
Zoning	<p>District Plan – Zoning</p> <ul style="list-style-type: none"> • Restrictive with the number of houses that can be built • Zoning changes – process available but costly and time consuming • Most Maori land under Rural G. – conditions too restrictive. • Differences in processes between Councils – but land and people the same. • District Plan is prohibiting ability to use Maori land economically (e.g. 2nd dwelling on rural land – density of housing). 	<ul style="list-style-type: none"> • Structure Plan solutions may: <ul style="list-style-type: none"> - identify uses - plan for entire block, specifically – density/layout-housing • Refer to existing provisions in the District Plan. Certain provisions still to be tested there is flexibility with Councils. • EBOP Regional Policy Statement – Submission – to amend RPS to support Maori land/Housing Development • Investigate changes to SD Code of practice to accommodate above. • Note: The development of Structure Plans was seen as being crucial in addressing many of the above.
HCNZ		
Funding Options (for details of funding packages see Appendix II)	<ul style="list-style-type: none"> • HNZN is the only lender on multiple owned Maori land • Borrowing dependent upon ability to service loan. • Rates higher than banks but bank will not lend on MOML. • "Affordable" houses tend to have high maintenance costs • Most on Maori Land have been relocatables. • If Maori land – Chattel security secured against house only. <p>LDRL</p> <ul style="list-style-type: none"> • Questionable whether appropriate for this region because of cost of land and infrastructure • Average loan under LDRL is \$76,000 <p>PAPAKAINGA</p> <ul style="list-style-type: none"> • Community and bulk building • HIF funding available - \$63m over next four years. <ul style="list-style-type: none"> - Increasing '3rd Sector' social housing, non profit, needs social housing focus. - Case by case basis. - 2 in the Bay of Plenty. • Available to non-profit organisations/groups • Provide social housing 	<ul style="list-style-type: none"> • Develop visions (owners) – depends on capacity of owners to develop (TPK/MLC/ workshops with owners – Council/HNZC workshops with owners) • Trusts build rentals for purchase • Tease out 'accommodation supplement' through WINZ and Ministry Social Development (MSD). • Feasibility report to Central government – Expenditure x Infrastructure (Social Housing) – SWISS funding • Central Govt insure loans • Structure Plan determine <ul style="list-style-type: none"> - Resources (people) needed – partnerships determined at development stage - Whole land use/housing strategy developed to determine funding needed - Encompass all costs into Structure Plan - NB – dependent upon whanau to service loan

Issue		Options/Solutions
HCNZ		
	<p>PARTNERSHIPS</p> <ul style="list-style-type: none"> • Private developments <p>KAPAHANGA</p> <ul style="list-style-type: none"> • Self Build – families build, (qualified) supervisor required, e.g. 'Habitat For Homes' • Rental development scheme through Housing Innovations Fund. 	<ul style="list-style-type: none"> • <i>Affordable Options – Test option at time of pilot Incentive programmes for 'affordable housing'.</i> • <i>Options for owners to build own homes</i>

Glossary

Chattel Security

Lending secured over the house (referred to as the chattel) only, as opposed to the house and land in a standard mortgage security.

Community Outcomes

In relation to a district or region – means the outcomes for that district or region that are identified as priorities for the time being through a process described under s.91 LGA 2002.

Hapu/iwi Management Plans

Hapu/iwi Management Plans are long term planning documents that can identify key values and aspirations of Tangata Whenua. They are an effective tool available to Maori people who wish to provide for their relationships with their ancestral taonga including kaitiakitanga as well as giving effect to the aspirations of Maori land owners who seek to develop their lands for residential subdivision and papakainga.

Hapu Partition

A hapu partition is where parcels of land will be held by members of the same hapu. Consent for hapu partition is not required from the district council, and so a reserve contribution may not be necessary. (It is though there is no change in the ownership). If, later, ownership is transferred outside the hapu, the Court can require that the land be set apart as a Maori reservation for the common use and benefit of the New Zealand people.

Occupation Order

An Occupation Order occurs when the Maori Land Court vests the whole or part of that land for the exclusion use and occupation as a site for a house and/or including a house that has already been built and is located when the order was made. The Maori Land Court may specify that the Occupation Order is for a specified period or that the Occupation Order ends on the occurrence of a defined event.

Licence to Occupy

A licence to occupy has the same effect as an occupation order but is negotiated between the trustees of the land and the person intending to have the house built. The authority to grant a licence must be contained in the Trust Order. The licence to occupy should be noted by the Registrar of the Maori Land Court under s.161 Te Ture Whenua Maori Act 1993.

Housing Innovation Fund

A government funded initiative scheme aimed at encouraging third sector groups (not-for-profit, non-governmental community groups and organisations including iwi/Maori) and local government to increase their involvement in providing rental housing and home ownership opportunities to low income New Zealanders and those with special needs.

Housing Partnerships – HNZN

Housing Partnerships, a business group of HNZN. It works with community-based organisations and local councils to deliver social housing.

Low Deposit Rural Lending

Low Deposit Rural Lending Scheme. Prior to obtaining a Low Deposit Rural Loan (LDRL) applicants must complete a series of workshops relating to home ownership.

Low Deposit Rural Lending Scheme. Prior to obtaining a Low Deposit Rural Loan (LDRL) applicants must complete a series of workshops relating to home ownership. Completing the course does not automatically qualify you for a loan, you must still meet the prudential lending criteria.

Papakainga

Papakainga lending is available for building or buying housing on Maori land held in multiple ownership.

Papakainga lending is secured over the house only, as opposed to the house and land in a standard mortgage security.

SmartGrowth

The four SmartGrowth partners: Tauranga City Council, Western Bay of Plenty District Council, Environment Bay of Plenty and Tangata Whenua within the subregion adopted the SmartGrowth Strategy on the 3 May 2004.

The strategy provides a collaborative approach to managing sub regional growth issues that guide land use to accommodate the projected population growth needs to the year 2051

Social Housing

Not-for-profit housing programmes that are supported but not necessarily delivered by government, to help low and modest – income households and other disadvantaged groups to access appropriate, secure and affordable housing. (New Zealand Housing Strategy glossary)

Structure Plan

These plans will be developed with councils and owners together and identify the long-term development for the land, establishing the overall infrastructure requirements at the outset of the project.

These can be up to 30-year plans that could be linked to Hapu/iwi management plans and may consider land uses other than housing. Structure plans can identify the appropriate levels of infrastructure for the development - tagging financial contributions to that level of services. This will mean that infrastructure costs will apply to the specific block and will be known "upfront" for any whanau wishing to build. It also means the costs can be spread across all dwellings on any particular development.

References

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- ⁱⁱⁱ **Smartgrowth** - The Bay of Plenty Sub Region. 50 Year Strategy and Implementation Plan. 3 May 2004. <http://www.smartgrowthbop.org.nz/downloads/SGstrategy.pdf>
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- ^v Housing New Zealand Research and Evaluation Unit. HNZA. 2004. *Housing Affordability Local Measures of the ability of Working Households to Become Home Owners in New Zealand*
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