

# Ngāpuhi **Papakāinga Toolkit**



Tōku  
Whenua

Tōku  
Whānau

Tōku  
Whare



# MIHI

Ka rere ngā mihi ki ngā mate maha o te motu, mai i Muriwhenua taenoa atu ki Murihiku, rātou katoa kua turakihia e te toki a Whiro, arā, te ringa kaha o Aituā. Kua hoki atu rātou ki te pō nui, te pō roa, te pō i auai tā rātou moe, tukuna rātou kia okioki. E Kara mā, e Kui mā, haere atu rā, moe mai ki te whenua kua tōngia mai ai e tō tātou Atua a lo Te Matua, he kāinga mutunga mō tātou katoa. Kāti rā, rātou ki a rātou, tātou te hunga ora ki a tātou, tēnā ano tātou katoa. Ka hoki ngā rārangi kōrero ki a tātou te hunga ora, tēnā koutou, tēnā koutou katoa. E mihi whānui tēnei ki a tātou ngā mahuetanga iho o rātou e kaha nei i te hāpai kauake i tēnei Kaupapa, kia tutuki ngā moemoeā o rātou kua ngaro i te tirohunga kanohi i tēnei wā. Mā runga i te Tūmanako, Whakaponu me te Aroha ka tutuki ngā katoa ahatia he aha.

He mea hanga tōku whare, ko Papatūānuku te papa rahi.

Ko ngā maunga ngā poupou, Ko Ranginui e tū iho nei, te tuānui.

Pūhanga-tohorā titiro ki Te Ramaroa e whakakurupaeke rā i te Hauāuru.

Te Ramaroa titiro ki Whiria, ki te Paiaka-ō-te-riri, Te kawa ō Rāhiri.

Whiria titiro ki Panguru ki Papata k ngā rākau tūpatapata e tū ana ki te Hauāuru.

Panguru, Papata titiro ki Maungataniwhā. Maungataniwhā titiro ki Tokerau e ki a nei a Ngāti Rehia, he ripo kau, he ripo kau.

Tokerau titiro ki Rākaumangamanga. Rākaumangamanga titiro ki Manaia, e tū kōhatu mai rā i te ākau.

Manaia titiro ki Tutāmoe, he mihi nō te kohu waenganui o Tūtāmoe ki uta me tōna hoa Maunganui ki tai. Tūtāmoe titiro ki Maunganui.

Maunganui taiāwhio atu tō titiro ki Pūhanga Tohorā - koia tēnei ko Te Whare-tapu o Ngāpuhi.

Ehara aku maunga i te maunga nekeneke, he maunga tū tona, tū te ao, tū te pō.

Ko te whare tapu o Ngāpuhi tēnei, tihei mauri ora.

'Tōku Whenua, Tōku Whānau, Tōku Whare' is a Ngāpuhi specific approach to papakāinga development. It recognises the importance of whenua from a cultural perspective and the sustenance it provides for us as a people. The approach also recognises the value of people, and bringing whānau together for the betterment of future generations. It does this through a kaupapa of housing which ties land and people together

**Ngā herehere tangata ki te whenua**



# ACKNOWLEDGEMENTS

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- Te Puni Kōkiri
- Far North District Council
- Tai Tokerau Māori Land Court
- Sanson & Associates

Te Rūnanga-Ā-Iwi O Ngāpuhi would like to especially thank the trustees of Omapere X Rangihamama Ahu Whenua Trust for leadership and support in attending the initial papakāinga workshops and successfully achieving funding of a 15 house papakāinga development. This development has helped in terms of lessons learned and giving hope to other Māori Land owners.

This Toolkit builds off the range of papakāinga guidance and Toolkits around New Zealand. A range of concepts and tools have been adapted to further papakāinga housing and development within Te Taitokerau. We thank the movers and shakers in the field across the country who are involved in this important kaupapa.

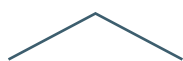


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# INTRODUCTION

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## Purpose

This Toolkit has been developed and designed to provide you with a step by step process for developing papakāinga housing on Māori Land. This resource is supplemented by Papakāinga Workshops run by Te Rūnanga-Ā-Iwi O Ngāpuhi for the benefit of all Māori Land owners within Te Taitokerau.

The process for developing papakāinga housing on Māori Land, particularly in Taitokerau, can be complex and time consuming. There are many barriers which hinder and deter development. This includes limited capacity and capability of whānau, the inclusion of various agencies and organisations, inherent difficulties in Māori Land development and management, and limited access to finance.

Specifically, Māori Land in Taitokerau is typically unoccupied and unimproved, has multiple owners and operates without any formal management structure. Land is typically rural in nature with minimal services in close proximity. Paper roads are a typical form of access. These, alongside other factors, such as an influx of whānau from urban centres (such as Auckland), coupled with socio-economic factors make papakāinga housing difficult to undertake. In the same breath, development on Māori Land is often the only option for whānau who have no other reasonable options for housing. Given this context, this resource has been designed to help you to:

- › Understand and gain the necessary level of capacity and capability to plan, undertake, and operate a successful and long term papakāinga development;
- › Liaise effectively with whānau, organisations and agencies to understand processes and develop papakāinga housing on your whenua;
- › Understand and secure the necessary technical advice and information to carry out land development;
- › Be aware of the range of sources of finance available and what is required to access them.

The Toolkit and associated Workshops include a range of resources such as case studies, checklists, scenarios, assessments, templates, guest speakers, and specialist advice.





# OVERVIEW OF PAPAKĀINGA DEVELOPMENT PROCESS

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The Toolkit uses a three step process to assist you with your aspirations to develop papakāinga on your whenua.



## **Tōku Whenua:** Te Taumata Tawhiti – Vision for Whenua

This step requires you to have an initial understanding of your whenua. Legal details, Council and Māori Land Court information and other information related to housing are all important. Your understanding of your whenua will grow through connections with your whānau, experts and agencies as well as undertaking each step. We understand that your whenua is unique and will have it's own story to tell in terms of its past, present and future. Considering this, in this step of the Toolkit we focus on the need to establish a vision and purpose for the proposed papakāinga development on your whenua. Given the closeness between whenua and people, there are a lot of cross overs between Tōku Whenua and Tōku Whānau.





02

## **Tōku Whānau:** Whiti Hākaro – Information Gathering

This step looks at the capacity and capability of your whānau from a range of perspectives. It seeks to provide you with the tools to understand the skills, knowledge and expertise your whānau has and where improvements could be made.

Most importantly, this step outlines a range of information that is relevant including the types of Māori Land structures available, how you might alter the whenua through the Māori Land Court and Council, and what good governance and operations look like.

Finally, this step also considers master planning for your whenua. Bringing your vision to life will involve a continual process that includes investigation, designing your concept, testing, re-testing and validation. Your master plan is likely to change over time and as you gain more information from various parties.

03

## **Tōku Whare:** Te Ara Hanga – Project Build & Future Management

Understanding what your whānau wants and needs and understanding your consent and permit requirements from the local council is considered in this step. These are important as you start to bring your vision and sketches further to life.

The proposed papakāinga development also needs to be financially viable for it to be successful. The basic question that needs to be addressed through this section is whether you can afford the full cost of development and any ongoing costs?

Managing the overall build can be a daunting task. This step also considers construction management techniques to assist with the overall project. It also provides you with an understanding of some of the ongoing matters that you and your whānau will need to consider in order for the development to be sustainable for future generations.

Given that this step seeks to bring together whenua and whānau, there are close links to previous steps.

# WORKSHOPS

# EXPECTATIONS

As noted earlier, this Toolkit is supplemented by a series of papakāinga workshops that provide you with additional details, tools and exercises. Workshop attendees will receive guidance and assistance from the papakāinga housing workshop coordinator, a range of development professionals, and relevant staff of local councils, Māori Land Court, Te Puni Kōkiri and other relevant agencies.

**The workshop schedule is as follows:**

→	<b>General Introduction - Information workshop</b>	<b>1 workshop</b>
→	<b>Tōku Whenua</b>	<b>1 workshop</b>
→	<b>Tōku Whānau</b>	<b>2 workshops</b>
→	<b>Tōku Whare</b>	<b>2 workshops</b>

The workshops are held over a 9 month period. However, your timeline to achieve your particular goals and aspirations may and can be much longer than this period.

Reading this Toolkit, undertaking the exercises and attending the relevant workshops will not guarantee success for your papakāinga development proposal. However, it will increase your potential chances.

Certain steps and phases may take longer than initially described. You and your whānau may also need more time for whatever reasons that arise. This is a guideline and Toolkit only and there will be certain circumstances and scenarios that this Toolkit may not cover.



# HOW TO USE



This symbol indicates a checklist. The aim is to complete each question or activity.

Where you see an underlined word or term, this is a hyperlink [Māori Land Court](#) and when selected, will take you to an external website for further information.







## STEP 01

# Tōku whenua

## Te Taumata Tawhiti - Visioning for Whenua

### “Kumea te taumata tawhiti o ngā whenua – kia tata”

Bringing the long term vision for land into sharper focus

### “Ma te whenua me te wahine ka mate te tangata”

It is through land and woman that man will pass on

**Tōku whenua** embraces the whakatauki above by understanding that the whenua you are about to enhance and preserve for future generations is the most important element in the papakāinga process. The people and structures on top of it may eventually move on but the whenua remains constant.

Before getting into the visioning aspect, understanding and collating information about your whenua is an important step to undertake. The characteristics and features of your whenua may lend itself to certain outcomes, which should be considered when thinking about your long term goals and aspirations.

For example:

- › What is the name of the block?
- › What is the size of the whenua? How much land could be set aside for housing and other uses?
- › Who are the owners and shareholders?
- › What environmental features exist? Hills, rivers and waterways, bush, wetlands?
- › Is the whenua subjected to wind? Where does the sun rise and set?
- › Is the whenua located in an urban or rural setting? Does it have access to any Council services? Footpaths, sewers, drains?
- › Are there any significant features on site? Old homesteads, urupa, puna, other cultural features of significance?
- › What are the neighbouring uses? Housing, farming, commercial, reserve?
- › What were the historic or traditional uses on site (if any)?

For further information on your whenua you may wish to visit and discuss it with kuia/kaumātua, current landowners and shareholders, the Māori Land Court, Council and other relevant agencies to better understand the range of information they may have. They may provide further detailed information that will assist you in later stages. A site visit may also be useful. Understand of your whenua will develop over time and through each step. A property information checklist will be available at the workshops.

Given the purpose of this step, visionsing is extremely important. Papakāinga development is not easy and comes with many challenges and risks that will constantly test you. For this reason, it is critical that you and your whānau have a clear purpose and rationale for undertaking papakāinga housing. Some questions to consider in developing a vision include:



**Why are you building a papakāinga?**



**How will you go about building your papakāinga?**



**What are you going to design and build?**

- › Why are you and your whānau doing this?
- › What is the purpose, idea, vision and rationale for the proposed papakāinga development?
- › What are the current and future land use activities envisioned for the site? What does the end result look like?
- › What are positive elements of the whenua?
- › What are the challenges?
- › What key values/principles do you want to apply to the project?

You may need to hold numerous hui to come up with a shared and collective vision for the whenua. There may be competing interests, desires and aspirations. Find common ground with your whānau and seek the most appropriate papakāinga housing potential for all.

While this Toolkit is primarily for papakāinga housing, do not discount other potential development opportunities on the whenua. Housing can easily co-exist with education, recreation, commercial and environmental activities. At the least, you should consider these other opportunities as once the whenua is utilised for any purpose, there is likely to be limited opportunities to carry out these other activities. A well thought out and considered vision for the whenua will help bring your whānau along on the journey for housing and other development on the whenua.

Having considered a vision and purpose for your whenua and papakāinga development, you should take this opportunity to transfer your initial ideas, thoughts, values and principles onto paper to see how they work with the characteristics of your whenua.

There are a range of sources to assist your initial drawings including [Google Maps](#), [Māori Land Online](#), and [Council GIS tools](#).

# CHAPTER SUMMARY

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At the end of this stage, participants should:

- 
- Understand your whenua from a range of perspectives that you will utilise throughout the project;
- 
- Have a clear vision statement and purpose for your whenua and papakāinga development;
- 
- Have developed initial sketches and ideas about your papakāinga development plan for initial consideration.
- 







**STEP  
02**

# Tōku Whānau

## Whiti Hākaro - Information gathering

**“Ko tōku whānau te tupehau o āku hākaro”**  
My whānau is at the pinnacle of my thoughts

---

**Tōku whānau** embraces the whakatauki above by understanding that people, especially your whānau, but also technical experts in the community are important in the papakāinga development process. Without your whānau and these experts, the vision is just a dream, not reality.

