



**Far North  
District Council**



**Te Kaunihera o Tai Tokerau ki te Raki**

# **AGENDA**

## **Bay of Islands-Whangaroa Community Board Meeting**

**Thursday, 4 February 2021**

**Time: 10.00 am**  
**Location: Baysport Complex**  
**Harmony Lane**  
**Waipapa**

**Membership:**

Chairperson Belinda Ward – Chairperson  
Deputy Chairperson Frank Owen  
Member Lane Ayr  
Member Manuela Gmuer-Hornell  
Member Dave Hookway  
Member Bruce Mills  
Member Rachel Smith  
Member Manuwai Wells

**The Local Government Act 2002 states the role of a Community Board is to:**

- (a) Represent, and act as an advocate for, the interests of its community;
- (b) Consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board;
- (c) Maintain an overview of services provided by the territorial authority within the community;
- (d) Prepare an annual submission to the territorial authority for expenditure within the community;
- (e) Communicate with community organisations and special interest groups within the community;
- (f) Undertake any other responsibilities that are delegated to it by the territorial authority

**Council Delegations to Community Boards - January 2013**

The "civic amenities" referred to in these delegations include the following Council activities:

- Amenity lighting
- Cemeteries
- Drainage (does not include reticulated stormwater systems)
- Footpaths/cycle ways and walkways.
- Public toilets
- Reserves
- Halls
- Swimming pools
- Town litter
- Town beautification and maintenance
- Street furniture including public information signage.
- Street/public Art.
- Trees on Council land
- Off road public car parks.
- Lindvart Park – a Kaikohe-Hokianga Community Board civic amenity.

**Exclusions:** From time to time Council may consider some activities and assets as having district wide significance and these will remain the responsibility of Council. These currently include: The roading network, Hundertwasser toilets, District Library Network, Baysport, the Kerikeri, Kaikohe & Kaitia Airports, Hokianga Vehicle Ferry, i-Site network, Far North Community Centre, Kerikeri Domain, Kawakawa Heated Swimming Pool, Kaikohe Cemetery, Kerikeri Sports Complex, The Centre at Kerikeri, the Bay of Islands/Hokianga Cycle Trail.

Set local priorities for minor capital works in accordance with existing strategies,

1. Recommend local service levels and asset development priorities for civic amenities as part of the Annual Plan and Long Term Plan processes.
2. Reallocate capital budgets within the Annual Plan of up to 5% for any specific civic amenity, provided that the overall activity budgetary targets are met.
3. Make grants from the allocated Community Funds in accordance with policy 3209, and the SPARC/Sport Northland Rural Travel fund in accordance with the criteria set by the respective body, and, for the Bay of Islands-Whangaroa Community Board, the power to allocate the Hundertwasser Donations Account.
4. Provide comment to council staff on resource consent applications having significance within the Community, including the provision of land for reserves or other public purposes.
5. To hold, or participate in hearings, as the Council considers appropriate, in relation to submissions pertinent to their community made to plans and strategies including the Long Term Plan and Annual Plan, and if appropriate recommend decisions to the Council.
6. To hold hearings of submissions received as a result of Special Consultative Procedures carried out in respect of any matter other than an Annual or Long Term Plan, and make recommendations to the Council.
7. Where recommended by staff to appoint management committees for local reserves, cemeteries, halls, and community centres.

8. To allocate names for previously unnamed local roads, reserves and other community facilities, and recommend to Council name changes of previously named roads, reserves, and community facilities subject to consultation with the community.
9. To consider the provisions of new and reviewed reserve management plans for recommendation to the Council in accordance with the Reserves Act 1977, and hear or participate in the hearing of submissions thereto, as considered appropriate by the Council.
10. To provide recommendations to the Council in respect of applications for the use and/or lease of reserves not contemplated by an existing reserve management plan.
11. Prohibit the use of skateboards in specified locations within their communities, in accordance with Council's Skating Bylaw 1998.
12. Recommend new bylaws or amendments to existing bylaws.
13. Prepare and review management plans for local cemeteries within budget parameters and in a manner consistent with Council Policy.
14. Exercise the following powers in respect of the Council bylaws within their community:
  - a. Control of Use of Public Spaces – Dispensations on signs
  - b. Mobile Shops and Hawkers – Recommend places where mobile shops and/or hawkers should not be permitted.
  - c. Parking and Traffic Control – Recommend parking restrictions, and areas where complying camping vehicles may park, and consider and grant dispensations in accordance with clause 2007.2
  - d. Public Places Liquor Control – Recommend times and places where the possession or drinking of alcohol should be prohibited.
  - e. Speed Limits – Recommend places and speed limits which should be imposed.
15. To appoint Community Board members to speak on behalf of their community in respect of submissions or petitions.
16. Specific to the Bay of Islands-Whangaroa Community Board – consider any recommendations of the Paihia Heritage Working Group and make appropriate recommendations to Council on the development of a draft Plan Change and a Section 32 analysis on heritage provisions for Paihia.
17. To set schedule of meeting dates, times and venues, subject to the meetings not conflicting with meetings of the Council and satisfying the provisions of the Local Government Official Information and Meetings Act 1987.
18. To review all proposed public art projects on a project-by project basis to ensure they comply with policy #5105 Art in Public Places, including approval of the aesthetic appearance, maintenance programme, insurance and appropriate location, and to agree to their installation.
19. In respect of applications from food establishments for permission to establish tables and chairs on a public place, i.e. Alfresco dining in accordance with Policy 3116, to consider and decide on any application which does not meet all criteria of the policy, and any application which staff recommend to be declined.
20. Subject to a report from the appropriate managers and the appropriate budgetary provision, to make decisions in respect of civic amenities including the levels of service, and the provision or removal of an amenity not provided for elsewhere in these delegations.

### **Terms of Reference**

In fulfilling its role and giving effect to its delegations, Community Boards are expected to:

1. Comment on adverse performance to the Chief Executive in respect of service delivery.
2. Assist their communities in the development of structure plans, emergency management community response plans, and community development plans.
3. Assist their communities to set priorities for Pride of Place programmes.
4. Have special regard for the views of Maori.
5. Have special regard for the views of special interest groups, e.g. disabled, youth, aged, etc.
6. Actively participate in community consultation and advocacy and keep Council informed on local issues.
7. Seek and report to Council community feedback on current issues by:

- a) Holding a Community forum prior to Board meetings
  - b) Varying the venues of Board meetings to enable access by members of the community
8. Monitor and make recommendations to Council to improve effectiveness of policy.
  9. Appoint a member to receive Annual Plan\Long Term Council Community Plan submissions pertinent to the Board area, attend hearings within the Board area, and attend Council deliberations prior to the Plan adoption.

## Protocols

In supporting Community Boards to fulfil their role, the Council will:

1. Provide appropriate management support for the Boards.
2. Organise and host regular workshops with the Community Boards to assess the 'State of the Wards & District' to establish spending priorities.
3. Prior to decision-making, seek and include 'Community Board views' in Council reports in relation to:
  - a. the disposal and purchase of land
  - b. proposals to acquire or dispose of reserves
  - c. representation reviews
  - d. development of new maritime facilities
  - e. community development plans and structure plans
  - f. removal and protection of trees
  - g. local economic development initiatives
  - h. changes to the Resource Management Plan
4. Organise and host quarterly meetings between Boards, the CEO and senior management staff.
5. Prepare an induction/familiarisation process targeting new members in particular early in the term.
6. Support Board members to arrange meetings with local agencies and service clubs to place more emphasis on partnerships and raising profile of the Boards as community leaders.
7. Permit Board chairperson (or nominated member) speaking rights at Council meetings.
8. Help Boards to implement local community projects.
9. Arrange for Infrastructure and Asset Management Staff to meet with the Community Boards in September each year to agree the capital works for the forthcoming year for input into the Annual or Long Term Plan.
10. Provide information.



# BAY OF ISLANDS-WHANGAROA COMMUNITY BOARD MEMBERS REGISTER OF INTERESTS

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
<b>Belinda Ward</b>	Ward Jarvis Family Trust	Trustee		
	Kenneth Jarvis Family Trust	Trustee		
	Residence in Watea			
<b>Belinda Ward (Partner)</b>	Ward Jarvis Family Trust	Trustee and beneficiary		
	Kenneth Jarvis Family Trust	Trustee and beneficiary		
	Residence in Watea	Trustee		
<b>Lane Ayr</b>	Retired			
	Home			
	Residence in Kerikeri			
<b>Lane Ayr (Partner)</b>	Riverview School			
	Home			
	Residence in Kerikeri			
<b>Bruce Mills</b>	Galloquine Trust / Galloquine Limited	Director		
	Whangaroa Community Trust	Trustee		
<b>Manuwai Wells</b>	No form received			
<b>Frank Owen</b>	Retired			Step aside from decisions that arise, that may have conflicts
	House Property in Kerikeri			Step aside from decisions that arise, that may have conflicts
<b>Frank Owen (Partner)</b>	House Property in Kerikeri			
<b>Manuela Gmuer Hornell</b>	Bay of Islands Sailing week Incorporated	Chair	Funding for events	Step aside from decisions that arise, that may have conflicts
	Te Au Mārie 1769 Sestercentennial Trust	Trustee		Step aside from decisions that arise, that may have conflicts
	Chris Hornell and Manuela Gmuer-Hornell Partnership	Partner		Step aside from decisions that arise, that may have conflicts
	Hornell-Gmuer Trust	Trustee and Beneficiary		Step aside from decisions that arise, that may have conflicts
	Russell Contracting Limited	Family Business		Step aside from decisions that arise, that may have conflicts
	Russell Volunteer Fire Brigade	Secretary		Step aside from decisions that arise, that may have conflicts

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
<b>Dave Hookway</b>	Manu Hapori Hauora – Community Wellbeing Advisor Northland DHB	Employee	Possibility of joint working groups with FNDC	Consider each situation on merit and declare any potential conflict
	Property on Waipapa West Road	Property owner	Issues to do with the street	Declare as appropriate
<b>Rachel Smith</b>	Friends of Rolands Wood Charitable Trust	Trustee		
	Mid North Family Support	Trustee		
	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member		
<b>Rachel Smith (Partner)</b>	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member and Treasurer		

**Far North District Council**  
**Bay of Islands-Whangaroa Community Board Meeting**  
**will be held in the Baysport Complex, Harmony Lane, Waipapa on:**  
**Thursday 4 February 2021 at 10.00 am**

---

**Order Of Business**

<b>1</b>	<b>Karakia Timatanga – Opening Prayer.....</b>	<b>9</b>
<b>2</b>	<b>Apologies and Conflicts of Interest.....</b>	<b>9</b>
<b>3</b>	<b>Public Forum.....</b>	<b>9</b>
<b>4</b>	<b>Deputations.....</b>	<b>9</b>
<b>5</b>	<b>Speakers.....</b>	<b>9</b>
<b>6</b>	<b>Confirmation of Previous Minutes.....</b>	<b>10</b>
6.1	Confirmation of Previous Minutes.....	10
<b>7</b>	<b>Reports.....</b>	<b>18</b>
7.1	Chairperson and Members Report .....	18
7.2	Statement of Community Board Fund Account as at 31 December 2020 .....	34
7.3	Funding Applications.....	38
7.4	Transfer of Local Purpose (Esplanade) Reserve to Landowners of Kopuakawau Block.....	57
<b>8</b>	<b>Karakia Whakamutunga – Closing Prayer.....</b>	<b>139</b>
<b>9</b>	<b>Meeting Close .....</b>	<b>139</b>



## **1 KARAKIA TIMATANGA – OPENING PRAYER**

We ask that through the boards discussions and decisions the representatives elected may advocate on behalf of the Bay Of Islands-Whangaroa community with aroha, imagination, skill and wisdom to achieve a fairer and more united community that enhances the wellbeing of the community and solves the community's problems efficiently and effectively.

## **2 APOLOGIES AND CONFLICTS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Community Board and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer or the Team Leader Democracy Support (preferably before the meeting).

It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

## **3 PUBLIC FORUM**

Rangitane Recreation Committee – Jacqui Hatch

## **4 DEPUTATIONS**

FAR NORTH HOLDINGS – REGARDING RANGITANE BOAT RAMP DEVELOPMENT - ALASTAIR WELLS

## **5 SPEAKERS**

Bird Song Project – regarding item 7.3 Funding Applications

## 6 CONFIRMATION OF PREVIOUS MINUTES

### 6.1 CONFIRMATION OF PREVIOUS MINUTES

**File Number:** A3051581

**Author:** Casey Gannon, Meetings Administrator

**Authoriser:** Aisha Huriwai, Team Leader Democracy Services

#### PURPOSE OF THE REPORT

The minutes are attached to allow the Bay of Islands-Whangaroa Community Board to confirm that the minutes are a true and correct record of the previous meeting.

#### RECOMMENDATION

**That the Bay of Islands-Whangaroa Community Board confirm the minutes of the Bay of Islands-Whangaroa Community Board meeting held 3 December 2020 are a true and correct record.**

#### 1) BACKGROUND

Local Government Act 2002 clause 7 Section 28 states that a local authority must keep minutes of its proceedings. The minutes of these proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those meetings.

#### 2) DISCUSSION AND OPTIONS

The minutes of the meeting are attached.

The Bay of Islands-Whangaroa Community Board Standing Orders Section 27.3 states that “no discussion may arise on the substance of the minutes at any succeeding meeting, except as to their correctness”.

#### Reason for the recommendation

The reason for the recommendation is to confirm the minutes as a true and correct record of the previous meeting.

#### 3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or the need for budgetary provision.

#### ATTACHMENTS

1. Bay of Islands-Whangaroa Community Board Minutes 3 December 2020 - A3069429  

**Compliance schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	This is a matter of low significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	This report complies with the Local Government Act 2002 Schedule 7 Section 28.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	It is the responsibility of each meeting to confirm their minutes therefore the views of another meeting are not relevant.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	There are no implications on Māori in confirming minutes from a previous meeting. Any implications on Māori arising from matters included in meeting minutes should be considered as part of the relevant report.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	This report is asking for the minutes to be confirmed as a true and correct record, any interest that affect other people should be considered as art of the individuals report.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications requiring input from the Chief Financial Officer.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

**MINUTES OF  
BAY OF ISLANDS-WHANGAROA COMMUNITY BOARD MEETING  
HELD AT THE BAYSPORT PAVILLION, HARMONY LANE, WAIPAPA  
ON THURSDAY, 3 DECEMBER 2020 AT 10.00 AM**

**PRESENT:** Chairperson Belinda Ward, Member Lane Ayr, Member Manuela Gmuer-Hornell, Member Bruce Mills, Member Frank Owen, Member Manuwai Wells, Member Dave Hookway

**IN ATTENDANCE:** David Clendon, Kelly Stratford

**1 KARAKIA TIMATANGA – OPENING PRAYER**

Dave Hookway opened with a karakia.

**MEETING ADJOURNED**

**RESOLUTION 2020/129**

Moved: Chairperson Belinda Ward

Seconded: Member Manuela Gmuer-Hornell

**That the meeting of Bay of Islands-Whangaroa Community Board be adjourned for a short break.**

**CARRIED**

Meeting recommenced at 10:25 am.

**APOLOGIES AND CONFLICTS OF INTEREST**

**APOLOGY**

**RESOLUTION 2020/130**

Moved: Member Dave Hookway

Seconded: Member Manuela Gmuer-Hornell

**That the Bay of Islands-Whangaroa Community Board accept the apology from Rachel Smith.**

**CARRIED**

**CONFLICT OF INTEREST**

**Manuwai Wells declared potential conflicts of interest for the following funding applications on Item 7.4:**

- Mohinui Marae
- Te Ruapekapeka Trust
- Kawakawa Christmas Parade



## 2 PUBLIC FORUM

10.30 am Representative from Be Free Incorporated spoke in regard to Item 7.4 Funding Applications.

10.35 am Representative from Mohinui Marae spoke in regard to Item 7.4 Funding Applications.

10.40 am Representative from Russell Centennial Trust spoke in regard to Item 7.4 Funding Applications.

10.45 am Representative from Te Ruapekapeka Trust spoke in regard to Item 7.4 Funding Applications.

10.50 am Representative from Red Cross (Paihia) Knitting Group spoke in regard to Item 7.4 Funding Applications.

## 3 DEPUTATIONS

Nil

## 4 SPEAKERS

Grant Harnish spoke on behalf of Focus Paihia.

Marian Andrews spoke on behalf of Oakridge Retirement Village

### TABLED DOCUMENT

#### Attachments tabled at meeting

- 1 Tabled Document - Oakridge Retirement Village (3rd Dec)

### NOTE – SPEAKING RIGHTS FOR COUNCILLOR DAVID CLENDON

**That the Bay of Islands-Whangaroa Community Board welcome Councillor Clendon and that he be permitted to speak during member debate.**

## 5 CONFIRMATION OF PREVIOUS MINUTES

### 5.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 6.1 document number A3010690, pages 10 - 11 refers.

#### RESOLUTION 2020/131

Moved: Chairperson Belinda Ward

Seconded: Member Bruce Mills

**That the Bay of Islands-Whangaroa Community Board confirm the minutes of the Bay of Islands-Whangaroa Community Board meeting held 5 November 2020 are a true and correct record with amendments.**

**CARRIED**

## 6 REPORTS

### 6.1 RESIGNATION OF DEPUTY CHAIRPERSON

Agenda item 7.1 document number A3011318, pages 20 - 22 refers.

#### **RESOLUTION 2020/132**

Moved: Chairperson Belinda Ward

Seconded: Member Frank Owen

**That the Bay of Islands Whangaroa Community Board:**

- a) **use System B as the preferred voting system to elect a Deputy Chairperson, and;**
- b) **elect Frank Owen as Deputy Chairperson for the remainder of the triennium, in accordance with Standing Orders.**

**CARRIED**

Meeting adjourned for lunch from 12:20 pm to 12:55 pm.

### 6.2 CHAIRPERSON AND MEMBERS REPORT

Agenda item 7.2 document number A3010694, pages 24 - 25 refers.

#### **RESOLUTION 2020/133**

Moved: Member Bruce Mills

Seconded: Member Manuela Gmuer-Hornell

**That the Bay of Islands-Whangaroa Community Board note the reports from Chairperson Belinda Ward, Member Manuela Gmuer-Hornell, Member Bruce Mills.**

**CARRIED**

## TABLED DOCUMENT

### **Attachments tabled at meeting**

- 1 Tabled Document - Item 7.2 Orongo Bay Delivery Centre (3rd Dec)

### 7.3 STATEMENT OF COMMUNITY BOARD FUND ACCOUNT AS AT 31 OCTOBER 2020

Agenda item 7.3 document number A3008070, pages 32 - 34 refers.

#### **RESOLUTION 2020/134**

Moved: Member Lane Ayr

Seconded: Member Frank Owen

**That the Bay of Islands-Whangaroa Community Board receives the report entitled "Statement of the Bay of Islands-Whangaroa Community Board Community Fund account as at 31 October 2020".**

**CARRIED**

## 7.4 FUNDING APPLICATIONS

Agenda item 7.4 document number A2861900, pages 35 - 40 refers.

### RESOLUTION 2020/135

Moved: Member Dave Hookway

Seconded: Member Manuela Gmuer-Hornell

**That the Bay of Islands-Whangaroa Community Board receive the funding applications.**

**CARRIED**

### RESOLUTION 2020/136

Moved: Member Bruce Mills

Seconded: Member Lane Ayr

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$1,000 (plus GST if applicable) be paid from the Board's Community Fund account to Be Free Inc for costs towards Mangonui Waterfront Festival 2021 Youth Stage to support community outcomes.**

**CARRIED**

### RESOLUTION 2020/137

Moved: Member Bruce Mills

Seconded: Member Manuela Gmuer-Hornell

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$2,500 (plus GST if applicable) be paid from the Board's Community Fund account to Kawakawa Business Association for costs towards Kawakawa Christmas Festival 2020 to support community outcomes and that the community board request acknowledgement of support from Bay of Islands-Whangaroa Community Board by including the Bay of Islands-Whangaroa Community Board logo on promotional materials associated with the event.**

**CARRIED**

### MOTION

Moved: Member Manuwai Wells

Seconded: Member Dave Hookway

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$3,259 (plus GST if applicable) be paid from the Board's Community Fund account to Mohinui Marae for costs towards Whiti Whārua 5k fun run to support community Outcomes.**

### AMENDMENT

Moved: Member Manuela Gmuer-Hornell

Seconded: Member Lane Ayr

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$2,000 (plus GST if applicable) be paid from the Board's Community Fund account to Mohinui Marae for costs towards Whiti Whārua 5k fun run tagged for water bottles and tshirts to support community outcomes.**

In Favour: Belinda Ward, Lane Ayr, Manuela Gmuer-Hornell and Frank Owen

Against: Bruce Mills, Manuwai Wells and Dave Hookway

The amendment became the substantive motion.

**RESOLUTION 2020/138**

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$2,000 (plus GST if applicable) be paid from the Board's Community Fund account to Mohinui Marae for costs towards Whiti Whārua 5k fun run tagged for water bottles and tshirts to support community outcomes.**

**CARRIED****RESOLUTION 2020/139**

Moved: Member Dave Hookway

Seconded: Member Manuela Gmuer-Hornell

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$2,000 (plus GST if applicable) be paid from the Board's Community Fund account to Russell Centennial Trust Board for costs towards Russell Museum promotional signage and that;**

- a) the interpretive signage run be paid for by Ministry of Culture and Heritage to support community outcomes;**
- b) and subject to the suppliers of the signage be from (a local business) the Bay of Islands-Whangaroa ward area.**

In Favour: Belinda Ward, Manuela Gmuer-Hornell, Bruce Mills, Frank Owen, Manuwai Wells and Dave Hookway

Against: Nil

Abstained: Lane Ayr

**CARRIED****RESOLUTION 2020/140**

Moved: Member Dave Hookway

Seconded: Member Manuwai Wells

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$14,000 (plus GST if applicable) be paid from the Board's Community Fund account to Te Ruapekapeka Trust for costs towards 175th Anniversary commemoration of the Battle of Ruapekapeka to support community outcomes and that the \$6,000 tagged for refreshments include free drinking water at all commemoration venues for duration of the events and that;**

- a) should the Te Ruapekapeka Trust be successful with Te Ara Whiti funding, that any unutilised funds be returned to the Bay of Islands-Whangaroa Community Board board.**

In Favour: Belinda Ward, Frank Owen, Manuwai Wells and Dave Hookway

Against: Lane Ayr, Manuela Gmuer-Hornell and Bruce Mills

**CARRIED****RESOLUTION 2020/141**

Moved: Member Belinda Ward

Seconded: Member Manuwai Wells

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$2,000 (plus GST if applicable) be paid from the Board's Community Fund account to New Zealand Red Cross for costs towards Paihia volunteer knitting group to support community outcomes.**

**CARRIED**

**RESOLUTION 2020/142**

Moved: Member Manuela Gmuer-Hornell

Seconded: Member Lane Ayr

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$2,500 (plus GST if applicable) be paid from the Board's Community Fund account to Whangaroa County Museum and Archives for costs towards annual operating expenses to support the following community outcomes.**

**CARRIED**

**7.5 ROAD NAMING - 11 GREENWAY DRIVE, KERIKERI**

Agenda item 7.5 document number A3013771, pages 92 - 93 refers.

**RESOLUTION 2020/143**

Moved: Member Dave Hookway

Seconded: Member Manuela Gmuer-Hornell

**That the Bay of Islands-Whangaroa Community Board name the public road currently addressed at 11 Greenway Drive, Kerikeri, Kerikeri Heights.**

**CARRIED**

**7.6 VOLUNTEER AGREEMENTS - KERIKERI WALKWAY GROUP AND VISION KERIKERI**

Agenda item 7.6 document number A2998575, pages 4 - 6 refers.

**RESOLUTION 2020/144**

Moved: Chairperson Belinda Ward

Seconded: Member Bruce Mills

**That the Bay of Islands-Whangaroa Community Board note the volunteer agreements as signed with the Kerikeri Walkway Volunteer Group and Vision Kerikeri with Far North District Council and that;**

- a) The Bay of Islands-Whangaroa board acknowledge the work by volunteer groups and expresses gratitude for the value they have added to our communities.**

**CARRIED**

**8 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

Manuwai Wells closed the meeting with a karakia.

**9 MEETING CLOSE**

The meeting closed at 3:32 pm.

The minutes of this meeting were confirmed at the Bay of Islands-Whangaroa Community Board Meeting held on 4<sup>th</sup> February 2021.

.....  
**CHAIRPERSON**

## 7 REPORTS

### 7.1 CHAIRPERSON AND MEMBERS REPORT

**File Number:** A3052225

**Author:** Casey Gannon, Meetings Administrator

**Authoriser:** Aisha Huriwai, Team Leader Democracy Services

#### PURPOSE OF THE REPORT

The report provides feedback to the community on matters of interest or concern to the Community Board.

#### RECOMMENDATION

**That the Bay of Islands-Whangaroa Community Board note the reports from Chairperson Belinda Ward, Member Lane Ayr, Member Manuela Gmuer-Hornell, Member Bruce Mills.**

#### 1) BACKGROUND

The Local Government Act 2002 Part 4 Section 52 states that the role of a Community Board is to represent, and act as an advocate for the interests of its community.

#### 2) DISCUSSION AND OPTIONS

Community Boards are required to consider and report on any matters of concern or interest to the Community Board, maintain an overview of services provided to the community and communicate with community organisations and special interest groups within the community.

The reports from the Chairperson and Members provide information to community on these requirements. They also provide Request for Service (RFS) information on issues of interest or concern to the Community Board, providing a reference for further enquiry on the progress of the matters raised.

The report from the Chairperson and members are attached.

#### Reason for the recommendation

The reason for the recommendation is to provide information to the Community on the work that has been undertaken by the Chairperson and Members on its behalf.

#### 3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or the need for budgetary provision as a result of this report.

#### ATTACHMENTS

1. Chairperson Ward - Members Report November 2020 to January 2021 - A3061799 [↓](#) 
2. Lane Ayr - Member Report September to November 2020 - A3060221 [↓](#) 
3. Lane Ayr - Member Report November to December 2020 - A3060229 [↓](#) 
4. Manuela Gmuer-Hornell - Members Report January 2021 - A3061485 [↓](#) 
5. Bruce Mills - Member Report to January 2021 - A3061808 [↓](#) 

**Compliance schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	Not applicable.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Not applicable.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This is a Community Board report.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Not applicable.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Yes.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or the need for budgetary provision.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

## COMMUNITY BOARD MEMBER'S REPORT

**Report to Community Board:** Bay of Islands-Whangaroa Community Board  
**Member Name:** Belinda Ward  
**Subdivision:** Paihia  
**Date:** 15th November 2020 - 18th January 2021

---

### REPORT

#### 1) Meetings

Date:

16/11/20 Paihia War Memorial Hall AGM - PWMH  
17/11/20 FNDC District Plan Workshop - Urban Environment - Kaikohe  
20/11/20 BOIW-CB agenda preview - Virtual  
21/11/20 PDR&R AGM - BOI Community Centre - Paihia  
22/11/20 Friends of Williams House & Garden Xmas Gathering - Paihia  
23/11/20 BOIW-CB Strategic Plan Workshop - Te Putahitanga Kerikeri  
23/11/20 Paihia Waterfront Development PGF Meeting - PWMH Paihia  
24/11/20 Te Tii Point Container - Meeting cancelled no show - Paihia Library  
25/11/20 LTP Workshop - Kaikohe  
26/11/20 Bledisloe Domain Committee Meeting - Bledisloe Domain  
01/12/20 Strategy & Policy Committee Meeting - Virtual  
03/12/20 BOI-W CB Meeting - Baysport Waipapa  
04/12/20 Paihia Christmas Parade - Judge  
08/12/20 Workshops - Representation Arrangement & LTP - Kaikohe  
09/12/20 BOI-W CB Strategic Priorities Workshop - Te Putahitanga Kerikeri  
10/12/20 FNDC Meeting - Kaikohe  
14/12/20 Meeting re Te Tii Point container - JBC Kerikeri  
15/12/20 Combined CB Meeting - Kaikohe  
16/12/20 Final LTP Workshop before audit - Kaikohe  
CBEC Webinar - FNDC Kaikohe.  
11/01/21 Paihia Waterfront Steering Group meeting (PGF) - PWMH  
17/01/21 Rangitane Residents Association - Have your say - Rangitane Reserve

#### 2) Issues



18/12/20 Collection by Courier of Election pallet of material to be returned - PWMH.

16/11/20 Lily Pond Lane Reserve - claims that some of the recent plantings have been removed from the reserve & an electric fence erected by the neighbour.

18/12/20 Numerous phone calls re Bledisloe Domain use for concert car parking.

07/01/21 Emails re Te Tii Point container ongoing.

08/01/21 Emails re boundaries of what is known as "Walls Bay Reserve" - Opuia

Numerous complaints of chipped & broken windscreens due to new seal of SH11.

