



Te Ngāi Tū Ahuriri Rūnanga Inc.



WAIMAKARIRI  
DISTRICT COUNCIL

# MAHI TAHI JOINT DEVELOPMENT COMMITTEE

## Agenda

**Tuesday 8 February 2022  
Commencing at 9.00am**

***Council Chamber,  
215 High Street  
Rangiora***

***Members:***

Mayor Dan Gordon (Co-Chair)  
Tania Wati (Co-Chair)  
Deputy Mayor Neville Atkinson  
Councillor Al Blackie  
Dr Te Maire Tau, Upoko, Te Ngāi Tūāhuriri

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**A MEETING OF THE MAHI TAHI JOINT DEVELOPMENT COMMITTEE WILL BE HELD  
IN THE COUNCIL CHAMBER, 215 HIGH STREET, RANGIORA ON TUESDAY 8  
FEBRUARY TO COMMENCE AT 9AM.**

Recommendations in reports are not to be construed as  
Council policy until adopted by the Council

**BUSINESS**

Page No

**KARAKIA**

**1 APOLOGIES**

**2 CONFLICTS OF INTEREST**

*Conflicts of interest (if any) to be reported for minuting.*

**3 ACKNOWLEDGEMENTS**

Denise Hamilton.

**4 CONFIRMATION OF MINUTES**

**4.1 Minutes of the meeting of the Mahi Tahī Joint Development Committee  
meeting held on 24 August 2021**

5 - 12

*RECOMMENDATION*

**THAT** the Mahi Tahī Joint Development Committee:

- (a) Confirms as a true and correct record the circulated Minutes of the meeting of the Mahi Tahī Joint Development Committee held on 24 August 2021.

**5 MATTER REFERRED FROM COUNCIL**

**5.1 Review of Rating Policy – Remission of Rates on Maori Freehold Land-  
Maree Harris (Customer Services Manager) and Judith Schumacher  
(Rates and Debtors Team Leader)**

13 - 27

*RECOMMENDATION*

**THAT** the Mahi Tahī Joint Development Committee:

- (a) **Receives** Report No. 220113003258.
- (b) **Notes** that the Council Authorised the Mayor and Chief Executive to approve any wording adjustments after discussion of the Draft Revised Policy at the 8 February Mahi Tahī Committee meeting.

**6 MEMOS FOR INFORMATION**

**6.1 Status Update – WDC enforcement action relating to the Nikau/McKenzie -Saltwater Creek, Earthquake Demolition Material stockpile site – Jamie Woods (Team Leader RMA Compliance)**

(Trim No. 220127010312)

28

**6.2 Ocean Outfall – Cultural Impact Assessment and subsequent actions under CRC041162 – Libica Hurley (Project Planning & Quality Team Leader)**

(Trim No. 211029174329)

29 - 31

*RECOMMENDATION*

**THAT** the Mahi Tahī Joint Development Committee:

- (a) **Receives** memos no 220127010312 and 211029174329.

**7 MATTERS TO BE CONSIDERED WITH THE PUBLIC EXCLUDED**

*Section 48, Local Government Official Information and Meetings Act 1987*

*RECOMMENDATION*

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

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

Item N°	Minutes/Report of:	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
5.1	Mark Buckley, Principal Policy Planner	Waimakariri District Plan Review – Appointment of IWI Commissioner and Proposed District Plan Update	Good reason to withhold exists under Section 7	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987, and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item N°	Reason for protection of interests	Ref NZS 9202:2003 Appendix A
5.1	Protection of privacy of natural persons	A2(a)

### **CLOSED MEETING**

*See In Committee Agenda (blue papers)*

### **OPEN MEETING**

### **NEXT MEETING**

The next meeting of the Mahi Tahi Joint Development Committee will be held on Tuesday 8 March 2022.

#### **Briefing**

- *Update on Annual Plan 2022/23 – Jim Harland (CE) and Dan Gordon(Mayor)*
- *Annual Hui (tentatively scheduled for either Thursday 17 March or Thursday 24 March) - discussion on timing, location and agenda items.*

### **KARAKIA**



### 3.2 Matters Arising

T Wati asked whether the Pegasus Pou maintenance budget had been approved. Through G Cleary, C Brown (Community and Recreation Manager) provided the response that there was provision through the parks fund to pay for it. Staff were still waiting for an exact quote.

## 4 REPORTS

### 4.1 Heritage and Mahinga Kai Area – Establishment of Co-governance Arrangements – Duncan Roxborough (Implementation Project Manager – District Regeneration)

D Roxborough advised that a joint report had gone to the Te Kōhaka o Tūhaitara Trust in July. The Trust supported the proposal. This report was to recommend to Council approval of the co-governance arrangements. There would be a future report with further information regarding financials, lease agreement and other details. Members of the Joint Working Group had the 'on the ground' role.

Councillor Atkinson noted that the report referred to the neighbouring Kaiapoi Community Hub as having the right to be consulted as the Heritage and Mahinga Kai area progressed. He asked if it was necessary that they had an automatic right to consultation. D Roxborough explained that the Kaiapoi Community Hub would likely be effected by the development of the Heritage and Mahinga Kai Area and therefore had an interest, as such the Joint Working Group would consider their views. Subsequent to discussion the Committee expressed general agreement to removing specific reference to consultation with the Kaiapoi Community Hub, but this did not prevent engagement where appropriate.

Councillor Blackie referred to the section of the report which stated the purpose 'to facilitate the planting of native wetland and Podocarp forest - to service Tūāhuriri Runanga'. He asked about the inclusion of the wider community. D Roxborough commented that reference had come through from Mahaanui Kurataiao Ltd (MKT) report. From a Council perspective the purpose was to service the whole of the community. He was happy to discuss further with MKT. T Wati agreed with Councillor Blackie that the area was for the whole community, however it needed to be managed so it was not a 'free for all'. Tūāhuriri Rūnanga had 28,000 registered members and their needs needed to be balanced. How this was managed, for example seasonally, would need to be discussed.

Councillor Blackie questioned if the concerns raised regarding the Huria Reserve name had been resolved. T Wati advised it had not been a priority and asked if it was slowing progress on the project. D Roxborough advised that the name had been deliberately kept from the recommendation in case the matter had not been concluded.