Is your whānau ready to breathe life into your papakāinga development and vision for your whenua? To do so you will need to collect a range of information about your whānau that will help you achieve your dream and goals

A wide range of whānau with specific skills will be required in order for your project to be successful. The first step is to use the following inventory to assess the range of skills you and your whānau have and at what level. This initial tool helps you to understand your current capacity and capability and what assistance you might need in certain areas. Once you have identified areas of need, you may wish to engage the support of project mentors to help assist you throughout the project. This exercise will also provide you with an initial screen of what skills may be useful or required for governance and trustee purposes at a later date.

## Project manager selection checklist:

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

- 1 TOHUNGA** – is a recognised expert in this area – no help required.

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- 2 PROFESSIONAL** – does this in a professional capacity – no help required.

---

- 3 COMPETENT AMATEUR** – has enough experience to do with a little support.

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- 4 NOVICE** – has some experience but will need help and guidance.

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- 5 NO EXPERIENCE** – Knows nothing about this – will be dependent on help.



CHECKLIST		
Trust governance	<b>1 2 3 4 5</b>	Name:
Project management	<b>1 2 3 4 5</b>	Name:
Whakapapa	<b>1 2 3 4 5</b>	Name:
Tikanga	<b>1 2 3 4 5</b>	Name:
Kaitiakanga	<b>1 2 3 4 5</b>	Name:
Property development	<b>1 2 3 4 5</b>	Name:
Communications	<b>1 2 3 4 5</b>	Name:
Financial management	<b>1 2 3 4 5</b>	Name:
Māori Land Court processes	<b>1 2 3 4 5</b>	Name:
Resource consent	<b>1 2 3 4 5</b>	Name:
Design	<b>1 2 3 4 5</b>	Name:
Contract management	<b>1 2 3 4 5</b>	Name:
Building & building consent	<b>1 2 3 4 5</b>	Name:
Tenancy and Asset Management	<b>1 2 3 4 5</b>	Name:

At this stage you and your whānau may also wish to think about engaging or appointing a project manager or project manager/champion. A high level of personal and collective commitment is required. However, the task is not impossible should you have the drive to complete the project for your whānau.

What steps are your whānau going to take to meet the capability gaps identified above? Experts are likely to be required and getting in touch with these people and organisations early will help to understand how your initial ideas and concepts may be affected.



# INFORMATION GATHERING & RESEARCH

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Informed decision making and sound judgements will be important across numerous components of your proposal. This can only happen with sound information gained through research. Resistance to change is often brought about through a fear of the unknown, however through gathering as much information as possible at this stage, you will be in a better position to keep your whānau informed, engaged and on board.

# WHĀNAU ENGAGEMENT

---

Engaging with your whānau, whenua owners, shareholders and beneficiaries and expressing the vision for the whenua will take time and require a series of ongoing conversations, discussions and hui. It is hoped that you will be able to:

- Outline potential trust structures and title options that might work for your whenua and relay their benefits and costs.
- Have a consensus and mandate to proceed and carry out papakāinga development.
- Provide constant updates from project manager to project team/committee (once/if trust is established).
- Air out any issues/problems early. There are likely to be objectors. How can you manage these issues? A strong and well thought out vision will assist you in bringing people together.
- Keep whānau involved in the process and regularly updated. A lack of communication with whānau can lead to disruptions and fear.

# LEGAL ARRANGEMENTS

Some of you will already have trusts or other governance arrangements already established to manage the whenua under consideration. Others will have no form of management. For the purposes of this Toolkit, it is assumed that your whenua will eventually be managed via a legal structure. Where your whenua is already managed, this aspect may not be relevant.

## The Background Check – Māori Land Records

Understanding your whenua from a legal perspective includes understanding:

- The relevant title information - legal name and description, status, and survey references, area, shares and owners.
- Management Structure Details - i.e details of Trust and what type/kind
- Ownership Schedule - includes list of owners, ownership type, and shares
- Memorial Schedule - records certain activities that owners or users of the land, where required to, have been approved by the Court - i.e leases, mortgages, trust or incorporation information.

You may already know some of these details through Step 1, if not they should now form part of your understanding of the whenua.

Most of the records above can be sourced from [Māori Land Online](#). However, other files can also be viewed physically at your local Māori Land Court office. This includes the 'Permanent Record' of the Court which includes:

- Minute books containing the hard-copy record of proceedings of the Court
- Files of the Court containing hard-copy application and other documents compiled for each proceeding
- Original orders and recommendations issued by the Court/Registrar
- Instruments of alienation, statements of account, block order files, and other documents and plans relevant to the Court title record and deposited with or held by the Court.

## Māori Land Structures

There are a range of structures available that can be used to hold Māori Land shares or manage Māori Land blocks.

### SHARE BASED TRUSTS

hold shares in Māori Land and include:

#### → **WHĀNAU TRUSTS**

Shares in Māori Land, General Land owned by Māori or a Māori incorporation used to create trust – a person or group of persons become the nominated tupuna – trustees appointed to manage interests on behalf of beneficiaries.

#### → **KAITIAKI TRUSTS**

Established to hold shares in Māori Land, Māori incorporations, General Land or on personal property for a person who is a minor (under 20), serving a period of imprisonment, or by reason of their age or mental or physical disablement is unable to manage their own affairs.

#### → **PUTEA TRUSTS**

A special type of trust that allows different owners of small and uneconomic shares to pool their land interests together for the wider whānau and descendants.

### LAND BASED TRUSTS

manage Māori Land on behalf of land owners and include:

#### → **AHU WHENUA TRUST**

A common land trust designed to promote the use and administration of one or more Māori Land blocks or General Land owned by Māori on behalf of its owners. This type of trust vest legal responsibility for the administration of the land in trustees and has a set trust order which sets out the rights and responsibilities of the trustees.

#### → **WHENUA TOPU TRUST**

A special type of land trust which is established over land that is to be held for community purposes for a hapū or iwi. It is designed to receive former public works land or other community properties and to promote its use and administration for the benefit of the descendants of the original owners, for the hapū or iwi in the area or for any māori community purpose.

#### → **MĀORI RESERVATION**

A very specific type of trust which sets aside reserves on Māori Land or General Land for a very specific community purpose which can include for example – marae, urupa, wāhi tapu, papakāinga, kaumātua housing, spring, well or water reserve, and a range of other natural and physical resources.

**A LAND BASED CORPORATE STRUCTURE**

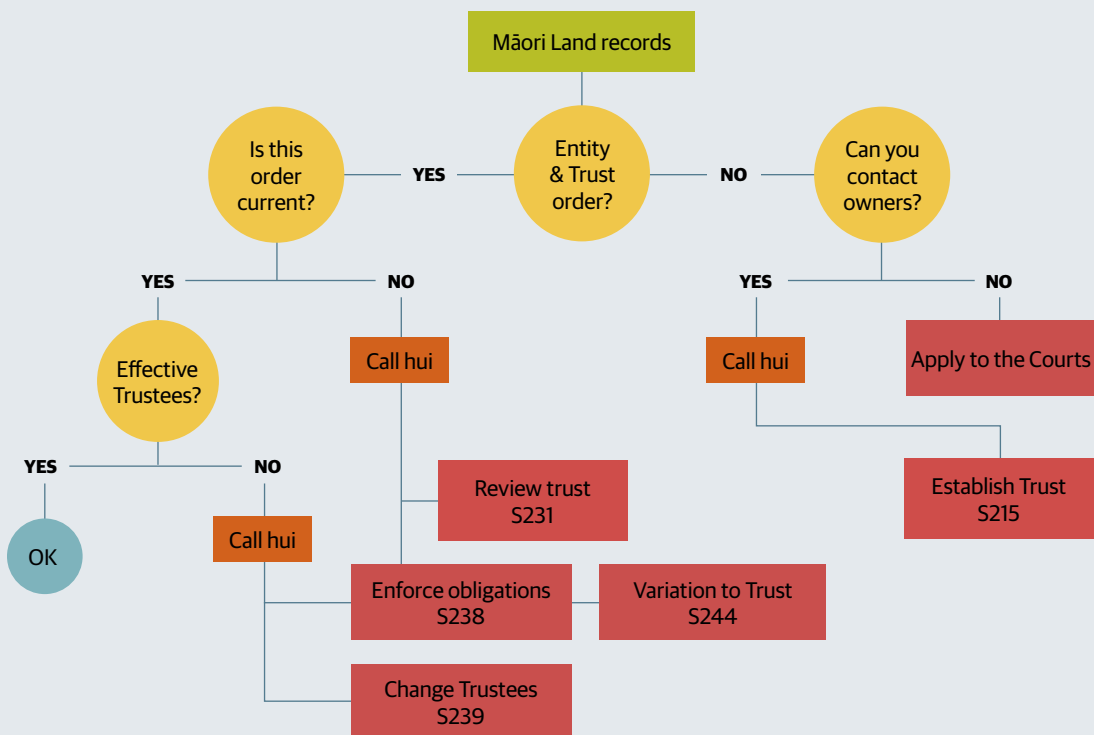
being a company established over Māori Land with shareholders include:

→ **MĀORI INCORPORATIONS**

has all the powers of a limited liability company, becomes the legal owner of any lands or assets vested in it, has a committee of management who are elected by shareholders, maintains its own list of shareholders, can stipulate a minimum shareholding for shares, can declare dividends and manage its own unclaimed dividends, and is governed by the Māori Incorporations Constitution Regulations 1964.

Each available option has their pros and cons and legal advice should be sought in your particular scenario to select the best option for you and your papakāinga aspirations. Further information can be found at the [Māori Land Court](#) website should you need it.

The decision tree below helps to see where you and your whānau may fit and what steps are initially needed to start formal management of the whenua.



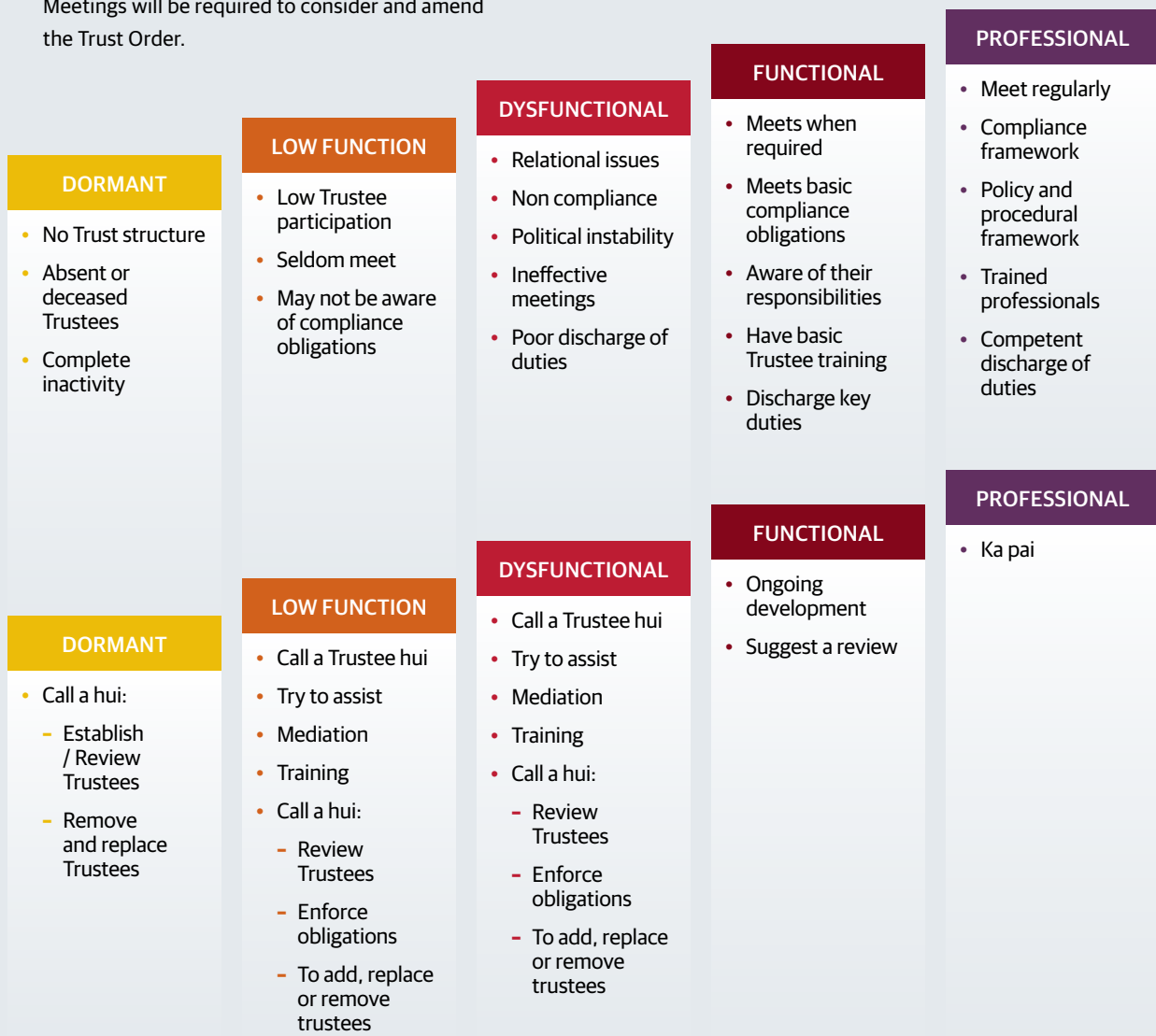
## Where a Trust Already Exists

As mentioned earlier, a Trust may already exist on your whenua. If this is the case, there are still steps required to facilitate papakāinga housing and the process you are about to carry out. At a minimum you:

- › Should have list of owners, memorial schedule, trust and trust order set up to support the papakāinga development vision.
- › Call meeting with owners to outline proposed papakāinga development aspirations and seek a mandate to move forward.
- › Will likely need to amend the Trust Order to provide powers to facilitate papakāinga development. Meetings will be required to consider and amend the Trust Order.