### 3) Resources Consents

RC:2300326 Jackman Entertainment - Special Licence & Consents -Bledisloe Domain use & car parking for concert.

### 4) Requests for Service

#### No response to date

18/12/19 3975787 Bledisloe Domain Lighting - Renewel works programmed for this financial year end June 2020. **In Progress? Maybe stalled due to Waitangi Estate Future Plan underway.**

08/01/20 Footpath repairs, trip hazards in Williams Road particularly dangerous with all the wooden inserts either missing or rotten. No RFS number received to date  
**RESOLVED**

All residents advised how to lodge themselves.

#### RFS's are either work in progress or outstanding.

**RFS: 3795613** 18/04/18 Follow up on flooding issues in front apron of Paihia War Memorial Hall. **No progress**

**01/10/15 3717930** Pedestrian safety issues & parking in front of Heritage

Boutique Hotel (The Waterfront) Marsden Road Paihia - Pending NZTA response.

## COMMUNITY BOARD MEMBER'S REPORT

**Report to:** Bay of Islands-Whangaroa Community Board  
**Member Name:** Lane Ayr  
**Subdivision:** Kerikeri  
**Date:** Sept 15 Nov4 2020

---

### REPORT

#### Meetings

15/09/20	Meeting with League Rep at BDO with Frank Owens
16/09/20	KDWG Kerikeri
16/09/20	Meeting Joe Vision Kerikeri
18/09/20	Bay of Islands-Whangaroa Community Board Strategic Plan Workshop Kerikeri
28/09/20	KDWG Kerikeri
01/10/20	BOI – Whangaroa CB Meeting Bay Sports Kerikeri
05/10/20	KDWG Kerikeri
09/10/20	DAG meeting Kaikohe (all day)
12/10/20	KDWG Kerikeri (Community Meeting by pass)
19/10/20	BOI – Whangaroa CB Strategic Planning Workshop Kerikeri
20/10/20	BOI – Whangaroa CB Strategic Planning Workshop Kerikeri
22/10/20	Combined Community Boards Kaikohe
02/11/20	KDWG Kerikeri

---

#### Resource Consents

##### NONE

Either there is a massive decline in Resource Consents or the process of sending them to Community Boards has changed, it would be a courtesy if RC's are not to be sent to CB that we be notified of change.

#### Requests for Service/information

**RFS 4028145** re footpath on Inlet Road have been notified that project has been given to contractor.

**RFS 4028150** re signage in Kerikeri Domain, No response as on Nov 2.

RFS submitted re footpaths on Mission Road Responses still not received

Have receive a few brief reply "Our footpaths are to spec" this of course does not answer the question(s) I was attempting to raise e.g. Did FNDC strengthen the footpath to provide for non-permitted activity, did FNDC approve the actions of a subcontractor in charging ratepayers additional funds for strengthening their driveways??

**In progress**

Windsor Landing (Current information obtained from newspaper no formal response to CB from FNH or FNDC.

Rangitane launching Ramp proposal appears to have been developed by several local business interests and FNH.

Kerikeri Domain Working Group has been established 3 Community Board Members and 2 Councilors and several senior staff The working group has identified some 26 individuals and groups with whom they will engage The RMP undertook substantial public consultation.

The Public meeting with identified was held, and there was consensus on the projects that the KDWG had presented.

The Funding has been confirmed, it is hoped that portions of the project many be underway by early 2021.



## COMMUNITY BOARD MEMBER'S REPORT

<b>Report to:</b>	<b>Bay of Islands-Whangaroa Community Board</b>
<b>Member Name:</b>	<b>Lane Ayr</b>
<b>Subdivision:</b>	<b>Kerikeri</b>
<b>Date:</b>	<b>Nov4 – Dec 31/20</b>

---

### REPORT

#### Meetings

06/11/20	DAG meeting Kerikeri
11/11/20	Bay of Islands-Whangaroa Community Board Strategic Plan Workshop Kerikeri
16/11/20	KDWG Kerikeri
18/11/20	Waipapa Hall Waipapa
30/11/20	KDWG Kerikeri
03/12/20	BOI-W Workshop Waipapa
03/12/20	Bay of Islands-Whangaroa Community Board meeting Waipapa
04/12/20	Waipapa Sports Hub meeting Kerikeri
08/12/20	Representative Meeting Presentation Kaikohe
09/12/20	Bay of Islands-Whangaroa Community Board Strategic Plan Workshop Kerikeri
15/12/20	Combined Community Boards Meeting Kaikohe
21/12/20	KDWG Kerikeri

---

### The Observations of a Community Board Member

Well here I am four years on the Community Board and still struggling to understand if I'm having a positive effect on my community, I really hope so, but it often appears to be difficult when it should be easy.

To help me understand the processes I believed it was advantageous to understand the organizations with whom I must interact.

- The Elected Council
- The FNDC the organization
- Rate Payers Community Members/Groups.

The Elected Council, I liken this to a Board of Directors elected by the shareholders in a governance role.

The FNDC is a Company/Organization operated by appointed managers, what is of greater importance is what type of Company this is, I believe it is a Service Company, and as it is not required to produce a profit it is a Social Enterprise.

Rate Payers, Residents, Community Groups these are the shareholders, the owners of the Company, and here, of course, is the dichotomy these are also the customers the recipients of the service.

What is interesting is that like most shareholders, the residents (with a few exceptions), do not appear to seek input into the Company operation eg governance, but as customers have the same desire for good service as from any other service company. (Election is every three years Customer Service is daily, weekly)

So, what we have is:

- The Board of Directors
- The Company
- The Customers

And where does the Community Board (CB) fit and what should it do?

Logic would suggest that the CB fits between the Company and the Customer, they should be facilitating “customer service” Any Service Company should value customer service (even when the customers are also shareholders).

The Company has several advantages other than no requirement for profit, possibly two important ones are:

- No requirement to obtain new customers
- Customers cannot obtain service from another supplier (monopoly)

It may be that the above is responsible for the lack of emphasis place on customer service. The possible lack of importance placed on customer service devalues the need for CB's and wastes the resource.

The shareholders and the customers have one major disadvantage they cannot trade in their shares nor can they as customers seek alternative suppliers, this can add to normal frustrations.

As a Government body we are almost by design bureaucratic, I would suggest a move away from bureaucracy towards customer service may be advantageous for all parties, we have CB's use them.

Strategic Plan for BOI-Whangaroa Community Board

As a Community Board I believe we should only plan (strategically or not) for those items that are within our delegations or directly affect our wards. There are also the areas that are raised by the Community which are in general the results, of actions, that are not in the delegation of the Community Board. I believe that in many cases in my ward we are attempting to mitigate the negative effects of unregulated growth.

Much of what is brought to my attention are service/repair items, if FNDC was to improve its effectiveness there would be adequate inspection protocols in place, plus repair and service schedules that would negate the need for “customers” to report lack of service.

What does my ward want? Effective planning for growth, the mitigation of negative impacts of corporate growth, and **WE NEED ROADS AND PARKING.**

The majority of people that live in the North participate in boating activities. Other than commercial improvements, almost exclusively for the cruise industry, FNDC and commercial operations by Far North Holdings in Opuha has not provided any new facilities for more than 35 years.

While I as a Community Board member can pass on these observations, I have no control over the capital allocation or planning for these projects.

## COMMUNITY BOARD MEMBER'S REPORT

**Report to:** Bay of Islands-Whangaroa Community Board

**Member Name:** Manuela Gmuer-Hornell

**Subdivision:** Opua – Russell

**Date:** 17 January 2021

---

### Meetings

Date	Meeting
23/11/2020	Strategic Planning – Kerikeri
24/11/2020	Orongo Bay Oyster Farms – Meeting
27/11/2020	Kororareka Marae Meeting with CEO and Mayor
01/12/2020	Russell Wharf Trust inaugural public meeting
03/12/2020	Community Board Meeting – Kerikeri/Waipapa
08/12/2020	Representation Workshop – Kaikohe
09/12/2020	Strategic Planning – Kerikeri
15/12/2020	Combined Community Board Workshop – Kaikohe
06/01/2021	Resilient Russell Meeting

---

### Issues/Feedback

Projects being put on hold even after they had funding allocated.

Jobs getting started (from RFS) and then not finished for weeks or months.

An amazingly quick remedy to remove a crashed car from the Orongo Bay boardwalk AND repairs to the structure! Five Stars! This is the first of the RFS I have submitted to be solved in a timely manner.

This is what the FNDC customers – the ratepayers – are after, prompt replies and action to every day needs. FNDC's average customers – the ratepayers – is not overly interested how quick the turnaround is for building and resource consents. The average customer – the ratepayers – want their basic needs looked after, rubbish, water, sewage and roads. Time to look at the deliverables from the customers – the ratepayers – view (not the property developers from out of our region)!

The contract for the Russell Transfer Station has been extended instead of being advertised and renewed. It is disappointing as the community shows strong interest to implement a different model for the Russell transfer station.

The RFS process seems to have stalled since the first lockdown and then again after/during the floods. Hence no RFS lodged! Please sort this process out and if needed, involve more contractors as soon as possible.

It intrigues me that Community Board Members can't contact FNDC staff. Still, community groups are welcome to meet with staff at Council Meetings.

Roading Issues seem to get the cone treatment and justified as a "fix" – this is totally unacceptable and dangerous as well as very unsightly – we have several of these around my subdivision, and we get zero replies on followups



The too-frequent sewage spills in Russell get the silent treatment from FNDC, more spills happened in Matauwhi Bay in November and in December a spill occurred at the Tapeka pump.

Issues with the small town water supply in Russell, and yet again, staff need time to go through the historic agreements. This is a working system, and FNDC has no idea how and who is drawing water from a council-owned bore?

Time to pull your socks up, FNDC, and face the hard facts! You are letting communities down with their very basic needs of a sound sewage system and freshwater. FNDC needs to stop being risk-averse and start fixing aging assets, AND maybe it would help to allocate funds to EVERY town in your district, to keep up with the maintenance. An 80-year plan won't fix our needs today.

The Board needs to make sure that management doesn't forward difficult decisions to the community boards without consulting or informing us in an appropriate timeframe. The no-surprises policy has to be both ways!

---

## Resource Consents

2300290-RMASUB - 35 Oneroa Road, Russell

RC2300361 -New residential unit in Russell Township zone, 34 Wellington Street

---

## Requests for Service/Information

22/04/2019	RFS-3975374	Oasis Car Park
30/11/2019	24 Chapel St	Breach of building code
01/12/2019	RFS-3988901	Russell's Rubbish Woes
09/12/2019	RFS-3996575	Petition Okiato Boundray for paper road
03/02/2020	CB	Petition Opuia SOS Kellet St
11/02/2020	RFS-3995322	extra street light Pomare/Florance
	RFS-3997961	car parking in Russell
11/02/2020	RFS-3878599	York Street and long term park next to Bowler
21/02/2020	RFS-3997123	Footpath Damage York St
21/02/2020		Drains Russell Township
11/02/2020	RFS 4001004	Mark Car Parks outside of Tennis Club
17/06/2020	RFS-4010977	Sign and barrier smashed by car
17/06/2020	RFS-4011092	drain blocked
17/06/2020	RFS-4011525	colapsed drains etc
01/07/2020	RFS-3986005	Florance Ave Speed reduction
10/07/2020	RFS-4014411	Te Wahapu Slips – coned and nothing else
01/08/2020	RFS-4016222	Terry Greening flooding of drive
24/08/2020	RFS-4021868	errosion by Matauwhi Bay (tree)

04/09/2020	RFS-4023639	Tree Fallen on ZigZag
08/09/2020	RFS-4024491	beach access track Jack Bay, Kempthornes
10/09/2020	RFS-4025200	Arcadia Lodge Lemon Track eroding
21/09/2020	RFS-4026086	Russell Sewage Plant Issues
23/09/2020	RFS-4026450	Rubbish bins at wharf overflowing again
05/10/2020	RFS-4028183	Russell Museum Sister City
06/10/2020	RFS-4028271	russell township maintenance
19/10/2020	RFS-4029293	tree to be removed Wellington St
27/10/2020	RFS-4031104	Water Mains Breach Russell
28/04/2017	RFS-4025987	Old sewage pipes to be removed, they are exposed over a walking track
20/05/2020	RFS-4005808	please mark the diesel tank intake at Russell Wharf
19/11/2020	RFS-4034886	Fire Hydrant Marking RSA Russell
27/11/2020	RFS-4033165	Sewage Spill left debris on private carpark - from 4/11
30/11/2020	RFS-4035403	excessive roadside spraying
01/12/2020	RFS-4030727	level of service for longterm carpark by Bowling Club
15/12/2020	RFS-4038360	Vehicle crash onto boardwalk at Aucks Road – solved 5 stars!
15/12/2020	RFS-4038783	Fire danger from dead bushes after road side spray
18/12/2020	RFS-4038166	Flame Tree Fallen across long beach track
06/01/2021	RFS TBA	eroded track to Opuia Beach
07/01/2021	RFS-4040743	Okiato Footpath overgrown
15/01/2021	RFS TBA	Drain and footpath maintenance Wellington/Perspect St

## In progress

- Robertson Street Stormwater Project to be completed – now a big slip has developed and the retaining wall to stop more private land slipping. A retaining wall has been built, with an ugly, unnecessary fence on top. Residents are not impressed (maybe the wrong word)
- Opuia Resource Consent non-notified for development Franklin St/Kellett St – petition tabled at CB Meeting 3/2/2020 – this has now gone to a full (over 100 attendees) community meeting 8/3/2020 – and we have just been told FNHL has sold the land to a private developer. The land is now occupied by hapu and locals. This is a community being pushed out of their town.
- Carpark for Oasis Community Centre – this has been ongoing since 2018
- Lack of rubbish collection point and recycling collection during peak season around Russell Wharf (owned by FNHL) and this is still NOT solved
- House build planning breach – Chapel St Russell – property has sold – July 2020 – work has restarted

- Footpath Kellet Street – Opuia School – been approved but not carried out – after been promised to be finished by September it is now "scheduled" for January 2021
- Petition Okiato Boundary for paper road RFS-3996575 – tabled at CB meeting 9/12.19 – the cost to be carried by petitioners. Motion passed in November CB meeting
- to include re-doing the FNHL terms of reference/objective in their comments about what the next annual plan and long term plan should cover. – tabled at CB Meeting 3/2/2020
- Walls Bay, Opuia – to be occupied by local hapu
- Speed Limit Review
- The contract for Russell Transfer Station to be officially tendered
- Maintenance in Russell Township to be outsourced to a local community group
- Mark boundaries at the “Walls Bay” Opuia reserve clearly with bollards

## COMMUNITY BOARD MEMBER'S REPORT

**Report to:** Bay of Islands-Whangaroa Community Board  
**Member Name:** Bruce Mills  
**Subdivision:** Whangaroa  
**Date:** November 2020 – January 2021

---

### Meetings

Date	Meeting
18-11-2020	Whangaroa Recreational Trust (Kaeo Community Pool) meeting – policy for upcoming season and filling of pool.
19-11-2020	Whangaroa Memorial Hall (Kaeo) Committee
19-11-2020	Whangaroa Community Trust
20-11-2020	Staff meeting at SH10 walk bridge in Kaeo
23-11-2020	Strategic Plan in Kerikeri
24-11-2020	Totara North Hall Committee
25-11-2020	Whispers copy
26-11-2020	Whangaroa Village Incorporated AGM
02-12-2020	Santa duties start
03-12-2020	Community Board meeting, Waipapa
08-12-2020	Community Board Combined workshop, Kaikohe
10-12-2020	Eljon Fitzgerald coffee meeting
13-12-2020	Kaeo Christmas Parade, change to Sunday. Great day.
14-12-2020	Kaheka Point meeting with Runanga
15-12-2020	Combined Community Board workshop, Kaikohe
15-12-2020	Whangaroa Memorial Hall Committee
16-12-2020	Whangaroa Community Trust WCT
22-12-2020	DOC – Runanga – WCT coffee meeting for Kaheka Point
22-12-2020	Pick up donated flower plants Kericell
27-12-2020	Kaeo Planter boxes, top up flowers and plant flowers
15-01-2020	Eljon Fitzgerald. Plan for refilling pool and kick start Kaeo in 2021

---

### Issues/Feedback

Continued frustrations with RFS system that lacks action and feedback. Communication with staff is a “farce” and general public continuing to have priorities over elected members. Why are we here?!!

Kaeo Community Pool: huge effort on 19 December to use rural fire pump to fill pool. It has dropped 150 mm next day. Over Christmas break it fell further. At start of business pool maintenance found major leak and repaired it. Not to refill it.

Level of service – pressure on Kaeo toilets. Bad Facebook post and feedback. Loos in disgusting state with Kaeo becoming a comfort stop i.e. great playground. There needs to be extra toilets, maybe the old decommissioned toilets beside Kaeo Hall could be reinstated. This has been looked at in the past – maybe again.

---

## Resource Consents

NIL

## Requests for Service/Information

RFS 4034536	18-11-2020. This is a prime example of the system not working. Footpath enquiry at Whangaroa. A simple phone call with the right person would solve this. Even continued mention with CEO has seen no result.
RFS 4033891	13-11-2020. Light in trees by Kaeo Hall. Reply came back that its been handed to NZTA. This light is on hall (FNDC) land.
RFS 4038067	09-12-2020. Lake Manawai. Policy extra toilet and opening of bollards to allow picnickers to park under the trees. No action needs follow up.
RFS 4041601	13-01-2021. Letter to the CEO.
RFS 4038452	14-01-2021. Level of service for Kaeo toilets. Debatable action.
RFS 4041592	13-01-2021. Letter to mayor re confusion on progress to walk bridge in Kaeo.

**7.2 STATEMENT OF COMMUNITY BOARD FUND ACCOUNT AS AT 31 DECEMBER 2020****File Number:** A3063532**Author:** Ajay Kumar, Management Accountant**Authoriser:** Janice Smith, Chief Financial Officer**PURPOSE OF THE REPORT**

The Community Fund account provides information on financial matters relating to the Bay of Islands-Whangaroa Community Board's Community Fund which is allocated in accordance with the Community Grant Fund Policy.

**RECOMMENDATION**

**That the Bay of Islands-Whangaroa Community Board receives the report entitled "Statement of the Bay of Islands-Whangaroa Community Board Community Fund account as at 31 December 2020".**

**1) BACKGROUND**

The statement is attached for the Board's information and to provide sufficient information to enable the Board to allocate funds in accordance with the funds available. In accordance with the Community Grant Policy, section 10, *"applications in excess of \$3,000 may require the applicant to attend a Board meeting, subject to the Chairperson's discretion"*.

<b>Community Fund Account balance as at 01 July 2020</b>	<b>\$194,572.00</b>
• <b>Plus uncommitted funds from 2019-20 carried forward</b>	<b>\$3,738.09</b>
• <b>Plus unused funds from 2019-20</b>	<b>\$2,130.43</b>
• <b>Less funds granted and uplifted to 31 December 2020</b>	<b>\$58,015.00</b>
• <b>Less funds not uplifted from 6 August 2020 for Ngati Rahiri Māori Komiti</b>	<b>\$1,000.00</b>
• <b>Less funds not uplifted from 1 October 2020 for Business Paihia and Kerikeri Lions Club</b>	<b>\$7,500.00</b>
• <b>Less funds not uplifted from 3 December 2020 for Be Free Inc and Kawakawa Business Association</b>	<b>\$3,500.00</b>
<b>Community Fund Account balance as at 31 December 2020</b>	<b>\$130,425.52</b>

**2) DISCUSSION AND OPTIONS**

Board members will consider the applications on the agenda and make a decision on what level of funding to allocate. The uncommitted balance in the Community Fund account as at 31 December 2020 is \$130,425.52.

Recent amendments to the Community Grant Fund Policy allow the Community Board to allocate, by resolution, funding directly to key projects identified in their strategic plan to the maximum amount of \$20,000 in any financial year.

### **3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

The Far North District Council has delegated the allocation of relevant community board funds to the Bay of Islands-Whangaroa Community Board. The statement of the Community Fund account as at 31 December 2020 is attached.

### **ATTACHMENTS**

1. **Statement of Bay of Islands-Whangaroa Community Board Fund Account as at 31 December 20 - A3063528** [↓](#) 

**Far North District Council****Bay of Islands - Whangaroa Community Board****Statement of the Community Fund Account as at 31 December 2020**

Allocation Grants & Donations Annual Budget 2020-21	161,239.00	
Community Board Placemaking Fund	33,333.00	
Uncommitted funds from 2019-20 carried forward	3,738.09	
Unused funds from 2019-20	<u>2,130.43</u>	
		200,440.52

**Less Expenditure 2020/21 (Funds Uplifted)****September 20**

National Street Rod Association for hosting the 2020 Nationals over Labour Weekend	3,000.00
Ngati Rahiri Māori Komiti for costs Carols in the Park	<u>2,500.00</u>

**October 20**

Jacman Entertainment Ltd costs towards Hullabaloo Children's Arts Festival (Totara North Show)	1,955.00
Russell Baptist Church costs towards new water tank	<u>3,450.00</u>

**November 20**

Rangatahi Ora Roa costs towards a traditional Maori practices retreat for teenagers	1,410.00
Bay of Islands Sailing Week costs towards promotion of the event	2,750.00
Arogya Mantra for Diwali celebrations in Kerikeri	1,000.00
Whangaroa Health Services Trust for costs towards fitness equipment for a community gym	1,739.00
Kaeo Christmas Parade and Festival Committee for Kaero Christmas Parade 2020	2,500.00
Towai-Maromaku Vision Group for costs towards community road signage	<u>3,900.00</u>

**December 20**

Kairos Connection Trust - Busy Bees costs towards Busy Bees Knitting Group	3,000.00
Bay of Islands Animal Trust for costs towards Bark in the Park 2021	<u>3,311.00</u>
Kaeo Festival Group for costs towards Nga Purapura 2021	5,000.00
Mohinui Marae for costs towards Whiti Whārua 5k fun run tagged for water bottles and tshirts	2,000.00
Russell Centennial Trust Board for costs towards Russell Museum promotional signage	2,000.00
New Zealand Red Cross for costs towards Paihia volunteer knitting group	<u>2,000.00</u>



**Far North District Council****Bay of Islands - Whangaroa Community Board****Statement of the Community Fund Account as at 31 December 2020**

Whangaroa County Museum and Archives for costs towards annual operating expenses	2,500.00
--	----------

Te Ruapekapeka Trust for costs towards 175th Anniversary commemoration of the Battle of Ruapekapeka	14,000.00
---	-----------

	58,015.00
--	-----------

<b>Balance as at 31 December 2020</b>	<b><u>\$142,425.52</u></b>
---------------------------------------	----------------------------

**Less Commitments 2020/21 (Funds not yet uplifted)****Meeting 06.08.20**

Ngati Rahiri Māori Komiti for costs Carols in the Park	1,000.00
--	----------

**Meeting 01.10.20**

Business Paihia for Paihia Christmas Parade 2020	5,000.00
Kerikeri Lions Club for Kerikeri Christmas Parade 2020	2,500.00

**Meeting 03.12.20**

Be Free Inc for costs towards Mangonui Waterfront Festival 2021 Youth Stage	1,000.00
---	----------

Kawakawa Business Association for costs towards Kawakawa Christmas Festival 2020	2,500.00
--	----------

	<u>\$12,000.00</u>
--	--------------------

<b>Balance 31 December 2020 Uncommitted/(Overcommitted)</b>	<b><u>130,425.52</u></b>
---	--------------------------

### 7.3 FUNDING APPLICATIONS

**File Number:** A3056658

**Author:** Kathryn Trewin, Funding Advisor

**Authoriser:** Ana Mules, Team Leader - Community Development and Investment

#### PURPOSE OF THE REPORT

This report summarises applications for Local Community Grant funding to enable the Bay of Islands-Whangaroa Community Board to determine which application/s will receive funding at the 4 February 2021 meeting.

#### EXECUTIVE SUMMARY

- The Bay of Islands-Whangaroa Community Board has \$95,462 unallocated funding available for the 2020/21 financial year.
- Bay of Islands-Whangaroa Community Board has an additional \$33,333 place making funding available for the 2020/21 financial year.
- One new application for funding has been received, requesting \$2,425.
- One previous application for \$12,800, which was left to lie on the table at the October meeting, is also returned for consideration.

#### RECOMMENDATION

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$2,425 (plus GST if applicable) be paid from the Board's Community Fund account to Guardians of the Bay of Islands Inc for costs towards Te Rā nga Tamariki Day to support the following Community Outcomes:**

- i) Communities that are healthy, safe, connected and sustainable
- ii) Proud, vibrant communities

#### RECOMMENDATION

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$12,800 (plus GST if applicable) be paid from the Board's Community Fund account to BaySports Inc for costs towards stadium refurbishment to support the following Community Outcomes:**

- i) Communities that are healthy, safe, connected and sustainable
- ii) Proud, vibrant communities

#### 1) BACKGROUND

Each application has been checked by staff for completeness and complies with the conditions of the Community Grant Policy, Community Outcomes as stated in the LTP and all provisions listed on the application form.

**2) DISCUSSION AND OPTIONS**

<b>Applicant</b>	<b>Project</b>	<b>Requested</b>	<b>Recommended</b>	<b>Comments</b>	<b>Community Outcome(s)</b>	<b>Type</b>
Guardians of the Bay of Islands Inc	Te Rā Nga Tamariki Day	\$2,425 (34%)	\$2,425	This event is being run by Project Island Song in association with Heritage New Zealand, who are setting up a new event that they hope will become an annual draw to the Bay of Islands. The event is to take place in March, so is unable to be put forward for consideration for Events Investment Funding.	i) Communities that are healthy, safe, connected and sustainable ii) Proud, vibrant communities	Event
BaySports	Stadium refurbishment	\$12,800 (50%)	\$12,800	<p>This application first came to the Board in October, who asked staff to investigate the possibility of funding through the LTP. Due to funding cuts to the 2021/22 LTP, we have been advised that this is not possible at this time, although a policy for managing community facilities in the district and how they may be funded in the future is currently being prepared for Council consideration for possible inclusion in future AP/LTPs.</p> <p>The Board has \$33,333 available in their placemaking fund that could be used towards this project. The facility is used for a wide range of activities by the community and the applicant has had their income severely affected by Covid-19 shutdowns.</p>	i) Communities that are healthy, safe, connected and sustainable ii) Proud, vibrant communities	Infrastructure

**Reason for the recommendation**

The applicant was required to complete a standard application form and provide supporting information.

For each application, the Board has three options.

**Option 1** Authorise funding for the full amount requested

**Option 2** Authorise partial funding

**Option 3** Decline funding

**Reason for the recommendation**

Each application has been assessed and meets the criteria of the Community Grant Policy, Community Outcomes as listed in the LTP, and the conditions listed on the application form.

**3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

Budgetary Provision has been made and the grant is allocated in accordance with the Community Grant Policy.

**ATTACHMENTS**

1. **BOIWCB - Application - Project Island Song - A3056223** [↓](#) 
2. **BOIWCB - Application - Bay Sports Inc - A2956204** [↓](#) 

**Compliance schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	This is a matter of low significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Community Grant Policy.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This report does not have district-wide relevance.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	No implications for Māori in relation to land and/or water.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Considered in the application.
State the financial implications and where budgetary provisions have been made to support this decision.	Budgetary Provision has been made and the grant is allocated in accordance with the Community Grant Policy.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

## Local Grant Application Form



### Instructions

#### Please read carefully:

- Read this application form in full before you start filling it in. It is easier to complete an application if you have the information you need at your fingertips.
- Please see Section 1 of the [Community Grant Policy](#) to ensure you are eligible.
- All applications are to be submitted 15 clear working days prior to the Community Board meeting where the application will be considered. Deadlines dates are on Council's website [www.fndc.govt.nz](http://www.fndc.govt.nz)
- **Incomplete, late, or non-complying** applications will not be accepted.
- Applicants who have failed to complete a Project Report for previous funding granted within the last five years are not eligible for funding.
- **If there's anything on this form you're not sure of**, please contact the Community Development team at freephone 0800 920 029, or [funding@fndc.govt.nz](mailto:funding@fndc.govt.nz) – we're happy to help.

- **Send your completed form** to [funding@fndc.govt.nz](mailto:funding@fndc.govt.nz) or to any Council service centre

#### The following **must** be submitted along with this application form:

- ☒ Quotes (or evidence of costs) for all items listed as total costs on pg 3
- ☒ Most recent bank statements and (signed) annual financial statements
- ☒ Programme/event/project outline
- ☒ A health and safety plan
- ☐ Your organisation's business plan (if applicable)
- ☐ If your event is taking place on Council land or road/s, evidence of permission to do so
- ☒ Signed declarations on pgs 5-6 of this form

### Applicant details

Organisation	Guardians of the Bay of Islands Inc. /Project Island Song		Number of Members	130
Postal Address	PO Box 889, Kerikeri		Post Code	0230
Physical Address	62B Purerua Road, RD 1, Kerikeri		Post Code	0294
Contact Person	Laura Rumsey	Position	Engagement Manager	
Phone Number	0220 420311	Mobile Number	0220 420311	
Email Address	<a href="mailto:laura@projectislandsong.co.nz">laura@projectislandsong.co.nz</a>			

Please briefly describe the purpose of the organisation.

