

WHANGANUI BAY MAORI RESERVATION TRUST

PAPAKAINGA O NGĀTI TE MAUNGA

POLICY NAME: **OCCUPANCY (LICENCE TO OCCUPY)**

POLICY NUMBER: P001

ORIGINAL AUTHORISATION:

DATE:

Version Control:

Serial	Date	Change	Responsible	Sign

Associated policies: The associated policies include:

- a. Whanganui Bay Maori Reservation Charter.

1. The key consideration for occupancy is:

- a. Maintain Ahi kaa responsibilities.
- b. Controls impacts of people on the whenua and wai.
- c. Protect and nourish the papakainga.
- d. Promote hapu unity.

2. **DEFINITIONS.** The following definitions:

- a. Occupancy / to occupy: To occupy the land through being on the land with a permanent building – this does not mean any land is owned by the occupant or Licence holder. Only the Trust are the legal owners, on behalf of the beneficiaries.
- b. Stay: To be overnight or longer on the papakainga.
- c. Visitor or guest: An ineligible person.
- d. License to Occupy. A licence issued by the Trust that authorised the stipulated person to erect a permanent building on the papakainga and dwell in that building.
- e. Licence Holder: The licence holder is the responsible person for the building, annual fee, occupants and visitors. The licence holder must be a living descendant.

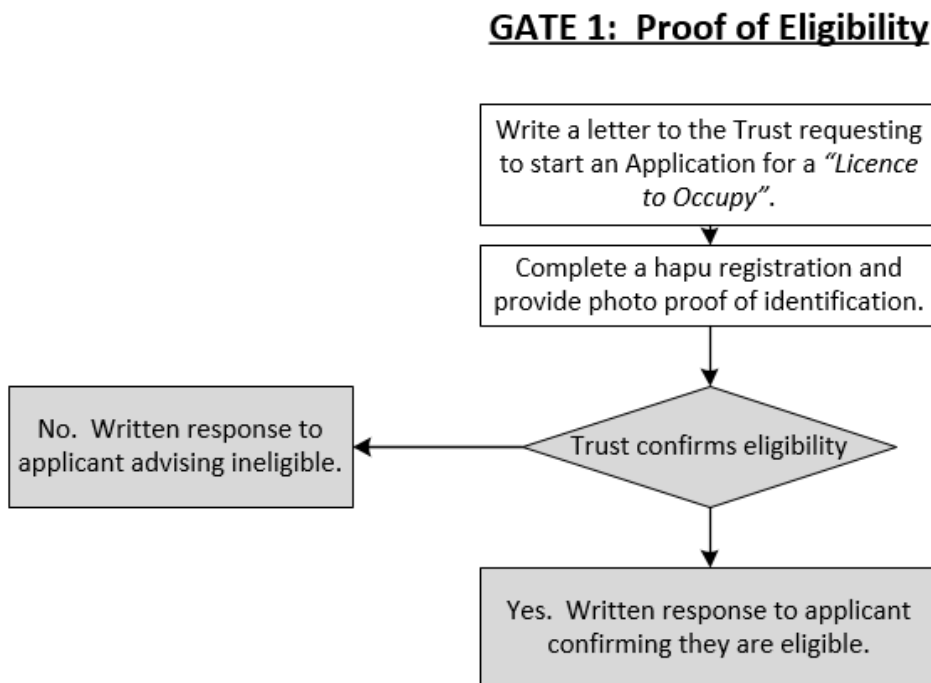
- f. Provisional Licence: Issued during the occupancy process that allows the holder to build a permanent building within the two year build term. A Provisional Licence maybe revoked if conditions are not met.
 - g. Build Term: 2 year time period allotted for erecting a new building.
 - h. Designated inheritor: The person designated on the licence to occupy who will re-new the licence when the current licence holder becomes deceased. The designated inheritor must be an eligible person (descendant of Ngāti Te Maunga).
 - i. Resident. An eligible beneficiary who lives permanently on the land in a building and has a Licence to occupy.
 - j. Squatter. An ineligible beneficiary who has erected a dwelling on the land or occupying a dwelling and does not have a Licence to occupy and does not have permission of the licence holder to occupy that building.
 - k. Occupancy Non-beneficiary (ineligible). A person who is not an occupancy beneficiary, which is a person who is not a blood descendant of Te Maunga.
3. **METHOD**. The method of occupancy on the land include:
- a. Permanent privately owned homes.
 - b. Camping areas for visits.
 - c. Hapū owned bach for rental visits eg. A Trust owned bach
 - d. Hapū owned permanent tents for rental visits. (Future development)
4. **TYPE**. The types of 'presence' by Ngāti Te Maunga Hapu on the reservation includes:
- a. Day Visitors.
 - b. Overnight stays.
 - c. Special Events (Weddings)
 - d. Hapū event (Tangi, Unveiling).
 - e. Permanent residents.
5. **AUTHORITY**. The Whanganui Bay Maori Reservation Trust has full authority to set, manage, perform and enforce the occupancy policy. All applications for a Licence to Occupy must be submitted to the Trust. All approvals throughout the application process are to be minuted by the Trust and held on a register of applicants. All Licence to Occupy that have been approved and issued are also to be held on a register by the Trust.
6. **RESPONSIBILITIES**. All beneficiaries, including Trustees are responsible for ensuring that occupancy in the reservation conforms to Trust policies.
7. **MAXIMUM OCCUPANCY**. A maximum occupancy for the papakainga will be set in the future once the full study of capacity of the whenua is understood. This will limit the number of buildings that