- › May like to review current trustees in light of the papakāinga project you are embarking on. Alternatively, the Trust may seek to appoint a sub-committee or similar body to carry out the initial mahi.

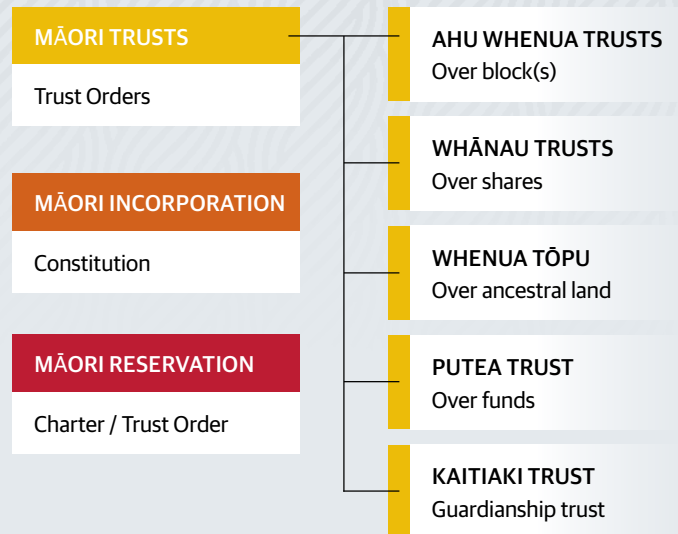
Having a Trust in place does not necessarily mean that it, through its members, is functioning effectively. Below is a general outline of the spectrum where your trust may be placed. It is important to understand where you sit and look to improve where necessary to carry out this papakāinga development.





## Where No Trust Exists

Where no Trust exists, a range of options are available for your whānau to consider.



## Constitutional Document's – Trust Order / Constitution:

These documents give mana to the māori land management structure selected to govern your whenua.

As Trust's are becoming increasingly common we largely refer to the process for trust orders as opposed to that for Māori Incorporations. Regardless, legal advice should be sought to make sure these documents contain the relevant provisions for you to undertake papakāinga development.



### CHECKLIST

- |   |   |                       |
|---|---|-----------------------|
| 1 | Must comply with Te Ture Whenua Māori Act   | <input type="radio"/> |
| 2 | Must be enabling for intended activities<br>i.e ability to build/finance housing/other land development and enter into relevant agreements i.e tenancy agreements | <input type="radio"/> |
| 3 | Must be clear and specific  | <input type="radio"/> |
| 4 | Reference key documents – i.e other policies and procedures   | <input type="radio"/> |
| 5 | Include special provisions such as Trust vision, aims and objectives  | <input type="radio"/> |
| 6 | Include multiple drafting and refinement rounds   | <input type="radio"/> |
| 7 | Research – look at others and reuse appropriate clauses/sections  | <input type="radio"/> |

## Minimum Requirements

### A TRUST ORDER SHOULD AT THE LEAST PROVIDE:

- The name of the trust
- The lands which are subject to the trust
- What specific powers (if any) the trustees have or do not have i.e. the ability to lease or mortgage, authorise development?
- Reporting requirements for the trustees
- How trustees will hold annual or special general meetings
- Minimum and maximum number of trustees and the method for their replacement
- Quorum requirements for meetings

### CHECKLIST OF DOCUMENTS REQUIRED:



- Notice of meeting given to owners (eg written notification, public advertisement etc)
- Minutes of meeting agreeing to constitute the Ahu Whenua Trust (where applicable)
- List of owners present at the meeting(s)
- Signed trustee and owner consents
- CV for each proposed trustee
- Draft Trust Order

## Process

### → NOTICE

You need to ensure that you give people sufficient notice of your intention to create a trust or incorporation. The notice time varies depending on the type of trust being initiated. For an Ahu Whenua Trust, the level of notice required depends on the number of owners. If you can contact everyone directly than a formal notice may not be necessary. However, if you cannot contact everyone, then you must demonstrate your attempts to contact owners. A public notice is usually used which includes; your intention to call for the creation of a trust or incorporation setting the terms of the trusts or incorporation election of the trustees a date; time and venue for meeting your contact details.

### → MEETING MINUTES

This should include a list of owners, their contact details, and number of shares they hold, a list of other attendees and their contact details, a list of apologies, their contact details and number of shares they hold, summary of the discussion to create the trust or incorporation, setting the terms of trust and potential trustees, summary of any disagreement between the owners (if any) and resolutions. For a trust you need to demonstrate 'general support for the proposal'.

### → CONSENTS

From owners to the creation of an Ahu Whenua Trust and properly nominated trustees.

## Being a Trustee

To become a trustee of a Māori Land trust, or a Committee of Management member for a Māori Incorporation, you must demonstrate that you have the skills and ability to effectively manage the land.

### YOU MUST DEMONSTRATE THAT AS A CURRENT OR POTENTIAL TRUSTEE YOU AREN'T:

- insolvent (a bankrupt or a director on a company that is subject to liquidation)
- subject to a No Asset Procedure administration by the official assignee
- convicted of a crime involving dishonesty or fraud
- a minor

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→ someone who has been removed from a trust or incorporation by the Māori Land Court or any other court for misconduct in the administration of a trust or incorporation

---

→ by reason of your age or mental or physical disablement are unable to manage your own affairs

---

Ideally, you and your whānau/shareholders will also apply some criteria to who you select as trustees, in line with the exercises undertaken earlier which highlight who has the necessary and potential skills to be a capable governor of the whenua under consideration.



## Key duties/principles to follow as a Trustee:

### ACQUAINTANCE

As a trustee you need to know:

- › what is being administered by the trust (any land or other assets of the trust)
- › the terms of trust (your powers and responsibilities under the trust order)
- › all the issues affecting the trust.

### ADHERENCE

You must act lawfully and for a:

- › Māori Land trust, you must act in accordance with the powers and responsibilities of the trust order
- › Māori Incorporation, you must act in accordance with the Māori Incorporations Constitution Regulations 1994
- › Māori Reservation, you must act in accordance with the Māori Reservation Regulations 1994

### IMPARTIALITY

- › You must be impartial in your approach and treat all beneficiaries with the same degree of fairness regardless of who they are or the number of shares they have.
- › Your decisions must be made in the best interests of all the beneficiaries or shareholders.

### INVESTMENTS

Any investments you make must be done in accordance with the powers you may have under your trust order or regulations and need to be well thought out and prudent.

The government does not guarantee any investments you make. You are accountable to your beneficiaries or shareholders for all investment decisions and you should seek independent financial advice before making any large investments.

### DILIGENCE & PRUDENCE

You are required to act with the same care, diligence, prudence and good judgment expected of business people managing the affairs of others.

### DELEGATIONS

You can only delegate your responsibilities if your trust order or regulations allow, or to the extent allowable under the Trustee Act.

You are however able to employ professionals to assist the trust if required.

### ACT JOINTLY

You must work together with any other trustees appointed for your trust. Whilst you can act by majority, you all share equally in any decisions made by the trust, good or bad.

### ACT WITHOUT PERSONAL PROFIT

You can't benefit personally from being a trustee. In some cases, a trust order or regulation will allow a trustee to receive reasonable reimbursement for expenses they incur in their role as a trustee – they may also provide that a meeting fee or honoraria be paid.

Any meeting fees or honoraria need to be approved by the Māori Land Court, to show you have the broad support of your beneficiaries or shareholders, and that the business of the trust can afford to make such payments.

### PAY THE RIGHT PEOPLE

You must ensure that the funds received for the trust are applied for the benefit of the shareholders or beneficiaries of that trust.

### KEEP GOOD ACCOUNTS AND RECORDS

You must keep good financial and administration records for the trust. Shareholders and beneficiaries may access records or any other information about the trust and you must be able to provide information upon request.

### DECLARE CONFLICT OF INTERESTS

You must declare any real or potential conflicts of interest you may have in your role as a trustee. This includes any discussion or decision being made for the trust that could affect you personally, in which you have an interest or affects any employment or funds you may receive.

You should declare your conflict to the other trustees and not take part in any discussion or decision that could affect your interests.

### REGULAR DISCLOSURE OR CONTACT WITH BENEFICIARIES

You must keep your shareholders or beneficiaries regularly informed about the financial position and performance of the trust.

You should also undertake appropriate consultation about major policy issues affecting the trust or of any major undertakings that the trust may be looking to participate in.

## Roles and Responsibilities

Some typical roles and responsibilities of trustees are outlined in the graphic below:

### CHAIRPERSON

- Run effective meetings
- Facilitate and set the board agendas
- Facilitate / lead the board's discussions
- Manage executive staff

### SECRETARY

- Liaise with Māori Land Court
- Compliance obligations
- Maintain minute book
- Default share register
- Holds the trusts seal

### TREASURER

- Maintains financial records
- Reporting to Trustees
- Audited accounts
- Normally holds cheque book

## Altering the Whenua

With a trust or other relevant legal structure in place, you may need to make legal improvements and alterations to the whenua under consideration in order to physically and legally carry out your proposed development aspirations.

### THIS FOR EXAMPLE MAY INCLUDE:

- Easements for services and access (Rights of Way) - Section 315
- Roadways - Section 316
- Partitions, amalgamations and aggregations - hapū, combined, and full partition - Section 289 (likely to have resource consent implications)
- Exchanges - land for land (boundary adjustments) and partitions.



## Easements

An easement is a special legal right which enables you to enter onto, use or access part of a land block for a particular purpose.

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### EASEMENTS ARE USUALLY MADE BETWEEN TWO PARTIES:

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→ **The dominant estate**

The person or party gaining the benefit of the easement

---

→ **The servient estate**

The person granting the benefit.

---

The most common forms of easement are for buried utility lines (such as electricity or phone lines), sewerage and water pipes, or overhead power and phone lines. They can also be in the form a vehicular access or other access to certain places (such as to power poles or pylons on a property).

Easements are made by agreement between both parties and can involve compensation of some type.

A right of way allows you to pass along a specific route across someone else's land to access your land. Unlike a road, it is not a public roadway and is not a guaranteed size, shape or have a surveyed plan. It is limited to access to your land only and the right is noted against the title to your land and any land you cross. Rights of way are generally granted at the time a title is created and is done by consent of all owners at that time. Until cancelled by either party, the right of way is legally binding.

An easement can be created through the Māori Land Court process under section 315 via Form 1 – General Form of Application. There are various requirements that need to be submitted for the Court to be satisfied and create the easement.

An easement may also be submitted in the process of a subdivision or scheme plan if your Trust requires subdivision consent to carry out necessary title alterations i.e partition or boundary adjustment.

## Roadways

A roadway is a defined piece of land on or through a block over which you can gain access to your land.

There are five types of roadways:

- 1 private road
- 2 public road
- 3 land used as a road, but not declared as such
- 4 paper road
- 5 stopped or closed road.

These various types of roadways can impact both legal and physical access to your whenua and have different considerations that need to be taken into account in terms of maintenance, costs, and legal rights to enter and exit. You may need to clarify which are relevant for your whenua.