We protect, sustain and help restore the natural wildlife of the Ipipiri archipelago to enable our special place and people to thrive now and for future generations.

[www.fndc.govt.nz](http://www.fndc.govt.nz) | Memorial Ave, Kaikohe 0440 | Private Bag 752, Kaikohe 0440 | [funding@fndc.govt.nz](mailto:funding@fndc.govt.nz) | Phone 0800 920 029

A2686814 (version Sept 2018)

Page 1

## Local Grant Application Form



### Project Details

Which Community Board is your organisation applying to (see map Schedule A)?

☐ Te Hiku ☐ Kaikohe-Hokianga ☒ Bay of Islands-Whangaroa

Clearly describe the project or event:

Name of Activity  Date

Location  Time

Will there be a charge for the public to attend or participate in the project or event? ☐ Yes ☒ No

If so, how much?

Outline your activity and the services it will provide. Tell us:

- Who will benefit from the activity and how; and
- How it will broaden the range of activities and experiences available to the community.

See attached sheet - Attachment 1.





#### **Attachment 1: Te rā nga Tamariki Day – Carnival Day – Activity outline**

##### **Background:**

In partnership with Pompallier Mission (Heritage New Zealand), Project Island Song will be running Te rā o nga Tamariki Day. The day will have a carnival/circus theme and will be a free, all ages event, with entertainment, food, and a focus on whānau and community connection.

##### **Goal:**

The goal is to provide an annual destination community event that involves and supports local businesses, charities, provides education and learning, and creates local ownership and engagement.

##### **Benefit:**

The day will include free activities and entertainment for families to ensure it is not cost prohibitive and open to everyone.

Families will be able to pop in and out or decide to spend the entire day at the event. There will be several exhibitors, vendors and entertainment planned throughout the venue, these include:

- A Project Island Song native bird walk activity in the hillside parkland of Pompallier Mission
- Family focused short tours of Pompallier Mission
- Entertainment stage with a pop-up circus and roving entertainers throughout the day teaching circus skills
- Clendon Cottage lawn will become an enchanted lawn decorated with scatted picnic rugs, wooden toys and hula hoops and bunting
- Veranda Art Gallery showcasing the work of students from Russell School
- Flax weaving where you can learn to weave and take home what you make
- A petting zoo on the side lawn of Clendon Cottage
- Whanau tent, a covered soft space for young families
- A food court in the Pompallier Mission car park
- Vintage fire truck and St John's ambulance providing tours and demonstrations

The day will be promoted early in the New Year during the school holidays, with the intention that families will decide to come back to the Bay of Islands in March to attend the event. This will benefit local accommodation, tourism operators and small businesses with advance bookings.

##### **Broadening activities & experiences in the community:**

The day aims to provide numerous activities and experiences which meet the five community outcomes which help to broaden activities and experiences in the community:

- **Communities that are healthy, safe, connected & sustainable**  
The event will have a carnival/circus theme which includes roving entertainers teaching circus skills to keep children and adults active.
- **Connected and engaged communities prepared for the unexpected**  
Both St John and the fire service will be in attendance and will be engaging with families to make sure children are not afraid when the unexpected happens. They will also be providing demonstrations to increase local's skill set in first aid.
- **Proud, vibrant communities**  
Weaving, local history and local wildlife will all feature as part of the day.
- **Prosperous communities supported by a sustainable economy**  
A zero-waste day, with sustainable products being sold. The day could also benefit local accommodation & tourism operators, seeing as those visiting for the day will likely be in the area for the weekend and support other local businesses and operators.
- **A wisely managed and treasured environment that recognises the special role of tangata whenua as kaitiaki**  
Te rā o nga Tamariki Day is being run in partnership between Project Island Song and Pompallier Mission. Both partners contribute to the guardianship of the local historic and natural environment.



## Local Grant Application Form



### Project Cost

Provide a detailed costs estimate for the activity. Funding requested may not exceed 50% of the total cost.

Total Cost - provide the **total** amount of the estimated quoted cost against the appropriate item.

Amount Requested - provide (against the item) the amount the Board is being requested to contribute.

#### Please Note:

- You need to provide quotes (or evidence of costs) for everything listed in the total costs column
- If your organisation is GST registered, all requested amounts must be GST exclusive.
- Do not enter cents – round the values up or down to the nearest dollar
- Do not use the dollar sign (\$) – just enter the dollar value
- If you are applying for operating costs of a programme, please attach a programme outline

Expenditure	Total Cost	Amount Requested
Rent/Venue Hire	0	0
Advertising/Promotion	50	0
Facilitator/Professional Fees <sup>2</sup>	3275	1725
Administration (incl. stationery/copying)	0	0
Equipment Hire	1000	0
Equipment Purchase (describe)	0	0
Utilities	200	0
Hardware (e.g. cement, timber, nails, paint)	0	0
Consumable materials (craft supplies, books)	0	0
Refreshments	0	0
Travel/Mileage	700	700
Volunteer Expenses Reimbursement	0	0
Wages/Salary	1120	not applicable
Volunteer Value (\$20/hr)	780	not applicable
Other (describe) Road closure application	50	0
<b>TOTALS</b>	<b>7175</b>	<b>2425</b>

<sup>2</sup> If the application is for professional or facilitator fees, a job description or scope of work must be attached.

## Local Grant Application Form



### Financial Information

Is your organisation registered for GST? ☒ Yes ☐ No GST Number

How much money does your organisation currently have?

How much of this money is already committed to specific purposes?

List the purpose and the amounts of money already tagged or committed (if any):

Purpose	Amount
See funding summary - attachment 3.2 & bank statement attachment 3.3	
<b>TOTAL</b>	

Please list details of all other funding secured or pending approval for this project (minimum 50%):

Funding Source	Amount	Approved
Pam Bain Regional Services	1000	<input checked="" type="checkbox"/> Yes / Pending
Northern Director Budget	2000	<input checked="" type="checkbox"/> Yes / Pending
Food court fees	400	<input checked="" type="checkbox"/> Yes / Pending
		Yes / Pending
		Yes / Pending

Please state any previous funding the organisation has received from Council over the last five years:

Purpose	Amount	Date	Project Report Submitted
Project Island Song education facility and visitor experience concept plan development	\$3,750 (plus GST - total \$4,312.50)	2nd November 2017	<input checked="" type="checkbox"/> Y / N
			Y / N
			Y / N
			Y / N

www.fndc.govt.nz | Memorial Ave, Kaikohe 0440 | Private Bag 752, Kaikohe 0440 | funding@fndc.govt.nz | Phone 0800 920 029

A2686814

(version Sept 2018)

Page 4



## Local Grant Application Form



### Privacy Information

The information you have provided on this form is required so that your application for funding can be processed. Once this application is lodged with the Council it becomes public information and may be made available on the Council's website. **If there is sensitive information in the proposal or personal details you wish to be withheld, please advise.** These details are collected to inform the general public and community groups about all funding applications which have been submitted to the Far North District Council.

### Applicant Declaration

*This declaration must be signed by two people from your organisation who are 18 years of age or older with the authority to sign on behalf of the organisation. Signatories cannot be an undischarged bankrupt, cannot be immediately related, cannot be partners, and cannot live at the same address. They must have a daytime contact phone number and be contactable during normal business hours.*

On behalf of: (full name of organisation)

Guardians of the Bay of Islands Inc. /Project Island Song

We, the undersigned, declare the following:

In submitting this application:

1. We have the authority to commit our organisation to this application and we have been duly authorised by our governing body.
2. We acknowledge and agree that the Far North District Council may disclose or obtain information related to the funding of the organisation from any other government department or agenda, private person, or organisation.
3. We have attached our organisation's most recent statement of income and expenditure, annual accounts, or other financial documents that demonstrate its ability to manage a grant.
4. Individuals associated with our organisation will not receive a salary or any other pecuniary gain from the proceeds of any grant money arising from this application.
5. The details given in all sections of this application are true and correct to the best of our knowledge, and reasonable evidence has been provided to support our application.
6. We have the following set of internal controls in place:
  - Two signatories to all bank accounts (if applicable)
  - A regularly maintained and current cashbook or electronic equivalent
  - A person responsible for keeping the financial records of the organisation
  - A regularly maintained tax record (if applicable)
  - A regularly maintained PAYE record (if applicable)
  - The funding and its expenditure shown as separate entries in the cash book or as a note to the accounts
  - Tracking of different funding, e.g. through a spreadsheet or journal entry
  - Regular financial reporting to every full meeting of the governing body

Signatory One



Signatory Two



www.fndc.govt.nz | Memorial Ave, Kaikohe 0440 | Private Bag 752, Kaikohe 0440 | funding@fndc.govt.nz | Phone 0800 920 029

A2686814

(version Sept 2018)

Page 5

## Local Grant Application Form



### We agree to the following conditions if we are funded by Local Community Grant Funding:

1. To uplift any funding granted within 3 months of the date on the letter of agreement. Failure to do so will result in loss of the grant money.
2. To spend the funding within 12 months of the date of grant approval unless written approval for an extension is obtained from Council before that 12 month period ends.
3. To spend the funding only for the purpose(s) approved by Far North District Council unless written approval for a change of purpose(s) is obtained **in advance** from the Community Board.
4. To return to the Far North District Council any portion of the funding that we do not spend. If our payment includes GST we will return the GST component of the amount to be returned.
5. To acknowledge the receipt of Community Board funds as a separate entry in our accounts, or in a note to our accounts, in our organisation's annual report.
6. To acknowledge any financial contribution from Far North District Council on signage and in any publicity relating to the project. Contact Governance Support for digital imagery.
7. To make available any files or records that relate to the expenditure of this funding for inspection if requested by the Far North District Council or its auditors.
8. To complete and return a Project Report within **two months** of the end of the project, or, if the activity is ongoing, within two months of the funding being spent. Applicants who fail to provide a project report within this timeframe will not be considered for funding for stand-down period of five years.
9. To inform the Far North District Council of significant changes in our organisation before this application has been considered, or the funding has been fully used and accounted for (such as change in contact details, office holders, financial situation, intention to wind up or cease operations, or any other significant event).
10. To lay a complaint with the Police and notify the Far North District Council immediately if any of the funding is stolen or misappropriated.

### Signatory One

Name  Position   
 Postal Address  Post Code   
 Phone Number  Mobile Number   
 Signature  Date

### Signatory Two

Name  Position   
 Postal Address  Post Code   
 Phone Number  Mobile Number   
 Signature  Date

www.fndc.govt.nz | Memorial Ave, Kaikohe 0440 | Private Bag 752, Kaikohe 0440 | funding@fndc.govt.nz | Phone 0900 020 020

A2680814

(version Sept 2018)

Page 6

**Schedule of Supporting Documentation****Guardians of the Bay Of Islands Inc – Te Ra o Nga Tamariki / Project Island Song**

The following supporting documentation has been provided in support of the grant application and is emailed under separate cover.

1	<b>BNZ Bank Statement for the period 30 November to 31 December 2020</b>
2	<b>Performance Report for the year ended 30 June 2020</b>
3	<b>Annual Report for the year ended 30 June 2020</b>
4	<b>Carnival Day Budget</b>
5	<b>Funding as at 30 November 2020</b>
6	<b>Health and Safety Plan</b>
7	<b>Activity Outline</b>
8	<b>Quote – Circus in a flash</b>
9	<b>Pompallier Mission Site Service Map</b>



# Local Grant Application Form



## Instructions

Please read carefully:

- Read this application form in full before you start filling it in. It is easier to complete an application if you have the information you need at your fingertips.
- Please see Section 1 of the [Community Grant Policy](#) to ensure you are eligible.
- All applications are to be submitted 15 clear working days prior to the Community Board meeting where the application will be considered. Deadlines dates are on Council's website [www.fndc.govt.nz](http://www.fndc.govt.nz)
- **Incomplete, late, or non-complying** applications will not be accepted.
- Applicants who have failed to complete a Project Report for previous funding granted within the last five years are not eligible for funding.
- **If there's anything on this form you're not sure of**, please contact the Community Development team at freephone 0800 920 029, or [funding@fndc.govt.nz](mailto:funding@fndc.govt.nz) – we're happy to help.
- **Send your completed form** to [funding@fndc.govt.nz](mailto:funding@fndc.govt.nz) or to any Council service centre

The following **must** be submitted along with this application form:

- ☐ Quotes (or evidence of costs) for all items listed as total costs on pg 3
- ☐ Most recent bank statements and (signed) annual financial statements
- ☐ Programme/event/project outline
- ☐ A health and safety plan
- ☐ Your organisation's business plan (if applicable)
- ☐ If your event is taking place on Council land or road/s, evidence of permission to do so
- ☐ Signed declarations on pgs 5-6 of this form

## Applicant details

Organisation	Baysport Inc.		Number of Members	1300
Postal Address	PO Box 549 Kerikeri		Post Code	0295
Physical Address	Harmony Lane Waipapa		Post Code	
Contact Person	Mieke Ward	Position	Secretary	
Phone Number	094026912	Mobile Number	0276693940	
Email Address	contactbaysport@gmail.com			

Please briefly describe the purpose of the organisation.

Establishment and Management of a quality multi-use sports facility, indoor and outdoor sports in the B.O.I. area



## Local Grant Application Form

### Project Details

Which Community Board is your organisation applying to (see map Schedule A)?

☐ Te Hiku

☐ Kaikohe-Hokianga

☒ Bay of Islands-Whangaroa

Clearly describe the project or event:

Name of Activity Improvement and refurbishment of Date n/a

Location Bay Sport stadium interior - Whangaroa Time n/a

Will there be a charge for the public to attend or participate in the project or event? ☐ Yes ☒ No

If so, how much? n/a

Outline your activity and the services it will provide. Tell us:

- Who will benefit from the activity and how; and
- How it will broaden the range of activities and experiences available to the community.

Bay Sport Inc. seeks funding towards upgrade and maintenance of the stadium interior, in particular installation of LED lights in arena area.

This will improve visibility on the sports floor, replace existing industrial lights, and give future savings on energy.

2/ Paint the entrance foyer/seating area.

3/ install carpet on hard concrete floor in upstairs dojo area.

Benefit to all regular stadium users - and visiting teams and players - also community skate group on Friday night

Estimate 800 regular users / week.

It will enable Bay Sport to continue to provide a quality, safe, appropriate facility for indoor sports.

Basketball - including District high school competition.

Badminton - Inline Hockey organisers of Friday night skating.

Judo and Tae Kwan Do, Futsal and Roller derby.

www.fndc.govt.nz | Memorial Ave, Kaikohe 0440 | Private Bag 752, Kaikohe 0440 | funding@fndc.govt.nz | Phone 0800 920 029

A2686814

(version Sept 2018)

Page 2





## Local Grant Application Form

### Project Cost

Provide a detailed costs estimate for the activity. Funding requested may not exceed 50% of the total cost.

Total Cost - provide the **total** amount of the estimated quoted cost against the appropriate item.

Amount Requested - provide (against the item) the amount the Board is being requested to contribute.

#### Please Note:

- You need to provide quotes (or evidence of costs) for everything listed in the total costs column
- If your organisation is GST registered, all requested amounts must be GST exclusive.
- Do not enter cents – round the values up or down to the nearest dollar
- Do not use the dollar sign (\$) – just enter the dollar value
- If you are applying for operating costs of a programme, please attach a programme outline

Expenditure	Total Cost	Amount Requested
Rent/Venue Hire		
Advertising/Promotion		
Facilitator/Professional Fees <sup>2</sup>		
Administration (incl. stationery/copying)		
Equipment Hire		
Equipment Purchase (describe)		
Utilities		
Hardware (e.g. cement, timber, nails, paint)		
Consumable materials (craft supplies, books)		
Refreshments		
Travel/Mileage		
Volunteer Expenses Reimbursement		
Wages/Salary		not applicable
Volunteer Value (\$20/hr)		not applicable
Other (describe) Stadium Lights	11,426.60	
Stadium Joyer paint	4,282.60	
Dojo - carpet	9,889.00	
<b>TOTALS</b>	<b>25,597.60</b>	<b>12,800</b>

<sup>2</sup> If the application is for professional or facilitator fees, a job description or scope of work must be attached.





## Local Grant Application Form

### Financial Information

Is your organisation registered for GST? ☒ Yes ☐ No GST Number 073-377-153

How much money does your organisation currently have? \$ 41,671

How much of this money is already committed to specific purposes? \$ 28,871

List the purpose and the amounts of money already tagged or committed (if any):

Purpose	Amount
Contingency (plant breakdown)	10,000
Operational Costs: power-cleaning maintenance + compliance	12,800
Admin / Insurance	6,000
<b>TOTAL</b>	<b>28,800</b>

Please list details of all other funding secured or pending approval for this project (minimum 50%):

Funding Source	Amount	Approved
Own Funds	12,800	Yes / <del>Pending</del>
		Yes / Pending
		Yes / Pending
		Yes / Pending
		Yes / Pending

Please state any previous funding the organisation has received from Council over the last five years:

Purpose	Amount	Date	Project Report Submitted
upgrade football changing <sup>rooms</sup>	10,452	2018.	Y / <del>N</del>
roadside sign	1,030	2017	Y / <del>N</del>
Website	890	2016	Y / <del>N</del>
ops-costs-Insurance	4,000	2014.	Y / <del>N</del>

www.fndc.govt.nz | Memorial Ave, Kaikohe 0440 | Private Bag 752, Kaikohe 0440 | funding@fndc.govt.nz | Phone 0800 920 029

## Local Grant Application Form



### Privacy Information

The information you have provided on this form is required so that your application for funding can be processed. Once this application is lodged with the Council it becomes public information and may be made available on the Council's website. **If there is sensitive information in the proposal or personal details you wish to be withheld, please advise.** These details are collected to inform the general public and community groups about all funding applications which have been submitted to the Far North District Council.

### Applicant Declaration

*This declaration must be signed by two people from your organisation who are 18 years of age or older with the authority to sign on behalf of the organisation. Signatories cannot be an undischarged bankrupt, cannot be immediately related, cannot be partners, and cannot live at the same address. They must have a daytime contact phone number and be contactable during normal business hours.*

On behalf of: (full name of organisation)

Baysport Incorporated.

We, the undersigned, declare the following:

In submitting this application:

1. We have the authority to commit our organisation to this application and we have been duly authorised by our governing body.
2. We acknowledge and agree that the Far North District Council may disclose or obtain information related to the funding of the organisation from any other government department or agenda, private person, or organisation.
3. We have attached our organisation's most recent statement of income and expenditure, annual accounts, or other financial documents that demonstrate its ability to manage a grant.
4. Individuals associated with our organisation will not receive a salary or any other pecuniary gain from the proceeds of any grant money arising from this application.
5. The details given in all sections of this application are true and correct to the best of our knowledge, and reasonable evidence has been provided to support our application.
6. We have the following set of internal controls in place:
  - Two signatories to all bank accounts (if applicable)
  - A regularly maintained and current cashbook or electronic equivalent
  - A person responsible for keeping the financial records of the organisation
  - A regularly maintained tax record (if applicable)
  - A regularly maintained PAYE record (if applicable)
  - The funding and its expenditure shown as separate entries in the cash book or as a note to the accounts
  - Tracking of different funding, e.g. through a spreadsheet or journal entry
  - Regular financial reporting to every full meeting of the governing body

Signatory One

[Signature]

Signatory Two

[Signature]

www.fndc.govt.nz | Memorial Ave, Kaikohe 0440 | Private Bag 752, Kaikohe 0440 | funding@fndc.govt.nz | Phone 0800 920 029

A2686814

(version Sept 2018)

Page 5



## Local Grant Application Form



**We agree to the following conditions if we are funded by Local Community Grant Funding:**

1. To uplift any funding granted within 3 months of the date on the letter of agreement. Failure to do so will result in loss of the grant money.
2. To spend the funding within 12 months of the date of grant approval unless written approval for an extension is obtained from Council before that 12 month period ends.
3. To spend the funding only for the purpose(s) approved by Far North District Council unless written approval for a change of purpose(s) is obtained **in advance** from the Community Board.
4. To return to the Far North District Council any portion of the funding that we do not spend. If our payment includes GST we will return the GST component of the amount to be returned.
5. To acknowledge the receipt of Community Board funds as a separate entry in our accounts, or in a note to our accounts, in our organisation's annual report.
6. To acknowledge any financial contribution from Far North District Council on signage and in any publicity relating to the project. Contact Governance Support for digital imagery.
7. To make available any files or records that relate to the expenditure of this funding for inspection if requested by the Far North District Council or its auditors.
8. To complete and return a Project Report within **two months** of the end of the project, or, if the activity is ongoing, within two months of the funding being spent. Applicants who fail to provide a project report within this timeframe will not be considered for funding for stand-down period of five years.
9. To inform the Far North District Council of significant changes in our organisation before this application has been considered, or the funding has been fully used and accounted for (such as change in contact details, office holders, financial situation, intention to wind up or cease operations, or any other significant event).
10. To lay a complaint with the Police and notify the Far North District Council immediately if any of the funding is stolen or misappropriated.

### Signatory One

Name Mieke Ward Position Secretary  
 Postal Address PO Box 66 - Paikia Post Code 0247  
 Phone Number 09 402 6912 Mobile Number 027 669 3940  
 Signature [Signature] Date 5/09/20

### Signatory Two

Name Murray Masefield Position Treasurer  
 Postal Address 65A Pa Rd Kerikeri Post Code 0291  
 Phone Number 027 292 3981 Mobile Number [Blank]  
 Signature [Signature] Date 6/9/2020

www.fndc.govt.nz | Memorial Ave, Kaikohe 0440 | Private Bag 752, Kaikohe 0440 | funding@fndc.govt.nz | Phone 0800 920 029

A2688814

(version Sept 2018)

Page 6

**Schedule of Supporting Documentation****Baysport Inc.**

The following supporting documentation has been provided in support of the grant application and is emailed under separate cover.

1	ASB Bank Statement
2	Performance Report year ended 31 December 2019
3	Health & Safety Policy
4	Letter from Baysport Inc.
5	Quote – Kerikeri Decorating Services
6	Quote – Geneva Painting
7	Quote – Electrical Connections
8	Quote – Carpets on Cobham
9	Quote – Robert Gibson Electrical
10	Quote – Carpet Court

## 7.4 TRANSFER OF LOCAL PURPOSE (ESPLANADE) RESERVE TO LANDOWNERS OF KOPUAKAWAU BLOCK

**File Number:** A3060098

**Author:** Carla Ditchfield-Hunia, Legal Services Officer

**Authoriser:** Andy Finch, General Manager - Infrastructure and Asset Management

### PURPOSE OF THE REPORT

To seek Elected Member approval to transfer Lot 9 DP 102868 being Local Purpose (Esplanade) Reserve to the owners of Kopuakawau Block.

### EXECUTIVE SUMMARY

- Request that elected members assist the Maori Land Court (MLC) in resolving an issue for affected landowners of Kopuakawau in relation to a block of land situated off Waikare Road, Russell.
- The land was acquired by Council as part of a subdivision and is currently vested in Far North District Council as Local Purpose (Esplanade) Reserve Lot 9 DP 102868.
- The land was originally Maori freehold land and appears to have inadvertently lost that status upon subdivision, which is now the matter being dealt with by the MLC.
- This report provides information regarding the relevant MLC application and associated background as well as an option for elected members to consider.

### RECOMMENDATION

**That the Bay of Islands-Whangaroa Community Board recommend that Council make the following resolution:**

- That subject to the directions of the MLC, Far North District Council approve the transfer of Lot 9 DP 102838 being Local Purpose (Esplanade) Reserve to the landowners of Kopuakawau or to such body or trust as the MLC directs; and**
- The transfer of land to occur at no cost to Council.**

### 1) BACKGROUND

Far North District Council (FNDC) are an interested party to a Maori Land Court application (A20100008382). The matter concerns a land parcel known as Kopuakawau Block. On 17 June 2009 the MLC issued orders under ss 128, 131 of the Te Ture Whenua Maori Act 1993 declaring the owners of Kopuakawau and determining the land to be Maori freehold land. The orders were subsequently rejected for registration by Land Information New Zealand (LINZ) as the title had been superseded by other titles issued by LINZ (*61 Taitokerau MB 117, 25 June 2013*). The application (A20100008382) arises out of the Maori Freehold Land Registration (MFLR) Project.

During 2005-2010 the Ministry of Justice and LINZ worked together on the Māori Freehold Land Registration (MFLR) Project, a joint initiative to register all outstanding Maori Land Court orders relating to Māori land ownership. The primary purpose of the project was to ensure that the title system of the Māori Land Court was reflected in the Torrens system administered by LINZ. As a result of the project, registration of 97% of the 27,411 Māori land titles have been completed (<https://maorilandcourt.govt.nz/assets/Documents/Publications/MLC-2011-Aug-Judges-Corner-Fox-DCJ.pdf>, Deputy Chief Judge CL Fox).

Upon rejection by LINZ of the orders declaring the Kopuakawau Maori freehold land the MLC instructed an investigation into the matter which produced reports from Kurt Bowen a Registered

Professional Surveyor of Paterson Pitts Partners Ltd and the Surveyor-General and Registrar-General of Lands. FNDC also filed a brief.

The position today is that the MLC maintains a title record for the Kopuakawau block but the effect of the issue of LINZ titles for Lots 1-4 and 9 on DP 102868 is that title to Kopuakawau has apparently been mistakenly overridden and thereby effectively cancelled (*9 Taitokerau MB 89, 3 September 2010*). It appears that the Maori land title has been lost as a result of administrative actions affecting the LINZ titles or in approving survey plans (*61 Taitokerau MB 116, 25 June 2013*).

This is where FNDC's interest comes in. The area that once included the Kopuakawau block was subdivided in 1983 into 8 Lots which sit in fee simple. FNDC acquired the 9<sup>th</sup> Lot as Local Purpose (Esplanade) Reserve, for the purpose of providing public access to New Zealand's waterways (Waikare River), a legislative requirement. I refer you to the attached plan (Attachment 1). Lot 9 is the piece highlighted orange and sits adjacent to the Waikare River. The Kopuakawau Block is/was roughly the shape, size and location of Lot 9 (currently vested in FNDC). Though it is understood that the area of Lot 9 is perhaps slightly smaller than the total sum of the area of the Kopuakawau Block. It is important to note that FNDC did not cause the cancellation of the Kopuakawau Block title. Any error occurred prior to the land being vested in FNDC.

### INVESTIGATION REPORTS

An in-depth understanding of the history to this matter can be gained by reviewing the reports instructed by the Court.

- a. Kopuakawau Block Investigation Report by Paterson Pitts Partners Ltd, Kurt Bowen, Registered Professional Surveyor, 7 July 2010.

The report recognises a conflict between the spatial location of the Kopuakawau block and other land parcels in the area. It investigates the cause of the conflict, the current status of the Kopuakawau Block and proposes solutions which may be available to remedy the situation.

- b. Report produced by the Far North District Council, a supplement to Paterson Pitts Report, 5 November 2010.

This report supplements the Paterson Pitts investigation by providing a timeline of record of titles and raises a potential scenario of adverse occupation.

- c. Report relating to "Kopuakawau Block" from the Registrar-General and Surveyor-General of land, 20 December 2010.

This report is an investigation of the survey and title records held with LINZ (in relation to the Kopuakawau Block) dating back to 1836.

- d. Statement by Surveyor-General and Registrar-General of land, 16 September 2011.

This statement is an update of the information unavailable at the time of the 20 December 2010 report.

### SOLUTION FOR KOPUAKAWAU LANDOWNERS

The Paterson Pitts Report proposes that the Ministry of Justice could pursue with FNDC the acquisition of Lot DP 102868 as a replacement block for the original Kopuakawau Block (*Kopuakawau Block Investigation Report by Paterson Pitts Partners Ltd Kurt Bowen, Registered Professional Surveyor, 7 July 2010 pg 6*). Appropriately the report recognises the difficulty in revoking the reserve status of Lot 9 and transferring Lot 9 into private ownership. The importance of

maintaining public access to the Block (Lot 9) once transferred into Kopuakawau ownership has been raised with the Court. A further difficulty with revoking the reserve status of Lot 9 pursuant to the Reserves Act 1977, is that the required revocation process may result in the land (Lot 9) defaulting to Crown ownership.

In order to achieve acquisition of Lot DP 102868 as a replacement block for the Kopuakawau landowners, the appropriate mechanism for legal transfer of titles must be determined and followed. At this point in time the appropriate mechanism is yet to be determined. Further guidance from interested parties will be sought as well as instruction from the MLC will be required.

Legal Counsel of the affected landowners of Kopuakawau have asked: "Is the FNDC willing and/or able to provide Lot 9 to the owners by way of substitution of the original loss of the Kopuakawau land?" (*Memorandum of Counsel on behalf of the Affected Maori Landowners of Kopuakawau, 23 October 2020, [13(a)]*).