can be erected and hence why camping and Trust owned buildings are part of the overall strategy for the reservation.

8. A Licence Holder may only hold one licence – that is” One House, One Licence Holder; One Licence Only”.
9. **ELIGIBILITY.** Only, blood descendants of Ngāti Te Maunga are permitted to occupy the reservation (papakainga), apply and hold a “*Licence to Occupy*”.
10. **TERM.** From the receipt of the new Licence to Occupy, introduced with this policy, the term of each licence is for the life of the licence holder. After which the designated inheritor may re-new the licence and take up the responsible role of the licence holder, at which time the occupancy term shall commence again. Current licences exist under the current Reservation Act term of 14 years, in the case where occupancy has been authorised.
11. **OCCUPANCY SYSTEM.** The occupancy with the reservation is a system of interrelated processes and policies, this policy being the primary policy. The occupancy system includes:
 - a. The Trust as the Authority.
 - b. Eligible Beneficiaries.
 - c. The Occupancy Policy.
 - d. Responsibilities.
 - e. The Application Process.
 - f. Build Standards.
 - g. Conditions of Occupancy.
 - h. Safety and Security.
 - i. Tikanga and Kaupapa.
 - j. Succession to inheritors.
 - k. Disputes Process.
 - l. Cancellation of Licence.
 - m. Vacating of the Reservation.
12. **APPLICATION PROCESS.** The occupancy process shall be conducted only once a year and be authorised through a correctly convened Trustee meeting with minuted approvals. All applications, responses and approvals are to be in writing, with copies held on files by both the Trust and individual applicants and licence holders. In addition the process will also include announcing all existing and new licences at the Annual General Meeting.
13. The process covers a 3 gate procedure, each gate needs to be passed through before continuing through the procedure to the next gate. The details of the process are:
 - a. **GATE 1: Proof of eligibility.**
 - i. Complete the hapu registration form through to Te Maunga whakapapa. Noting that the onus on proof of whakapapa is the responsibility of the applicant.
 - ii. Provide proof of identity.

- b. **GATE 2: 6 Step - Application for Licence.**
 - i. Complete the application form and understand and agree the Conditions of Occupancy.
 - ii. Trust issues a *“Provisional Licence to Occupy”*, that includes a requirement to capture photographic stages of the build.
 - iii. Trust allocates a site.
 - iv. Submit a building plan that includes: site plan, building plan, waste disposal details and timeline for build.
 - v. Submit the application fee payment on invoice \$650.
 - vi. Receive the *“Licence to Build”*.
- c. **GATE 3: 4 Step – Build Process.**
 - i. Build within 2 years under the *“Licence to Build”*.
 - ii. Pay the fee for the 2nd year of the licence, if applicable.
 - iii. Inspection of wharepaku and waste water control, paid by the applicant.
 - iv. Inspection of completed building works, paid by applicant.
 - v. Issue of *“Licence to Occupy”*.