## Partitions, Amalgamations and Aggregations

### PARTITIONS

A partition is the division of the land between its owners to create new titles or blocks. The resulting size, shape and shareholding in partitioned land are dependent on the:

- agreement from the owners or a demonstrated sufficient degree of support
- value of the land and the shares (before partition)
- value of the new blocks (after partition)
- access arrangements to each new block
- distribution of shares and shareholding in the new blocks

There are three types of partition: hapū, combined and full.

### HAPŪ PARTITION

A hapū partition results in the new land blocks being distributed among the existing owners and will not result in any land being gifted or sold outside of the existing owners.

The benefits of a hapū partition include:

- › No consent being required under the Resource Management Act 1991 ("RMA")
- › No requirement for land contributions for roads, reserves or public use or access.

Any normal land use consents would still be required after partition, such as building consents. Therefore, it is important to make sure the minimum dimensions of the allotment created meets local planning rules.

### COMBINED PARTITION

A combined partition takes multiple pieces of land, regardless of size, shape, location or status, and combines them into one block. The land can be re-divided among the existing owners.

A combined partition can:

- › include either Māori Land, General land or both
- › include land regardless of its location (it doesn't need to be located next to each other).

The benefits of a combined partition include:

- › the ability to make boundary adjustments to existing land blocks, regardless of status
- › general land can be included in the partition
- › no consent being required under the RMA
- › no requirement for land contributions for roads, reserves or public use or access.

Normal land use consents would still be required after partition, such as building consents.

### FULL PARTITION

A full partition results in some, or all, of the new blocks being transferred by way of gift or sale outside of the existing ownership group and hapū associated with the land.

Full partitions are subject to the RMA and require a proper consent process to be undertaken which includes the need for Council consents to be obtained. They may also require reserve contributions to be made which could include:

- › public access in the form of a 'Queens Chain' along waterways
- › reserves for future roading needs
- › recreational purposes.

## AMALGAMATION

An amalgamation is a special type of partition which takes one or more Māori Land blocks and merges them together to create one new block with common ownership.

Much like a partition, the resulting shareholding in an amalgamated block is dependent on the:

- 
- agreement or sufficient degree of support from the owners

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  - value of each land block and the shares (before amalgamation)

---

  - value of the new block (after amalgamation)

---

  - access arrangements to the new block

---

  - new shareholding, based on the value of the pre-amalgamation shares, in the new block.

---

The shares in the resulting amalgamated block are determined by the value of the shares you hold in each of the pre-amalgamation blocks. Therefore, the value of each pre-amalgamation block is important.

### THE BENEFITS OF AN AMALGAMATION ARE:

- 
- The creation of one large block of land with common ownership

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  - Enable the land to be used and managed as one block rather than many

---

  - No consent being required under the RMA

---

  - No requirement for land contributions for roads, reserves or public use or access.

---

  - Normal land use consents would still be required after amalgamation, such as building consents.

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## AGGREGATION

Unlike other forms of title improvement, an aggregation does not make changes to the title to land. It instead creates a common ownership list across one or more blocks without amalgamating or dividing those blocks.

Much like an amalgamation, the resulting shareholding is dependent on the:

- 
- agreement or sufficient degree of support from the owners

---

  - value of each block and shares (before aggregation)

---

  - new shareholding, based on the value of the pre-aggregation shares, in the new aggregation.

---

The shareholders in the aggregated list will become shareholders in all blocks which form part of the aggregation. Therefore, the value of shares in each pre-aggregated block is important.

### THE BENEFITS OF AN AGGREGATION ARE:

- 
- a common ownership list being across multiple blocks

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  - preserves the original titles and blocks

---

  - enables the ownership to be managed as one list

---

  - no consent being required under the RMA

---

  - no requirement for land contributions for roads, reserves or public use or access.

---

  - Normal land use consents would still be required after aggregation, such as building consents.

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# GOVERNANCE & OPERATIONS

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Good governance is heavily dependent on the skills and capabilities of those in the governance positions. We have many of our people who are shareholders in multiply-owned land wanting to hold governance positions. And rightly so; it is their whenua. However, many have little or no governance experience and many lack the capability to take on the roles.

Some of the skills and capabilities of trustees and governors have already been provided for above or worked through by you and your whānau through previous exercises. These remain relevant and important. Notwithstanding this, there are also several other factors to consider.

Who is empowered to make which decision? What processes do they need to follow? Who must they consult with?

Essentially these are political questions – they influence how power is exercised in relation to your whenua. Some people have power through their status (mana), others have resources, some have it through expertise and charisma. The right mix of leadership skills are required to bear on key decisions – both to make them and make them stick.



## Policies & Procedures

Once your Trust is formulated, you will require a range of policies and procedures to guide your decision making and operations. These can include for example governance and operating manuals and guidelines as well as policies to make sure your Trust and staff are operating effectively, efficiently, and legally.

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### KEY POLICIES INCLUDE:

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- Strategic Planning

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- Finance

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- Delegations

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- Audit & Risk

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- Stakeholders/Communications

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- Code of Conduct

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- Performance

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- Papakāinga Specific i.e Papakāinga Housing Allocation Policy

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The workshops provide you with a range of templates and sample policies which can be used and adapted for any purpose.

## Decision Making

As highlighted in Step 1, good decision making is based on quality information. Fear of change typically comes about from a fear of the unknown. In order to make quality decisions, quality information is required. The Trust should officially receive information through meetings and the relevant agenda items under consideration.

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### A GOOD AGENDA ITEM INCLUDES:

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- The resolution that is sought from the Trust

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- Evidenced based research and analysis

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- At least three options pertaining to the matter under consideration i.e do nothing/status quo, minimal investment, maximum investment

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- The costs, benefits, risks and opportunities of acting and not acting on the above options

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- The recommended approach/option.

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There are also some common meeting practices that should also occur that sets the scene for effective meetings.

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### GOOD MEETING PRACTICES INCLUDE:

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- Having defined dates and deadlines for reports and the overall agenda

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- Limiting the practice of tabling new information at meetings

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- Reviewing the meeting list and recognising attendees present – this helps to minimise any personality surprises

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- Parking items/issues that are raised supplementary to the agenda. Time and resources are too limited to focus on matters not relevant to the agenda. These can be discussed at later meetings

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- Limiting information reports and focussing on matters that require a decision.

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## Operations & Kaimahi

With a Trust or Incorporation now in place, your operations staff and kaimahi must implement and give effect to the range of decisions the trustees and governors have made in relation to the proposed papakāinga development.

We understand that sometimes the project champion/ manager for papakāinga development are also trustees of the whenua under consideration. While this is not ideal, it does occur and is a reality for many of our whānau. There needs to be a careful balance between your duties as a trustee and your duties carrying any mahi.

As noted in earlier sections, staff can be in-house (whānau/ shareholders) with particular expertise or drive to complete the project or a particular resource may be sourced externally to manage the entire process for the Trust. This is true for many operational components including for example asset management, tenancy management, maintenance, and repairs. The particular pros and cons of either approach needs to be discussed and assessed and carried out depending on your particular scenario and circumstances.

# MASTER PLAN DESIGNS

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**A Master Plan is typically a long term planning document that provides a conceptual consideration of future growth and development. It has a range of inputs and your initial Master Plan is likely to change over time as you discuss your project with specialists, experts, and your whānau.**

Your initial master plan may build or add to your initial sketches, including the information you have gained since the last step. While the Master Plan itself is conceptual, you may have a corresponding document that outlines specific matters such as the amount of housing, what recreational areas include i.e gardening or playground, and what areas may be set aside for employment and making an income.

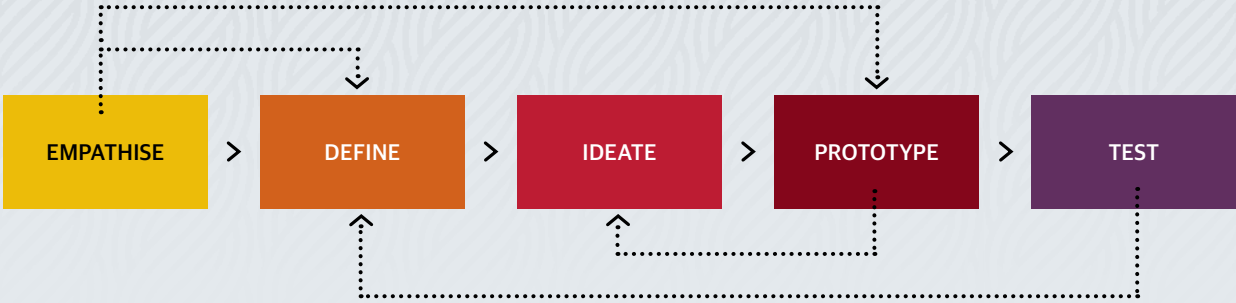
Again it is likely to be useful to get the whānau / shareholders together and work again on the initial sketches you have completed. There may be no changes, there may be major changes, this all depends on the information gained as you go on.

It is important to consider all future uses for the whenua, not just papakāinga development, Incorporating and understanding the interplay and connection between all potential uses will enable you to promote an integrated and sustainable proposal for the future. Including other components such as economic development and commercial opportunities, conservation and recreation all add to the overall feasibility of the papakāinga development.

These concepts should be at the high level, considered as a Master Plan for the entire site under consideration. In depth papakāinga sketches and designs will occur later once you truly understand the needs and wants of your whānau.

We promote one approach which can be used both here and throughout the process to come up with ideas and options for your whenua. This approach includes a range of steps that should be used to initially understand whānau needs and wants.





## Empathise

This step is all about researching, observing, engaging with, and listening to your whānau. This helps you to understand the way they do things and why, their physical and emotional needs, how they think about the proposal (the world even) and what is meaningful to them. Basically, by having empathy to the needs and wants of your whānau, you can better design a papakāinga development for them.

## Define

This stage helps to make sense of all the informaton and research you have collated to date. Essentially, its about clarity and focus. You may want to use tools such as mind maps to assist you. The key goal in this step is to construct meaningful and actionable "Points of View". These help you define the type of person you are designing for and understand their most essential needs.

Statements can then be created from these tables and can be used to articulate initial designs and options. For example, 'our kuia / kaumātua need to have housing with low operating costs because they live on a pension and have limited discretionary income.' These statements can be gathered across a number of people and used to inform your development. They are also useful to relay back to whānau as a means to show that your development is representative of the whānau needs and wants.

**A POINT OF VIEW EXAMPLE:**

USER	NEED	INSIGHT
→ <b>Kuia / Kaumātua Shareholdres</b>	Low maintenance, cheap operating cost, dry and warm housing with opportunities for gardening and socialising	Kuia/Kaumātua are likely to want smaller housing that has minimal maintenance and operating costs as they have a limited income (pension/kiwisaver). They are likely to want areas for hobbies such as gardening and socialising with friends and whānau. Access to healthcare is important.
→ <b>Farmer Shareholder</b>	More land to carry out grazing and other agricultural activities	Your whānau acquires more land for their farming operation. He probably thinks and sees the land as a cheap lease arrangement as it is currently underutilised.



## Ideate

Once you have your points of view sorted (and there may be many) it is now time to understand how you might achieve those needs on the whenua. In this step it is important to look for aspects in the insights to complete the sentence 'How might we...?'. For example, 'How might we provide for kuia/ kaumātua housing with low operating costs? Answers may include for example solar heating, insulation, orientation and location of the houses.

## Prototype

This step includes all the potential answers to the 'How might we' answers and showcases these on maps and plans. These are concepts and options only and there may have to be compromise and changes based on conflicting priorities and insights from your whānau. However, by discussing these differences and having each 'user' empathise with the other, the prototypes can be framed to meet a range of user needs. This approach can be extremely useful when applying concepts to space i.e location of houses, activities and uses.

## Test

The last step is to test the concepts, ideas and options. This is part of the next step of the overall papakāinga development process. Where you will have a better understanding of how feasible your proposed options are for papakāinga development. You may need to go over this process a number of times, and even following this step, as you gain more information about your whānau and whenua. Discussions with professionals such as planners and architects may also change your initial views and thoughts.

# INITIAL FINANCIAL FEASIBILITY

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## Maintaining a High Level Budget

While finance is discussed in later sections, it is considered important to keep a running log of potential costs that you might think you will run into through this process. When these costs realise, make sure you keep a running log of these. Most government grants will require an estimate of costs the Trust has committed to understand how much commitment has been made and how serious the Trust is in papakāinga development.

It is recommended that the Trust's accountant or financial advisor be engaged early to assist in this process.

## Contributions in Kind (Sweat Equity)

It is also important to keep a tab on the amount of hours you as project manager or your whānau are putting in to making your vision a reality. Again, this contribution is important and funding partners need to understand how many hours that have been committed to the kaupapa under consideration.