Mayor Gordon asked if there was a pathway to resolution. T Tau was of the opinion the name should remain. The name had been endorsed by the Tūāhuriri Rūnanga representative responsible for approving names. There was general agreement to retain the 'Huria Reserve Heritage and Mahinga Kai Area' name as resolved previously by the Mahi Tahi Joint Development Committee.

Councillor Atkinson commented that in the Memorandum of Understanding there had been no recognition of people still owning former red zone property

adjoining the land and suggested recognition of those residents was required. D Roxborough acknowledged that the Trust and Joint Working Group would need to engage with those residents on a number of issues. Councillor Atkinson noted the work to be done by the Joint Working Group, however, he would still like a line to be included in the Memorandum of Understanding referring to ongoing engagement with remaining private property owners within the area identified.

T Wati disagreed that it was the responsibility of the Joint Working Group to liaise with the community. It was asking too much of M Rupene (the Tūāhuriri Rūnanga representative). Councillor Atkinson commented it was not the community at large, it was two property owners. T Wati reiterated that she believed it was not the responsibility of Tūāhuriri Rūnanga to liaise with the community in that way. D Roxborough noted it was a valid concern regarding workload. He commented that under the Terms of Reference there was an objective to keep the community engaged throughout the process, and the Council had budget for staffing to support that engagement as well as deliver other objectives as required.

T Wati asked if the level of commitment required to the Joint Working Group had been discussed with M Rupene. D Roxborough noted that G Byrnes had been in discussion with M Rupene and there would be further follow up around specifics. T Wati was concerned regarding the time commitment for one person. There was general consensus to having an 'alternate' representative from Tūāhuriri Rūnanga.

T Wati questioned if M Rupene would be representing Tūāhuriri Rūnanga or Environment Canterbury in the role. D Roxborough advised it was Tūāhuriri Rūnanga. T Wati requested that any reference to his role at Environment Canterbury be removed.

T Wati asked if the amount of \$1.74 million would be enough for the project. D Roxborough noted the opportunity the working group had to seek other funding. Mayor Gordon commented that ongoing funding would be addressed through the Long Term Plan process and would be looked at on a regular basis. The intent of the asset was that it would remain Council owned and be managed via the Trust.

T Wati sought clarity on the time period of the lease. D Roxborough commented it would be long term – potentially 30 years. T Wati requested clarity on that.

T Wati asked if there was any appetite for gifting the area to the Trust. S Markham noted that consideration would involve engagement with the Crown; it was possible but would require due process.

T Wati asked about the timeline for establishment and implementation. D Roxborough advised this report would be referred to Council and would be followed up with another report detailing specifics around lease, financials and other considerations. Timing for the mobilisation of the Joint Working Group and the commencement of the physical works was early 2022.

T Wati referred to the Kaiapoi-Tuahiwi Community Board retaining an interest in the reserve development and asked how they would be involved. Mayor Gordon noted that the area was within the community that the Board represented. Councillors Blackie and Atkinson were representatives on both that Board and the Mahi Tahī Joint Development Committee and could therefore report back.

Moved: Councillor Blackie

Seconded: Mayor Gordon

**THAT** the Mahi Tahi Joint Development Committee:

- (a) **Receives** Report No. 210802126558.

*AND*

**THAT** the Mahi Tahi Joint Development Committee recommends:

**THAT** the Council:

- (b) **Approves** the establishment of co-governance for the Heritage and Mahinga Kai Reserve development in the Kaiapoi South regeneration area through the existing Te Kōhaka o Tūhaitara Trust in accordance with the terms proposed within this report, to be implemented via addendum to existing agreement and Trust Deed (as required following legal review), and eventual establishment of a lease.
- (c) **Approves** the Terms of Reference, and membership of the proposed Joint Working Group including the following nominated representatives:
- i. Greg Byrnes, General Manager, Te Kōhaka o Tūhaitara Trust
  - ii. Kevin Dwyer, Landscape Architect, Waimakariri District Council
  - iii. Makarini Rupene, Pou matai ko (mahinga kai and cultural land management adviser), or alternate.
- (d) **Notes** that a further report will be brought to Council to approve the final terms of any lease agreement prior to issue, or any changes required to Trust Deed, in accordance with delegations policy.
- (e) **Notes** that a transfer of the existing remaining Regeneration Activity budgets (multi-year of \$1.74m total) for the Heritage and Mahinga Kai project to Te Kōhaka o Tūhaitara Trust will be required, for the purposes of implementation of the reserve development project, and that approval of terms for this will be sought in the further report to Council.
- (f) **Notes** that the Kaiapoi-Tuahiwi Community Board retain an interest in the reserve development and will be involved/consulted in key stakeholder design decision making by and through the WDC representative on the Joint Working Group.
- (g) **Notes** that whilst Council will retain ownership of the land; Te Kōhaka o Tūhaitara Trust will be responsible for implementation works, operational matters and associated costs, and will be submitting reports to Council on progress and seeking funding for ongoing operations costs beyond the project development phase, which are expected to be partly offset by commensurate reductions in Recreation activity budgets.
- (h) **Circulates** this report to the Kaiapoi-Tuahiwi Community Board.

**CARRIED**

Mayor Gordon supported the motion and thanked D Roxborough for his work in establishing a framework for co-governance.



4.2 **Proposed District Plan Provisions – Recommendations to Te Ngāi Tūāhuriri Rūnanga and Council – Trevor Ellis (Development Planning Manager)**

T Ellis provided a background to Council and Rūnanga discussions and decision making around District Plan provisions and to the point which they had now reached.

T Wati explained that the Rūnanga was well versed in the process of these plans having now been through three. The Rūnanga had a resolution which they were prepared to put to the Council.

G Cleary spoke to the roading topic which had been raised as a point of discussion during a recent Committee workshop. He noted the funding that Council had put towards providing services into Tuahiwi and noted the proposed road and footpath upgrade to ensure that infrastructure was present to support long term aspirations.

G Cleary referred to a map of the Tuahiwi area showing those roads that were not marked which had a road reserve width suitable for full development of the area. Those that were highlighted had a smaller legal road reserve width and as such would provide a challenge to future development. G Cleary explained the challenge using an engineering code of practice diagram that set out roading specifics including required widths. If MR873 was to be developed to its full extent it was not physically possible to fit in all road requirements to those highlighted roads, as 16 metre width was the bare minimum.