Before the method of transfer is further investigated it is pertinent to request that Council consider the question of whether it approves the disposing of its Local Purpose (Esplanade) Reserve (Lot 9 DP 102868) with the intention that affected landowners of Kopuakawau acquire it. This is the primary purpose of this report.

## **2) DISCUSSION AND OPTIONS**

### **Costs**

The issue of costs is triggered should Council find in favour of the above solution. Any cost associated with this report has not been assigned budget. It is considered that where time and resources allow Council staff will assist, however until appropriate legislative mechanism is determined costs remain at issue.

On 13 November 2020 the MLC held a teleconference regarding A20100008382; interested parties including FNDC were in attendance. All parties understood that the disposal of the Local Purpose (Esplanade) Reserve and its transfer to Kopuakawau landowners requires elected member approval. It was agreed that the transfer of Lot 9 DP 102868 (vested in FNDC) to Kopuakawau landowners would be put to elected members for consideration.

Following Council's decision, FNDC are required to file a joint memorandum (FNDC and Legal Counsel for the affected landowners) to the MLC by 10 March 2021 advising of the Council's decision and any further proposed steps. A further teleconference has been set down for 12 March 2021 at 11:00am to consider appropriate directions or orders if required.

### **Reason for the recommendation**

Local Purpose (Esplanade) Reserve Lot 9 DP 102868 is not currently maintained by FNDC, and budget has not been assigned to its regular maintenance. The application with the MLC has been ongoing for 10 years, FNDC's approval of the recommendation would provide a solution for aggrieved landowners and enable the Ministry of Justice to bring this matter to a close.









If the appropriate legislative mechanism can be determined to allow the appropriate transfer of the land to Kopuakawau landowners, it is foreseen that there is no risk to Council in disposing of the land in the appropriate manner.

## **3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

None.

## **ATTACHMENTS**

- 1. Attachment 1 FNDC Local Maps Waikare, Russell - A3060824**  

2. **Attachment 2 Kopuakawau Block Investigation Report Patterson Pitts 7 July 2010 - A3060821** [↓](#) 
3. **Attachment 3 FNDC supplementary report 7 November 2010 - A3060827** [↓](#) 
4. **Attachment 4 RG and SG of Land Report 20 December 2010 - A3060828** [↓](#) 
5. **Attachment 5 SG and RG Statement 16 September 2011 - A3060823** [↓](#) 
6. **Attachment 6 9 Taitokerau MB 88 to 90 3 Sep 2010 - A3060825** [↓](#) 
7. **Attachment 7 61 Taitokerau MB 116, 25 June 2013 - A3060826** [↓](#) 
8. **Attachment 8 Memorandum of Counsel Affected Maori landowners of Kopuakawau, 23 Oct 2020 - A3060822** [↓](#) 
9. **Attachment 9 MLC-2011-Aug-Judges-Corner-Fox-DCJ[1] - A3060829** [↓](#) 



**Compliance schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	Low for Council – High for Kopuakawau landowners.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Reserves Act 1977.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This report will go to BOI-Whangaroa Community Board for consideration prior to Council meeting 25 Feb.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Implications of decision against recommendation is that Kopuakawau landowners will continue to suffer a loss as to land lost.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Legal Counsel for Kopuakawau landowners were invited to comment and/or support recommendation for Council transfer of Lot 9 DP 102868 to Kopuakawau landowners.
State the financial implications and where budgetary provisions have been made to support this decision.	Council to incur no cost in its support of this recommendation .
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report



7 July 2010

The MFLR Project Leader  
Ministry of Justice  
PO Box 1764  
DX AP24518  
Whangarei  
New Zealand

Attn: Mr Lindsay Wilson

Dear Sir

# **INVESTIGATION INTO MAORI LAND KOPUA KAWAU BLOCK**

Thank you for your correspondence of 14<sup>th</sup> June 2010 asking Paterson Pitts to investigate the location of Kopua Kawau Block.

As you have noted, there appears to be a conflict between the spatial location of this block and other land parcels in the area. This report aims to describe the cause of this conflict, the current status of Kopua Kawau Block, and the solutions which might be available to remedy this situation.

## **Survey History of Block**

Kopua Kawau Block was first defined by survey on ML 9717 (1915), which shows the block being located on the south-western side of the first bend in the Waikare Stream south of its intersection with Waikare Road.

The spatial extents of the block as shown on ML 9717 are consistent with the boundary lines shown on earlier survey plans, namely ML 721 (circa 1907) and OLC 135 (1887).

It is worth noting that OLC 135 (OLC = Old Land Claim) is the oldest survey of relevance to this investigation. This survey shows an adjoining parcel of land, approximately the shape of Kopua Kawau Block as it is shown on ML 9717, located between the OLC 135 area, the Waikare Stream, and an adjoining parcel described on OLC 135 as Native Reserve Turuki. OLC shows the label 'Kopua Kauwau' near the adjoining block of interest, and it is our conclusion that this adjoining block on OLC 135 is indeed the Kopua Kawau Block parcel which we have been asked to investigate.

Web: [www.pppgroup.co.nz](http://www.pppgroup.co.nz)

## **DUNEDIN**

8 - 10 Broadway  
P.O. Box 1083 Dunedin 9054  
Tel: 64 3 477 3245  
Fax: 64 3 474 0484  
[dunedin@pppgroup.co.nz](mailto:dunedin@pppgroup.co.nz)

## **MOSGIEL**

4 Glasgow Street  
P.O. Box 3, Mosgiel 9053  
Tel: 64 3 489 7110  
Fax: 64 3 489 7411  
[mosgiel@pppgroup.co.nz](mailto:mosgiel@pppgroup.co.nz)

## **Directors**

**Nigel Pitts**  
FNZIS, RPS, REA  
**Leon Hallett**  
BSurv, MNZIS  
**Kurt Bowen**  
BSurv, RPS, MNZIS

## **Associates**

**Peter Williams**  
BSurv, RPS, MNZIS  
**Mark Wylie**  
NZCLS, ANZIS

## **Consultant**

**Tony Hosken**  
DipSurv, MNZIS

**P A T E R S O N P I T T S**

SURVEYING • LAND PLANNING • LAND DEVELOPMENT • RESOURCE MANAGEMENT

ALEXANDRA • CROMWELL • DUNEDIN • MOSGIEL • QUEENSTOWN • WHANGAREI

While the boundaries of the subject block differ in shape to some degree between OLC 135 in 1887 and ML 9717 in 1915, this is not surprising given the definition quality of the OLC survey and the moveable status of the river boundary. The important feature is that the blocks shown on these two plans are generally of similar location, shape and size.

Having established that the Kopua Kawau Block has been properly recognised by the surveys up until ML 9717 in 1915, we now look at the more recent surveys in the vicinity of this block.

A number of partition and subdivision surveys occurred between 1945 and 1954, including ML 13287 (1945), ML 13289 (1945), ML 13767 (1954) and DP 42853 (1954).

All of these plans have dealt with land in the Te Turuki Block (shown Native Reserve Turuki on OLC 135), and none have directly involved Kopua Kawau Block. The boundary between these plans and the Kopua Kawau Block appears generally consistent with the location of this boundary as defined by ML 9717, accepting that there have possibly been minor adjustments made as a result of alternative survey methods and/or practices which were in use at the time.

Our conclusion, in terms of the 1945-1954 plans, is that these surveys are consistent with the earlier surveys and do not encroach onto the Kopua Kawau Block. The subject block is therefore still an independent parcel of land at this time.

One matter of interest is that none of the 1945-1954 plans label Kopua Kawau Block as being an adjoining land parcel. While this may not have been entirely necessary at the time these plans were drawn, I find it surprising that the surveyors responsible for drawing these plans did not choose to recognise, by label and abutting boundaries, the existence of the adjoining Kopua Kawau Block. Certainly, survey convention and accepted practice would have required the adjoining lands to be correctly indicated and labeled. This omission, on all four plans through this period, is suggestive that the surveyors who prepared these plans may not have been aware of, or might not have had access to, ML 9717. Each of these surveys indicates (erroneously) that the land in question is part of the OLC 135 parcel. I will discuss this issue in further detail later on, suffice to say that we believe ML 9717 was not taken into consideration by the surveyors of this era, and that OLC 135, covering a very large area and not having particularly well defined boundaries, was assumed to include all of the adjoining land.

However, despite the surveys which occurred between 1945 and 1954 overlooking the earlier ML 9717 which defined Kopua Kawau Block, we believe that these plans have not encroached into the land contained in the ML 9717 survey. As such, Kopua Kawau Block would still have existed independently at this time.

The next survey to deal with the land of interest and the most recent survey in this area is DP 102868 (1983). Unfortunately, this survey appears to have dealt with the land which we suspect is Kopua Kawau Block, without recognising the true identity of this land.

DP 102868 is a land transfer subdivision of Part OLC 135 and Part Te Turuki Block. When we overlay the earlier ML 9717 plan image, we can see that the Kopua Kawau Block coincides with Lots 1-4 and 9 on DP 102868. The land in Lots 1-4 DP 102868 is now owned in a number of

guaranteed fee simple titles issued under the Land Transfer Act, while the land in Lot 9 DP 102868 has been vested to the local authority as a Local Purpose Reserve (Esplanade).

We believe that the surveyor who prepared DP 102868 has been unaware of the existence of the earlier ML 9717 which depicts Kopua Kawau Block. Had the surveyor been aware of this earlier survey, it is likely that the subject land, and its independent ownership, would have been respected by DP 102868.

It appears that the surveyor has decided that the total area of land which he was dealing with as part of DP 102868 was contained in the underlying parcels known as OLC 135 and Te Turuki Block. Specifically, the land which we are now investigating was thought to be part of the Old Land Claim area.

On this basis, DP 102868 then proceeds to subdivide the land (presumably with the consent of the owners of Part OLC 135 and Te Turuki Block), the result being that new fee simple titles have been issued under the Land Transfer Act for Lots 1-8 on DP 102868 and that Lot 9 on the same plan has been transferred to the local authority as a Local Purpose Reserve.

This is an unfortunate situation as it appears that the underlying Maori Land known as Kopua Kawau Block has been overlooked by the more recent land transfer survey and now a number of fee simple titles exist over the same land.

It is also a rather unfortunate situation for the surveyor of DP 102868, who it appears, may not have been aware of the existence of Kopua Kawau Block or of the related ML 9717. There may be ramifications for the surveyor in resolving the ownership issues, and in his defense, I believe that the following matters have contributed to the present situation-

1. The database of plan references and locations, held by Land Information New Zealand (LINZ), is not accurate. This database is used by surveyors to identify which survey plans in a particular area might be relevant when undertaking a new survey. In this case, the plan reference for ML 9717 was inserted into the database at a ground distance of approximately 1km from the true location of Kopua Kawau Block (even now, the plan reference can be seen in the landonline database at its erroneous location). Having looked at the location of the plan reference relative to the subject land, as well as the cadastral format of the surrounding land, I believe that it would have been unlikely that the surveyor would have identified ML 9717 as being worthy of review as part of the DP 102868 survey. We also note that the plan checking process employed by Land Information New Zealand (used to approve DP 102868) must have also failed to identify the relevance of ML 9717.
2. The nearby underlying plans, occurring between 1945 and 1954, were certainly taken under consideration by the surveyor of DP 102868. Unfortunately, these plans did not acknowledge the existence of the adjoining Kopua Kawau Block. Had they shown the subject land as being an adjoining parcel, the later surveyor would likely have been able to respect the correct parcel definition.



3. The only plan, which the surveyor of DP 102868 had available, and which indicated the existence of Kopua Kawau Block, was the original survey OLC 135. This plan covers a large area and is not distinctly clear as to the existence, or location of, the subject land.
4. Certificate of Title NA46A/755 (issued in 1979) was the title for the land in Old Land Claim 135 immediately prior to the subdivision shown on DP 102868 (1983). The diagram attached to this title depicts, reasonably clearly, the land subject to this investigation as being contained within the OLC area. The surveyor when looking at this title would have been under the impression that the only land he needed to be concerned with was OLC 135 and Te Turuki Block. Even if the surveyor had researched the title prior to NA46A/755, being certificate of title NA1368/89 (issued in 1957), he would have seen, on this earlier title, the "Not to Scale" diagram next to the main diagram. This enlarged diagram shows Turuki A and B Blocks and DP 42853, and clearly indicates that the balance of the land is part Old Land Claim 135.
5. In looking at the occupation details shown on the various survey plans over the history of Kopua Kawau Block, and a recent aerial photograph of the area obtained from Google Earth, we have not been able to distinguish any distinct form of land use within the subject land. It appears the land use of this block has been similar to the land use of the adjoining properties. This being the case, there probably was little evidence on the ground to suggest to the surveyor the existence of a separate land parcel.

I suggest that the combination of the five matters above has led the surveyor of DP 102868 to conclude that he was only dealing with OLC 135 and Te Turuki Block as underlying properties. The existence of Kopua Kawau Block was not realised by the surveyor, and unfortunately was not respected by DP 102868.

We have attached in Appendix A, a plan of the existing cadastral format in the vicinity of Kopua Kawau Block. This plan also shows the approximate location of Kopua Kawau Block overlaid on top of the cadastral record.

Appendix B shows the approximate location of Kopua Kawau Block overlaid on top of the Google Earth aerial photograph image. The image has been aligned to best fit with the cadastral record.

Appendix C contains a number of plans showing the progression of surveys over time. Each plan shows the approximate location of Kopua Kawau Block overlaid on top of the applicable survey.

Appendix D contains copies of various certificates of title which are of relevance to this report and the land contained in Kopua Kawau Block.

Finally, as a note on the process we have used to identify the location of Kopua Kawau Block, this has been achieved through a series of image overlays and tracings. We have worked from the earliest surveys forward, matching each subsequent survey plan as closely as possible with the boundary information contained in the previous survey. While this process is sufficiently accurate to identify the approximate location, shape and area of the subject block, it is certainly not what we would consider to be survey accurate. I estimate that the extents of Kopua Kawau Block, which

we have shown on the appended plans, are probably accurate to around +/- 5m. A full field survey will be necessary to define the boundaries of Kopua Kawau Block to a better accuracy.

#### **Status of Kopua Kawau Block**

At present Kopua Kawau Block does not exist. The subject land has been subject to a more recent survey under the Land Transfer Act and the land which was once contained in Kopua Kawau Block now resides partly in a number of fee simple titles and partly as Local Purpose Reserve.

However, this is not to say that Kopua Kawau Block should not exist. Because the existence of the subject block was not recognised by the recent survey (perhaps by mistake), it could be concluded that Kopua Kawau Block has been removed from the present cadastral record in error, and that it should be re-instated in some form.

The question of reinstatement is a difficult one. As Crown guaranteed fee simple titles have issued for much of the land which was previously Kopua Kawau Block, we need to consider the premise of Indefeasibility of Title, which is discussed in the next section, and we also need to consider the range of options for remedying the earlier error, including financial compensation and the provision of an alternative block of land.

In our investigations, we have researched all of the relevant survey plans, the current fee simple titles, Google Earth records, and the surveyors report for DP 102868. All of these documents are consistent with our reporting above. Further information which we have not obtained, but which might offer some additional insight into the problem, might include the surveyor's application to the local authority for permission to undertake the subdivision in DP 102868, and discussions with the surveyor himself if he can be located.

#### **Indefeasibility of Title**

The conflict between the Maori Land Court records and the Land Registry titles is the subject of Section 123 (5) of Te Ture Whenua Maori Act 1993 and a number of High Court decisions.

Te Ture Whenua Maori Act 1993 Section 123 (5) provides that until registration an order of the Maori Land Court in respect of land subject to the Land Transfer Act 1952 affects only the equitable title to the land.

The issue of the conflict between the equitable interests (unregistered interests) shown in the Maori Land Court records and the legal interests as shown on the certificate of title under the Land Transfer Act 1952 were discussed in the case of *Registrar General of Land v Marshall [1995] 2 NZLR 189*. This case held that the purchaser whose land was transferred to him without obtaining the necessary confirmation from the Maori Land Court obtains the benefit of indefeasibility of title. This was confirmed in the later case of *Warin & Others v Registrar General of Land (unreported), High Court, Whangarei, CIV 2006-488-000245, 31 October 2008* that in the absence of fraud, registered interests must "trump" unregistered interests.

#### **KOPIA KAWAU BLOCK INVESTIGATION REPORT**

The equitable title refers to the actual enjoyment and use of a property, whereas a legal title implies actual ownership. An example of such is a trust. In a trust, one person may own the legal title, such as the trustees. Another may own the equitable title such as the beneficiary.[2]

Notwithstanding that a transferee whose transfer is registered with LINZ obtains an indefeasible title, in the absence of fraud, the status of the land does not change but remains Maori Freehold Land. Non-Maori Owners should not assume that a change of status of the land will be granted. Thus all the provisions of the Te Ture Whenua Maori Act 1993 continue to apply to the land, including the requirement of the land to the preferred class of alienee should they wish to sell the land in future.

The fact that parts of Lots 1, 2, 3, 4 and 9 DP 102868 are still deemed to be Maori Freehold Land creates a considerable problem for the owners who will be seeking compensation from the Crown because the subdivision that created these properties was undertaken by Her Majesty the Queen for the purposes of the Housing Act 1955 by Transfer B420343.2 (See CFR NA46A/755). In fact Lots 3 and 4 5 DP 102868 are now in the name of Housing New Zealand Limited, the legal successor to title for land taken under the Housing Act 1955.

### Solutions

A number of solutions are offered below, although we acknowledge that there may well be other avenues available to the Ministry of Justice to remedy the existence of Kopua Kawau Block. We have ordered these with what we would consider might be the preferred option at the top.

#### Solution 1 – Lot 9 DP 102868

The easiest solution may lie with Lot 9 DP 102868. This land has been vested as Local Purpose Reserve (Esplanade) subject to the Reserves Act 1977 with the Bay of Islands County Council pursuant to Section 306 (4) of the Local Government Act 1974 as part of the DP 102868 deposit process.

Conveniently, the land contained in Lot 9 DP 102868 is roughly the same shape as the original Kopua Kawau Block. It also occupies much of the same spatial region, and has a land area which is not inconsistent with the Kopua Kawau Block.

Our suggestion is that the Ministry of Justice could pursue, with the local authority, the acquisition of Lot 9 DP 102868 as a replacement block for the original Kopua Kawau Block or more usefully a redefinition of the Kopua Kawau Block.

This option has the obvious advantage that it may not involve any dealings with the private owners of Lots 1-4 DP 102868, nor require any adjustment to the boundaries of these Lots 1-4. It would effectively clear these properties of any of the provisions of the Te Ture Whenua Maori Act 1993 noted above.

Provided that the Maori owners of Kopua Kawau Block were happy to accept the area of Lot 9 DP 102868 as the new extents of Kopua Kawau Block, then the Ministry might only need to deal with the local authority to achieve a suitable transfer of the land and removal of the reserve status under the Reserves Act 1977.



Disadvantages of this option include the possible requirement to purchase the land from the local authority (who would fund this?), possible legislative difficulties with the transfer of Lot 9 from effectively public ownership into private ownership, and the consideration of access to the land.

#### Solution 2 – Financial Compensation

Financial compensation for the loss of the Kopua Kawau Block might be sought by the Ministry of Justice. Considering that the land was lost through an error implemented through DP 102868, compensation might be entirely reasonable. This would also include the removal of Maori Land Status from all the Lots affected.

If this option is preferable, the ministry will need to consider which parties might be responsible in contributing to this compensation. If compensation was agreed, the land ownership would remain as is depicted on DP 102868.

#### Solution 3 – Ownership Adjustment

This solution involves undertaking a full field survey to accurately identify the location and extents of the original Kopua Kawau Block, and then adjusting the current cadastral record to re-instate this block in its original form.

This option will be problematic because it deals with a number of private owners who enjoy guaranteed titles issued under the Land Transfer Act. It is quite possible that this option might only be achieved with the consent of all of the applicable land owners (and this might not be likely).

The cost of undertaking a full survey will not be insignificant, and could easily be upwards of \$15,000. This cost might also have an influencing factor on what option you decide to proceed with.

This option might also include compensation payments to each of the affected fee simple owners (basically a purchase cost for the land which will be removed from their properties).

There is also the question of how suitable access might be achieved into Kopua Kawau Block. This can be looked at in further detail if this option is pursued by the Ministry.

#### **Conclusion**

At present Kopua Kawau Block does not exist. The subject land has been subject to a more recent survey under the Land Transfer Act and the land which was once contained in Kopua Kawau Block now resides partly in a number of fee simple titles and partly as Local Purpose Reserve.

We conclude that the subdivision process which resulted in the subject land being transferred to fee simple titles was undertaken without the knowledge of the existence of Kopua Kawau Block. This subdivision process should not have occurred without inclusion of Kopua Kawau Block, and was undertaken in error. The causes of, and contributors to, this error have been described above.

Solutions to this issue are available, and have been discussed above, and we are fortunate that one of the options, being the possible acquisition of Lot 9 DP 102868 (which is under the control of the local authority), offers perhaps a relatively simple solution.

However, whichever solution is preferred, there will be a number of individuals and organisations who will need to be approached to assist in the resolution of this issue. Some of these parties will need to provide consent to the preferred solution, while others may be asked to contribute on a financial level.

As a starting point, the Ministry of Justice will need to consult with the Maori Land Court as to preferred option to resolve this issue. It is envisaged that the Maori owners of Kopua Kawau Block will also need to be consulted at an early stage.

We trust that the report herein and the attached overlays of ML 9717 provided are sufficient for this process to commence.

Please feel free to contact me for any further information, or to discuss the matters outlined above.

Yours Faithfully

**PATERSON PITTS PARTNERS LIMITED**



**Kurt Bowen**

Registered Professional Surveyor



RFS 3470099

5 November 2010

Francene Beckham  
Te Kooti Whenua Maori  
Registry Office  
2<sup>nd</sup> Floor, Manaia House  
**WHANGAREI 1040**

Dear Francene

**RE: KOPUAKAWAU – SURVEY REQUISITION**

Further to Judge Ambler's request for a preliminary report to be presented not less than 7 days before the Judicial conference, I attach a report outlining research undertaken that complements the research undertaken by Patterson Pitts.

If you require any further information please do not hesitate to contact me on our freephone number 0800 920 029 or on 09 4052750 (if using a cellphone).

Yours sincerely

Mark Lagerstedt  
**PROPERTY LEGALISATION OFFICER**

Mark.lagerstedt@fndc.govt.nz

Encl - report

Private Bag 752, Memorial Ave
Kaikōhe 0440, New Zealand
Freephone: 0800 920 029
Phone: (09) 405 2750
Fax: (09) 401 2137
Email: ask.us@fndc.govt.nz
Website: www.fndc.govt.nz

*Te Kaunihera o Tai Tokerau Ki Te Raki**Frontier of opportunity*

## Introduction

The intention of this report is to provide the Court with additional evidence to the Paterson Pitts report derived in the main from the chain of titles issued under the Land Transfer Act. The report also highlights a conflict within the Court records as to when the title (equitable interest) to Kopuakawau was issued, and postulates that Kopuakawau was absorbed into CT NA750/184 Limited as to Parcels and Title by adverse occupation presumably because the Equitable Interest granted by the MLC was not exercised.

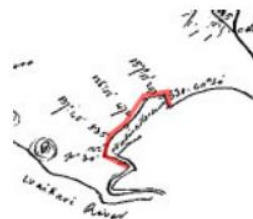
## Background

- 1 02.03.1858. Crown Grant 40E to Rev Charles Baker recorded on DI 1E.28.



**Figure 1 Crown Grant 40E**

The plan of the Grant is shown above, with the lines around the 'Native Settlement' shown in red and enlarged below.



The Crown Grant notes the dimensions around the "Settlement" as follows

- 245°30' three hundred and thirty one links (331)
- 157°15' two hundred and ninety three links (293)
- 126°15' four hundred and seventy two links (472)
- 137°45' five hundred and thirty five links (535)

The critical line with regard to the inclusion or exclusion of Kopuakawau from the Grant is the last dimension of 535 links. This distance corresponds to the sum of the Turuki Block (Line B-C, 296 links shown on ML 721 – fig 3 below) and 239 links (as shown on ML 9717, the plan defining Kopuakawau Block – fig 2 below).

This dimension confirms that **Kopuakawau Block was excluded from the Crown Grant.**

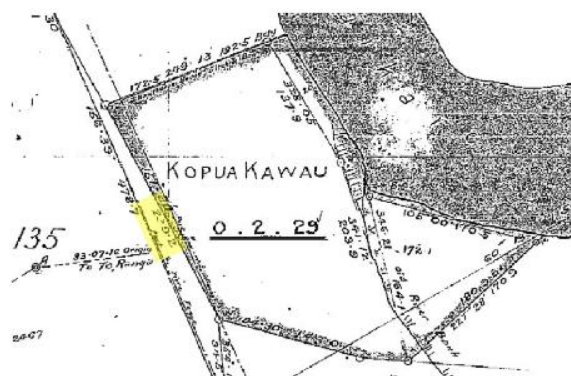


Figure 2 - Kopuakawau Block defined by ML 9717

- 2 1867. ML 721, being A and B Te Turuki Block abuts Bakers Grant and not Kopuakawau. Kopuakawau was not surveyed until 1915.

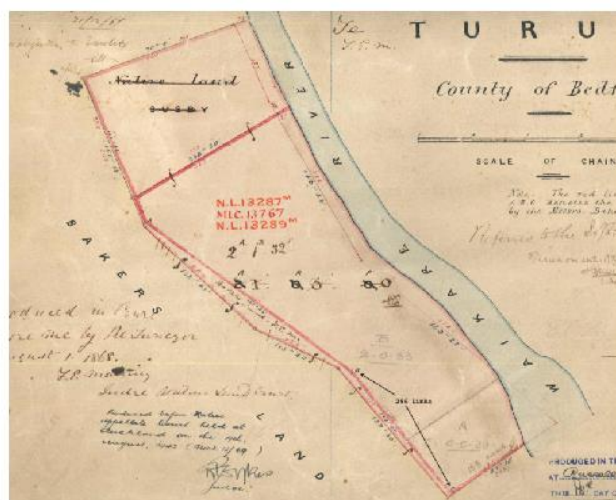


Figure 3 - Te Turuki Block

- 3 1887. Plan of OLC 135 confirms the Crown Grant by **excluding** Kopuakawau Block and Turuki Native Reserve from Bakers Grant.



Figure 4 - OLC 135 in vicinity of Te Turuki

- 4 22.08.1904 Order of Investigation of Title for Kopuakawau Block as noted on ML 9717. This is in conflict with current Maori Land Court records which state the title was *ordered* on that date

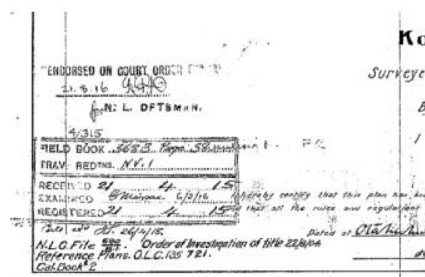


Figure 5 - MLC Orders on ML 9717

## Block Details

This data was last updated on 01.11.2010 - Version 2.06

Block Name: **Kopuakawau**  
 Title Order: Other  
 Date of Order: 22 AUGUST 1904  
 Area: 0.2756  
 CT: -  
 Minute Book: -  
 Ref: -  
 Total Shares: 2  
 Memorials: [Click to view](#)  
 Land Administrator: -  
 Owners: [Click to view](#)

Disclaimer: Although Māori Land Online is updated regularly, the Ministry of Justice cannot guarantee the accuracy of the information provided. To ensure greater accuracy the information needs to be checked against the records held by the Māori Land Court. The accuracy of the Māori Land Court record, is itself, not accompanied by a state guarantee, as are titles registered under the Land Transfer Act. The MLOL is not a legal document but a summary of data.

Figure 6 - Current MLC Block details



- 
- Hand-drawn map of the Kopus Kawan area, showing a proposed road alignment. The map includes a red-shaded area representing the proposed road, with various points marked (X, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100). The map also shows the Hart House Hedge Ditch, the Kopus Kawan River, and the proposed road alignment. The map is dated 1900 and includes a scale bar.

6 21.08.1916 Order of Investigation of Title for Kopuakawau Block endorsed on Court Order. This is in conflict with current Maori Land Court records which state the title was ordered on 22.08.04 – see fig 5 above

7 23.03.1938. CT NA750/184 Limited as to Parcels and Title issued under Land Transfer (Compulsory Registrations of Titles Act 1924) to Thomas O'Hanlon. (1253a 2r 10p) Application # 29884. The diagram of the title appears to be based on ML 721 in 2 above, which **includes** Kopuakawau within the title.