# CHAPTER SUMMARY

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## At the end of this stage, participants should:

- Understand the range of skills and capabilities your whānau has which can be used to contribute to papakāinga development.
- Understand the range of skills and capabilities that are not available and measures/steps to fill these gaps.
- Have a dedicated project manager in place to oversee the proposed development.
- Have an established Trust with functioning trustees and appropriate trust order, policies, procedures and processes.
- Have an initial understanding of whānau needs and how to meet those needs and options and concepts for your papakāinga development on your whenua, consistent with your overarching vision.
- Maintain a high level budget containing estimates, quotes and costs incurred by the Trust to date.







**STEP  
03**

# Tōku Whare

## Te Ara Hanga - Project Build & Future Management

**“Nga herehere tangata ki te whenua”**  
People inextricably linked together to the land

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**Tōku Whare** embraces the whakataukī above by confirming that bringing your whenua and whānau together will provide sustenance and shelter for many generations to come.

## DEMAND & PROJECT FEASIBILITY

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Understanding the potential demand for your initial papakāinga development concepts and how feasible it is from a range of perspectives is an important factor to consider now that you have completed the first step of the Toolkit. In terms of demand, the methods we consider to be useful include:

- › Market information – property rental market information and property sales information; and
- › Housing demand/needs surveys.

Feasibility in this particular step relates to the ability to physically undertake the proposed development. This includes for example the range of technical services, documents, reports and plans that give credibility and stability to your preliminary thoughts, aspirations and designs for the whenua.

While financial feasibility is considered in later steps, where government funding is sought it will be necessary to consider [Te Puni Kōkiri's](#) Project Viability and Assessment Tool (“PVAT”) and assess whether potential changes to your preferred design and development are required.

# Housing Demand/Needs Surveys:

While the previous information is useful it doesn't necessarily tell you what your whānau actually want and need. While the initial Point of View process was useful, these are likely to highlight whānau needs in a broad sense. One way to better understand the needs and demands of your whānau and the market is to also carry out housing demand and needs surveys. The information and data gained can then be used to refine and re-test your design options and concepts.

These surveys will typically require basic personal, financial, and current housing details and are used primarily for determining the amount of people, number of bedrooms, and overall housing situation you require. The graphic below considers some of the information of a typical survey.



<b>DESCRIBE YOUR CURRENT HOUSING SITUATION.</b>					
Put a tick in the slot relating to your particular dwelling					
	Couple with child/children	Couple without child/children	Single parent with child/children	Single person	Other
House / flat					
Garage					
Shed / barn					
Other					
Bedrooms & occupants	How many bedrooms where you live now				
	How many people where you live now				

## Market Information

Whether we like it or not, the papakāinga development proposed will need to be either in line, near consistent, or better than current market conditions from both a price and quality perspective. However, these conditions are unknown if they are not researched and analysed.

We consider it a necessary step to understand what the lower, median, and upper rent prices are in your area. The 'Market Rent' tool, created by Tenancy Services of the Ministry for Business, Innovation and Employment is but one tool that can be used to find these figures out. Breakdowns of costs per bedroom size are also provided. These figures will be important in later stages, particularly when you are assessing finances for your development such as potential rent cashflow in your area.

In terms of rental quality, you may need to liaise with local real estate and rental agents to determine this or carry out assessments through Trademe or other listing websites. Your friends and whānau who rent may also be able to assist you with understanding the quality and condition of housing in the area.

Your new builds, relocatables, or purchased housing stock needs to be consistent from both a quality and price perspective. Also, if you wish to enter the social housing or

emergency housing market in the future, you will need to have an understanding of what the broader market wants and needs are as opposed to just your whānau.

In terms of property sales data, there are also a number of tools available that can help assist you in understanding the value of dwellings in your area. This data is useful to understand and consider because in some scenarios it may be simpler and more economical for the Trust to simply purchase a dwelling as opposed to starting from scratch.

The 'Residential Sales Prices' tool, available from Quotable Value, provides you with data at the suburb level relating to number of sales, median sale price, percentage difference between sale price and capital value, and the capital value date.

Understanding the value of your whenua relative to perceptions and value may also change what approaches you take to development. A lease arrangement or license to occupy may be more favourable than weekly rent arrangements. For example, some coastal land may have value that is better extracted by way of a lease agreement with money then used to fund other housing related developments. Whatever, the case this needs to be thought about and discussed as part of your overall papakāinga development package and mix of approaches.

Example of 'Market Rent' tool created by Tenancy Services



Example of 'Residential Sales Prices' tool from Quotable Value

Suburb	Number of Sales	Median Sale Price	Difference Between Sales Price and CV	Capital Value Date
Ahipara	5	\$507,000	7.0%	Aug 2016

## HOUSE DESIGN SURVEY

FEATURE	VERY IMPORTANT	NICE TO HAVE	NOT IMPORTANT
Open-plan living			
Indoor-outdoor flow			
Outdoor living areas			
Shade in summer			
Privacy			
Formal living rooms			
Sustainable			
Energy efficient			
Separate space for guests			
Play areas for children			
Separate living spaces for quiet/loud activities			
Low maintenance			

Having considered the market conditions and needs of your whānau you can now allocate that demand and findings onto your initial concept designs, adding another layer of detail. While you are likely to have already set aside areas for housing in your initial options, you now have a clearer idea of the size, likely tenant and age cohorts and better understand how you might physically design the papakāinga to incorporate different whānau elements i.e kuia / kaumātua with young couples with families.

FEATURE	QUANTITY
Bedroom(s)	
Walk-in wardrobe(s)	
Bathroom(s)	
En-suite bathroom(s)	
Kitchen(s)	
Dining room(s)	
Living area(s)	
Combined living/dining area(s)	
Family-room(s)	

FEATURE	QUANTITY
Separate TV or games room(s)	
Study or home office(s)	
Laundry	
Hot water cupboard	
Storage room	
Garage - for how many cars?	
Under floor heating	
Wiring for stereo / internet	
Heat pump	

## Create a Capital Budget

Requesting and gaining estimates and quotes is critical in this stage in the lead up to further steps in the process. Take some time to collect quotes from relevant professionals who you may require for your development. If you engaged an architect/designer or planner in the previous step, they will be able to provide you with a range of professional services you are likely to require.

Later on in this stage, you can seek pricings from construction and building companies who typically use a quantity surveyor to outline detailed costs. They can typically only do this on consented plans however, so we will need to get to that stage before providing more detail. Regardless of the approach, it is important to seek these quotes and estimates in order to robustly consider your options. At the least we would recommend gaining three quotes for each job or task.

These capital costs will be useful to consider and can be assessed in more detail at later stages to assess how feasible the development might be.

### EXAMPLE OF A CAPITAL BUDGET:

SUMMARY OF CIVIL WORKS COSTS		
1	Technical reports	56,200
2	Wastewater	50,000
3	Water supply	70,000
4	Storm water	43,000
5	Electricity supply	30,000
6	Roading	35,000
7	Telecoms	10,000
8	Community facilities	-
9	Environmental impact assessment	10,000
10	Legal processes	35,000
11	Council fees	63,000
12	Contingency	60,000
		<b>462,200</b>
SUMMARY OF BUILDING COSTS		
	2 Bedroom Houses	364,000
	3 Bedroom Houses	677,500
	5 Bedroom Houses	780,000
		<b>1,821,500</b>
	Less cost offsets from owner contributions and sweat equity	-400,000
		<b>1,421,500</b>

## Choosing a Architect/ Designer or Buying off the Plan

An architect/designer will be necessary if you are looking for specific housing solutions for your whenua.

Finding the right architect or architectural designer is easier if you have a clear idea of what you want. Set simple selection criteria and evaluate a small group of firms/independents who may be able to bring your whānau housing needs together. Fortunately, you should have a relatively clear understanding of your whānau needs and wants from previous exercises.

### HAVE A CLEAR IDEA OF WHAT YOU WANT:

- Put together a scrap book of looks and designs you like. Use magazines and websites and even photograph homes you like.
- Collect brochures on the materials and fittings you like.
- Take a measuring tape to friends' homes so you can see how much space is required for rooms, kitchen benches and items.
- Use the research from previous sections to inform design.

### SET SIMPLE SELECTION CRITERIA:

- Look for someone whose work you like and whom you believe you can work with.
- Use local knowledge - recommendations from friends or contractors - or visit the NZ Institute of Architects and Architectural Designers NZ websites to find designers in your area. Make sure the designer you choose has professional indemnity insurance that provides cover in case of professional negligence.

### EVALUATE A SMALL GROUP:

Once you have a shortlist, the selection criteria should include:

- The scope of service required - design professionals may also be able to assist you with your broader master plan.
- Experience; and, perhaps the most important, personality fit.

It's best if you are comfortable with the way your designer communicates. Positive relationships lead to positive outcomes.

Group Home Builders (building companies who build large numbers of homes) usually have several pre-designed homes you can buy without having to go through a design process. The advantage is that you can get a design that exists, and you don't need to work through with the designer, unless you want to make changes. However, these pre-designed homes may not meet your whānau's specific needs.



# PLANNING & TECHNICAL DESIGN

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Now that you have an understanding of both whānau and the rental market needs you are now in a position to give life to that information onto the whenua. The process is typically iterative, starting with big picture thinking about the location and placement of buildings and infrastructure and progressing to the detailed design of the project. This aspect will build upon your initial options/concepts undertaken earlier.

Please note that environmental and site constraints have yet to be discussed formally, but your initial designs and concepts are likely to have incorporated your understanding and mātauranga relating to the whenua under consideration.

## Research

In the research phase the project manager is required to identify and prepare all necessary information that may impact the papakāinga proposal. The project manager is trying to primarily identify any key development constraints and how these might be overcome. These development constraints are typically environmental in nature and given effect to by local authorities and government agencies. Many of these constraints will be obvious or common knowledge to you and your whānau – i.e. waterways, and springs, areas of vegetation, wāhi tapu, pito whenua, traditional areas for gardening and development.

Information regarding your whenua in Step 1 and Step 2 remain relevant here. However, in this step, you are likely to gain a more in depth understanding of how your local council views your whenua and what they consider appropriate in terms of papakāinga housing development.

## Mapping Information

A range of government and non-government agencies have maps that contain a wide range of information that will be beneficial to obtain in order to help solidify your papakāinga development proposal.

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### THESE MAPS CAN GIVE AN INITIAL INDICATION OF:

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- The contour or lay of the land and current built development on site;

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- Access to services – power, telecommunications, Council water, wastewater, and stormwater services;

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- Proximity to amenities – schools, hospitals, shops, parks and reserves.

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- The indicative boundaries of the site so that you and other specialists can be certain that all of the development is contained within the correct location.

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- Indicative Council planning implications – zone and resource maps which can include for example sites of cultural and historic significance, hazards such as flooding, inundation erosion and what zone your whenua is within.

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## Council Rules and Regulations

Understanding the local council rules is an important element to consider. Your development options don't need to conform to all planning rules, but what is important is understanding what 'activity status' your development(s) fall into. At this stage you may wish to engage a planning professional to assist with your understanding and/or seek your design professional to carry out any resource consent requirements.

## Building Consent

All buildings and building works typically require a building consent. Those building works that do not require a building consent are explicitly noted in Schedule 1 of the Building Act 2004. A copy can be gained online and discussed with Council's Duty Building Officer or similar. In terms of papakāinga development, it is highly likely that you will require a building consent for development and we suggest you proceed on the basis of needing one.

- › You need to start your building work within 12 months of receiving your building consent, or your consent will lapse.
- › If you need an extension, talk to your council before the 12-month timeframe is up. If the consent has lapsed and you still want to do the work, you will have to re-apply for a consent.
- › You have two years to complete your building work, starting from the day the consent is granted, unless you agree otherwise with your council.
- › Within the two years (or at the end of an agreed period), your council must decide whether to grant a code compliance certificate or take another regulatory path.

## Resource Consent

A resource consent is the authorisation given to certain activities or uses of natural and physical resources required under the RMA. Some activities may either be specifically authorised by the RMA or be permitted activities authorised by rules in plans. Any activities that are not permitted by the RMA, or by a rule in a plan, require a resource consent before they are carried out

Your papakāinga development, depending on its specific characteristics may require a resource consent from the relevant council authorities.

## Existing Environment

An understanding of who your surrounding neighbours and owners are and what they do on their land is an important task to undertake at this stage. Depending on the specifics of your development, you may need your neighbours consent to undertake development.