G Cleary acknowledged that he was very conscious that the Rūnanga did not wish to see the road reserve expanded and respected that position. He explained his concern around the 10 metre wide road reserve, while it would not be a barrier for development of a few houses, it would be a serious impediment to full development. If it was not addressed now it would be a problem deferred to the future. He wished to put future proofing of the roading corridors servicing MR873 to the Committee to consider. He apologised for the apparent lateness in which this issue had been raised but believed it was best to address before notification so there was a conscious decision on the best way forward.

T Tau referred to the individual roads in question, Topito Road, Bramleys Road, Turiwhaia Road, Waikoruru Road and Okaihau Road in respect to development. He asked how much land would be lost with setback. G Cleary replied there would be no land loss at the time if there was provision for setback. Ideally any new development would provide 6 metres for development. He understood there was clear direction from the Rūnanga and suggested 3 metres each side.

T Wati asked about the new RMA reforms and asked what sort of lifespan the District Plan therefore had. She expressed concern that going closer to notification there would be more issues to rush to deal with. Mayor Gordon commented that was why they believed it needed to come to the table today.

*The meeting adjourned from 10.35am – 10.45am*

Upon reconvening the meeting, Mayor Gordon asked if the question around road reserves would be covered as part of the recommendations as present. S Markham commented if not resolved before notification it could be addressed during submissions if necessary.

T Tau commented in regard to the roading issue he could see the logic in the required width. There was one road however where a setback could not be considered at this time.

There was general consensus from members of the Committee to the District Plan provisions incorporating the 3m setback for MR873 i.e. 16 metre road width excluding the noted road.

T Wati provided the following recommendation that the Rūnanga wished to put forward.

### **AMENDMENT**

- (a) Recognising the work that has gone into the draft District Plan, Ngāi Tūāhuriri could offer to provide its provisional support or endorsement for the draft Proposed District Plan at this stage, subject to:
- i. A final review of rules EI-R10, EI-R45 and EI-R46, Sub-S9 and Sub-S10 (all concerned with infrastructure requirements) to the satisfaction of Ngāi Tūāhuriri that any consenting barriers to the development of papakāinga are resolved; and
  - ii. A final review of the Special Purpose Zone (Kāinga Nohoanga). This is currently being edited by Council to ensure that development opportunities across all Māori Reserves are equal.
- (b) Mahaanui Kurataiao Ltd can advise that all other matters identified to date, have been or are close to being satisfactorily addressed by Council.
- (c) Ngāi Tūāhuriri may also wish to have a discussion/agreement with the Council on the following:
1. If any further issues or concerns arise in relation to the draft Proposed District Plan between now and the closing of submissions, that either one or both of the parties will make a submission to address the issue.
  2. Clear understanding and documentation on the process that was discussed at the joint hui on Monday 16 August for those rules which impose costs on descendant landowners i.e. flooding rules and acoustic insulation requirements for new homes.

There was general agreement from the Committee that the abovementioned recommendations from the Rūnanga should be incorporated as an additional element to the recommendation as presented in the report.

Moved: T Wati      Seconded: N Atkinson

**THAT** the Mahi Tahi Joint Development Committee:

- (a) **Receives** report No. 210819136006.
- (b) **Recommends** the Proposed Waimakariri District Plan to Te Ngāi Tūāhuriri Rūnanga and Council for public notification under the Resource Management Act 1991.

**Noting the following:**

1. Recognising the work that has gone into the draft District Plan, Ngāi Tūāhuriri could offer to provide its provisional support or endorsement for the draft Proposed District Plan at this stage, subject to:
    - A final review of rules EI-R10, EI-R45 and EI-R46, Sub-S9 and Sub-S10 (all concerned with infrastructure requirements) to the satisfaction of Ngāi Tūāhuriri that any consenting barriers to the development of papakāinga are resolved; and
    - A final review of the Special Purpose Zone (Kāinga Nohoanga). This is currently being edited by Council to ensure that development opportunities across all Māori Reserves are equal.
  2. Mahaanui Kurataiao Ltd can advise that all other matters identified to date, have been or are close to being satisfactorily addressed by Council.
  3. Ngāi Tūāhuriri may also wish to have a discussion/agreement with the Council on the following:
    - If any further issues or concerns arise in relation to the draft Proposed District Plan between now and the closing of submissions, that either one or both of the parties will make a submission to address the issue.
    - Clear understanding and documentation on the process that was discussed at the joint hui on Monday 16 August for those rules which impose costs on descendant landowners i.e. flooding rules and acoustic insulation requirements for new homes.
- (c) **Notes** the intention to seek to agree with Ngāi Tūāhuriri arrangements for Te Ngāi Tūāhuriri Rūnanga to be delegated responsibility under s33 of the RMA to provide for validation of consent applicant descendancy, drawing on the resources of Ngāi Tahu's Whakapapa Unit; such arrangements to be subject of a future report for approval by the Council and the Rūnanga.
  - (d) **Requests** the Council and the Rūnanga to direct the Mahi Tahi Joint Development Committee to further consider and advise on other appropriate forms of collaboration with Te Ngāi Tūāhuriri Rūnanga under the RMA, including joint management agreements under s36 to implement the Notified Proposed District Plan provisions that relate to the Kāinga Nohoanga zoning that applies to Māori Reserves; to occur in parallel with progressing notification and consideration of the Proposed Waimakariri District Plan.

- (e) **Notes** that areas of potentially significant natural areas (SNA) in whanau ownership that are candidate sites for inclusion in the Notified Proposed District Plan have not been included in the Proposed Waimakariri District Plan; in favour of reaching separate and specific agreement with affected landowners for their appropriate management.
- (f) **Circulates** this report to all Community Boards for information.

**CARRIED**

Mayor Gordon recognised the momentous piece of work the resolution represented and acknowledged all members of the Mahi Tahī Joint Development Committee. He understood there was work still to be completed but was pleased to see positive progress. He acknowledged the work of staff in particular T Ellis and N Rykers.

T Tau agreed the resolution represented a good way forward. The detail could be tidied up.

**NEXT MEETING**

The next meeting of the Mahi Tahī Joint Development Committee will be held on Tuesday 19 October 2021.