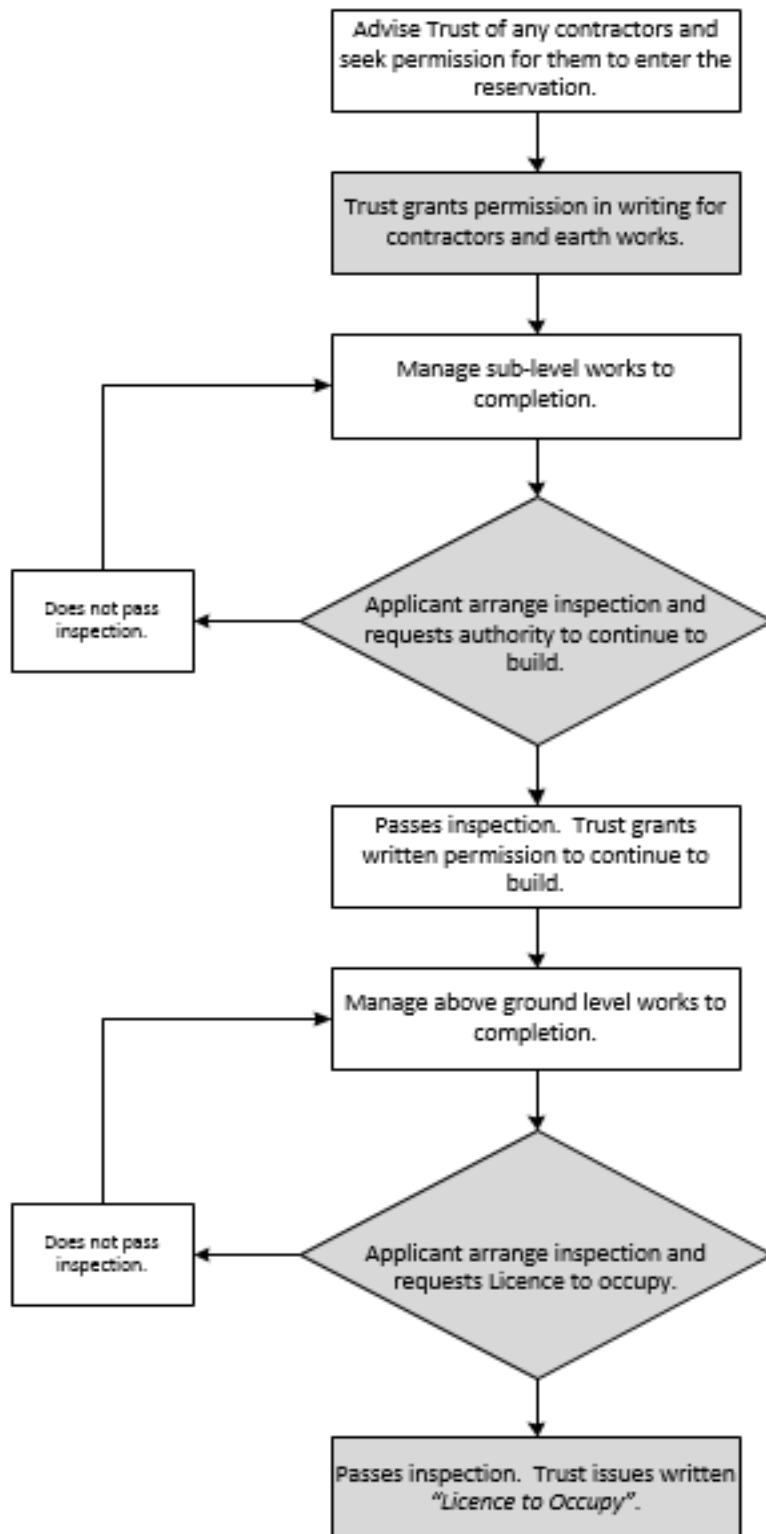
14. **DETAILED APPLICATION PROCESS.** The following flow diagram is designed to explain the process in greater detail.



GATE 2: Application for Licence



GATE 3: Build Process



15. **LICENCES.** The following licence types are issued during the process. It is recommended that a copy of the Licence is displayed on the internal wall of the dwelling.

- a. Provisional Licence to Occupy. This licence allows the applicant to commence planning.
- b. Licence to Build. This licence grants permission for the applicant to build. A '*Licence to Build*' can be cancelled if conditions and process are not followed. The '*Licence to Build*' requires the applicant to both photograph their build process and also arrange and pay for the two build inspections.
- c. Licence to Occupy. The '*Licence to Occupy*' shall be issued to one person who is the responsible person. The licence maybe renewed by the designated inheritor. The Trust maybe a designated inheritor. Where no designated inheritor exists the building shall become the property of the Trust regardless of any Will held.