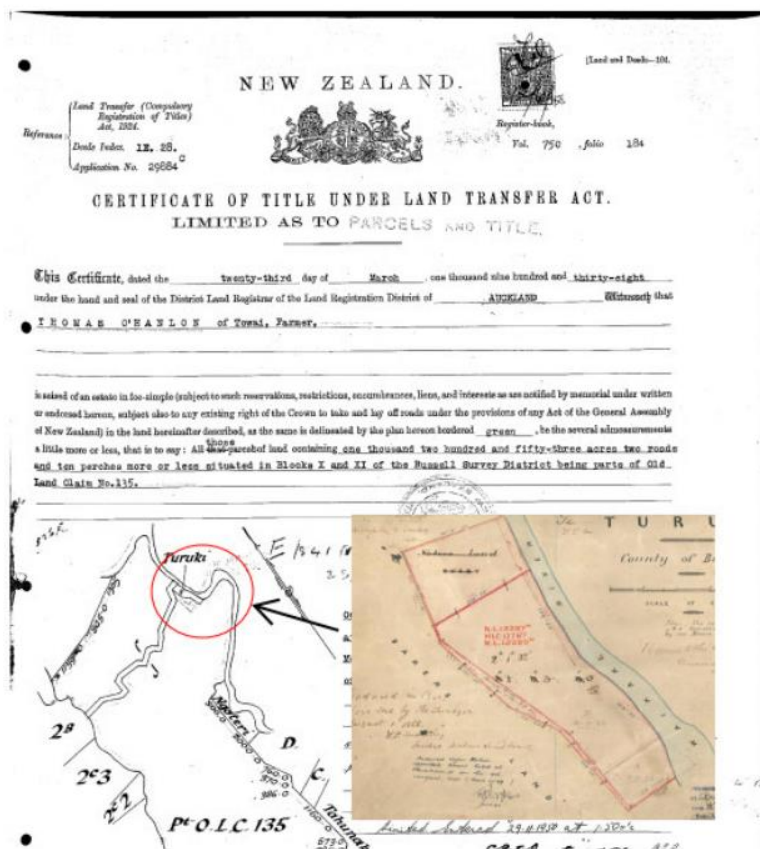


Figure 8 - CT NA750/184

- 8 08.06.1943. Order of Exchange 12542 by Maori Land Court. ML 13287 shows 3 roods and 30 perches taken from OLC 135 in exchange for Turuki A Block.

#### Comment

This Order of Exchange by MLC effectively creates an "island" of Kopuakawau surrounded by land owned by Thomas O'Hanlon.

- 9 16.10.1950. Application by Thomas O Hanlon to remove Limitations as to Title from CT NA750/184. Declaration by applicant, Thomas O Hanlon, attesting in 3 below that he is the occupier of all of the title except for land transferred by Order of Exchange 12542 to Tokerau District Maori Land Court on or about 8 June 1943, highlighted in red on ML 13287 below.



IN THE MATTER of "The Land Transfer  
(Compulsory Registration of Titles)  
Act 1924"

AND

IN THE MATTER of ALL THAT parcel of  
land situate in the RUSSELL SURVEY  
DISTRICT containing 1253 acres 27  
roods 10 perches more or less being  
parts of O.L.C. No. 35 situate in  
Blocks X and XI said District and  
being the whole of the land in  
Certificate of Title VOLUME 750  
POLIO 184 Auckland Registry.

I THOMAS O'HANLON of Waihaha in the Bay of Islands and  
Dominion of New Zealand Farmer do solemnly and sincerely  
declare as follows:-

1. THAT I am the registered proprietor of the  
land described above.

2. THAT on or about the 6th day of June 1943 by  
Order of Exchange made by the Tokerau District Maori Land  
Court 0 acres 3 roods 30 perches of the land above described  
was transferred to the said Board and the said transfer will  
be registered in due course.

3. THAT except as hereinbefore mentioned no  
person has acquired a title to or any easement over the above  
described land or any part thereof by adverse occupation or  
otherwise and that I am the occupier thereof.

4. THAT save and except Deed of Mortgage  
Registered No. 411204 to the Bank of New South Wales there are  
no subsisting interests in the above described land created  
by unregistered instruments or otherwise.

AND I make this solemn declaration conscientiously  
believing the same to be true by virtue of the provisions of  
"The Justices of the Peace Act 1927".

DECLARED at Kawakawa  
this 10th day of October } T. O'Hanlon  
1950.

Before me: [Signature]

A Solicitor of the Supreme Court of New Zealand.

10

Figure 9 - Attestation by owner to bring land under LT Act

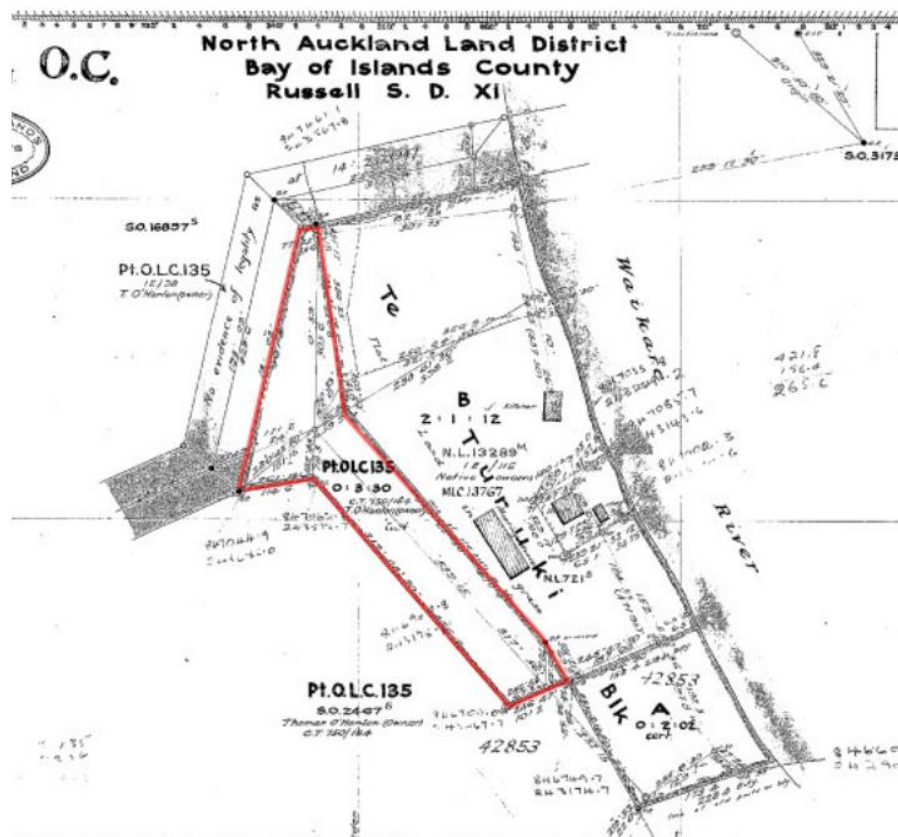


Figure 10 - Order of Exchange 12542

#### Comment

- (i) If there was an error in the land record it occurred on the issue of CT NA750/184 Ltd under the Land Transfer (Compulsory Registrations of Titles Act 1924), which included Kopuakawau Block in the title.
  - (ii) Notwithstanding (i) above, it could be argued that Kopuakawau Block was not and had not been occupied by its owners for some considerable time when the land was brought under the Land Transfer Act, and the absorption of Kopuakawau into the title could have been through *adverse occupation*.
- 11 31.01.1951. Limitations as to title removed from CT NA750/184, leaving parcel limitations only.
- 12 03.04.1952. CT NA1029/257 issued to Thomas O'Hanlon for Turuki A Block, being the subject of the Order of Exchange 12542. Pt OLC 135 is noted as abutting this title, confirming the **inclusion** of Kopuakawau in CT NA750/184 Ltd.

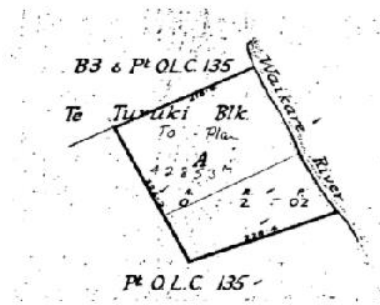


Figure 11 - Diagram of CT NA1029/257

- 13 19.10.1954. Order in 6 above entered onto CT NA750/184, transfer of residue title to Louis Clarence Goodhue, cancellation of CT NA750/184, and CT NA1123/115 Limited as Parcels issued to Louis Clarence Goodhue. The title diagram below of CT NA1123/115 Limited clearly **includes** Kapuakawau Block in the title.

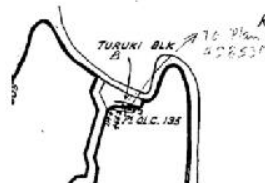


Figure 12 - Diagram of CT 1123/115

- 14 17.08.1956. Lot 1 DP 42853 taken out of CT NA1123/115 Ltd and CT NA1029/257 and CT NA1360/55 issued to multiple owners. Land in CT determined to be Maori Freehold land 4.9.1995.

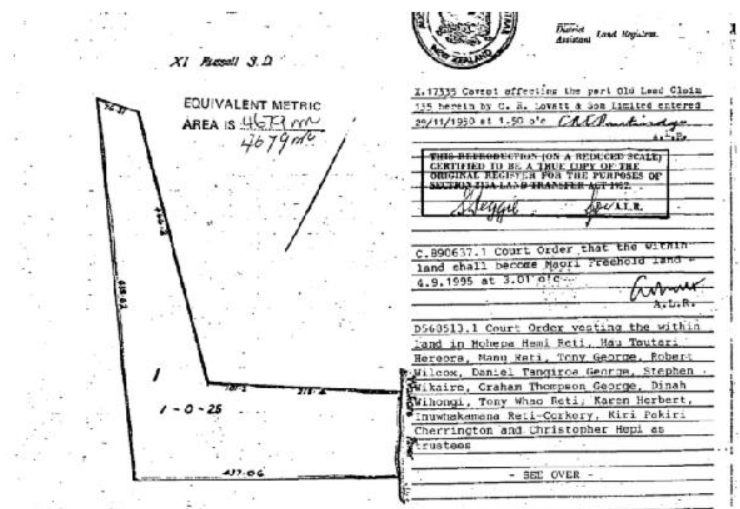


Figure 13 - Diagram of CT NA1360/55

- 15 21.03.1957. CT NA1368/89 Ltd issued to Louis Clarence Goodhue. The title diagram below clearly includes Kapuakawau Block in the new title.  
Note - the vinculum below suggests that Turuki B and Pt Turuki A are linked, whereas Pt Turuki A is in fact Pt CT NA1029/257.

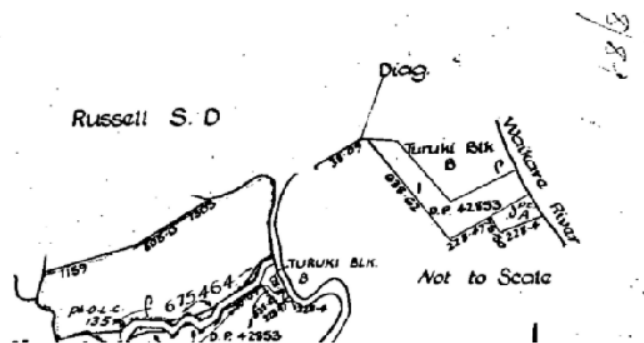


Figure 14 - Diagram of CT NA1368/89

- 16 11.08.1966. Transfer of CT 1368/89 Ltd to Cuthbert Eves.  
17 29.03.1979. CT NA1368/89 Ltd cancelled and CT 46A/755 Ltd issued to Cuthbert Eves. The title diagram below clearly includes Kapuakawau Block in the new title.

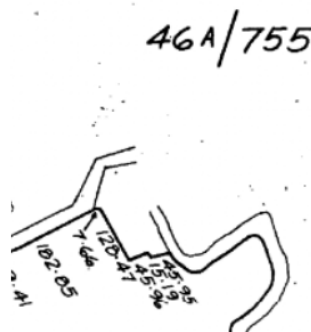


Figure 15 - Diagram of CT 46A/755

- 18 04.06.1985. Lot 9 DP 102868 vested in Bay of Islands County Council as a Local Purpose Reserve subject to reserves Act 1977.

### Conclusion

The evidence of the chain of titles would indicate that Kopuakawau Block was initially excluded from the Crown Grant, but later absorbed into the title issued from that Crown Grant, presumably by adverse occupation. If that is the case then subsequent titles issued are correct and the status quo should remain.





Our Ref: CAS-115-09/842  
Your Ref: A20100008382

20 December 2010

Francene Beckham  
Maori Land Court  
Te Taitokerau District  
DX Box AX10086  
**Whangarei**

Tena Koe Francene

**Kopuakawau Block – Survey Requisition – Application A20100008382**

Thank you for the documents provided with your email of 9 December 2010.

The Registrar-General of Land and the Surveyor-General have now completed their independent investigations into the matter in accordance with their particular statutory authorities and responsibilities. As the investigations and findings are interrelated, however, a single report has been prepared. A copy of that report is enclosed for filing.

Nāku noa, nā



Kerry Twydle  
Senior Cadastral Advisor



National Office  
Lambton House  
160 Lambton Quay  
PO Box 5501  
Wellington 6145  
New Zealand  
Tel 64-4-460 0110  
Fax 64-4-472 2244  
Email [info@linz.govt.nz](mailto:info@linz.govt.nz)  
[www.linz.govt.nz](http://www.linz.govt.nz)  
[www.newzealand.govt.nz](http://www.newzealand.govt.nz)



Our Ref: CAS-I15-09/842  
Your Ref: A20100008382  
21 Taitokerau MB 74



16 September 2011

Francene Beckham  
Maori Land Court  
Te Taitokerau District  
DX Box AX10086  
Whangarei 0140



Tēnā koe Francene

**Kopuakawau Block – Survey Requisition – Application A20100008382**

Please find enclosed a statement from the Surveyor-General and the Registrar-General of Land. This is in response to the Court's invitation at its Chambers hearing on 19 May 2011, as advised in your letter dated 20 July 2011.

I would appreciate you confirming receipt of the statement, by emailing me on [ktwydle@linz.govt.nz](mailto:ktwydle@linz.govt.nz).

Kia ora

A handwritten signature in black ink, appearing to read 'Kerry Twyde'.

Kerry Twyde  
Senior Cadastral Advisor

National Office  
Lambton House  
160 Lambton Quay  
PO Box 5501  
Wellington 6145  
New Zealand  
Tel 64-4-460 0110  
Fax 64-4-472 2244  
Email [info@linz.govt.nz](mailto:info@linz.govt.nz)  
[www.linz.govt.nz](http://www.linz.govt.nz)  
[www.newzealand.govt.nz](http://www.newzealand.govt.nz)

REPORT RELATING TO “KOPUAKAWAU BLOCK” FROM THE REGISTRAR-  
GENERAL OF LAND AND THE SURVEYOR-GENERAL TO  
THE MĀORI LAND COURT

JOINT SG-RGL SUBMISSION TO THE MLC COURT (FINAL).DOC

**Background**

1. On 3 September 2010 Judge Ambler directed the Registrar-General of Land, the Surveyor-General and the Far North District Council to file submissions setting out their preliminary views on the issues referred to at 9 Taitokerau MB 88-90.
2. A memorandum on behalf of the Registrar-General and the Surveyor-General was filed in the Court on 5 November 2010, advising that the requisite investigations could not be completed until further documentation was received and analysed.
3. On 15 November 2010 Judge Ambler directed the Surveyor-General and Registrar-General to file their reports by 20 December 2010.
4. The records to which the Registrar-General and the Surveyor-General have referred in their preparation of their reports are interrelated. The Registrar-General relies on survey information when issuing titles under the Land Transfer Act 1952 and surveys rely on information in the land titles register to spatially define interests in land. For that reason, the findings of the Surveyor-General and the findings of the Registrar-General are integrated and presented in this one report.

**Available information**

5. In order to produce this report for the Court, survey and title records held by Land Information New Zealand ("LINZ") were examined. This included file 20/161, being a Lands & Survey Department file on "Kopuakawau Block", and the plan file for the 1983 subdivision undertaken pursuant to DP 102868 ("the 1983 subdivision").
6. It was apparent from the plan file for the 1983 subdivision that the surveyor was employed by the then Housing Corporation of New Zealand, on secondment from the Lands & Survey Department. A discussion with the surveyor and an examination of files held by the Housing New Zealand Corporation did not provide any further information to that available from the files held by LINZ referred to above. The survey report prepared in respect of the 1983 subdivision referred to a file "6.2116.1.2" but the Corporation has advised the Surveyor-General and Registrar-General that the Corporation was unable to locate that file.
7. Records of the Land Claims Commission, held in National Archives, were also examined.
8. The memorandum for the Surveyor-General and Registrar-General dated 5 November 2010 requested a copy of all relevant documents on the Court's file(s). LINZ also contacted the Court Registrar on 16 November 2010 to alert the Registrar to the following note on the survey plan of Kopuakawau (ML 9717): "N.L.C. File 680/B.1. Order of investigation of title 22/8/04".
9. LINZ also requested that the Court Registrar ascertain if the Court's records included a copy of ML 9717 which had been approved by the Court. The only copy of ML 9717 held by LINZ does not record any approval by the Court of ML 9717.
10. On 9 December 2010 the Court Registrar replies to the requests made by the Surveyor-General and Registrar-General and provided certain documents. A copy of the Registrar's email (and the documents it attached) is attached as Appendix 1.

JOINT SG-RGL SUBMISSION TO THE MLC COURT (FINAL).DOC

**Findings from available evidence in relation to “Kopuakawau” Block**

11. It is apparent that Kopuakawau Block has not been spatially recorded in the cadastre.

**1836-1839: Pre-Treaty purchase of land – OLC 135**

12. A large block of land, recorded as “OLC 135”, was purchased by the Rev. Charles Baker in four deeds between March 1836 and January 1839.<sup>1</sup> The deeds described the “OLC 135” land by reference to local Maori landmarks but do not include any reference to a “Kopuakawau” Block.
13. Following the signing of the Treaty of Waitangi, the purchases were investigated by the Land Claims Commission. Although the original purchase deeds did not refer to “Kopuakawau”, a condensed description published by the Land Claims Commission referred to the boundary extending “*along the lower end of and by the pa to the branch road that leads to Kopua Kauwau, thence along the river following its windings to Mangaprarero ...*”.<sup>2</sup>

**1857-1858: Survey of OLC 135 and issue of Crown Grant**

14. Rev Baker’s purchases were allowed and Crown Grants were issued in 1844, using the same descriptions as in the original purchase deeds.<sup>3</sup>
15. However, the Grants were subsequently cancelled by Governor Sir George Grey.<sup>4</sup> A new Grant was issued in March 1858,<sup>5</sup> following completion of a survey eight months earlier.<sup>6</sup>
16. That survey is shown on OLC Plan 135 (copy attached). That Plan identifies an adjoining Maori Reserve “Turuki” and also shows the name “Kopua Kauwau” near that Reserve land.
17. The Crown Grant (copy attached), which is based on the definition shown on OLC Plan 135, shows the same boundaries as OLC Plan 135 and records “Native Res Turuki” but does not record the name “Kopuakawau” or any similar name.
18. As noted in the Far North District Council’s report to the Court, dated 5 November 2010, the dimensions on the Crown Grant diagram imply that the abutting block labelled “Turuki” on the Crown Grant diagram included “Kopuakawau”.
19. Both the condensed description published by the Land Claims Commission (referred to above) and OLC Plan 135, therefore, indicate that Kopuakawau was not included in the Grant to Rev Baker.

<sup>1</sup> Pages 140 - 143 of *Maori Deeds of Old Private Land Purchases etc etc*, compiled by H. Hanson Turton, 1882.

<sup>2</sup> Page 586 of *Maori Deeds of Old Private Land Purchases etc etc*.

<sup>3</sup> Old Lands Claims Crown Grant volume 5, folios 66 to 69. Archives NZ ref: Agency ABWN, Series 8090, Accession W5274, Item 427 5, Item Description: Crown Grant Register OLC Auckland 1844.

<sup>4</sup> Appendix to the Report of the Land Claims Commissioner, published in the Appendix to the Journals of the House of Representatives 1863, Section D-14.

<sup>5</sup> Auckland Crown Grant volume R15, folio 16. Held at National Archives, Wellington

<sup>6</sup> The Far North District Council’s report to the Court, dated 5 November 2010, indicates that the survey of OLC 135 was not completed until 1887, but the date shown on the plan face is July 1857.

**1867: Survey of Turuki**

20. The "Turuki" Block, as referred to on OLC 135, was surveyed in 1867. The plan reference is ML 721 (copy attached). ML 721 does not record "Kopuakawau" as an adjoining parcel, instead recording the adjoining land as "Bakers Land".
21. Notes on ML 721 indicate that the survey was carried out for an investigation of title. Boundaries shown on ML 721, between "Turuki" and "Bakers Land", have been altered, indicating that there may have been issues of some kind.

**1904: Maori Land Court Order for Investigation of Title and District Maori Land****Council Order Declaring Owners of "Kopuakawau" Block**

22. ML Plan 9717 (discussed below) includes (amongst others) the notes, "N.L.C. File 680/B.I." and "Order of Investigation of Title 22/08/04". As noted earlier, a copy of N.L.C. File 680/B.I. has not been received by the Surveyor-General or the Registrar-General and so whatever information on that file has not been able to be reviewed or taken into account in the preparation of this report. Similarly, a copy of Order of Investigation of Title 22/08/04 has not been received or reviewed by the Surveyor-General or the Registrar-General. The Court Registrar did not provide a reason as to why these documents were not supplied.
23. The Court Registrar has provided the Surveyor-General and the Registrar-General with a copy of an order by the Tokerau District Maori Land Council dated 22 August 1904 (refer Appendix 1).
24. That Order declares the persons named in "the first column of the Schedule hereto" (although a copy of that Schedule was not included in the documents provided to the Surveyor-General and the Registrar-General) as the owners of the block of land called "Kopuakawau" comprising 2 roods and 29 perches. The Order states that this block is delineated on the sketch plan annexed to the Order.
25. The details as to when, why and how that sketch plan was created are unclear from the documents available to the Surveyor-General and the Registrar-General. The fact that this sketch plan was annexed to the Order dated 22 August 1904, however, means that the actions leading to the creation of that sketch plan, and its creation, presumably must have occurred before 22 August 1904 (being the date of the note "Order of Investigation of Title 22/08/04" on ML 9717).

**1914: Re-survey of OLC 135**

26. In 1914 OLC 135 was re-surveyed for then-owner Alfred Burling. The plan reference is SO 52735 (copy attached).
27. A letter from the surveyor dated 20 April 1915 on Lands & Survey Department file 20/161 (copy attached) indicates that SO 52735 was initially intended to be lodged for deposit under the Land Transfer Act.
28. SO 52735 records both "Te Turuki" Block and "Kopua Kawau" Block as adjoining, and not part of, OLC 135.
29. Although the survey recorded in SO 52735 was carried out in 1914 it was not until 1978 that the plan was approved as to survey data. It received a reference number

JOINT SG-RGL SUBMISSION TO THE MLC COURT (FINAL).DOC



around the same time (consecutive numbers were assigned to survey plans when they were lodged with the Lands & Survey Department, numbers around SO 52735 being assigned in 1977). It appears that SO 52735 was first recorded in the cadastre around the same time. The available information does not record why this period between 1914 and 1978 exists.

**1915: Survey of "Kopuakawau" Block**

30. In 1913 Mita Wepiha undertook to pay the cost of the survey of "Kopuakawau" Block. The Chief Surveyor was unable to locate that land and in April 1914 asked Mita to identify the location on a supplied map (copy attached).<sup>7</sup> The supplied map included a reference to ML 721 (the survey of "Turuki" Block) but it did not record, or include any reference to, "Kopuakawau" Block.
31. The "Kopuakawau" Block was surveyed in 1915, a year after the re-survey of the adjoining OLC 135, by the same surveyor. The plan reference is ML 9717 (copy attached). The Block is labelled "Kopua Kawau".
32. The available documents indicate that ML 9717 may never have been approved by the Court. The only copy of ML 9717 (the "Office Copy") held by LINZ does not record any approval by the Court. Normally such approval is recorded on a "Court Copy" also held by LINZ, but no such document exists in the files held by LINZ. A copy of the ML 9717 plan held by LINZ is attached.
33. As stated above, notes on ML 9717 indicate that the survey may have been carried out for an investigation of title.<sup>8</sup> The details of any such investigation are not set out in the documents available to the Surveyor-General and the Registrar-General. The available documents refer to Court records, including in particular "N.I.C. File 680/B.I.", which the Court has not supplied to the Surveyor-General or the Registrar-General. In the absence of the documents on that file and any other documents relating to any investigation of title, any consideration of the current matter is necessarily incomplete and any conclusions drawn may be incorrect.

**1938: First Land Transfer Act title for OLC 135**

34. The first Land Transfer Act title for OLC 135 was issued in 1938.<sup>9</sup> This 'limited as to parcels' title was issued pursuant to the Land Transfer (Compulsory Registration of Titles) Act 1924. The description indicates that the title is for "parts of Old Land Claim No. 135", the land having by then been bisected by Waikare Road.
35. The diagram on CT 750/184 records "Turuki" as an adjoining block, but does not show "Kopuakawau" Block. However, the boundaries as depicted on that diagram appear to represent those shown on SO 52735.
36. It has not been possible to reconcile the area shown on CT 750/184 with that shown on SO 52735, the area on SO 52735 being some 10 acres less.<sup>10</sup> Given, however, that the area recorded on CT 750/184 is less than that recorded on SO 52735 (which

<sup>7</sup> Folio 2 on Lands & Survey file 20/161 refers. This file appears to have formerly been numbered 17390.

<sup>8</sup> ML 9717 refers to "N.I.C. File 680/B.I. Order of investigation of title 22/8/04." Deeds Index 1E.28 records numerous transactions for OLC 135, the details of each being recorded in Deeds Registers. These are located at National Archives in Auckland and have not been examined for the purpose of this investigation.

<sup>9</sup> CT 750/184.

<sup>10</sup> Area on SO 52735 is 1263.3.00. Area on CT 750/184 is 1253.2.10 – a difference of 10.0-30.

excluded “Kopuakawau” Block) that discrepancy does not go against a conclusion that Kopuakawau was not included in the first title for OLC 135.

37. Two subsequent titles (NA1123/115 and NA1368/89) also, like the first title, record “Turuki” as an adjoining block but do not record “Kopuakawau” Block. A later title (NA46A/755) does not, however, record any abutments. This may have created a conflict between the title diagrams and the land descriptions. The former suggests that Kopuakawau has been absorbed into OLC 135, while the latter, together with the quoted area, suggests that only OLC 135 as originally defined is within the title.

**1983: Subdivision of Part OLC 135 and Part Turuki A Block**

38. In 1983 a survey was undertaken for the purpose of subdividing part OLC 135 and part Turuki A Block. That survey, as recorded on DP 102868 (copy attached), was carried out by a Housing Corporation surveyor.
39. The Housing Corporation purchased the land from the owners of Part OLC 135 and Part Turuki A Block following deposit of the survey plan. The relevant land was subsequently subdivided and the titles for the 10 new lots were issued.
40. The subdivision, as recorded on DP 102868, included (and treated) the “Kopuakawau” Block land shown on ML 9717 as part of “OLC 135”.
41. Neither the surveyor nor the Housing New Zealand Corporation were able to provide any information as to why the “Kopuakawau” Block was included as part of “OLC 135”.
42. Most of the “Kopuakawau” Block land as defined in ML 9717 currently forms parts of Lots 1-4 and 9 DP 102868 the titles for which are:
  - 42.1 NA97B/77 for Lot 1;
  - 42.2 NA97B/78 for Lot 2;
  - 42.3 NA56C/1490 for Lot 3;
  - 42.4 NA56C/1491 for Lot 4;
  - 42.5 There is no title for Lot 9 which is vested in the Far North District Council as a local purpose (esplanade reserve).<sup>11</sup>
43. That part of the “Kopuakawau” Block land as defined in ML 9717 not contained in the above Lots appears to now be within the area of the Waikare Stream.

**Record maps**

44. A survey of land commences with the gathering of evidence relevant to the definition of the boundaries. In 1983 the first point of reference for the surveyor would have been the record map maintained by the Lands & Survey Department. Such record maps include spatial depiction of parcel boundaries and references to previous surveys.

<sup>11</sup> NB: It was not the convention in 1983 for Councils to order titles to reserves or roads but one could still be ordered. In the meantime the land is still “contained” in NA46A/755.



45. In this case the record map (copy attached)<sup>12</sup> does not show “Kopuakawau” Block and instead indicated that the land was part of OLC 135. Also, the record map does not include the reference number for the survey plan of “Kopuakawau” (ML 9717).<sup>13</sup>
46. The record map does, however, include two references to SO 52735, being the 1914 re-survey of OLC 135 (as discussed above). One of those plan references was positioned on the record map approximately 500 metres from where the “Kopuakawau” Block, as surveyed on ML 9717, was geographically located.
47. SO 52735 was relevant to the 1983 subdivision but it is not included in the list of reference plans recorded on DP 102868. That omission indicates that the surveyor may not have referred to SO 52735 in preparing DP 102868.
48. The former paper record maps have now been replaced by Landonline. At some time the plan number for ML 9717 has been added to Landonline, although that plan number has been placed a considerable distance from the geographic location of the “Kopuakawau” Block defined by ML 9717. That action could not, however, have been relevant to the inclusion of the “Kopuakawau” Block as part of “OLC 135” in the 1983 survey because Landonline was not available in 1983.
49. It is not known when the plan number for the “Kopuakawau” Block was first recorded in the cadastre. It is possible that this occurred as part of a cross-check between parcels and plan numbers, in preparation for importing data into Landonline from a previous database known as the ‘DCDB’. This was in about 2001.