**KARAKIA**

There being no further business the meeting closed at 10.58am

CONFIRMED

\_\_\_\_\_  
Co-Chairperson

Date

**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR DECISION**

**FILE NO and TRIM NO:** RAT-03-01/220113003258

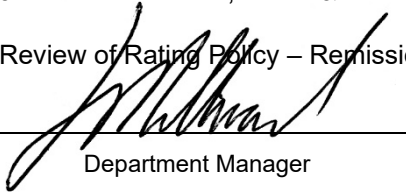
**REPORT TO:** COUNCIL

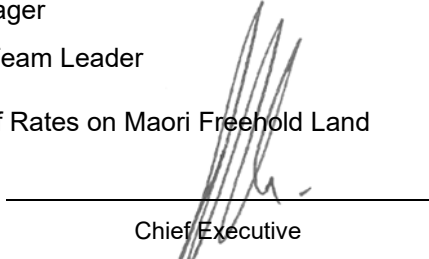
**DATE OF MEETING:** 2 February 2022

**AUTHOR(S):** Maree Harris, Customer Services Manager  
Judith Schumacher, Rates & Debtors Team Leader

**SUBJECT:** Review of Rating Policy – Remission of Rates on Maori Freehold Land

**ENDORSED BY:**  
(for Reports to Council,  
Committees or Boards)

  
Department Manager

  
Chief Executive

**1. SUMMARY**

- 1.1. This report requests Council approval of a review of the Rating Policy – Remission of Rates on Maori Freehold Land.
- 1.2. The review is required by the enactment of the Local Government (Rating of Whenua Maori) Amendment Act 2021.
- 1.3. Briefly the changes include removal of remission on un-used land as this becomes non-rateable under the new Act; inclusion of the ability to remit rates where there may be occupation, but no benefit to the owners; clarification of criteria for remission on land used for conservation purposes as some land with conservation covenants becomes non-rateable; and the inclusion of a specific reference to rates remissions on land being developed.

Attachments:

- i. Draft Policy for Remission of Rates on Maori Freehold Land for consideration (with and without tracked changes) TRIM 220118005276
- ii. Section 114A Local Government (Rating) Act 2002 – Remission of rates for Maori freehold land under development.

**2. RECOMMENDATION**

**THAT** the Council:

- (a) **Receives** Report No. 220113003258.
- (b) **Authorises** the inclusion of the draft policy for Remission of Rates on Maori Freehold Land in the 2022/2023 Draft Annual Plan for consultation, subject to recommendation (c).
- (c) **Authorises** the Mayor and Chief Executive to approve any wording adjustments after discussion of the Draft Revised Policy at the 8 February 2022 Mahi Tahī Joint Development Committee meeting.

**3. BACKGROUND**

- 3.1. The Local Government (Rating of Whenua Maori) Amendment Act 2021 became law during 2021. Changes required by the new Act are being phased in between the implementation date, 12 April 2021, and the adoption of the Long Term Plan 2024-2034.

- 3.2. A change to S 102 of the Local Government Act 2002 required that the following funding and financing policies support the principles set out in the Preamble to Te Ture Whenua Maori Act 1993.

The revenue and financing policy, the policy on development contributions or financial contributions, the policy on the remission and postponement of rates on Maori freehold land adopted under subsection (1) and any rates remission policy or rates postponement policy adopted under subsection (3).

- 3.3. The effective date for updating policies is being phased in, with the changes required at the earlier of the first review of each policy and 1 July 2024. The exception is the review of the policy for remission and postponement of rates on Maori freehold land which is required by 1 July 2022.
- 3.4. Other changes introduced by the Amendment Act made un-used Maori freehold land, and land that is subject to a Nga Whenua Rahui Kawenata (conservation covenant) non-rateable; and provided for the creation of separate rating areas where individual owners can choose to have their house rated separately to the balance of the land as if it were a separate rating unit.
- 3.5. The Local Government (Rating) Act now includes a statutory remission process for Maori freehold land under development. This gives land owners the right to apply for a rates remission when land is under development, without having to rely on an individual local authority developing its own policy for this. Councils are required to consider any written application received.

An extract from the Act that outlines the principles and process around this new statutory remission process is attached.

- 3.6 Councils now have the power (delegated to the Chief Executive) to write-off rates arrears on all land if it considers the rates are uncollectable, and on Maori freehold land where successors to interests in a block of land find themselves liable for rates debts of deceased owners.

#### **4. ISSUES AND OPTIONS**

- 4.1. The Council's current policy for remission of rates on Maori freehold land provides for a rates remission on land
- (a) in multiple ownership, unoccupied and not suitable for productive or practical use;
  - (b) land formally set aside for preservation or conservation purposes;
  - (c) in other circumstances where the Council considered it fair and equitable to do so.

Most of the remissions granted to date have been under item (a) above. Due to the multiple ownership, Council staff have initiated many of the existing applications for remission raising the option with owners where they can be identified. Under the new policy, it is likely that there will be more applications received from owners, particularly for land under development.

- 4.2. Changes resulting from the new legislation have made some of the existing policy irrelevant as all of the land that previously had rates remitted under the policy is now non-rateable.
- 4.3. The introduction and context sections of the policy have been extended to include the impacts of the new legislation. This is important to provide some background information for the reader.
- 4.4. Policy objective has been updated to include the Preamble to Te Ture Whenua Maori Act as required by the new legislation. This has been quoted directly from the Act. A reference to development has also been included in the objective.

- 4.5. The policy statement extends applications for remission to a Separate Rating Area which is a division of a rating unit. This means that if there is a dwelling on a rating unit of multiple owned land, the owners of the balance of the land could apply for a rates remission.
- 4.6. As un-used land is non-rateable, paragraph 4.1 has been changed to cover situations where there is no formal occupation, but the land may be being used informally.

In situations where an occupier can be identified, that person is responsible for payment of the rates regardless of whether there is an agreement in place.

- 4.7 Paragraph 4.6 in the policy now refers to preservation or conservation purposes where there is not a Nga Whenua Rahui Kawenata in place. (If the covenants exist, the land is non-rateable.)
- 4.8 A new paragraph 4.7 has been added to reference rates remissions on land under development. Section 114A of the Local Government Rating Act 2002 applies to these applications so it is not necessary to repeat the details in this policy. An application form is being developed for applications.

### **Implications for Community Wellbeing**

There are implications on community wellbeing by the issues and options that are the subject matter of this report. The revised policy, together with the new legislation clarifies rating processes on Maori freehold land and should make it easier for owners to utilise their land. There is potential for a positive impact on each of the four Wellbeings.