16. **APPLICATION PROCESS TIMELINES:** The application process is an annual process that occurs only once. The timelines are as follows:

- a. 31 August each year. Initial letter to Trust to commence an application for a Licence to Occupy and validation of eligibility. Gate 1 Proof of Eligibility closes.
- b. 1 September each year. Open Gate 2 Application for Licence. This stage can be quite complex and difficult to complete when subject to the specific site that is allocated and when arranging building plans. Therefore an applicant will have **17 months** to complete this gate. That is, if an applicant commences Gate 2 on 1 Sep 2017, they have until 1 March 2019 to complete this gate.
- c. 1 Mar each year. Gate 2 Application for licence closes. If the applicant does not make this gate by completing the process, the application will have to make the gate in the following year. Should an application fail to make the gate two years in a row the application will be cancelled.
- d. May AGM each year. A report will be presented to the AGM of:
 - i. Current Licence Holders.
 - ii. Applicants in each of the 3 gates.
- e. 2 Year period. 2 year period to build after an applicant has received a '*Licence to Build*'. A maximum 2 year period to complete Gate 3.

17. **APPLICATION FEE.** Any application fee shall be applied during GATE 2 and GATE 3. The fee shall be \$650. The first fee shall be paid prior to receiving the "*Licence to Build*". Should the build be completed within 1 year the applicant shall then commence paying the Annual Fee. Should the build take the full 2 years, the applicant will be required to pay a further application fee for the second year. Application fees will not be reimbursed if an applicant wishes to cancel their application. Application fees will not be reimbursed if the build fails to meet the set timelines for each gate.

18. An applicant will be responsible for arranging and paying for the two inspections required as part of the build process during GATE 3.
19. **ANNUAL FEE.** Those beneficiaries and occupants currently paying annual fees of \$300 will not incur the new fee until the annual period commencing 1 Apr 2018, which is the new financial year. That is, an invoice of \$520 will be sent out on 1 Apr 2018 for the period 1 Apr 2018 to 31 Mar 2019. Licence holders or building owners will have a full year to pay the new fee.
20. For building owners who are currently not paying an annual fee- the first full payment of \$520 shall be due BEFORE 31 Mar 2018. An invoice will be sent in the month of Jun 2017. This first annual fee can be paid in full or this can be paid by part installments prior to 31 Mar 2018, ensuring that the total amount is paid before 31 Mar 2018.
21. Once all current occupants, building owners and licence holders are on the new annual fee the following will apply:
 - a. The Annual Fee is due no later than 1 March.
 - b. Annuals fees can be paid in allotment or part sums.
 - c. All online payments and automatic payments must be made using reference number, initials and surname of the licence holder.
 - d. The annual fees will be reviewed every 3 years.
 - e. The Trust will account for fees collectively as revenue but also maintain individual account information for licence holders in order to track individual payments.

Summary of Fees and Costs to be paid by Applicant and Licence Holder

Fee	Description	Requirement	Cover
\$650	Application for Licence to Build	Compulsory	1 Year
\$650	2 nd Year Application for Licence to Build	Only for a build taking longer than 1 year	1 Year
Cost by Applicant	Inspection of waste water controls. Inspection of Compliant building.	Compulsory	Life of building
\$520	Annual Occupancy Fee	On issue of Licence to Occupy and Annual invoice	1 Year

22. **CONDITIONS OF OCCUPANCY.** The following are required to be met in order to be eligible for a Licence to Occupy.

- a. Buildings are to be to the equivalent build standards to the local council's set standards.
- b. The building exterior colour is to blend into the natural surroundings.
- c. Sustainable materials and approach to living is required.
- d. Only 2 building permitted being a house and shed.
- e. Building size maximum of 81m², collectively. (total of houses, decks and shed)
- f. A minimum of 5m between licenced buildings for safety and privacy reasons.
- g. No fences or boundary indicators are permitted.
- h. Only permanent residents may have gardens. Other properties can have potted plants.
- i. Only 2 car spaces should be planned for in the space adjacent to the building.
- j. Weeds and lawns must be kept tidy at all times.
- k. Pests, bees and other build-up of insects are to be killed and controlled at all times including an annual requirement to lay approved bait.
- l. All waste is to be removed from the papakainga including black and grey water, recycling and general waste. This waste must be held on site in tidy and locked manners.
- m. Generators are to be muffled through sandbags or digging into the ground.
- n. Smoke detectors and fire extinguishers are to be present and operable.
- o. All properties are to be kept tidy, that is, free from excess belongings, rubbish and derelict appearance.
- p. No-subletting.
- q. No commercial use.
- r. No unescorted stay or hunaonga (in-laws) or friends, remembering this papakainga is for descendants and not for use of in-law family and friends.
- s. Active involvement in marae, trust and hapu activities must occur by all of the regular occupants.
- t. No use just for holiday period and holidaying purposes only.
- u. No cats, only non-aggressive dogs on controlled leash allowed, not to exceed 2.
- v. All occupants to behave and act in a manner that is friendly, responsible and approachable.
- w. Report all unusual incidents to the Trust.
- x. Abide by all other Trust and marae policies.
- y. Attend the Trust Annual General Meeting.