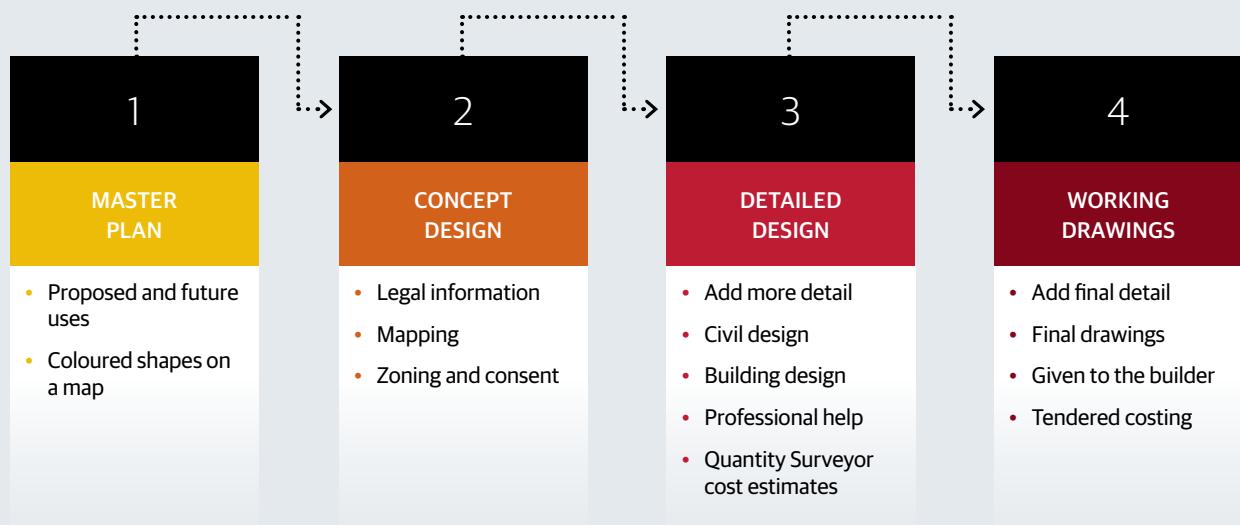
Outline what activities occur on neighbouring properties - will your proposed development impact on the continuation of your neighbours activity? Will the scale and extent of your proposed development impact them? Try to stand in their shoes and see what impacts you would be concerned about if they were to do the same activity. Doing this exercise will help you plan and design with minimal effects on neighbours.



## Confirming the Papakāinga Development

While there will still be a number of unknowns in terms of papakāinga development itself, in terms of the overall master plan, there should start to be some certainty, at the least, for the location of the proposed papakāinga development area. Start to begin to narrow down your thinking on the proposed papakāinga locations as through this step, you will need to commit certain areas and locations in order for specialists to assist and proceed. The potential number of papakāinga houses should also start to become clearer following the completion of your needs/demand surveys.

Remember, that your proposed area should be evolving in line with information gathered and received throughout previous steps. They may continue to change and evolve over time once specialist input is received and they understand the bigger picture for your whenua. Engaging a planner or designer at this stage may be useful to confirm your ideas and receive preliminary advice on your concepts. Note that this stage only assesses feasibility of carrying out your vision and plan on the whenua, financial feasibility also needs to be considered and should also be at the forefront of your thinking.



## Master Plan

You are likely to have created and refined numerous Master Plans for your whenua to date. These plans are usually conceptual in nature, outlining the long-term aspirations, vision and goals of your Trust for the land. This include uses alongside your papakāinga development such as enterprise, commerce, marae and education. These plans are usually given effect to over time, project by project, or staged, but subject to changing times, scenarios and situations. Many funding grants require a Master Plan so once you have a preferred option for papakāinga development, incorporate this with your overall vision for the whenua.

## Concept Design

Throughout the stages you should be adding to your overall concept design. This may culminate in many plans including:

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### → **Indicative site plans**

Showing building footprints, curtilage areas, accessways, parking, drainage, facilities and infrastructure.

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### → **Indicative building plans, floor plans, layouts and elevations**

Many building and construction companies can provide general drawings, layouts and elevations for many of their products. Your demand research will provide the impetus for building size, bedrooms, finishing.

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### → **Landscape plans**

Highlighting areas to be screened and fenced i.e neighbouring boundaries or between activities, plant species to be used, and other areas landscaped for mitigation purposes.

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A design professional is typically required to create these plans. They are a necessary component for Council consents.

## Detailed Design and Working Drawings

Detailed design and working drawings are the final stages of the iterative design process relating to your papakāinga development. These aspects will typically relate to the physical elements of your proposal such as the buildings and infrastructure. They are typically created from agreed upon standards and specifications. For example, infrastructure such as accessways and roads need to be constructed in accordance with Engineering Standards and Guidelines. Your building plans will be subject to the Building Code and relevant specifications. These drawings need to be of a standard to pass the necessary consent authorisations from your local council. They re-inform the master plan with actual sizes and specifications, so are important to reconsider when reviewing the master plan. Many specialist will only price off working and approved drawings.

## Marrying the Preferred Approach with Demand

The preferred approach and the demand for development should be complementary, allowing for future growth and changes. It should also incorporate whānau needs and wants that you have been considering throughout the process. At this stage this should include factors such as bedrooms, size, indicative price ranges (for renting, purchasing, and finance reasons), common factors (i.e your whānau may all want solar panels), and quality.

## Project Information Memorandum

A project information memorandum (PIM) is not compulsory but is something you may wish to consider before you apply for all new dwellings, commercial projects and other significant building activities before applying for building consent. A PIM is a council-prepared report containing information on any special features of the land and regulatory requirements that are likely to have an impact on your building project. It will tell you if you need resource consent, about services connections and provide information about the land on which you want to build. It will give designers the information they need to produce accurate drawings. Having a PIM can save time and unexpected obstacles during the building consent process. However, if you have a planner/designer/architect, they may also be able to provide you with this information.

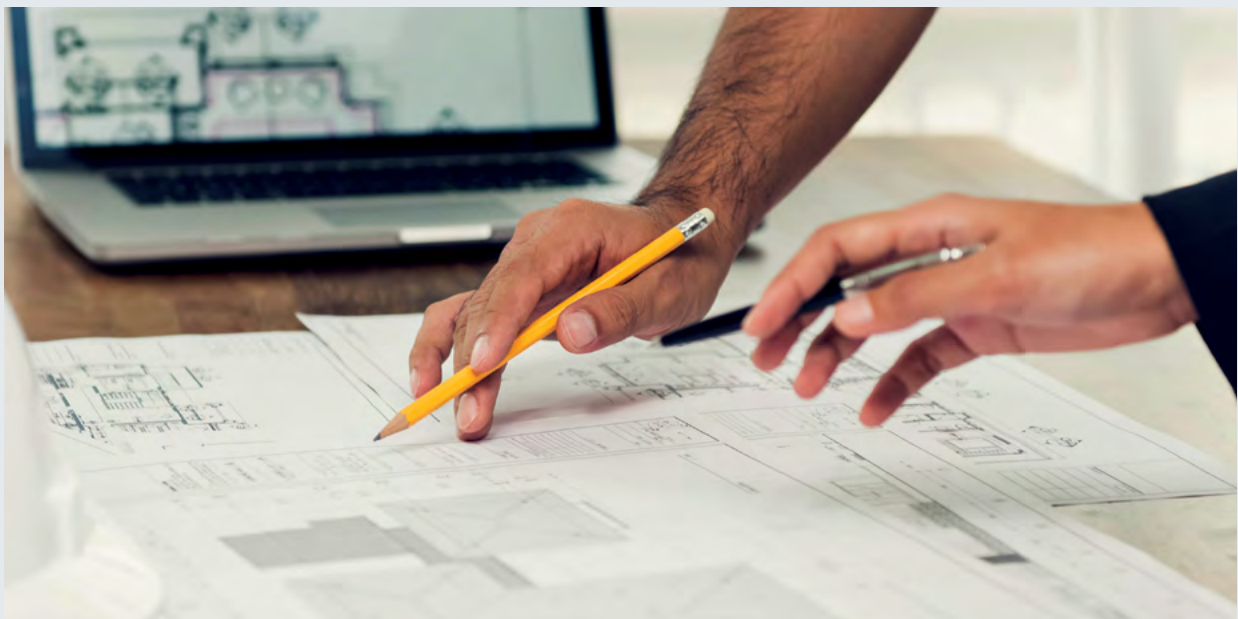
## Concept Development Meeting

We would suggest contacting Council and requesting a concept development meeting. In this meeting the project manager can meet with relevant Council staff from various departments – resource consents/planning, building consents, infrastructure and any other staff member you may need dependant on the proposal. Using your initial concept designs and drawings, you can seek preliminary feedback, advice, and likely Council implications in carrying out the development.

Importantly, you may be able to get an indication from Council regarding whether or not you will need to notify or seek your neighbours approval for the development. They may also be able to outline what exact technical reports and information you may require. Additionally, they may outline potential issues in contention.

## Finalising the Concepts and Options

At this stage you should be close to finalising your concept and reducing your options down to a preferred option. From the preferred option, you can start to work towards more detailed designs and working drawings, seek necessary technical reports and proceed towards getting consents. The viability of your preferred option may also be tested initially with Te Puni Kōkiri should you have all the necessary information to utilise their PVAT tool.



## Technical Reports

Preparing for consents and better understanding the feasibility of your proposal will require a range of technical reports. Whether or not you need particular reports however will depend on your whenuas particular features and circumstances. These should be well known at this stage. Typical reports include:

TOPOGRAPHICAL SURVEY	GEOTECHNICAL REPORT	SITE SUITABILITY REPORT	ARCHAEOLOGICAL SURVEY	CULTURAL HERITAGE REPORT	ENVIRONMENTAL IMPACT ASSESSMENT
<ul style="list-style-type: none"> <li>• Land contours</li> <li>• Levels</li> </ul>	<ul style="list-style-type: none"> <li>• Soil composition</li> <li>• Compaction</li> <li>• Foundation suitability</li> </ul>	<ul style="list-style-type: none"> <li>• Wastewater</li> <li>• Stormwater Water and Firefighting</li> </ul>	<ul style="list-style-type: none"> <li>• Past uses</li> <li>• Historical value</li> </ul>	<ul style="list-style-type: none"> <li>• Cultural value of the land to iwi</li> </ul>	<ul style="list-style-type: none"> <li>• Potential harm to environment</li> </ul>

Additionally, engagement with professionals such as planners or council staff will give you an initial understanding of what things you are likely to need in order to proceed.



# CONSENTS, PERMITS & AUTHORISATIONS

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Your papakāinga development is likely to require a range of approvals from local Council to undertake your proposed development. The key pieces of legislation are the RMA, for resource consents, the Building Act 2004, for building consents and the Local Government Act 2002, for bylaws and permits.

## Preparing Your Consent Applications

Pre-consent engagement processes have been previously described. Through those processes it should become quite clear whether your preferred development option will require resource consent or not. As noted, if the building work is not exempt, then you will need a building consent. From the information and advice received you may have had to alter or redesign your preferred option but are now able to proceed.

A planning professional, surveyor, or architect can prepare your resource consent application on your behalf, if your Trust is not familiar with Council processes.

A design professional, builder or similar can assist with your building consent application.

## Processing

Local authorities have a 20-working day statutory timeframe to decide on your resource consent and building consent applications. However, there are occasions where the Council can 'stop the clock'.

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### **ADDITIONAL COUNCIL REQUIREMENTS CAN INCLUDE:**

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- Where they seek further information or the commissioning of a report from the applicant

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- You need to amend plans (this may result in a further 20-day period)

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- Fire Service Notification (10 working days to advise of fire implications)

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- For particular reasons (i.e staffing shortages or requested by the applicant based on certain circumstances) they place the application on hold.

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It is useful to keep in touch with the relevant processing officer during the processing phase. Understanding any potential conditions early and discussing these with the processing planner is important. If you do not engage, your proposal may get stung with a particularly onerous condition where alternatives may be available.

Some resource consent applications may require either limited or full notification depending on the rule breaches under consideration or the extent and level of adverse effects on the environment. Where the notification process is carried out, you will need to hire relevant specialists to speak to and present your case to an independent hearings commissioner.



## Post Approval

There are a range of steps that can occur post approval of your consents. For example, if you disagree with the resource consent conditions imposed by the Council, you can legally object to them and ask Council to reconsider the proposed conditions. This may be necessary if you feel like a condition is unnecessary and inappropriate.

In terms of the building consent process, there will be a range of inspections for certain aspects of the build. Ultimately, a Code of Compliance Certificate is received for your buildings under consideration.