- 4.7. The Management Team has reviewed this report and support the recommendations.

## **5. COMMUNITY VIEWS**

### **5.1. Mana whenua**

Te Ngāi Tūāhuriri hapū are likely to be affected by, or have an interest in the subject matter of this report.

The draft Revised Policy has been referred to Racheal Evans, Advisor to Mahi Tahi Ngai Tuahuriri representatives for comment/advice to those representatives, for discussion at the 8 February Mahi Tahi Committee meeting.

### **5.2. Groups and Organisations**

Environment Canterbury have an interest in this matter as it will impact their rates. A copy of the draft will be provided to ECan staff for their information.

There are no other groups and organisations likely to be affected by, or to have an interest in the subject matter of this report.

### **5.3. Wider Community**

The wider community is not likely to be affected by, or to have an interest in the subject matter of this report.

## **6. OTHER IMPLICATIONS AND RISK MANAGEMENT**

### **6.1. Financial Implications**

There are financial implications of the decisions sought by this report. Rates remissions reduce the income received by the Council for the period the remission is granted. For this reason the draft policy delegates the approval of rates remissions for land under development to the Audit & Risk Committee.

This budget is not included in the Annual Plan/Long Term Plan. At the moment there are no rates remissions on Maori freehold land. In previous years, annual remissions were in the vicinity of \$11,000.

## 6.2. Sustainability and Climate Change Impacts

The recommendations in this report do have sustainability and/or climate change impacts. The revised policy will assist owners to consider more productive uses of their land by providing the option of a rates remission to land that is being developed.

## 6.3 Risk Management

There are not risks arising from the adoption/implementation of the recommendations in this report.

## 6.3 Health and Safety

There are not health and safety risks arising from the adoption/implementation of the recommendations in this report.

## 7. CONTEXT

### 7.1. Consistency with Policy

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

### 7.2. Authorising Legislation

**Local Government (Rating) Act 2002**

**Local Government Act 2002**

**Local Government (Rating of Whenua Maori) Amendment Act 2021**

**Te Ture Whenua Maori Act 1993**

### 7.3. Consistency with Community Outcomes

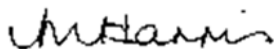
The Council's community outcomes are relevant to the actions arising from recommendations in this report.

Effect is given to the principles of the Treaty of Waitangi

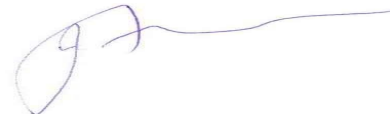
Indigenous flora and fauna, and their habitats, especially Significant Natural Areas are protected and enhanced.

### 7.4. Authorising Delegations

The power to adopt policies required to be adopted and consulted on under this Act in association with the long-term council community plan are the responsibility of Council.



Maree Harris  
Customer Services Manager



Judith Schumacher  
Rates & Debtors Team Leader



## POLICY

TRIM (REVIEW DRAFT) 220118005276

RATES

### Remission and Postponement of Rates on Maori Freehold Land

#### 1 Introduction

Section 102(2)(e) of the *Local Government Act 2002* requires the Council to have a policy for the remission and postponement of rates on Maori Freehold Land.

Section 102(3A) inserted by the Local Government (Rating of Whenua Maori) Amendment Act 2021 requires that the Policy for remission and postponement of rates on Maori Freehold Land must support the principles set out in the Preamble to Te Ture Whenua Maori Act 1993.

Maori Freehold land is defined in *Te Ture Whenua Maori Act 1993*, Section 129(2)(b) – “Land, the beneficial ownership of which has been determined by the Maori Land Court by freehold order shall have the status of Maori freehold land.”

The Waimakariri District Council has small areas of Multiple Owned Maori Freehold land. In some cases this land is leased by the owners or their agents and rates are being paid by the occupier.

There has historically been a problem securing the payment of rates on some residential sections in the Tuahiwi village which are in multiple ownership. The small size of the sections, township location and lack of adequate fencing precludes a farming use, and the complex ownership structure and number of owners limits its current and future potential for use as residential land.

Since its adoption, this Policy provided for the remission of rates on Maori Freehold Land that was in multiple ownership, unused, and not suitable for practical or productive use. A more recent update also provided for remission of rates where land was formally set aside for preservation or conservation purposes.

The enactment of the Local Government (Rating of Whenua Maori) Amendment Act brought into law provisions that impacted on Council policy.

- An unused rating unit of Maori Freehold Land became non-rateable;
- Land that is subject to a Nga Whenua Rahui Kawenata under Section 77A of the Reserves Act 1977 or Section 27A of the Conservation Act 1987 became non-rateable;
- The Chief Executive of a local authority is required to write off any outstanding rates that, in the Chief Executive’s opinion, cannot reasonably be recovered;
- The Chief Executive may write-off rates of deceased owners of Maori Freehold Land.
- A rating unit on Maori Freehold Land may be divided into separate rating areas
- Council must consider written applications for remission of rates on Maori Freehold land under development.

The *Te Ture Whenua Maori Act 1993* restricts the alienation of Maori Freehold Land and requires the Maori Land Court’s approval to any proposal to change the status to General land.

#### 2 Policy Context

The collection and recovery provisions of the *Local Government (Rating) Act 2002* do not apply to Maori Freehold land, and the options available for recovery hinge on obtaining an agreement to pay or a charging order, appointing a trustee and establishing an economic use to secure payment of rates.

**POLICY****TRIM (REVIEW DRAFT) 220118005276****RATES****Remission and Postponement of Rates on Maori Freehold Land**

Continuing to set and assess rates on these properties results in substantial arrears owing with little prospect of payment. The arrears penalty regime which sees 10% applied 6 monthly on the account balance creates levels of rates owing on these properties that would provide a major deterrent to future use.

The enactment of the Local Government (Rating of Whenua Maori) Amendment Act, addressed this issue by making unused Maori Freehold Land non-rateable. There may, however be occasions where the Council considers it is fair to apply rates relief to land that has a current use or occupation, and this Policy would enable such a remission.

The Council also considers the protection of the character and natural features of land is important, and rates remission as a useful tool in encouraging conservation.

While land that is subject to a Nga Whenua Rahui Kawenata becomes non-rateable, there is likely to be land in the District that is set aside for conservation purposes that has no formal covenant in place.

The Council's other rating policies apply to Maori Freehold Land to the same extent that they apply to all other land in the District.