23. **CONTRIBUTION AND PRESENCE.** This means we expect occupants of dwellings to contribute routinely and over a long period of time, which is Ahi Kaa and Ahi Kaaroa or in other words those who contribute to the marae, the trust and to mahi on the whenua. This is in keeping with tradition as rangatira and kaumatua routinely would leave lands and belongings to descendants who were on the land and stayed to keep the home fire burning and who stayed to keep the land being protected, harvested and tended to. Indeed, Parekawa herself left specific land to her mokopuna and not her children. Te Waaiti explained in his claims why some whanau were less entitled as they

had left the whenua for other places. Finally, this approach is in keeping with the Ariki of Tuwharetoa, who has been heard to say – ‘if you want a say in the land, then return to the land.’

24. **No** rules exists that give priority to generational lines or to a whanau group being restricted to one dwelling. Contribution and presence is the key.
25. **REPORTING, RECORDING AND RESOLUTION.** Any issues and concerns between the Trust and occupants should be raised both in person and in writing. The responsible person for the building, occupants and Licence to Occupy is the Licence Holder. The Licence Holder is responsible for communicating and reporting to the Trust. The Licence Holder is who the Trust will communicate with for any matters to do with occupancy. This does not exclude all beneficiaries from being individually responsible for behavior and activities under the Charter.
26. All concerns and incidents will be captured in the individual files of the Licence Holder.
27. The Trust will resolve any concerns, issues and disputes in accordance with the Charter. In general the process used by the trust will include:
 - a. Meetings to discuss the issues.
 - b. Written letters of issues, concerns and resolution.
 - c. Work together to resolve issues.
 - d. In exceptional and extreme cases:
 - i. Cancellation of Licence to Occupy.
 - ii. Issue of Notice to vacate.
 - iii. Issue of Notice of eviction.
 - iv. Issue of Trespass Notices.
28. **EFFECTIVE DATE OF THE APPLICATION PROCESS.** The new application process will take affect 1 Aug 2017.
29. **TRANSITION ACTIONS TO ACHIEVE POLICY.** The Transition plan from current housing to the new conditions and procedures will involve a number of different processes and stages.
30. **TRANSITION: EXISTING BUILDINGS OR CARAVANS.** The following process will pertain to responsible owners who currently have a building or caravan on the reservation:
 - a. Currently own a house on the Papakainga and Meet Eligibility:
 - i. Two years to meet the conditions of occupancy and update documents and licence by April 2019.

- ii. Work together with the Trust to develop and complete the individual's plan to meet the conditions of occupancy.
- b. Currently own a house on the Papakainga and DO NOT Meet Eligibility:
 - i. Contact the Trust within 4 months, by 1 October 2017 to discuss eligibility and to discuss the process to manage the remaining term of occupancy.

31. **EXISTING APPLICANTS.** Applicants that have not built or have not completed the application process are required to make contact with the Trust to confirm an individual plan. The following process will pertain to applications that have been or are currently in process:

- a. Previously NOT approved by Trust. NO FURTHER ACTION.
- b. Previously ALLOCATED A SITE but have not built. MEET WITH TRUST TO UPDATE DOCUMENTS AND PROCESS GATE 2 FOR LICENCE TO BUILD.
- c. Currently in process and have not received approval in writing. CANCEL APPLICATION.

Entitlement	Status Description	Due 1 Aug 2017	Due 1 Oct 2018	1 Apr 2019
Eligible Beneficiary	Fully or Near Fully Compliant Building and Documents			Update documents. Understand/ Agree the Conditions of Occupancy
	Built/Caravan No Documents Non-Compliant Build			Update documents and sign. Make your building compliant.
	No building but approved and allocated a site	Update documents. Commence Gate 2 of the process.		Complete build.
	In the application process, have not been allocated a site	Application cancelled. Commence Gate 1.		
	Application previously not approved	Commence Gate 1.		
Ineligible Person	Do not whakapapa	Meet with Trust and confirm actions.		
	Angels (deceased)	Commence Gate 1 by inheritor.		

END POLICY