#### *Occupation*

50. In 1983 the title for part OLC 135 was (and still is) limited as to parcels. This means that, in 1983, occupation was a more significant factor when defining the portions of OLC 135 which formed part of the 1983 subdivision than is the case with surveys of land that is not limited as to parcels.
51. The Patterson Pitts report noted an absence of evidence of occupation of the “Kopuakawau” Block. The Registrar-General and Surveyor-General do not possess any information as to whether, and if so how, the fact that there was no occupation influenced the surveyor in preparing DP 102868.
52. The Far North District Council’s report has suggested that the “Kopuakawau” Block might have been absorbed into OLC 135 by adverse occupation. Any such absorption would need to be supported by a formal claim to the “Kopuakawau” Block land. The surveyor made no reference to any such claim on DP 102868 or in the related report.

#### *Conclusion*

53. As set out in this report, the available documents identify other relevant documents that have not been available in the preparation of this report. The factual position is, therefore, incomplete and remains uncertain.

<sup>12</sup> Metric record map Q05/3.3, at a scale of 1:10,000.

<sup>13</sup> Neither did the earlier imperial record map for Block XI Russell Survey District show Kopuakawau, or refer to the plan that defined Kopuakawau.

54. The available documents record the following.
55. A large block of land known as "OLC 135" was surveyed in 1857 and a Crown Grant was issued in March 1858. Both the condensed description published by the Land Claims Commission and the survey plan indicate that the "Kopuakawau" Block existed and was not included in the Grant to Rev Baker.
56. In August 1904 the Maori Land Court apparently made an Order for Investigation of Title in relation to the "Kopuakawau" Block. The Tokerau District Maori Land Council also made an Order declaring the owners of the "Kopuakawau" Block. The only document detailing those actions which is available to the Surveyor-General or the Registrar-General, however, is a copy (which appears incomplete) of the Tokerau District Maori Land Council Order made in August 1904 and sealed in April 1905. The details of what took place, why and how are, therefore, unavailable.
57. In 1914 a re-survey of "OLC 135" was completed, as shown on SO 52735. SO 52735 records both "Te Turuki" Block and "Kopua Kawau" Block as adjoining, and not part of, OLC 135.
58. In 1915 a survey of the "Kopuakawau" Block was undertaken as shown on ML 9717. The available documents indicate that ML 9717 may never have been approved by the Court.
59. There is no reference to the "Kopuakawau" Block on the first, or any subsequent, title issued in respect of "OLC 135".
60. In 1983 a survey was undertaken for the purpose of subdividing part OLC 135 and part Turuki A Block. That survey included (and treated) the "Kopuakawau" Block land shown on ML 9717 as part of "OLC 135". Most of the "Kopuakawau" Block land as defined in ML 9717, therefore, currently forms parts of Lots 1-4 and 9 DP 102868.
61. Based on the documents that are available, the block of land known as "Kopuakawau" shown on ML 9717 appears, prior to a subdivision in 1983, to have existed as a separate block adjoining "OLC 135". In 1983 that "Kopuakawau" Block was included (and subdivided) as part of "OLC 135". The available information does not indicate why this inclusion took place.

Yours faithfully



Registrar-General of Land



Surveyor-General

JOINT SG-RGL SUBMISSION TO THE MLC COURT (FINAL).DOC

**Appendix 1**

**Copies of documents from the Maori Land Court, Whangarei**

JOINT SG-RGL SUBMISSION TO THE MLC COURT (FINAL).DOC



Page 1 of 2

Kerry Twydle

**From:** Francene Beckham [Francene.Beckham@justice.govt.nz]  
**Sent:** Thursday, 9 December 2010 8:02 a.m.  
**To:** Kerry Twydle  
**Subject:** Re: Kopuakawau Block  
**Attachments:** 20101209065035268.pdf; 20101209064958950.pdf

Tena Koe Kerry

Please find enclosed requested documents and a copy of the ML 9717 is not kept in our office but we did have copies which were printed off linz.

Mauriora  
Francene

>>> Kerry Twydle <ktwydle@linz.govt.nz> 3/12/2010 3:38 p.m. >>>

Tēnē koe Francene. Attached is a copy of a letter that I have put in the post to you today. I would appreciate a prompt response to my request for an update on your progress towards supplying copies of relevant documents on Kopuakawau Block.

Many thanks  
Kerry Twydle  
Senior Cadastral Advisor, Office of the Surveyor-General

Land Information New Zealand | Toitu te whenua  
160 Lambton Quay | Private Box 5501 | Wellington 6145 | DDI: 64(0)4 498 3510 | Fax 64 (0)4 460 0112  
[www.linz.govt.nz](http://www.linz.govt.nz)

**From:** Kerry Twydle  
**Sent:** Tuesday, 16 November 2010 11:51 a.m.  
**To:** 'francene.beckham@justice.govt.nz'  
**Cc:** 'James Burns'; Warren Moyes  
**Subject:** Kopuakawau Block

**Your Reference A20100008382**

Tēnē koe Francene. A memorandum of Counsel from Crown Law dated 5 November 2010 asked the Maori Land Court to supply a copy of all relevant documents on the Court's file(s) relating to Kopuakawau. I understand that you are in the process of gathering the relevant documents.

Please note that the 1915 survey plan of Kopuakawau, ML 9717, refers to "N.L.C. File 680/B.1. Order of investigation of title 22/8/04". This file may therefore be particularly useful.

Please also note that LINZ does not hold the Court copy of ML 9717, so it would be helpful if you can ascertain if the plan is held in the Court's records.

Nāku noa, nā  
Kerry Twydle  
Senior Cadastral Advisor

Land Information New Zealand | Toitu te whenua  
160 Lambton Quay | Private Box 5501 | Wellington 6145 | DDI: 64(0)4 498 3510 | Fax 64 (0)4 460 0112  
[www.linz.govt.nz](http://www.linz.govt.nz)

This message contains information, which is confidential and may be subject to legal privilege.

20/12/2010

2/22/21

[Form G.

"The Maori Lands Administration Act, 1900."

Order declaring Owners on Report of Papatupu Committee.

AT a sitting of the TOKERAU District Maori Land Council,  
held at Russell on the 22nd  
day of August, 1904, after considering the report of the  
Papatupu Block Committee, and giving all parties concerned full opportunity  
of being heard, it is hereby ordered that the Maoris whose names are  
set forth in the first column of the Schedule hereto, and therein numbered  
respectively from 1 to 42, both inclusive, are and they are hereby  
declared to be the owners of the parcel or block of land called or known as  
Kopuakawau  
containing 0 acres 2 rods 29 perches

(\*) Erase words in  
italics which do not  
apply.

more or less, and delineated on a sketch<sup>(\*)</sup> plan No. 21218, a copy whereof  
is ~~indorsed hereon or annexed hereto~~, in the relative shares or proportions  
set out in the second column of the said Schedule, ~~and within the portion~~  
~~allotted to the hapu, sub-hapu, or family, as shown on the said plan.~~<sup>(\*)</sup>

In witness whereof the common seal of the TOKERAU

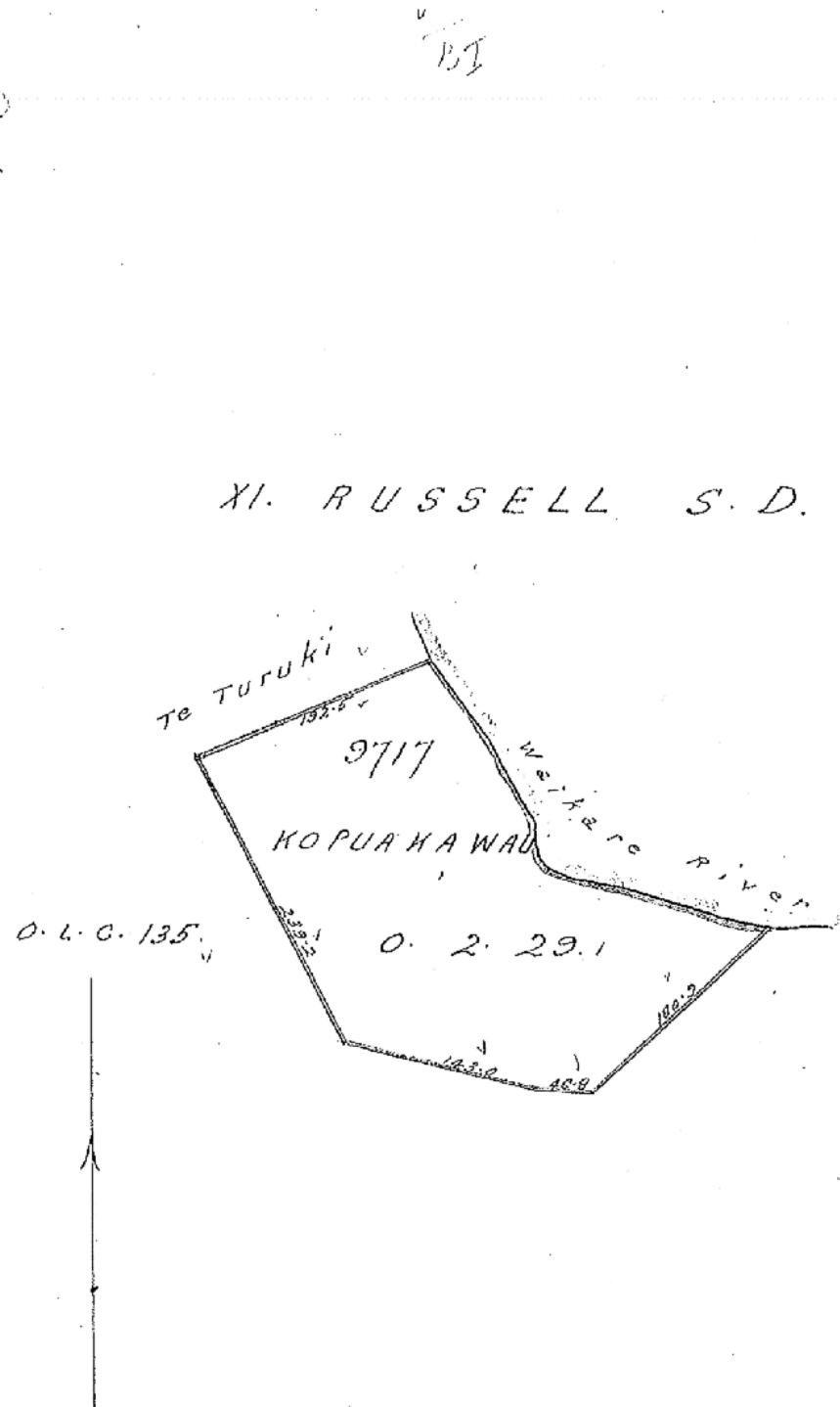
District Maori Land Council has been hereunto affixed at a meeting of  
the said Council held at Mangonui, on Friday  
the 5<sup>th</sup> day of April, 1905.



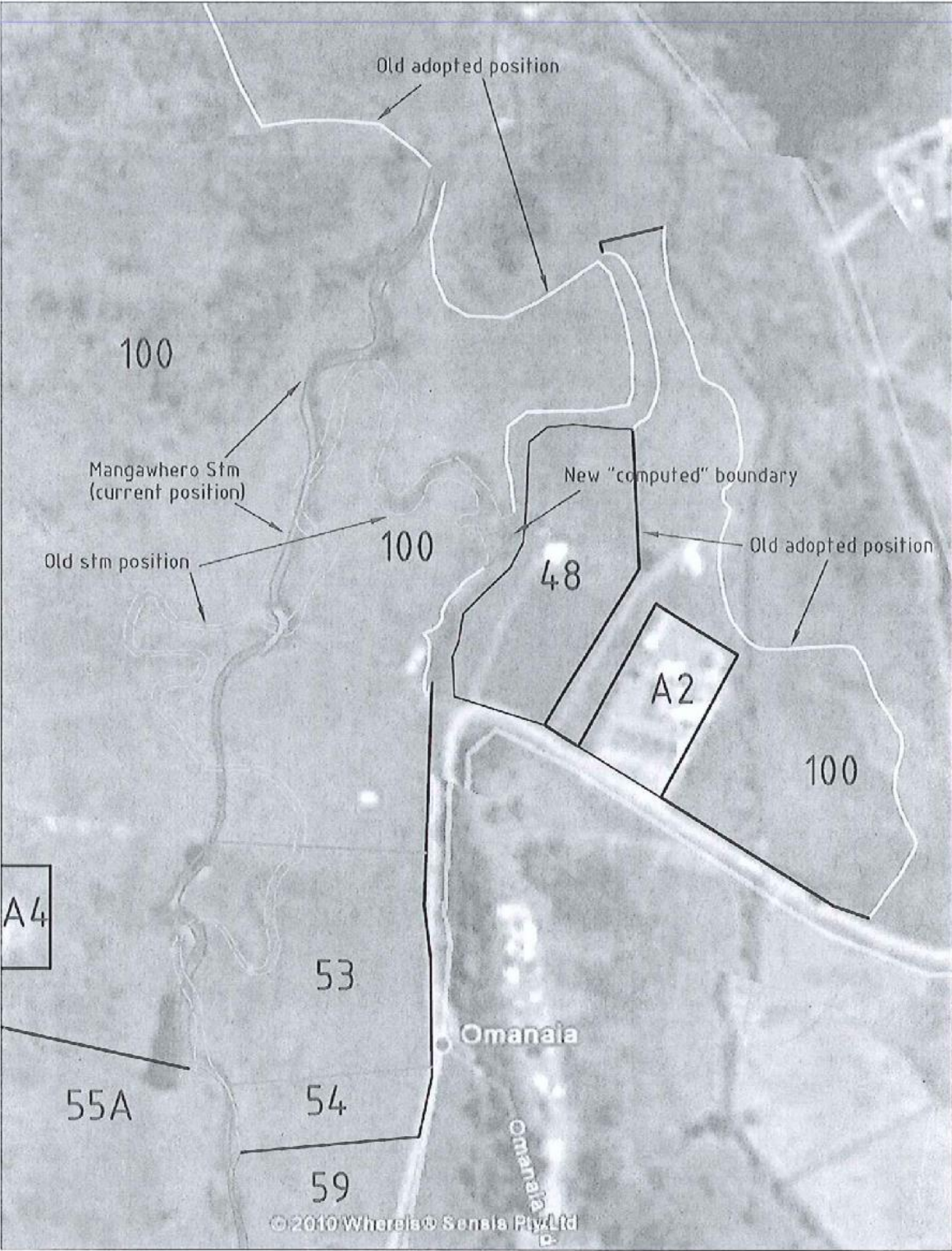
1,500/4 (1905-1910)

John Brown, President.

A. Rappitana  
H. Raurangi  
Members of  
Council.

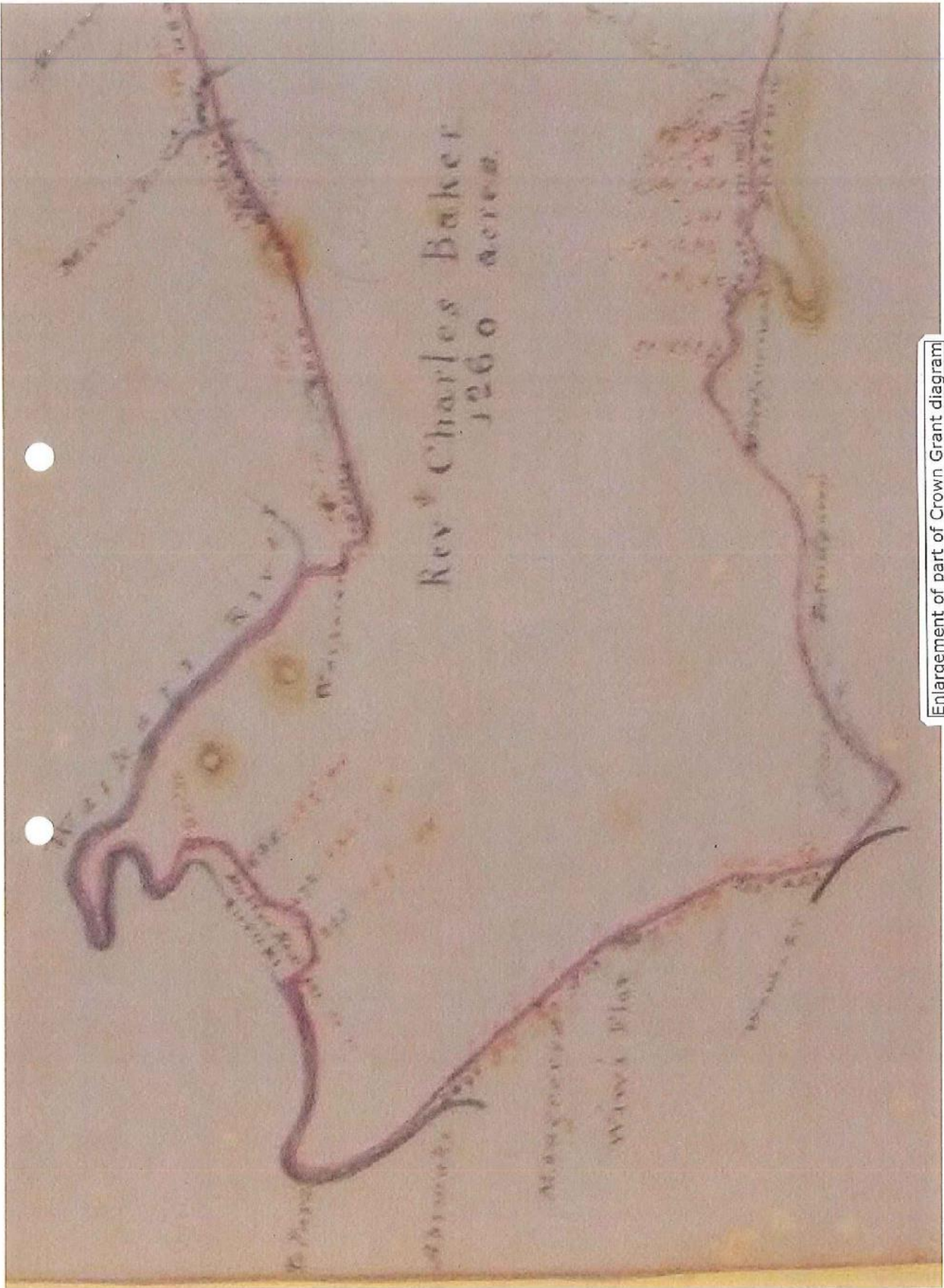


Scale ..... Chain to an Inch  
H. M. SKEET Chief Surveyor



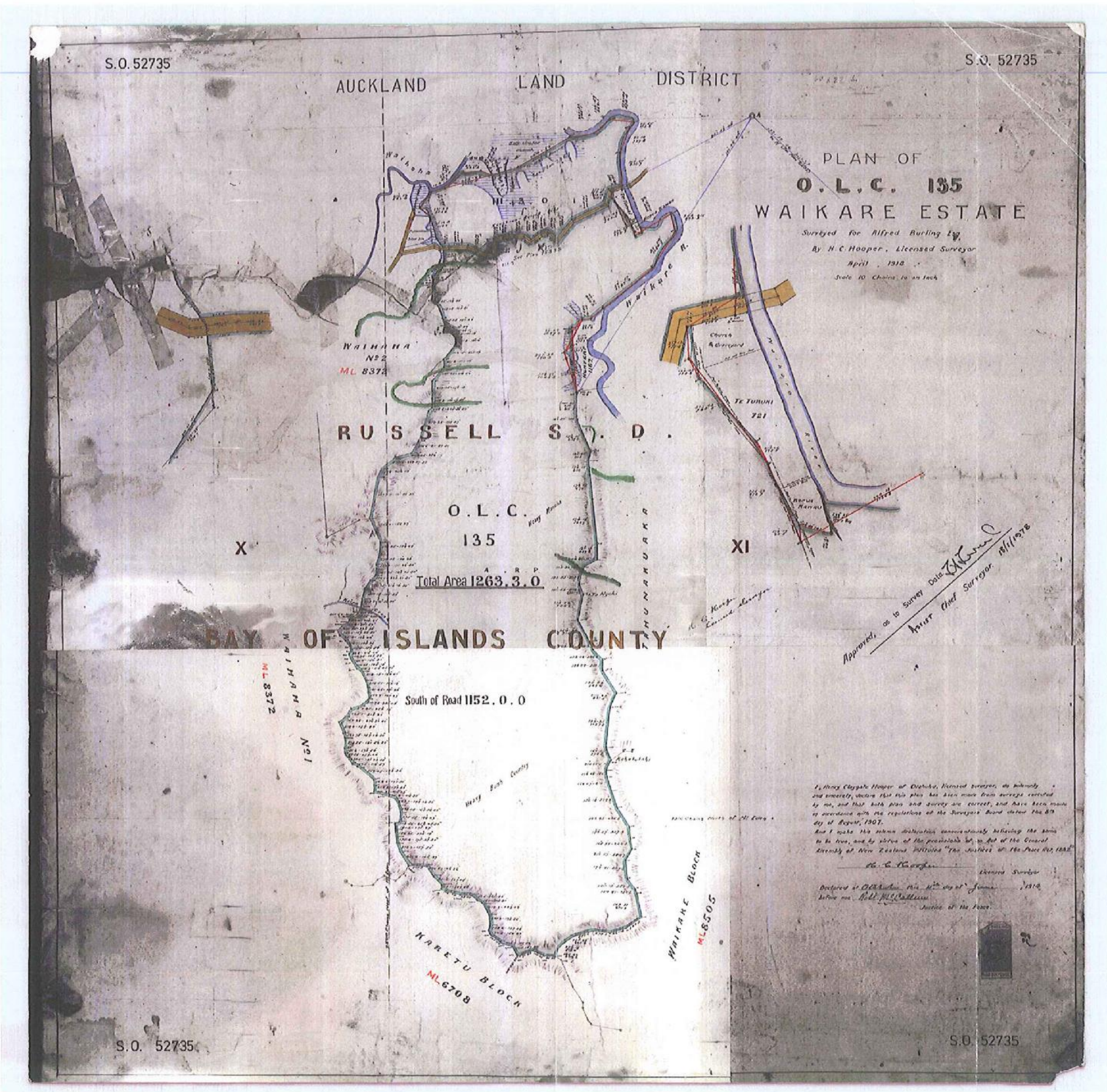
OMANAIA 53, 54 & 100 BLOCKS



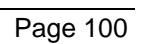


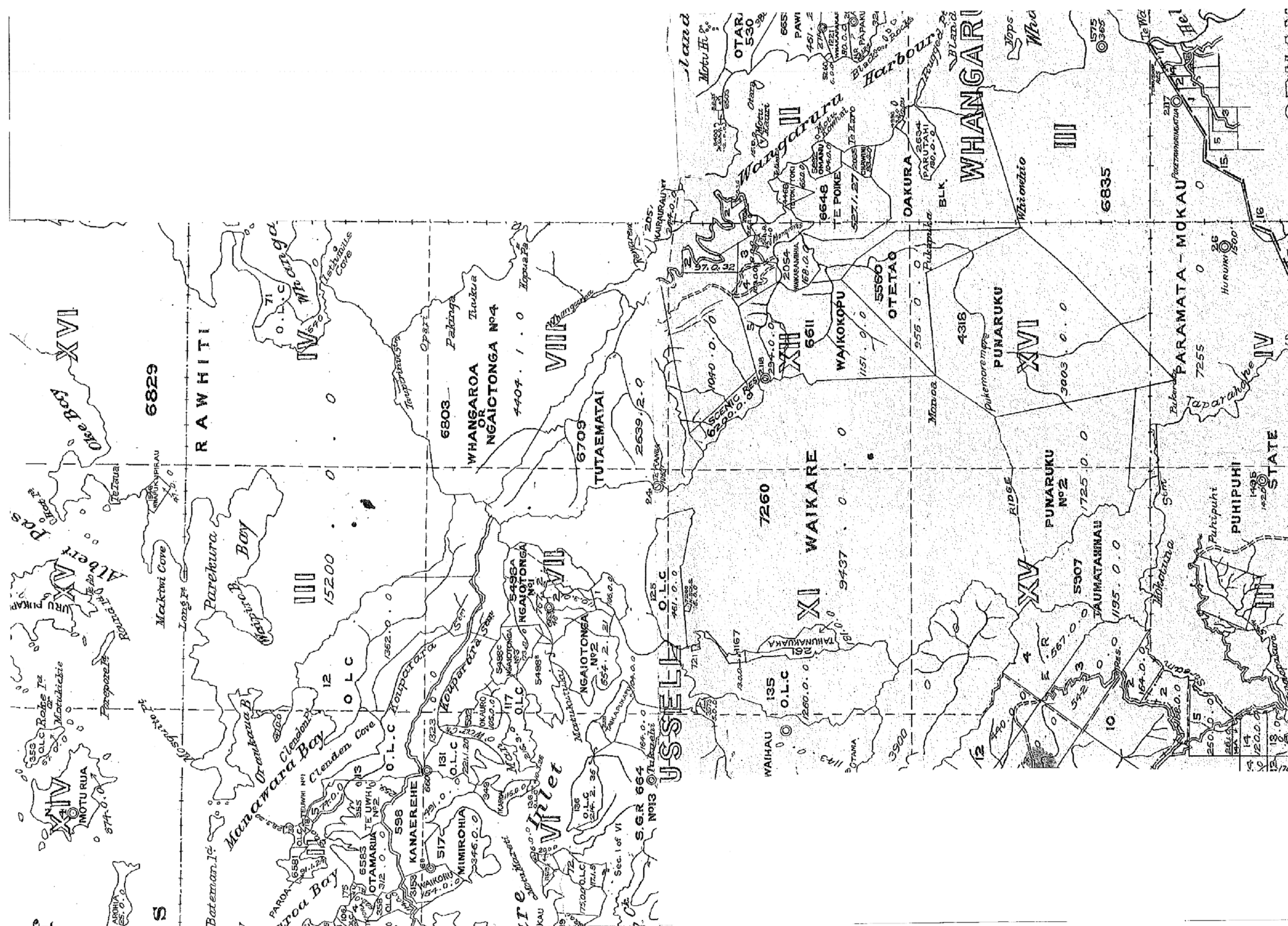
Enlargement of part of Crown Grant diagram

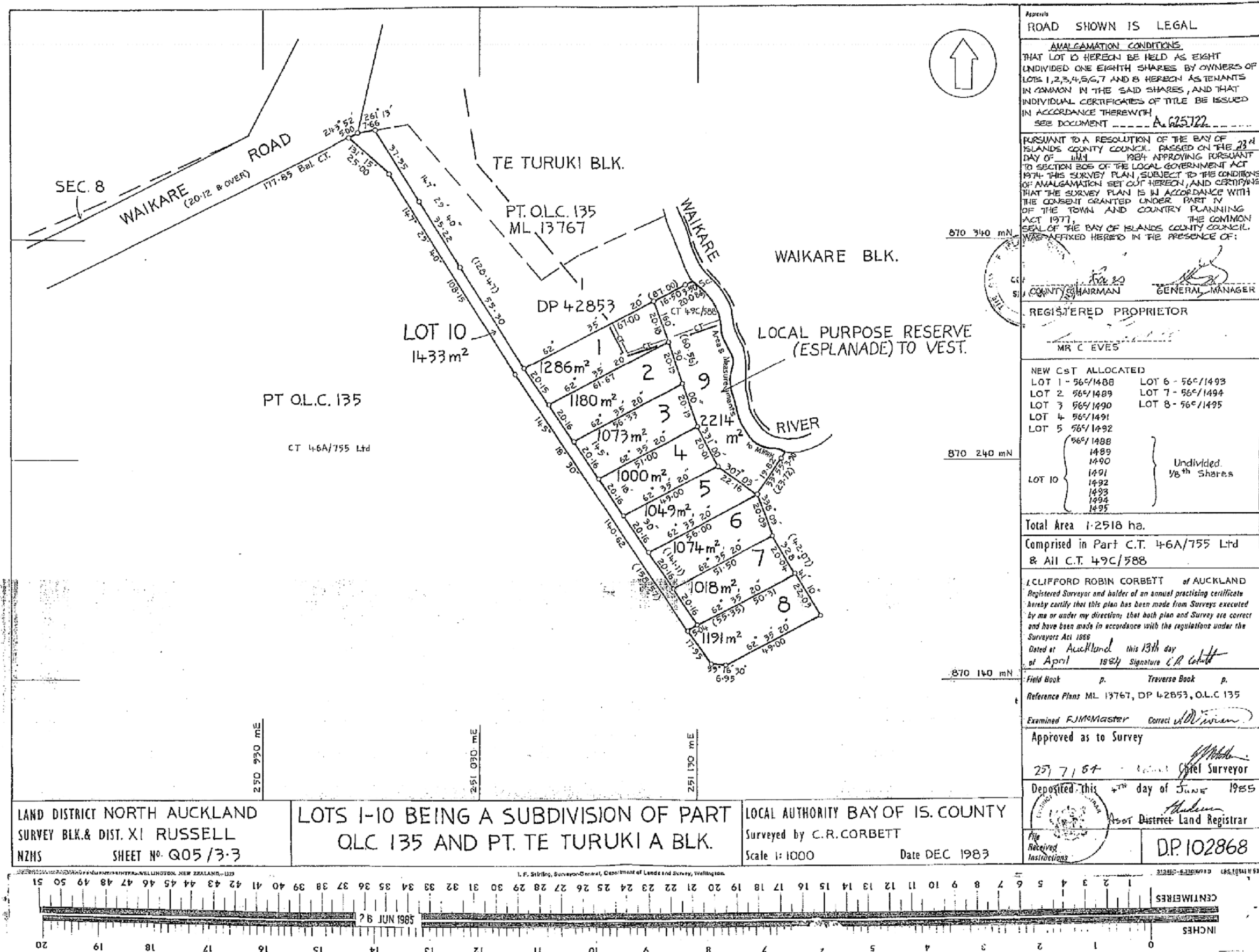
















Grant to David Lusk

10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846.