**3 Policy Objective****3.1 Support the principles set out in the Preamble to Te Ture Whenua Maori Act 1993**

“Whereas the [Treaty of Waitangi](#) established the special relationship between the Maori people and the Crown: And whereas it is desirable that the spirit of the exchange of kawanatanga for the protection of rangatiratanga embodied in the Treaty of Waitangi be reaffirmed: And whereas it is desirable to recognise that land is a taonga tuku iho of special significance to Maori people and, for that reason, to promote the retention of that land in the hands of its owners, their whanau, and their hapu, and to protect wahi tapu: and to facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whanau, and their hapu: And whereas it is desirable to maintain a court and to establish mechanisms to assist the Maori people to achieve the implementation of these principles.”

**3.2 Meet the objectives of the Revenue and Financing Policy for fairness, consistency and equity by recognising that the collection of rates on Maori Freehold Land can be complicated by the following unique features:**

- statutory restrictions on alienation
- ownership structures restrict the use and potential for use of the land by individual owners and others
- owners often have only a spiritual and cultural involvement with the land rather than any physical attachment to it
- the presence of waahi tapu (sacred place) may affect the use of the land for productive purposes
- exemption from the collection provisions of the *Local Government (Rating) Act 2002*
- multiple ownership does not encourage individual owners to take responsibility for rates
- owners who live locally are paying rates on their own residential properties and absentee owners receive no benefit from Council services as they are not able to realise the value of their asset
- the numbers of owners and small size of many individual shares makes collection of rates from individuals uneconomic

## POLICY

TRIM (REVIEW DRAFT) 220118005276

RATES

### Remission and Postponement of Rates on Maori Freehold Land

- once land is occupied, there may be a development period before the land becomes productive and income earning
- ownership records are often out of date as succession is not always registered
- ownership results from ancestral inheritance or transfer rather than purchase
- to support conservation initiatives that preserve the character of Maori Freehold Land
- to set aside land that is better set aside for non-use because of its natural features (whenua rahui) to recognise and take into account the importance of the land for community goals relating to the preservation of the natural character of coastal environment and the protection of outstanding natural features.

**3.3** That the Council's rates debtors asset is maintained at a realistic level.

#### 4 Policy Statement

4.1 The Council may on its own motion or on the application of any owner or group of owners remit up to 100% of the rates on any rating unit containing Maori Freehold Land or Separate Rating Area created under Section 98A of the Local Government (Rating) Act 2002 where:

- (a) the land is in multiple ownership and there is no formal occupation or lease agreement; and
- (b) any use of the land is informal and unauthorised and provides no benefit to the owners; and
- (c) the size, location, lack of fencing or other features preclude the productive or practical use of the land.

4.2 Applications for remission shall be supported by:

- (a) a schedule of owners
- (b) certificate of title (where applicable)
- (c) confirmation of land status
- (d) plan of property and aerial photograph (if available)
- (e) details of any use or occupation and reasons why relief is sought.

4.3 Rates remissions shall continue until the use of the land changes so that the provisions of clause 1 of this policy no longer apply.

4.4 Work completed by an adjoining property owner to keep the property in a tidy or manageable condition is not considered to be occupation in terms of this policy unless the land is fenced off for the exclusive use and benefit of that person.

4.5 The taking of plant material for traditional or medicinal purposes is not considered to be occupation in terms of this policy.

#### Conservation

4.6 Where land has been formally set aside for preservation or conservation purposes and there is not a Ngā Whenua Rāhui kawenata under [section 77A](#) of the Reserves Act 1977 or [section 27A](#) of the Conservation Act 1987, a rates remission of up to 100% may be granted. The amount of the remission will depend on:

- (a) The proportion of the property that is being used for conservation purposes; and
- (b) The desirability of preserving particular natural, historic or cultural features within the district; and

**POLICY****TRIM (REVIEW DRAFT) 220118005276****RATES****Remission and Postponement of Rates on Maori Freehold Land**

- (c) Whether, and to what extent, the preservation of particular natural or historic or cultural features might be prejudicially affected if rates remission is not granted in respect of the land on which they are situated; and
- (d) Whether and to what extent preservation of particular natural or historic or cultural features are likely to be encouraged by the granting of a rates remission.

Land Under Development

- 4.7 Section 114A of the Local Government (Rating) Act requires the Council to consider any application by a ratepayer for a remission of rates on Maori freehold land in the event that the ratepayer or another person is developing, or intends to develop the land. Applications must be in writing and address the matters raised in Section 114A (3) (a) – (e).
- 4.8 Details of any rating unit that receives a rates remission under this policy shall be recorded in a Register. Land shall be inspected at least annually to ensure that there is no occupation of the land or person receiving benefit from it.
- 4.9. The Council will not postpone the requirement to pay rates on Maori Freehold land, other than in terms of any policy adopted under Section 102(3)(b) of the *Local Government Act 2002*.
- 4.10. The Council may remit rates arrears including penalty charges on any rating unit containing Maori Freehold Land in any circumstances where it believes it would be fair and equitable to do so.

**5 Links to legislation, other policies and community outcomes***Local Government Act 2002**Local Government (Rating) Act 2002**Local Government (Rating of Whenua Maori) Amendment Act 2021**Te Ture Whenua Maori Act 1993*

Waimakariri District Council Rating Policies

**Community Outcomes***Effect is given to the principles of the Treaty of Waitangi*

- The Council in partnership with Te Ngai Tuahuriri Runanga, continue to build our relationship through mutual understanding and shared responsibilities.
- Maori cultural identify, values and aspirations are reflected in built and natural environments..

*Indigenous flora and fauna and their habitats, especially Significant Natural Areas are protected and enhanced.*

- Conservation, restoration and development of significant areas of indigenous vegetation and/or habitats is actively promoted.

**6 Adopted by and date**

Adopted by Council on XX June 2022 through the 2022-2023 Annual Plan.

The following Delegations apply:

Manager, Finance &amp; Business Support – to approve inclusion in the Maori Freehold Land Remission Register of any property that meets all of the requirements of Clause 1 of this Policy.

**POLICY**

**TRIM (REVIEW DRAFT) 220118005276**

**RATES**

**Remission and Postponement of Rates on Maori Freehold Land**

Audit Committee – to approve an application for rates remission on land that is under development. To hear and make a final decision on any appeal on an application for remission that has been declined.