## Permits and Other Approvals

There are likely to be a range of other permits and approvals required for your proposed development. While the resource consent and building consent will typically cover everything, in some cases you will need additional approvals. This includes for example earthworks in certain circumstances (near your neighbours boundary) and when you are undertaking roadside works for vehicle crossings and accessways you may need particular authorisations from Council's roading department. Be cautious of any other approvals you may need.

# PUTEA

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## Funding & Finance

Access to funding and finance is an important element of the papakāinga development process. In each step we have asked you to update and record financial costs of your papakāinga development as you have gone along, as well as potential income streams. These costs and income streams should be tested against a financial model to assess the projects overall viability. For government funding, this type of modelling will be a requirement.

## Financial Modelling

Throughout this process, we have sought your consideration of the financial costs associated with development. We have also asked that you consider inclusion of any potential income streams to not only assist in paying for the development but also for future employment for whānau members. This approach not only helps you to decipher the costs of things but provides potential lenders and government agencies with an understanding of your projects viability.

As mentioned in earlier steps, Te Puni Kōkiri have available their "PVAT" which provides a line by line consideration of the viability of your project. Even if government funding is not sourced for your project, this Tool may still be useful in understanding some of the financial bottom lines you may need to meet to make your project successful.

Through using this Tool, you may need to change or alter aspects of your development so that chances of success are improved in relation to your costs, income, capital, and sources of finance.

## Sources of Finance

Your trust needs to think about how they will fund all the necessary costs associated with the papakāinga development. While there are opportunities for government funding, it is not a sound business model to rely on, particularly if you expect 100% government funding.

We have asked you to consider the broader future vision for the whenua, with a focus on a range of activities, not just papakāinga development. These other activities can sometimes help to secure funding, or create a source of income themselves, which can be used for papakāinga development.

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### SOURCES OF FINANCE INCLUDE:

- Savings, Income Streams and Investments
  - Asset Sell Down
  - Leasing, Lease Capitalisation, and Licensing
  - Debt
  - Equity
  - Government Funding
-

## Savings, Income Streams and Investments

Cash reserves are the savings built up over time which can be used at the Trust's discretion. They are additional to the Trusts capital used for operational purposes. If your Trust has only been operational for a short period, there may not be a large pool of capital available which may increase your timeframe to committing to development. However, if your Trust is well established you may have substantial savings available for development immediately.

Another component to consider is current or potential income streams available to use from the whenua. A reliable and consistent income stream will supplement the range of costs associated with development.

Your Trust may also have a range of short-long term investments which may be liquidated to fund development. These investments are typically low-risk so a switch to housing development needs to be assessed on its merits. Speak to your financial advisor or accountant about whether these can be liquidated and used and what the opportunity cost may be.

## Asset Sell Down

If your Trust has a range of assets not currently being used or productive they may wish to re-purpose their value to fund the papakāinga development proposal. The assets may include for example buildings, vehicles, equipment and inventory. Again, there are opportunity costs associated with removing these assets for papakāinga development and these should also be considered. Such assets may be critical in providing for the income streams considered above.

## Leasing, Lease Capitalisation, and Licenses

Your Trust may wish to lease areas additional to the papakāinga development to whānau or productive activities to generate an income stream. The relevant timeframes, costs, and conditions will all form part of a lease agreement. However, a standard lease provides income over time. In your scenario you may need a substantial amount of capital to use for development purposes.

A different type of lease arrangement can occur to provide for this requirement which is called lease capitalisation. This approach creates capital value over a leasable portion of the land. This is done by establishing a lease that requires all future rental payments to be paid up front through a discounted cashflow formula. This method means that the Trust can create value out of otherwise unutilised land but gives up the right to receive future income from that portion of land for the term of the lease. The cash generated can then be added to your cash reserves and used to develop the papakāinga.

A license to occupy may also generate some form of income for your Trust if they are used in situations to extract greater value than weekly rent scenarios. This may be useful as part of your overall mix of papakāinga developments if you need to generate value and capital.



## Debt

Lending or debt financing is a very common form and source of finance, however in the context of Māori Land can be particularly difficult to obtain.

Banks and lending institutions will normally assess your ability to service any loan using their own criteria and they will ask you to provide them with information about your finances and income to inform that decision.

In deciding they may also ask you about any assets you may have that you could use as collateral (something they could sell if you fail to make adequate payment of your debt) - this includes your Māori Land.

The Te Ture Whenua Māori Act does not prevent you from offering your Māori Land as collateral against a loan or mortgage. However, a bank or lending institute will assess whether they would be able to sell any assets should the need arise, and, depending on your ownership type, this could be difficult in the case of Māori Land.

If you default on your loan or mortgage (fail to make full payment), and the bank or lending institution decides to call in your debt, any asset you have used as collateral, including any Māori Land, can be transferred to the bank or lending institution who may then sell that asset at market rates to pay any of your outstanding debt.

This is part of the risk that you take when using Māori Land as collateral.

The Māori Land Court is unable to stop any transfer or sale of land when a bank or financial institution exercises their right to do so under a power granted them in a mortgage or loan agreement.

Whilst the land must be sold as Māori Land (it does not automatically become general land) a mortgagee sale may be sold to anyone at any price.

Once sold and transferred to the new owners all future transfers or sales then become subject to the preferred class of alienee provisions the Te Ture Whenua Māori Act.

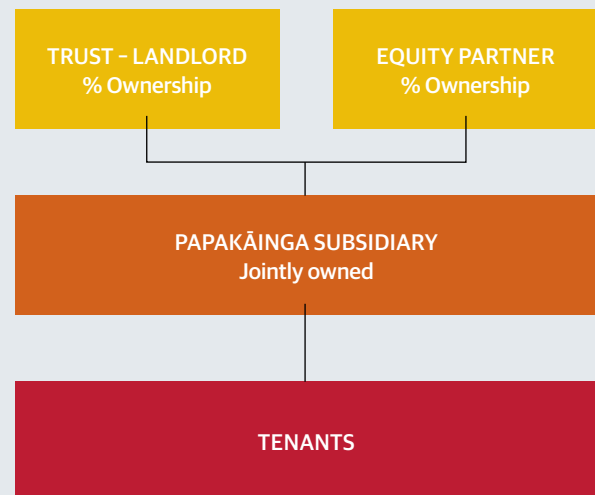
Therefore, you must consider using debt and debt financing very carefully, particularly where you have limited assets to use as collateral.

## Equity Capital

Equity capital is provided to the Trust from external parties. This can come from existing owners as a koha or for example as a down payment on a papakāinga home and site. It may also come in the form of sweat equity and time contributed to the kaupapa.

Equity partnerships can also be created to extract value from third party investors. This approach requires a level of sophistication that is not commonly used although available.

An example is shown below.



There are many avenues and sources of finance. Please take the necessary advice from specialists to confirm which will best work for your whānau.

## Government Funding

There are a range of funding opportunities in relation to papakāinga development provided for by the government.

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### GOVERNMENT OPPORTUNITIES INCLUDE:

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→ **SHAZ**

Technical Planning Support and Capability Building.

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→ **Infrastructure Grants**

Seed for Multi Dwelling Developments, 3 waters, electricity, telecommunications and access.

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→ **Capital Grant**

Vertical Building Grant.

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→ **Kāinga Whenua Loan**

Mortgage loans to households that have shares in Māori Land. Provided by Kiwi Bank and underwritten by Housing New Zealand.

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More information on these grants can be found on the [Te Puni Kōkiri website](#). Alternatively, you can contact their nearest regional office for more information.

## Approach

Like many other sections, you will require specialist advice and input as to the most appropriate financial approach for your development proposal. Each approach has their costs and benefits and opportunity costs for other potential land uses on the whenua. These all need to be considered and assessed by the Trust.

# PROJECT BUILD & ONGOING MANAGEMENT

This is your development and your papakāinga, and however many other people work on it – designer, builder, subcontractors – the buck stops with you. The process will probably take longer than expected. Prepare for frustrations and minor irritations. A lot can go wrong, but with good planning most should go right.

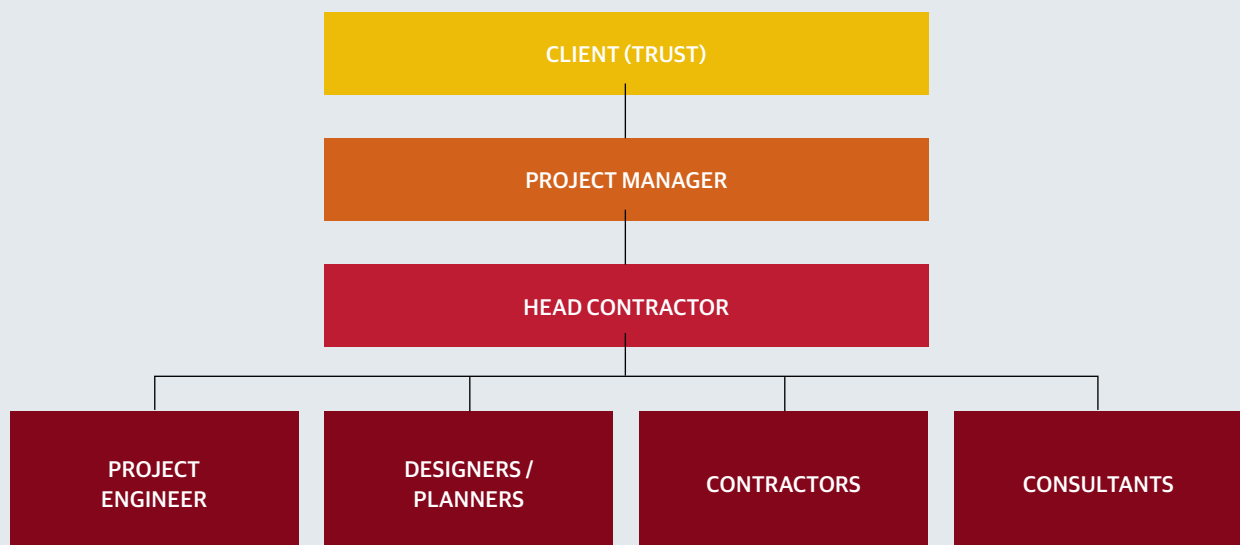
## Project Organisation

While you are likely to already have an overall project manager for the papakāinga development and the relevant professionals should report to you directly, we recommend that you don't become the official 'project manager' for the building development and civil works component unless you are qualified and experienced. Building a house is far more complex than you realise, and overseeing multiple is obviously

a far greater test. One reason why we suggest that you engage a professional for this task is that responsibilities for the quality of the build stay with the professionals employed on the site for ten years – including the project manager. This is risky if there are faults with the building works that you may have overseen and 'ticked off'.

With that being said, the Trust or project manager may seek the services of the main builder or designer to carry out these services on behalf of the trust. A few models are available for consideration (see below).

Working out the right structure, lines of communication and authorisations are all important steps to consider and set out prior to pulling the trigger on a building development. Once you have organised and set out your preferred approach, you can head to the market to select the appropriate contractors.



# PURCHASING GOODS & SERVICES

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You would have already purchased a range of services and goods from suppliers to be in the position you are in now. You may have used different purchasing techniques such as seeking request for proposals, tendering, or direct quotes.

This stage of the process includes the substantial physical elements of your papakāinga development.

## Choosing Builders and Contractors

Now that you have the necessary permits, finance, and have finalised design documents you are now able to choose builders and contractors to help bring your vision to a reality.

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### **TWO COMMON WAYS TO CHOOSE PROFESSIONALS ARE:**

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- 1 Choose a preferred supplier and invite them to prepare a quotation or 'tender' (and seek an alternative quotation to ensure competitive pricing)
  - 2 Call open or selective tenders from a range of suppliers and choose based on price.
- 

Through these approaches you can assess the suppliers who best meet your budget and timelines.



# CONTRACTS

A written contract protects you and sets out both parties' rights and obligations. It should help ensure the work is done according to your expectations and that key matters are agreed before the work begins. Verbal and handshake agreements are also legally enforceable but there can be less certainty about what has been agreed.

## A written contract is good for:

- confirming the price of the build/task
- setting out the roles of each contractor
- confirming any subcontractors
- setting start and finish dates for your work
- planning the payment schedule
- defining an acceptable quality of work
- detailing the materials and products used for your build
- confirming who pays for any council fees
- understanding what to do if there are defects (if any)
- detailing simple procedures for any disputes
- stating any ongoing maintenance work

Most contractors will have their own form of contract which they adjust to your project's specifications. You never have to accept a contract straight away. You can negotiate and discuss any changes you would like.

We would recommend you get a lawyer to look over the document before you sign it.

There are three different types of contracts you are likely to have with your builder/building company.

## Types of contracts are:

- 1 full contract
- 2 labour-only contract
- 3 managed labour-only contract.