Spencer writes the first three different  
not with in the library of Charles Drake  
p. 33

**VICTORIA.** By the Grace of GOD of the United Kingdom of Great Britain and Ireland,  
QUEEN.

To all to whom their Presence shall come, Greeting:

**We** know Ye that for good considerations Us thourunto moving We for Us our Heirs and Successors do hereby Grant unto *The Reverent Charles Butler of Weymouth Clerk in Holy Orders*

Heirs and Assigns all that Parcel of Land, in the Province of New Zealand, containing by admeasurement One thousand two hundred and sixty (246) acres more or less situate in the County of Westmoreland. The boundary whereof commensurate and adjacent on the Western Shore at the confluence of a small creek at Wharfedale and from thence towards the north by the Wharfe River to a small Duke's River at Lanch House by measuring the hundred and forty day was thirty minutes three hundred and thirty one (331) inches one hundred and fifty seven degrees fifteen minutes two hundred and twenty three (223) times the hundred and twenty six degrees fifteen minutes four hundred and seventy two (472) inches one hundred and thirty seven degrees forty five minutes five hundred and twenty five (525) inches to an oblique way east thirty degrees thirty minutes one hundred and forty three (143) times to a river of fog by the Wharfe River thence by the Wharfe River to the confluence of the Wharfe River thence by that creek to a small swamp and by a stone one hundred (100) links into the swamp thence by lines 87° 40' per hundred (500) links 44° 34' two thousand (2000) links 147° 15' three hundred and sixteen (360) links 119° 36' three hundred and ninety (390) links 158° 38' three hundred and eighty nine (388) links to a stone in the creek thence a short distance up that creek thence by lines 158° 25' eleven hundred and sixty (1160) links 149° 15' ten hundred and seventy three (673) links 175° 40' and eighty five (885) links 232° 38' three hundred and eighty (380) links 170° seven hundred & sixty eight (768) links to a bridge called *Waddington* thence the boundary towards the East South and West runs by traversing a ridge of rising ground called respectively *Ridgeland Hill*, *Wharfedale Ridge*, *Tandale*, *Wharfedale*, *Thurston*, *Thurston*, and *Thurston* to *Hoburne* (crossing the *Wapiti* Creek) thence by lines having 8° 30' one hundred and eighty two (182) links 2° two hundred and eighty five (285) links 74° 50' three hundred and twenty (320) links 44° one hundred and eighty five (185) links 347° 42' three hundred (300) links and 242° 30' per cent hundred and twenty (200) links to a stone in the Wharfe River thence by a line having 84° 34' one hundred and eighty (180) links to the *Holy Trinity* Church thence by that creek to the *Wharfedale* River thence by the *Wharfedale* River to the *Wharfedale* River by lines along that first bearing 47° 30' five hundred and fifty (550) links 45° 45' two hundred and twenty seven (227) links 62° 30' eleven hundred and fifty nine (1159) links 32° eight hundred and five (805) links and 32° thirteen hundred and four (1304) links to the remaining part on the Wharfe River.

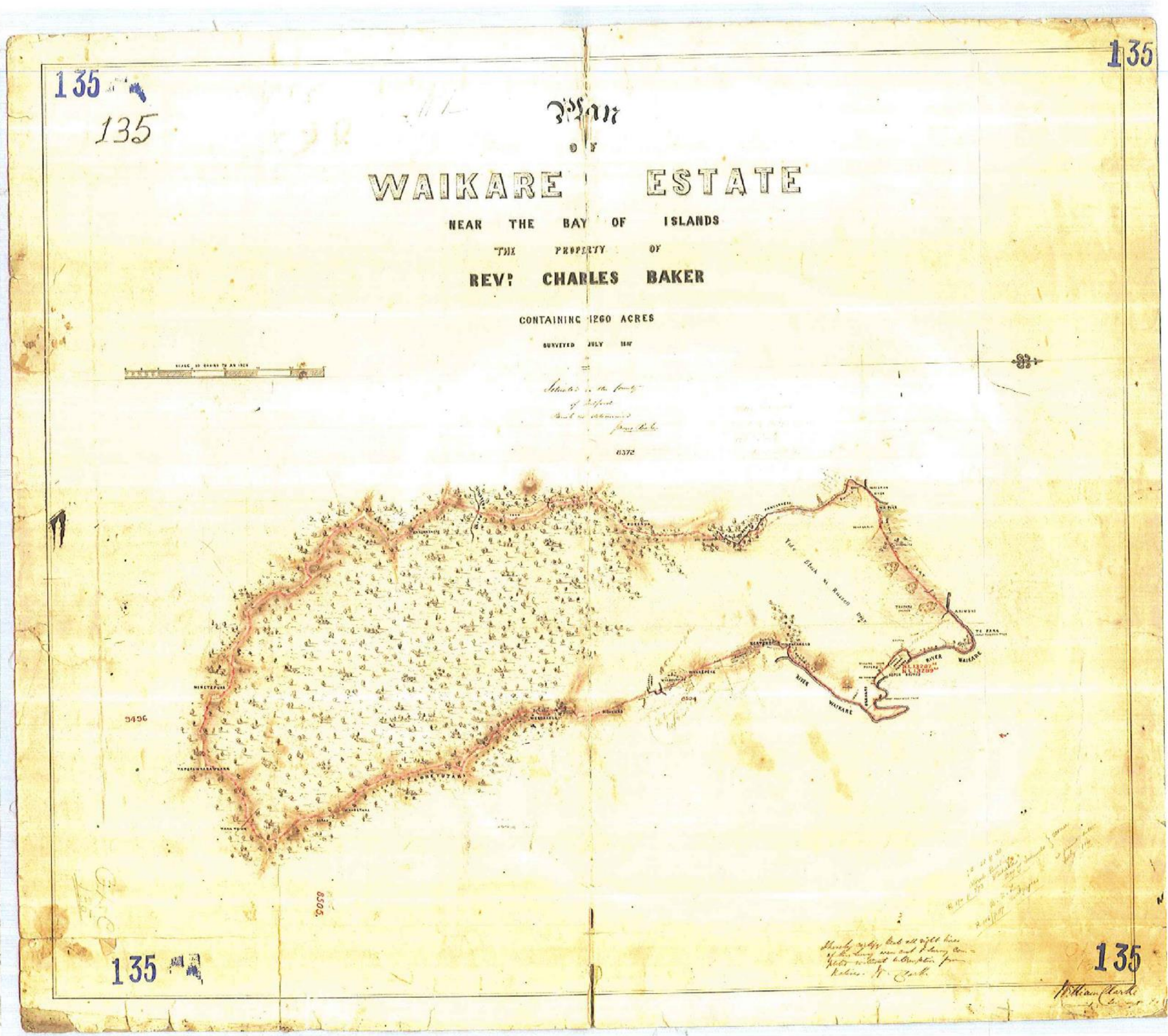
To find out whether  
the same is distributed  
to all or whether it is  
distributed through the  
same.

Hairs and Anus for excreting the weight of body weight of *Parasitica* in New Zealand.

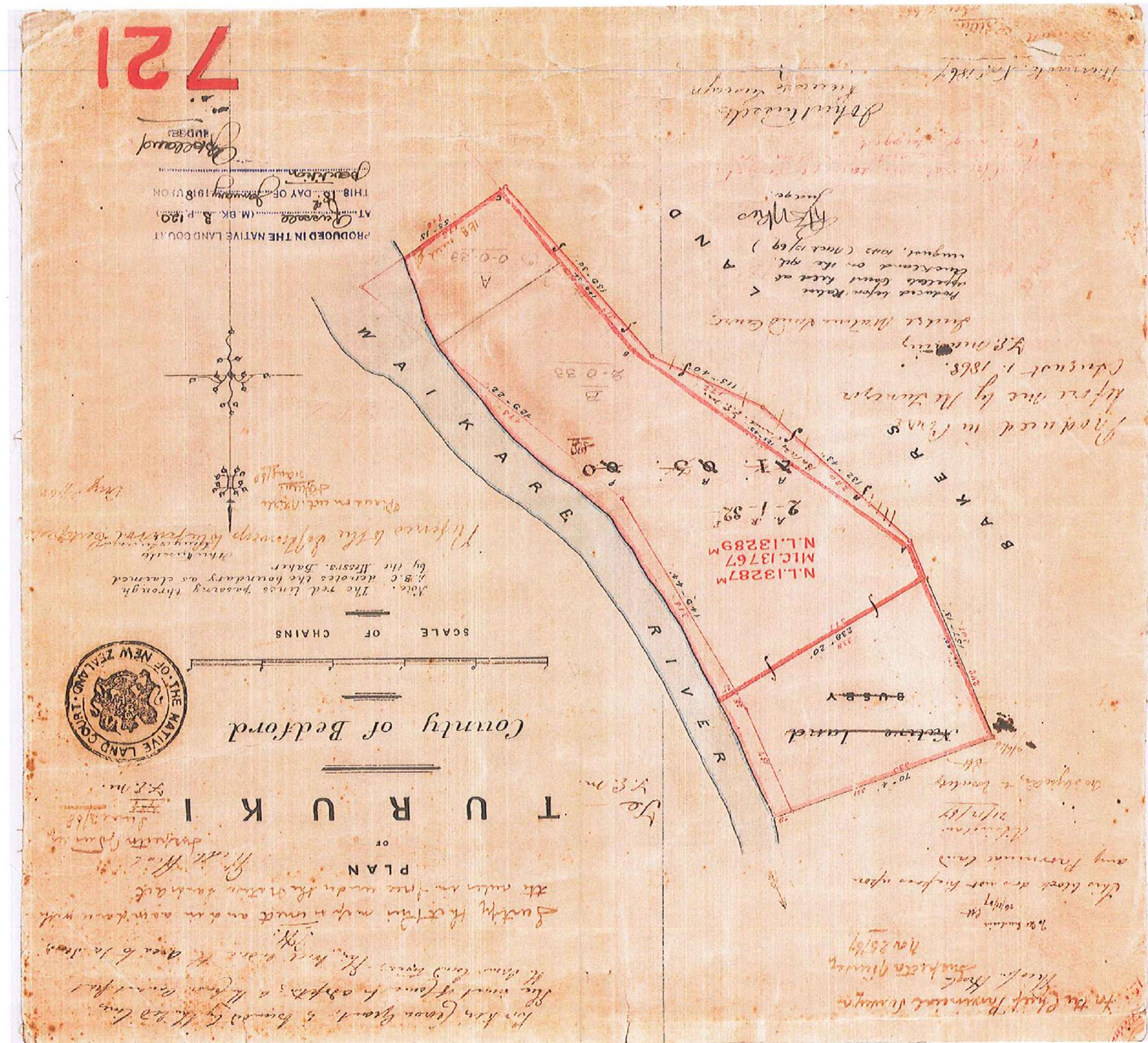
Tristness, Our Trusty and Well-beloved

this *second* day of *January* in the *thirtieth* year of Our Reign; and in the year of Our Lord One thousand eight hundred and *eighty eight*.











The Chief Surveyor  
Lands & Survey Dept -  
Auckland

— Kopua Kawan —

17590  
Blenheim Road 20  
Otaihau 164  
20<sup>th</sup> April 1915



I have the honour to forward herewith plan & mounted tracing of the above.

I have had a hand transfer survey of O.L.C 135 to do & only two or three more traverse lines were required to complete this survey so I have just charged for the plan work and the little extra work required in the field.

In the South East of the block the course of the river has changed since the old survey was made & I have defined this part of the boundary by a ~~line~~ give and take line with the old river bank.

I remain

Yours faithfully,

Enclosures. Plan, mounted tracing, H. C. Cooper  
Pages of field data, traverse sheet Licensed Surveyor  
& voucher.

Copy of letter from surveyor (para 27 of report refers)

17390

AUCKLAND,

9th. April, 1914.

Mita Wepiha,  
Whangaruru.

Keimaru, Kopuakawau Block.

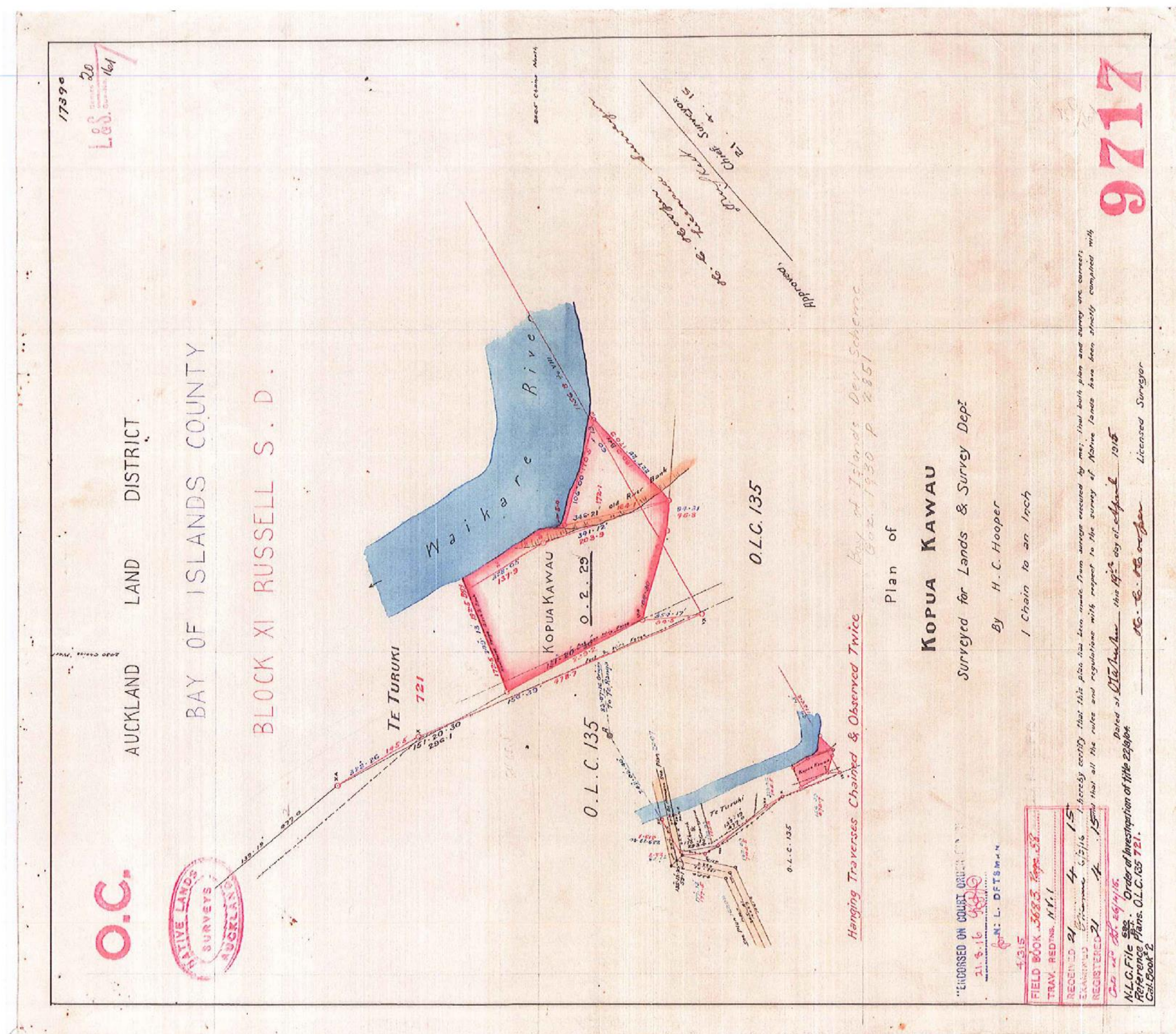
With reference to your guarantees to pay costs of survey of above Blocks, I have to inform you that the land pointed out by you as being Keimaru Block is Crown land. Kopuakawau I have been unable to locate and I enclose herewith a map. Will you please mark on the map and return to me showing the locality of the Block Kopuakawau.

*Wt*  
for Chief Surveyor.

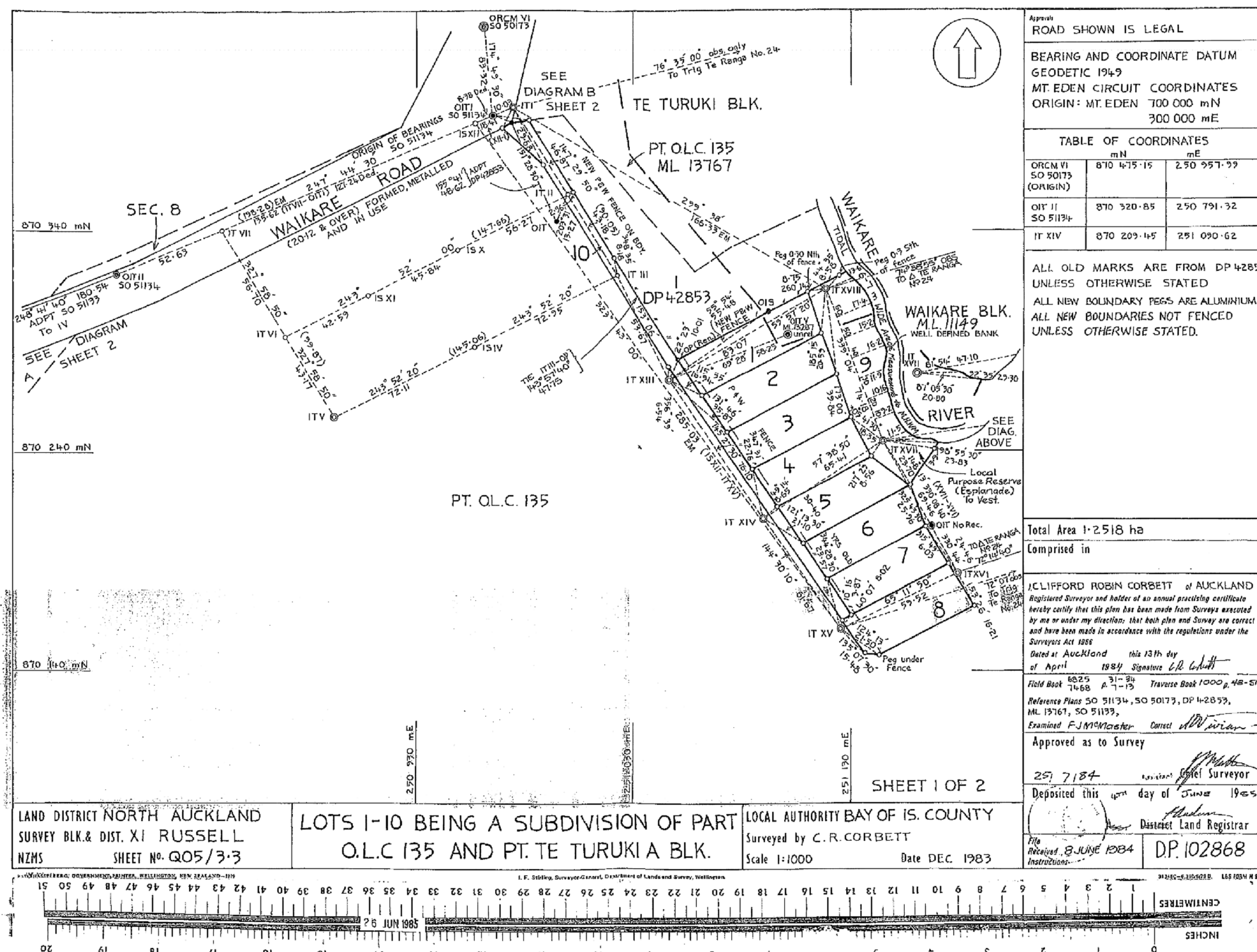
Enc. litho.