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Next review at 2024 Long Term Plan.

DRAFT

## Remission and Postponement of Rates on Maori Freehold Land

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"Whereas the Treaty of Waitangi established the special relationship between the Maori people and the Crown: And whereas it is desirable that the spirit of the exchange of kawanatanga for the protection of rangatiratanga embodied in the Treaty of Waitangi be reaffirmed: And whereas it is desirable to recognise that land is a taonga tuku iho of special significance to Maori people and, for that reason, to promote the retention of that land in the hands of its owners, their whanau, and their hapu, and to protect wahi tapu: and to facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whanau, and their hapu: And whereas it is desirable to maintain a court and to establish mechanisms to assist the Maori people to achieve the implementation of these principles."

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- ~~(a)~~ the land is in multiple ownership and [there is no formal occupation or lease agreement unoccupied](#); and
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~~4.22.~~ Applications for remission shall be supported by:

- (a) a schedule of owners
- (b) certificate of title (where applicable)
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### Remission and Postponement of Rates on Maori Freehold Land

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*Local Government Act 2002*

*Local Government (Rating) Act 2002*

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Waimakariri District Council Rating Policies

#### **Community Outcomes**

~~Public effect is given to the spirit of the Treaty of Waitangi~~Effect is given to the principles of the Treaty of Waitangi

- ~~• The Council in partnership with Te Ngai Tuahuriri Runanga, continue to build our relationship through mutual understanding and shared responsibilities~~The Council in partnership with Te Ngai Tuahuriri Runanga, continue to build our relationship through mutual understanding and shared responsibilities.
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~~The community's cultures, arts and heritage are conserved and celebrated~~Indigenours flora and fauna and their habitats, especially Significant Natural Areas are protected and enhanced.

- ~~• All cultures are acknowledged, respected and welcomed in the District~~Conservation, restoration and development of significant areas of indigenous vegetation and/or habitats is actively promoted.

### Remission and Postponement of Rates on Maori Freehold Land

#### 6 Adopted by and date

Adopted by Council on ~~19-XX~~ June ~~2022~~2018 through the ~~2018-28~~2022-2023 Long Annual Term Plan.

The following Delegations apply:

Manager, Finance & Business Support – to approve inclusion in the Maori Freehold Land Remission Register of any property that meets all of the requirements of Clause 1 of this Policy.

Audit Committee – ~~to approve an application for rates remission on land that is under development. T-~~to hear and make a final decision on any appeal on an application for remission that has been declined.

#### 7 Review

Next review at 2024 Long Term Plan.



## New Zealand Legislation

# Local Government (Rating) Act 2002

## 114A Remission of rates for Māori freehold land under development

- (1) The purpose of this section is to facilitate the occupation, development, and utilisation of Māori freehold land for the benefit of its owners.
- (2) A local authority must consider an application by a ratepayer for a remission of rates on Māori freehold land if—
  - (a) the ratepayer has applied in writing for a remission on the land; and
  - (b) the ratepayer or another person is developing, or intends to develop, the land.
- (3) The local authority may, for the purpose of this section, remit all or part of the rates (including penalties for unpaid rates) on Māori freehold land if the local authority is satisfied that the development is likely to have any or all of the following benefits:
  - (a) benefits to the district by creating new employment opportunities:
  - (b) benefits to the district by creating new homes:
  - (c) benefits to the council by increasing the council's rating base in the long term:
  - (d) benefits to Māori in the district by providing support for marae in the district:
  - (e) benefits to the owners by facilitating the occupation, development, and utilisation of the land.
- (4) The local authority may remit all or part of the rates—
  - (a) for the duration of a development; and
  - (b) differently during different stages of a development; and
  - (c) subject to any conditions specified by the local authority, including conditions relating to—
    - (i) the commencement of the development; or
    - (ii) the completion of the development or any stage of the development.
- (5) In determining what proportion of the rates to remit during the development or any stage of the development, the local authority must take into account—
  - (a) the expected duration of the development or any stage of the development; and
  - (b) if the land is being developed for a commercial purpose, when the ratepayer or ratepayers are likely to generate income from the development; and
  - (c) if the development involves the building of 1 or more dwellings, when the ratepayer or any other persons are likely to be able to reside in the dwellings.
- (6) [Sections 85\(2\)](#) and [86](#) apply to a remission made under subsection (3).
- (7) This section does not limit the application of [section 85](#) or [114](#) to Māori freehold land.

Section 114A: inserted, on 13 April 2021, by [section 50](#) of the Local Government (Rating of Whenua Māori) Amendment Act 2021 (2021 No 12).

**WAIMAKARIRI DISTRICT COUNCIL****MEMO**

**FILE NO AND TRIM NO:** 220127010312

**DATE:** 8 February 2022

**MEMO TO:** MAHI TAHI COMMITTEE

**FROM:** Jamie Woods Team Leader –RMA Compliance

**SUBJECT:** Status Update – WDC enforcement action relating to the Nikau/McKenzie -Saltwater Creek, Earthquake Demolition Material stockpile site.

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The purpose of this memo is to update the Mahi Tahī Committee on the status and progress of enforcement action by the Waimakariri District Council (WDC) in relation to the deposition of earthquake generated demolition material at 38, 53 and 72 Maori Lane and 1774 Main North Road, following concern over the impact on mahinga kai areas, raised at their last meeting.

**BRIEF BACKGROUND**

- Some 10000 m<sup>2</sup> of “demolition material” was stockpiled on the site now known as 36 Maori Lane, by contractors for Nikau Demolition, from the post Feb 2011 Earthquake demolitions in Christchurch.
- The intention was to sort and compost the material and use it as a soil conditioning product on the adjoining farm.
- Partial retrospective consent approvals were granted in Oct 2014 from both ECan (5 consents, including various discharge permits and consent for composting and stockpiling activities) and from WDC (2 consents, including processing/composting activity and to apply the compost product to the adjoining farm area)
- Consents issued by Environment Canterbury are understood to have expired on the 20th of October 2020. The land use consent issued by Waimakariri District Council does not expire; however has a limited period of consent of 5 years.

**COMPLIANCE/ENFORCEMENT ACTIONS**

Following limited progress evident, ECan’s Enforcement team have recently re-investigated the site and are committed to remediation of the site via an enforcement process. The Rūnanga have been informed of this process, via ECan’s Iwi Liaison person, Makarini Rupene, who along with Andrew Arpse, have provided the most recent update at an appropriate level of detail to the Rūnanga. It is my understanding that this includes the provision for protection of mahinga kai areas.