The payment terms and schedule are generally different in each contract. You can also arrange a specific payment schedule through discussions.

You may pay your main contractor or other tradespeople hourly, weekly, or for a fixed or set price. Make sure you understand and confirm the payment schedule in your contracts.

If your contract does not set out a payment schedule, the default provisions set out in the Building Act apply.

## Building Act default payment provisions:

- At the end of each payment period the contractor can serve you with a payment claim. This must be in writing.
- Once you receive this, you can either pay the claimed amount before the due date (20 working days after service of the payment claim) or provide a payment schedule to the contractor.

The builder becomes the 'main contractor' under a full contract, and project manages the whole building process.

**They may take care of:**

- supplying and arranging all the building materials and products
- hiring subcontractors such as the plumber, electrician and tiler
- health and safety on site
- working with the architect or designer
- arranging Council inspections and the necessary stages
- letting the Council know if variations or amendments arise during building
- arranging for the final inspection and issue of the Code Compliance Certificate
- anything else you discuss, agree on and include in the contract.

Under a full contract, the builder/building company is responsible for the quality of their own work and their subcontractors' work. You can work with the builder/building company to make decisions that may arise during the build.

You are responsible for project managing the whole building process yourself if you have labour-only contracts with the tradespeople you hire. The tradespeople will only be responsible for the trade you have hired them to complete.

**Unless you have arranged for your designer to take on a project management role you may be responsible for:**

- making sure the work meets Building Code requirements
- buying and managing materials, products and supplies
- finding and hiring other tradespeople you may need for the project
- health and safety on site
- arranging Council inspections
- communicating any variations or amendments to the Council.

Make sure the role of each tradesperson is clearly defined in any written contracts you may have with them. Each tradesperson you hire is still obligated to produce quality work.

If you fail to organise the building process, such as hiring subcontractors, buying materials and arranging building inspections, then each tradesperson may be held up. This can cost you and your tradespeople in the long run.

A managed labour-only contract means the builder takes care of the day-to-day management of the build. You can arrange for them to have additional responsibilities if they agree to it.

**You or your builder/building company may be responsible for:**

- pricing the job
- organising materials, supplies and products
- hiring subcontractors
- arranging inspections
- communicating with the Council.

You need to communicate about the roles you will each take on to avoid delays or failing to complete crucial stages of the building process.

Make sure you document each of your roles and responsibilities in the contract to avoid crucial stages of the build not being completed. Unless you have the necessary expertise, we would recommend that these tasks are done by the experts.



# MANAGING BUILD

This section largely depends on what approach you have decided to take in earlier steps and the composition of your project team. Either yourself as the project manager or the professional you have engaged to manage the building component will need to undertake a range of tasks to complete the building works. These are outlined below.

## Sign Off and Maintenance

It's the building owner's responsibility to get council sign-off for the project, even if your building professional is doing it on your behalf.

Check the work as you go and when it's finished, so your building professionals can quickly respond to any questions or concerns.

You'll keep the quality and value of your build longer if you maintain the work and follow any product instructions (keeping warranties and guarantees valid).

As part of completing the build, your contractor must give you certain information and documents related to the building work, regardless of the price or size of the project. You might need them for your code compliance certificate application, as well as for management and maintenance of your building.

### YOUR CONTRACTOR NEEDS TO GIVE YOU:

- Information about processes and materials necessary to maintain the building work. This is particularly important if the building owner will need to carry out specific maintenance to meet Building Code requirements (such as any specified systems) or if there are requirements that could affect a guarantee or warranty related to durability
- A copy of any guarantees or warranties for materials or services used in the building work, including information about:
  - how to make a claim
  - whether the guarantee or warranty is transferable
  - whether it must be signed and returned to the issuer
  - a copy of any current insurance policy they hold for the building work, if it was completed under a contract (not including policies that expire when the work is complete).

You also need to review the work, as you have 12 months from the date your building work is complete to tell your contractors about any defects in their work or the work of their subcontractors. You may want an independent expert to do this on your behalf.

If you've contracted other tradespeople directly, you'll need to contact them yourself (in writing) about any defective building work.

If you tell contractors about any defective work within the 12-month period, they must put it right within a reasonable timeframe from receiving written notification. If there is a dispute, it is the contractors' responsibility to prove that any defects are through no fault of their own (or their product).

The papakāinga houses might be one of your bigger investments and there are things you can do to protect its value and use for future generations.



### GOOD MAINTENANCE WILL HELP YOU:

- Keep your property safe, healthy and durable (important for kuia, kaumātua, and tamariki)
- Keep any warranties or guarantees valid (for example, regularly cleaning claddings)
- Save money, by fixing problems before they get out of hand.

Many modern homes are described as 'low maintenance', but this does not mean 'no maintenance'. There is no such thing as a maintenance-free house.

Whether you're living in your home or renting it to tenants, there are four main approaches to maintenance.

### MAIN MAINTENANCE APPROACHES

#### 1 Regular maintenance

Carry out regular preventative maintenance to prevent problems from occurring. Note - sometimes issues can't be prevented, this is ok.

#### 2 Repairs

Carry out repairs when needed as early as possible. Don't let these linger and turn into larger problems.

#### 3 Major maintenance tasks

Plan for major maintenance tasks so you have the money and time available when the work is needed (for example, repainting or re-roofing).

#### 4 Emergencies

Be prepared for emergencies (for example, know where and how the water, gas and power supplies turn off. If you have tenants make sure they know too).

### AN EXAMPLE OF A MAINTENANCE CHECKLIST:



#### MAINTENANCE CHECKLIST:

- Plan regular preventive maintenance
- Budget for major maintenance tasks (including repainting)
- Carry out repairs promptly to avoid larger problems developing
- Know how to turn your water, gas and power supplies off
- Know your limitations - get qualified help when necessary
- Know what jobs you must get a professional to do (for example, restricted building work)
- Combat dampness by insulating, ventilating and heating your home
- Check mould and water stains for possible weathertightness problems
- Understand the maintenance requirements of your home's cladding
- Check cladding regularly for signs of water intrusion
- Keep drainage outlets clear on enclosed decks and balconies
- Check your roof annually
- Clean guttering and spouting regularly



# OPERATIONAL CAPACITY

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With your buildings now complete, you will need to either become experts in tenancy management and asset and property management or seek to engage professionals to undertake these services for you.

## Tenancy Management

Depending on your circumstances, it may be beneficial for you to engage property managers to organise and carry out your tenancy functions. It can be difficult being the landlord of your whānau and having some separation can be useful. This is sometimes a harsh approach but for the papakāinga to be successful, you need to make the hard decisions or have someone else make them for you.

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### **EITHER THE TRUST OR THE TENANCY AGENCY WILL NEED TO MANAGE:**

- Bond, rent, and letting fees
  - The type of tenancy - periodic vs fixed term
  - Tenancy agreements
  - Rights and Responsibilities
  - Warmer, drier and safer rental homes
  - Must include working smoke alarms, insulation, locks and security
  - Disputes, conflicts and resolutions
  - Tenancy conclusions
- 



## Asset Management

The assets that you have built will require ongoing maintenance, repairs and eventually upgrades over time.

There are a range of asset management methods and techniques you and your trust can use to get the most out of your assets that you have committed so much time, energy and money towards.

### REPAIRS AND MAINTENANCE

There are different approaches to repairing and maintaining assets. Each approach is appropriate for different occasions and needs of the asset.

SIMPLE



#### REACTIVE REPAIRS

- Provide repairs upon failure of the asset
- "Fix when broken"

BETTER



#### PLANNED ASSET OVERHAUL

- Pre-emptive expectation of asset failure
- "It's expected to break, lets plan for that date"

SMARTER



#### CONDITION-BASED MAINTENANCE

- Regular asset inspection
- Condition reports
- Pre-emptive maintenance
- "Fix it before it breaks"

SOPHISTICATED



#### ASSET ENGINEERING

- Performance feedback systems
- Data analysis
- Asset performance
- Six sigma
- "Engineering for zero failure"

## VENDOR MANAGEMENT FRAMEWORK

It is possible that some repair and maintenance work can be done by the whānau living in the papakāinga, which will further reduce the repairs and maintenance bill to the Trust.

However, the Trust will still need vendors for certain jobs that require technical qualifications. A vendor management framework is simply a list of vendors that the Trust can call on in the event of planned maintenance or reactive repairs being required. This list can be drawn from sub-contractors commissioned during the construction phase as they will generally have a good knowledge of how the assets were installed or constructed.

Good vendors will generally have an understanding of the maintenance requirements of an asset and can help advise on a maintenance plan for assets in their chosen discipline.



**General Handyman**



**Builder**



**Roofing Contractor**



**Locksmith**



**Data & Telecoms**



**Air Conditioning**



**Cabinet Maker**



**Flooring Maintenance**



**Electrician**



**Drain Layer, Gasfitter & Plumber**



**Painter / Plasterer**



**Grounds Maintenance**



**Glazier**



**Civil Contractor**



**Septic Tank Cleaning**



**Auto Door Repairs**

You will need to choose the most appropriate approach and continue to preserve the assets for future generations.

## Succession Planning

Your papakāinga development will span across numerous generations with sufficient management and planning. However, you need to continue to build the capacity and capability of your whānau and Trust to keep the papakāinga going and to continue to carry out any future elements of the proposed development. A succession plan process is considered below.

This succession process can be as slow or fast as the trust requires. The important point is that succession is being considered and that whānau are being integrated into the understanding of what has occurred and what needs to continue to occur over time for the whenua to continue to be sustainable for future generations.

### IDENTIFY

Needs  
Goals

### DOCUMENT

Current skills  
Future skills

### ASSESS

Candidates  
Gaps

### TRANSITION

People  
Roles

### DEVELOP

Abilities  
Support



# CHAPTER SUMMARY

Following the completion of this section, your trust should:

## Demand & Project Feasibility

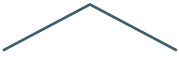
- Have undertaken housing demand/needs surveys to pinpoint whānau needs in respect to housing in relation to a range of age and family make up cohorts
- Have estimate and actual capital budget costs for the works to be undertaken
- Understand your consent requirements, what technical reports you require, the potential issues in contention of your development options
- Have the preferred development option decided upon (based on the information considered) and have relevant plans and drawings associated with that preferred option and demand specifics
- Understand the building and resource consent processes and have the necessary expertise on board to guide you through this process
- Have applied to Council for necessary consents and approvals

## Funding and Finance

- Have engaged, or sought, financial advice to consider and recommend the appropriate mix of finance
- Have completed a financial model based on your papakāinga proposal specifics or had discussions with Te Puni Kōkiri regarding their PVAT tool

## Project Build & Ongoing Management

- Have engaged relevant contractors to carry out the proposed building development
- Have signed contract documents
- Either engaged a specific project manager to carry out the building aspects of the papakāinga or the trust has committed someone to carry this out
- Have the buildings signed off with a Code of Compliance Certificate
- Understand any warranties, insurance, and defects liability
- Understand and establish processes to carry out necessary maintenance on your buildings
- Have a list of preferred suppliers that can be called upon to carry out maintenance, repairs and upgrades
- Built capacity, or engage specialists, to carry out tenancy and asset management services
- Have considered succession planning for the long term success of the papakāinga development



# KEY CONTACT DETAILS

Throughout this process you would have been in contact with a range of agencies and organisations to achieve your vision for the whenua.

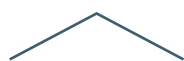
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**THE KEY AGENCIES INCLUDE:**

- [Te Rūnanga-Ā-Iwi O Ngāpuhi](#)
- [Far North District, Whangarei District, Kaipara District and Northland Regional Councils](#)
- [Te Puni Kōkiri](#)
- [Māori Land Court.](#)

Click on the above links for relevant contact information, office locations and more. Through this process you are likely to have contact details of relevant staff to assist you moving forward.





# CONCLUSION

Congratulations if you have managed to complete all steps and attended all workshops associated with this Toolkit. While the completion doesn't automatically guarantee success, you are now likely to have increased your capacity, capability and chances of carrying out papakāinga housing on your whenua.

## Disclaimer

This Toolkit is a guide only and we cannot guarantee success in your endeavours. However, the information and tools provided should improve your chances of success. Like any toolkit, it is general in nature and it may not cover the specific scenario you and your whānau faces. The toolkit and associated workshops are here to assist you, however these themselves will not complete the work required for success. This responsibility will ultimately lie with you.

Change is inevitable. Government funding priorities, changes to Māori Land, and changes to the management of land is always subject to change. Every attempt will be made to keep this document current but in some circumstances, information may become outdated.

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