WDC compliance staff have continued to monitor the site since ca 2014 on a regular basis and confirmed no additional stockpiled material had been deposited. The last monitoring visit was undertaken on the 24<sup>th</sup> of November 2021

As the outstanding issues relating to the WDC Consents, should be resolved with the completion of the actions being by ECan, similar directives from WDC are not warranted at this point.

WDC RMA Compliance officers will continue to liaise directly with their ECan counterparts for updates.

**WAIMAKARIRI DISTRICT COUNCIL****MEMO**

**FILE NO AND TRIM NO:** SEW-03-18-03-02 / 211029174329

**DATE:** 8 February 2022

**MEMO TO:** Mahi Tahī Committee

**FROM:** Libica Hurley, Project Planning & Quality Team Leader

**SUBJECT:** Ocean Outfall – Cultural Impact Assessment and subsequent actions under CRC041162

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The purpose of this memo is to respond to a question raised at the last Mahi Tahī meeting held 19 October 2021, seeking confirmation of the resulting actions following a cultural impact assessment (CIA) undertaken at the time that the Ocean Outfall was established.

**Background**

In 2003 Waimakariri District Council (WDC) engaged Ecological Services to prepare a CIA (Record No. 170109000863). The mission statement was as follows;

- *Ensure that Papatipu Rūnanga concerns, issues and values are identified and documented in relation to this consent application.*
- *Gather input from Papatipu Rūnanga for incorporation into the Assessment of Environmental Effects which will be incorporated into the Waimakariri District Council discharge application(s)*
- *The Waimakariri District Council, as the application, is fully informed of any potential effects on Tāngata Whenua values that these applications may have (Ecological Services, September 2003).*

**Consent Decision**

According to the Assessment of Environmental Effects (AEE) (prepared by URS New Zealand Limited) lodged with Council's application to discharge (CRC041162), the CIA undertaken raised concerns by tāngata whenua. Where possible, resolutions to these concerns were agreed over two meetings held between WDC Mayor, Councillors, Senior Staff, Chief Executive and representatives from Ngāi Tūāhuriri and Ngāi Tahu on 30 September and 14 October 2003. The concerns discussed and resolved related broadly to the outfall length and effluent quality. These conversations occurred as a direct result of having completed the CIA.

The CIA was referenced in the AEE prepared by URS and provided to Environment Canterbury (ECan) with the Resource Consent Application, for consideration when assessing the Resource Consent application. The original discharge consent (CRC041162) was issued by ECan on 12 July 2004 for a term of 35 years. A variation was issued in 2007, and another in 2009.

**Variations**

In 2007 Council pursued a variation to consent CRC041162 to increase the Total Suspended Solids (TSS) limit from 50 g/m<sup>3</sup> to 200 g/m<sup>3</sup>. The following was noted in ECan's variation consent decision.

*Te Ngāi Tūāhuriri Rūnanga opposed the application as there had been no assessment of the effects of the proposed activity on cultural values, nor any measures to avoid, remedy or mitigate any of these effects. The rūnanga requested that the applicant acknowledge*

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*the rūnanga's ancestral relationship with Te Tai o Marokura (the waters of Pegasus Bay), and that the applicant discusses with the rūnanga how this may be achieved (Environment Canterbury, 9 May 2007).*

Straight after the first variation was issued in May 2007, work on a second variation application commenced. On 11 May 2007? WDC corresponded with Cawthron Institute seeking their review of the consent conditions with a view to further varying the consent to provide a more appropriate monitoring programme. During processing of the first variation ECan staff believed that the monitoring programme could be revised to better identify potential adverse environmental effects from the discharge (Record No. 070510013969).

### **Cultural Monitoring Proposal**

Following the issuance of variation CRC041162.1, a meeting between Council staff and Ngāi Tūāhuriri Rūnanga members was held and Council sent a follow up letter, from which the following is extracted (Record No. 071206039613);

*As explained, this (the variation) comes about because ECan have raised questions about the efficacy of the existing conditions to adequately demonstrate what is happening in the ocean. The Council engaged the Cawthron Institute to review the existing conditions and they have recommended changes as set out in the papers that you have been given.*

*...In addition, I am also prepared to propose to the Council that it commit to spending up to \$15,000 in each of years one, three and five and at five yearly intervals thereafter on sampling and laboratory testing associated with a cultural monitoring programme, to be developed jointly by the Council and Te Rūnanga o Ngāi Tūāhuriri.*

As a result there was a Cultural Monitoring Proposal drafted between Council and Te Rūnanga o Ngāi Tūāhuriri (Understood Te Marino Lenihan and Makarini Rupene were involved) (Record No. 080407010731 & 080404010637), see Appendix A & B, this was planned to be undertaken in addition to existing ECan consent monitoring. The draft Cultural Monitoring Proposal's objective sought;

*To better understand the level of contamination in Te Tai o Maha-a-nui and the mahinga kai within, and to gain an understanding of the possible different causes so as to look at ways of minimizing the impacts and advocate for the sustainable management of mahinga kai into the future.*

Unfortunately I've been unable to locate any Council records that confirm whether this monitoring proposal was pursued further. It is possible that the project lost momentum and the cultural monitoring was never implemented.

### **Next Steps**

In response to the query raised at the last Mahi Tahi Committee meeting regarding action following the CIA commissioned, the findings in this memo conclude that the CIA prompted collaborative resolution of the tāngata whenua concerns raised at the consenting stage.

Following the processing of the first variation, the monitoring programme was discussed further, including the possibility of cultural monitoring. However it doesn't appear to have eventuated in the long term.

Currently the Council monitors the outfall based on the conditions of our ECan discharge consent, however as signalled during brief discussion at the last Mahi Tahi meeting by Gerard Cleary, Manager - Utilities and Roading, he is willing to re-visit a proposal for cultural monitoring. The following next steps are considered appropriate for the for Mahi Tahi Committee to review;

- Review Draft Cultural Monitoring Proposal written in 2008 (Appendix A & B)
- Draft a new Cultural Monitoring Proposal and Programme
- Confirm Cultural Monitoring Proposal and Programme to be implemented, subject to budget approval from Council