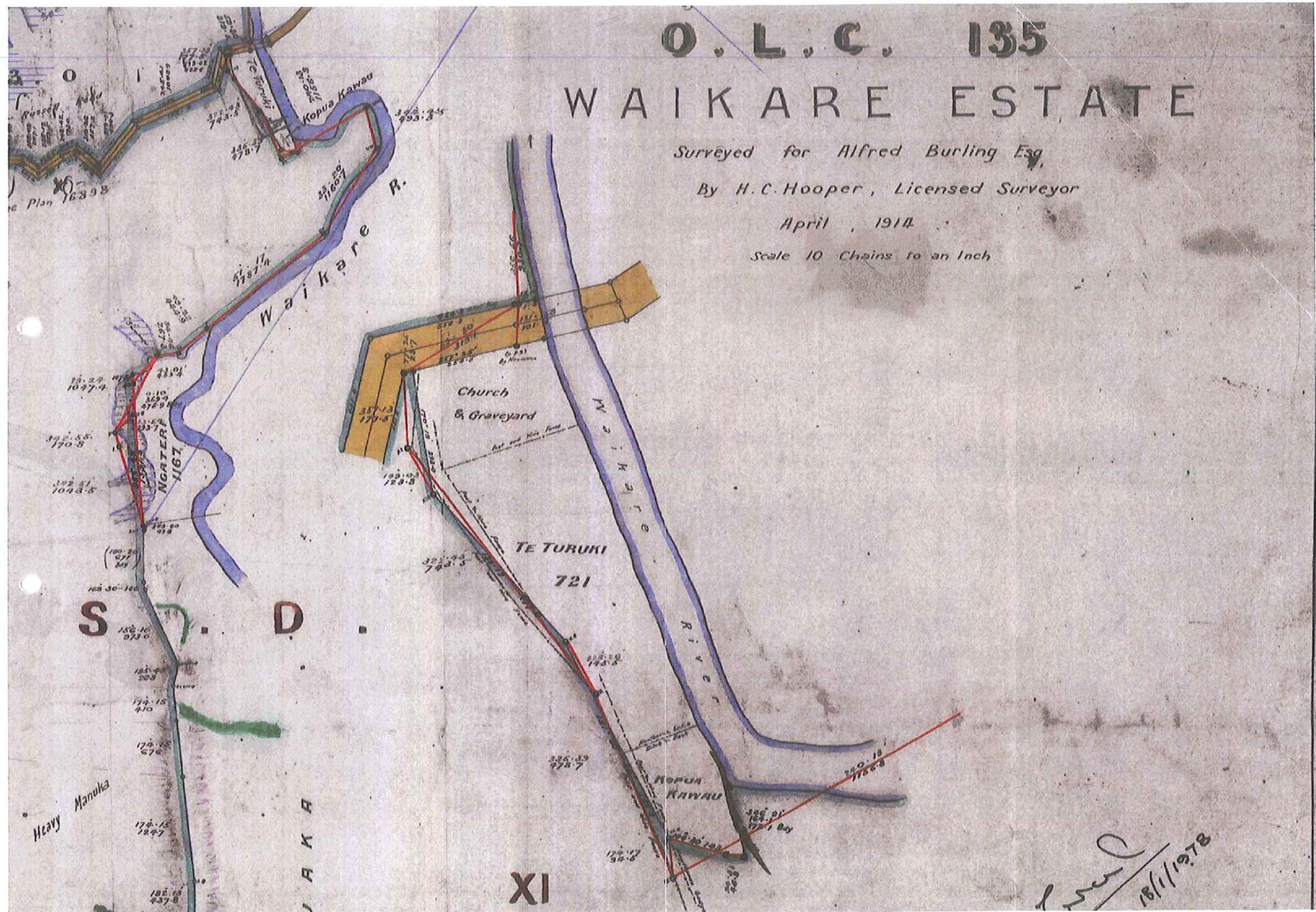




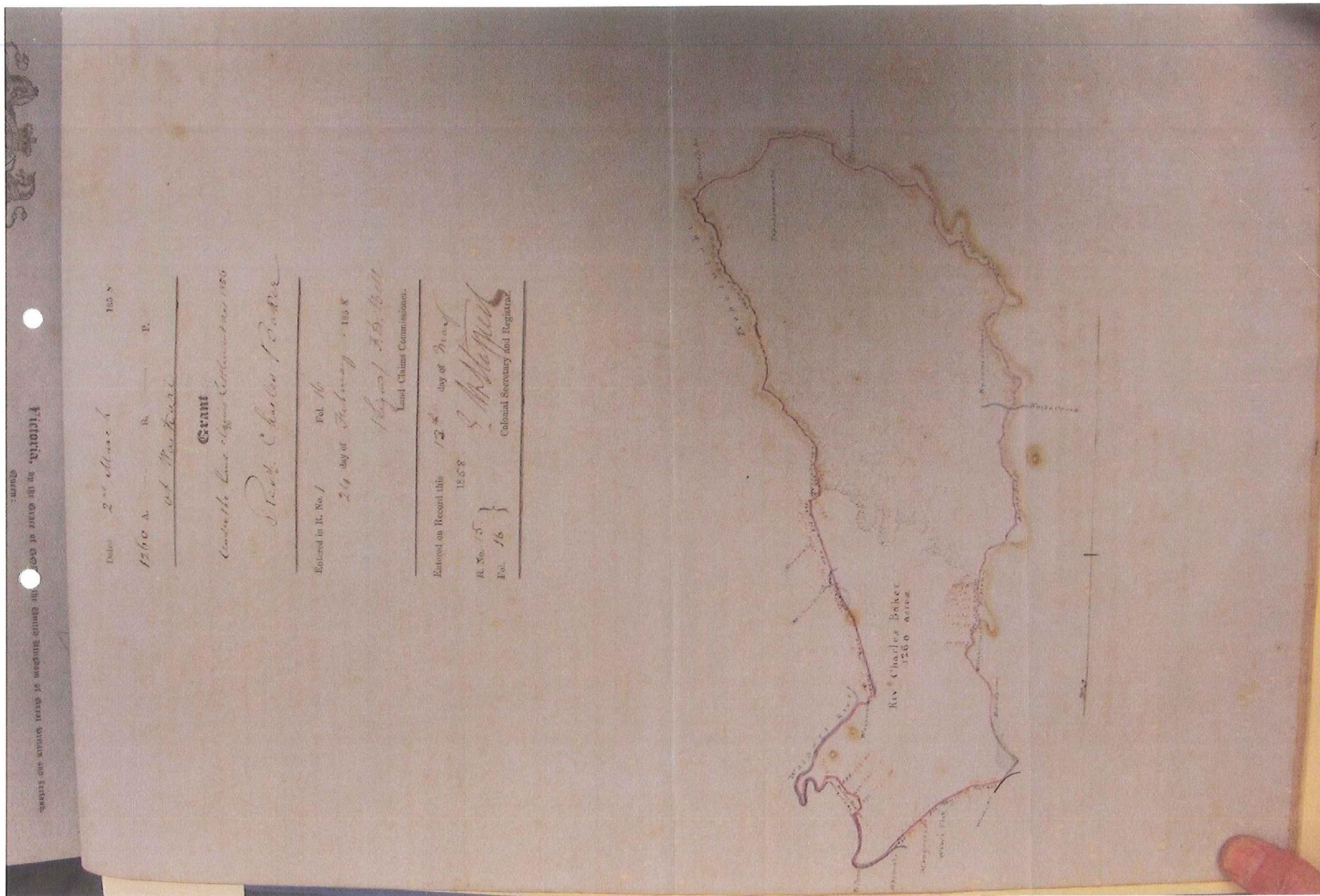








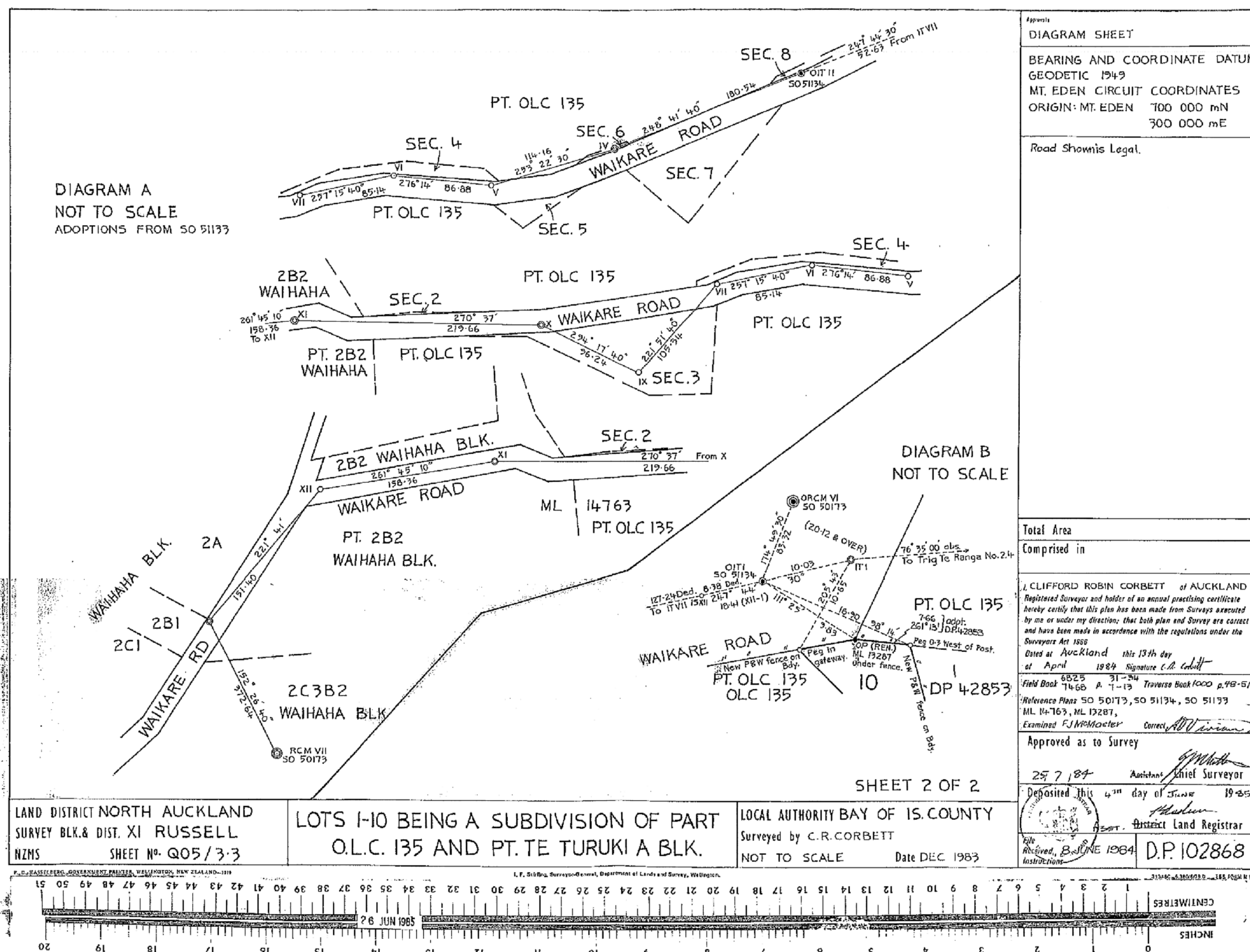


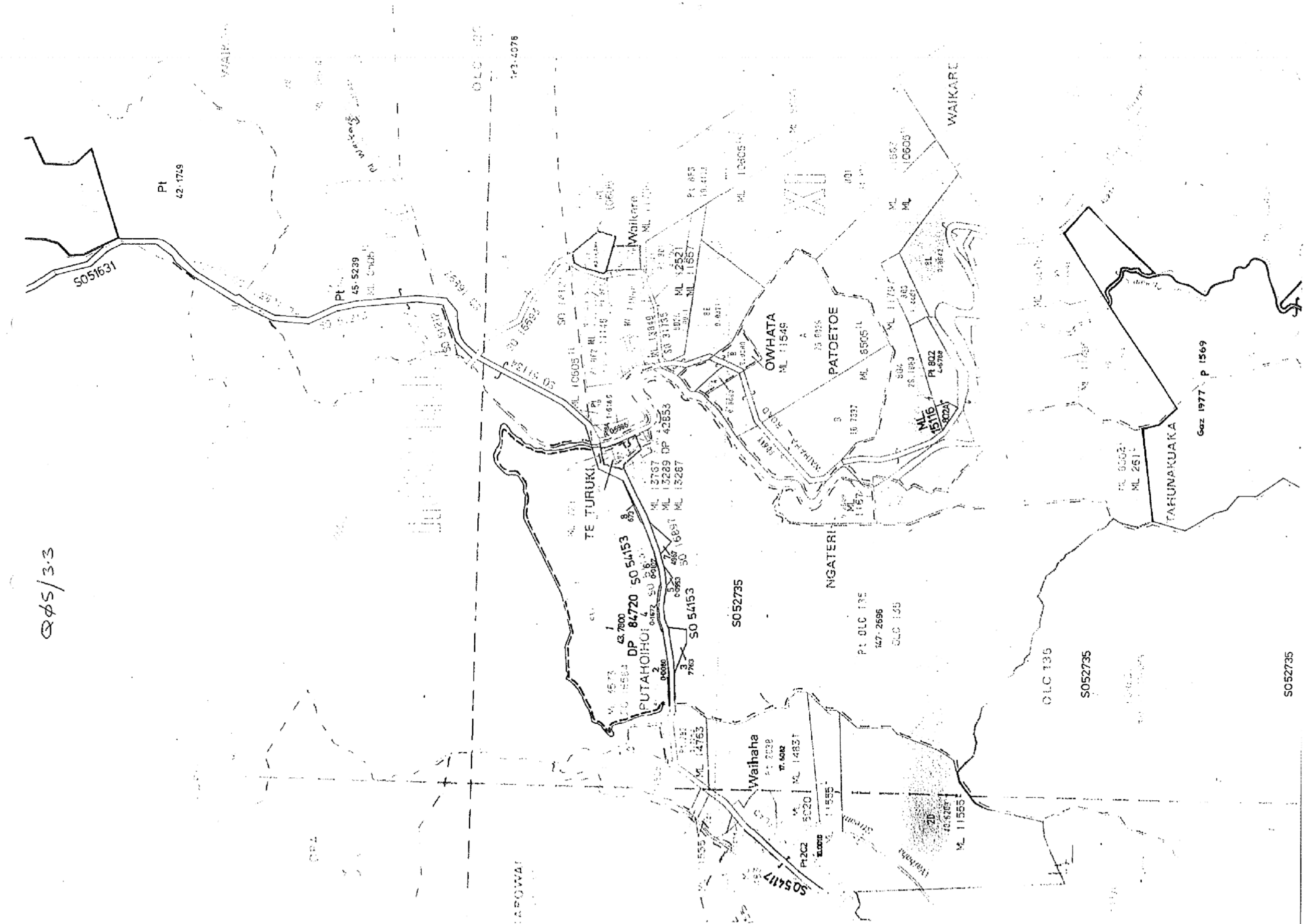
















ML 8505  
SHEET 4 OF 7



ML 8505  
SHEET 4 OF 7

ML 8505  
SHEET 4 OF 7

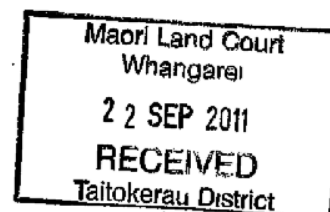
Our Ref: CAS-I15-09/842

Your Ref: A20100008382  
21 Taitokerau MB 74



16 September 2011

Francene Beckham  
Maori Land Court  
Te Taitokerau District  
DX Box AX10086  
**Whangarei 0140**



Tēnā koe Francene

**Kopuakawau Block – Survey Requisition – Application A20100008382**

Please find enclosed a statement from the Surveyor-General and the Registrar-General of Land. This is in response to the Court's invitation at its Chambers hearing on 19 May 2011, as advised in your letter dated 20 July 2011.

I would appreciate you confirming receipt of the statement, by emailing me on [ktwydle@linz.govt.nz](mailto:ktwydle@linz.govt.nz).

Kia ora

Kerry Twydle  
Senior Cadastral Advisor

National Office  
Lambton House  
160 Lambton Quay  
PO Box 5501  
Wellington 6145  
New Zealand  
Tel 64-4-460 0110  
Fax 64-4-472 2244  
Email [info@linz.govt.nz](mailto:info@linz.govt.nz)  
[www.linz.govt.nz](http://www.linz.govt.nz)  
[www.newzealand.govt.nz](http://www.newzealand.govt.nz)

**STATEMENT BY SURVEYOR-GENERAL AND  
REGISTRAR-GENERAL OF LAND FOLLOWING COURT  
DIRECTIONS AT 21 TAITOKERAU MB 74**

16 September 2011

*Page 1 of 4*

### Summary

1. As set out below, the documents enclosed with the letter from the Court Registrar dated 20 July 2011 do not alter our report of 20 December 2010, except only for the statements that certain Court records are unavailable.

### Background

2. On 3 September 2010 the Court directed the Registrar-General of Land, the Surveyor-General and the Far North District Council to file submissions setting out their preliminary views on the issues referred to at 9 Taitokerau MB 88-90.
3. In a memorandum dated 5 November 2010 counsel for the Registrar-General of Land and the Surveyor-General raised a number of matters, including the apparent existence of relevant documents on the Court's file(s), which counsel asked to be forwarded.
4. On 16 November 2010 one of the Surveyor-General's staff alerted the Court's case manager to a note on ML 9717, being a survey plan of the Kopuakawau Block prepared in 1915 (the survey plan). The note referred to "N.L.C. File <sup>680</sup>/<sub>B.I.</sub> Order of investigation of title 22/8/04". The Surveyor-General's staff member suggested that the file may be relevant.
5. The case manager responded on 9 December 2010 with a copy of the survey plan and a copy of an Order made by the Court on 22 August 1904 (the Order). The Order determined the ownership of Kopuakawau Block in terms of a schedule and a sketch plan numbered 21<sup>B</sup>BI<sup>S</sup>. The schedule was not supplied. A copy of a plan was included with the copy of the Order, but it did not include the above-mentioned number 21<sup>B</sup>BI<sup>S</sup>. The relationship between the plan and the Order is therefore uncertain.
6. A joint report was filed by the Registrar-General of Land and the Surveyor-General on 20 December 2010 (our report). Our report notes the unavailability of certain Māori Land Court records.
7. A Chambers Minute at 21 Taitokerau MB 74 records that on 18 January 2011 the Court directed the case manager to endeavour to recover the missing Court files.
8. The Chambers Minute also records that two files were eventually located. As recorded at 21 Taitokerau MB 74, on 19 May 2011 the Court made the following directions:  

"I direct the case manager to send the tagged pages from the two files [NLC file 680/BI and Order of investigation of title 22/08/04] to the Registrar-General of Land and the Surveyor-General of Land and to explain the content and nature of the rest of the files (in case some of that content may be relevant). I invite the Registrar-General of Land and the Surveyor-General of Land to advise whether this further information alters their report of 20 December 2010 in any way."
9. On 20 July 2011 the Registrar-General of Land and the Surveyor-General received a letter from the Court's case manager (the case manager's letter) which enclosed a copy of 21 Taitokerau MB 74 and a copy of certain other documents (a copy of that letter, including its enclosures, is **attached**). That letter states in paragraphs three and four:  

"Firstly, NLC file 680/BI – this file holds ownership records from the Bay of Islands consolidation scheme.  
 Secondly, Order of investigation of title 22/04/04 – this is in relation to the minutes and title with an attached plan confirming ownership of the block."



10. From the statements made in paragraphs three and four of the case manager's letter, we understand that (except for the documents enclosed with that letter) none of the documents on NLC file 680/BI and Order of Investigation of title 22/08/04 are relevant to the issues referred to at 9 Taitokerau MB 88-90. In that regard, we have assumed that the reference in the case manager's letter to "Order of investigation of title 22/04/04" is intended to be a reference to Order of Investigation of title 22/08/04.

#### **Analysis of documents enclosed with the case manager's letter**

11. A copy of each of the following documents was enclosed with the case manager's letter:
- (a) the Order (also previously supplied by the case manager on 9 December 2010 as noted above);
  - (b) a single-page schedule, showing the names of two Māori owners of Kopuakawau Block and setting out their shareholdings;
  - (c) a plan, as also supplied on 9 December 2010;
  - (d) a hand-written letter in Māori, with a folio reference of 396;
  - (e) two pages of a Schedule of Ownership of Kopuakawau Block, showing succession from the two Māori identified in the schedule in (b). The schedule is identified as "draft only";
  - (f) a single page schedule of owners of Kopuakawau Block, under the heading "Bay of Islands Consolidation Scheme". This may be a final version of the draft schedule in (e), but this is unclear. The schedule refers to Investigation Order 7/4/05.
  - (g) A copy of the Chambers Minute of 19 May 2011.
12. The Order relates to an investigation to identify the owners of the Block, and is presumably the Order of investigation referred to on the survey plan (refer above).
13. The schedule in (b) is presumably the schedule referred to in the Order, which was missing from the copy of the Order supplied by the case manager on 9 December 2010.
14. As noted above, the plan in (c) does not show the number "21<sup>B</sup>BI<sup>5</sup>", as referred to in the Order. As also noted above, it is therefore uncertain whether the copy of the plan enclosed with the case manager's letter is the sketch plan referred to in the Order.
15. The copy of the plan supplied by the case manager on 9 December 2010 includes part of a reference panel, which does not appear on the copy enclosed with the case manager's letter. This appears to be due to a reduced scanning coverage. The portion of the reference panel that can be seen on the copy provided on 9 December 2010 shows the scale, and the names of the chief surveyor and the surveyor. The surveyor's name is at the outer limit of the scan, but appears to be H. C. Hooper, who also carried out the survey of Kopuakawau Block some 11 years after the date of the Order.
16. As noted in paragraph 25 of our report, the sketch plan numbered 21<sup>B</sup>BI<sup>5</sup> must have been prepared before 22 August 1904 for it to be referred to in the Order made on that date. However, it is unlikely that the plan supplied by the case manager is that old, because the dimensions, area and shape of the Block correspond precisely with the survey plan that was prepared some 11 years after the Order. It is more likely that the plan supplied by the case

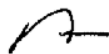
manager was prepared by the surveyor as a follow-up to his 1915 survey of Kopuakawau Block.

17. The situation described in paragraph 25 of our report has therefore not changed – it is unclear as to when, why and how the sketch plan referred to in the Order was created.
18. Having regard for the statements made in paragraphs three and four of the case manager's letter, the documents described in items (d), (e) and (f) above are understood to be from the Court's file 680/B.1.
19. Those documents appear to track ownership of Kopuakawau Block. Since that information is not related to the issues referred to at 9 Taitokerau MB 88-90, those documents have not been closely analysed.
20. The documents supplied with the case manager's letter mainly deal with ownership of the land, rather than its spatial extent. Those documents have not assisted with determining how the land comprising Kopuakawau Block was (apparently) included in the 1983 Housing Corporation survey.
21. As paragraph 32 of our report states, none of the available documents record any approval by the Court of the survey plan. This situation has not changed.

**Correction of typographical error in our report**

22. Our report states in the first sentence of paragraph 36 that the area on SO 52735 was some 10 acres "less" than the area shown on CT 750/184. As is apparent from the footnote and the sentence immediately following that statement, the area on SO 52735 was in fact some 10 acres "more" than shown on CT 750/184. We request you delete the word "less" where it appears in the first sentence of paragraph 36 and replace that word with the word "more".

Yours faithfully,



Registrar-General of Land



Surveyor-General

End: copy of case manager's letter and attachments (paragraph 9 refers)

9 Taitokerau MB 88

Place: Whangarei  
 Present: D J Ambler, Judge  
 Date: 3 September 2010

Panui No: Chambers Application No: A20100008382

Subject: Kopuakawau – Survey Requisition  
 Legislation: Section 332, Te Ture Whenua Māori Act 1993

Details of the applicant are as follows:

| Applicant        | Address                |
|------------------|------------------------|
| Deputy Registrar | PO Box 1764, Whangarei |

F Beckham, for Deputy Registrar:

|                             |  |
|-----------------------------|--|
| Legal Description/Block:    | Kopuakawau   |
| No of Owners:               | 18   |
| Area:                       | 0.2756 hectares  |
| Location:                   | Block XI Russell Survey District                                     |
| Land Registration District: | North Auckland   |
| District Council:           | Far North District Council   |
| Memorial Entries:           | Land determined Maori Freehold<br>50 Kaikohe 180 – 181; 17 June 2009 |

This application was brought about by the Maori freehold project. Orders were made to consolidate the ownership and determine the status of the land at reference 50 Kaikohe 180 – 181 on 17 June 2009. As a result the MFLR project team tried to register the orders and plan which was rejected by LINZ, as they say it has been taken up with OCL 135 and DP 102838. A summary of the plan position and copies of relevant documents is as follows:

1. Kopuakawau is surveyed on ML 9717;
2. ML 9717 is shown on the Spatial Map Print down in the Waikare Blocks but it should be shown up with the Te Turuki Blocks in the top of this map;
3. This spatial map shows where Kopuakawau should be;
4. DP 102868 also shows where Kopuakawau should be;
5. DP 102868 is made up of ML 13767, DP 42853 and OLC 135 but ML 9717 is not mentioned.

As Kopuakawau is defined on ML 9717 it is not visible in Landonline and it appears to be removed from Landonline by plans OCL 135 and DP 102838 for no apparent reason. Therefore a detailed investigation needs to be undertaken to get solutions.



## 9 Taitokerau MB 89

This report has now been completed by Kurt Bowen a Registered Professional Surveyor of Paterson Pitts Partners Limited and is attached with the file.

With this information, I now respectfully ask the Court to dismiss the survey requisition application, as the block does not exist with Land Information New Zealand.

Court:

This is an application for a survey requisition. The Case Manager has requested the dismissal of the application on the grounds that Kopuakawau no longer exists.

The background to title to Kopuakawau is set out in the report of 7 July 2010 from Patterson Pitts, surveyors of Dunedin.

In summary, OLC 135 (1887) depicted a Native Reserve known as Te Turuki and an area known as "Kopua Kawau" as being reserved from OLC 135. On 22 August 1904 a title for Kopuakawau was issued under the Māori Land Administration Act 1900. In 1915 ML 9717 defined Kopuakawau as comprising 2 roods 29 perches and lying to the south east of Te Turuki and being separate from OLC 135. In 1983 DP102868 was produce by way of subdivision of Part OLC 135 and Part Te Turuki block. DP102868 mistakenly included the area of Kopuakawau within Lots 1-4 and 9 on DP 102868. Lot 9 is vested in the Far North District Council as Esplanade Reserve. Land transfer titles have issued for Lots 1-4. DP 102868 was not completed through this Court's processes and there is no order subsequent to the 1904 title order cancelling title to Kopuakawau.

Accordingly, the position today is that the Court maintains a title record for the Kopuakawau block but the effect of the issue of LINZ titles for Lots 1-4 and 9 on DP102868 is that title to Kopuakawau has apparently been mistakenly overridden and thereby effectively cancelled.

In my view, it would be inappropriate to dismiss the application that is currently before the Court. The Court's duties in relation to the owners of Māori freehold land are clearly spelt out in the Preamble and ss 2 and 17 of the Act. Here, through processes outside this Court title to Kopuakawau appears to have been compromised. I consider that, at the very least, the application should remain before the Court so that the Court can provide a forum to assist resolution of the current situation (to the extent that that is possible).

Accordingly, I propose to convene a Judicial Conference pursuant to s 67 of the Act to consider what should happen. Various parties have an interest. In my view, the persons that should be invited to the Judicial Conference are:

1. The Registrar or her agent;
2. The Registrar-General of Land or his agent;
3. The Surveyor-General of Land or his agent;
4. The owners of Kopuakawau;
5. The owners of Lots 1-4 DP 102868;
6. The Far North District Council as of Lot 9 DP102868;
7. Mr Sonny George as representative of the Waikare Marae which is situated on part of Te Turuki.





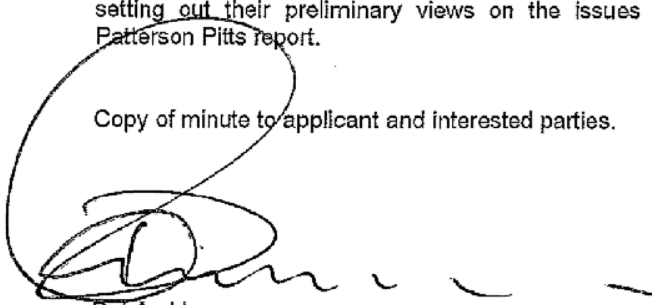
## 9 Taitokerau MB 90

Accordingly, I direct that the application be set down for a s 67 Judicial Conference at Whangarei at the next sitting of the Court (2 hours).

The Case Manager is to send notice of the Judicial Conference, a copy of this minute and a full copy of the Patterson Pitts report of 7 July 2010 to all of the above parties.

I direct the Registrar-General of Land, the Surveyor-General of Land and the Far North District Council to file submissions not less than 7 days before the Judicial Conference setting out their preliminary views on the issues raised by the application and the Patterson Pitts report.

Copy of minute to applicant and interested parties.



DJ Ambler  
JUDGE

## 61 Taitokerau MB 116

**Place:** Whangarei  
**Present:** D J Ambler, Judge  
**Date:** 25 June 2013

**Application No:** A20080015064  
A20080015066  
A20100012122  
A20100008382

**Subject:** Motatau No 50 No 3  
Motatau 2 Section 66  
Whenuanui No 2B  
Kopuakawau

**Legislation:** Sections 67, 131 and 332, Te Ture Whenua Māori Act 1993

**Background**

I regret that these four applications have not progressed for some time.

The applications arise out of the Māori Freehold Land Registration Project and concern four unrelated Māori freehold land titles. What the applications have in common is that certain Māori land interests and, in the case of Kopuakawau, a complete Māori land title appear to have been "lost" as a result of administrative actions affecting the LINZ titles or in approving survey plans.

One of the difficulties with the applications is that they were brought by the Registrar for the sole purpose of enabling LINZ titles to issue. It was then discovered that there were in fact significant problems with the titles. Thus, the current applications under ss 67, 131 and 332 of the Act may need to be amended and other parties may need to be substituted for the Registrar. It may also be that this Court does not have jurisdiction to address the underlying title issues.

In order to progress matters I intend appointing counsel to represent the affected Māori owners of each of the four titles. I note that I previously appointed Mr John Neverman as counsel to assist the Court in relation to two of the applications however, as I explain below, I consider that Mr Neverman may have another role to fulfil and I therefore intend appointing another counsel in respect of all four applications.

I summarise the current status of the applications as follows.

**Motatau No 50 No 3**

This is an application under s 131 of the Act to determine the status of the land.

The information provided to date indicates that although the Court records disclose that 1/7<sup>th</sup> of the ownership of the land is with Māori owners and 6/7<sup>th</sup> is in the name of a transferee, William James Wilson, as a result of transfers of the LINZ title the land is now solely owned by the Department of Conservation.

**61 Taitokerau MB 117**

Representatives of the Māori owners and the Department of Conservation have for some time been left to negotiate a solution. Leon Penney had been assisting the owners but it is unclear whether he is still performing that role. In November 2011 Amokura Kawharu, an owner or descendant of one of the Māori owners, wrote to the Court to advise that little progress was being made and sought a hearing. The application has not progressed since then.

**Motatau 2 Section 66**

This is an application under s 131 of the Act to determine the status of the land.

The information provided to date indicates that although the Court maintains a title for Motatau 2 Section 66 (25.0399 hectares) in the ownership of nine Māori owners or their successors, the relevant 1969 exchange orders appear not to have been registered and the said land is now comprised in a larger Motatau 2 Section 66 title that is solely owned by NZ Forest Products Limited (also known as Taumata Plantations).

On 27 October 2010 I made orders appointing Mr Neverman as counsel to assist the Court in relation to this application and the Whenuanui No 2B application, and directed Mr Neverman to provide preliminary assessments of the issues affecting the two blocks. Mr Neverman provided his preliminary assessments under cover of his letter of 23 December 2010. At that stage he had not received copies of the files from the Registrar. The application has not progressed since then.

**Whenuanui No 2B**

The information provided to date indicates that although the Court records disclose that 2/5<sup>ths</sup> of the ownership of the land is with Māori owners and 3/5<sup>ths</sup> is in the name of a transferee, Robert Claude McCown, as a result of transfers of the LINZ title the land is now owned entirely by Richard and Dianne Kidd.

On 27 October 2010 I directed the Registrar to file an application under s 67 of the Act for a judicial conference. I also made orders in relation to the appointment of Mr Neverman as per Motatau 2 Section 66 outlined above. The Registrar filed an application under s 67 on 4 November 2010. Mr Neverman provided his preliminary assessment on 23 December 2010. The application has not progressed since then.

**Kopuakawau**

On 17 June 2009 I made orders under ss 128 and 131 of the Act declaring the owners of Kopuakawau and determining the land to be Māori freehold land. The orders were subsequently rejected for registration by LINZ as the title has been superseded by other titles issued by LINZ. The Registrar subsequently applied under s 332 for a survey requisition.

Apart from the Registrar's own memoranda and reports there have been two reports filed with the Court to date. First, a report dated 7 July 2010 from Patterson Pitts, surveyors of Dunedin. Second, a report dated 20 December 2010 from the Registrar-General of Land and the Surveyor-General.

Following my directions on 19 May 2011 for certain documents to be sent to the Registrar-General of Land and the Surveyor-General, a further statement from the Registrar-General of Land and the Surveyor-General dated 16 September 2011 was filed. The application has not progressed since then.



**THE MĀORI LAND COURT OF NEW ZEALAND  
TE TAI TOKERAU DISTRICT  
AUCKLAND**

**A20100008382**

**IN THE MATTER** of applications pursuant to sections 332 and 183 of  
Te Ture Whenua Māori Act 1993

**AND**

**IN THE MATTER** of Kopuakawau block

---

**MEMORANDUM OF COUNSEL ON BEHALF OF THE AFFECTED MĀORI  
LAND OWNERS OF KOPUAKAWAU**

**Dated this 23rd day of October 2020**

---

---

**WV**  
**&D** **WACKROW WILLIAMS & DAVIES LTD**  
BARRISTERS & SOLICITORS

Level 14, 48 Emily Place  
PO Box 461, Shortland Street  
Auckland 1140  
DX CP20503  
Te Kani Williams / Raewyn Clark  
Ph. (09) 379 5026  
Email: [tekani@wwandd.co.nz](mailto:tekani@wwandd.co.nz) / [raewyn@wwandd.co.nz](mailto:raewyn@wwandd.co.nz)

mao581\_mao581.003\_053.docx



**MAY IT PLEASE THE COURT****Introduction**

1. As the Court is aware, this matter was commenced as part of the Māori Freehold Land project. The starting point for the application was that Māori Land Court maintained a title record for the Kopuakawau block, however, it was apparent that through the issue of LINZ titles for Lots 1 – 4 and 9 on DP102868, title to Kopuakawau had been apparently mistakenly overridden and thereby effectively cancelled.<sup>1</sup>
2. Through initiating this application, the Court sought to provide a forum to assist the resolution of this situation for the Māori owners.<sup>2</sup> Our firm was appointed to assist the Māori owners to try and find a resolution.<sup>3</sup>
3. In December 2015, the application, which started as a survey requisition, was amended to include an application to appoint an agent.<sup>4</sup>
4. The most recent Court Minutes in relation to this matter are from a hearing on 1 March 2016<sup>5</sup>, and following this hearing, a judicial teleconference on 4 April 2016 (128 Taitokerau MB 99). At that time, the focus of Judge Ambler's intention for this matter was that our firm should establish:
  - (a) Who the agent should be; and
  - (b) What the terms of the agency should be;in order to develop a pathway forward.
5. Since the amendment of the application providing for the appointment of an agent, our firm's work has focused primarily on engaging with the owners in order to gain their instructions and confirming their support for, the appointment of an agent, the purpose being to have a focus point for instructions.

---

<sup>1</sup> 9 Taitokerau MB 88 to 90, 3 September 2010

<sup>2</sup> Ibid

<sup>3</sup> 66 Taitokerau MB 108, 24 September 2013

<sup>4</sup> 118 Taitokerau MB 21, 17 December 2015

<sup>5</sup> 126 Taitokerau MB 222

6. This Memorandum is to provide an update to the Court on the current status of this matter and to set out what Counsel sees as the possible pathways forward to progress towards a resolution of this matter.

#### **Reports / Investigations**

7. Three reports have been prepared in relation to Kopuakawau, which look at the background to this matter. These are:
  - (a) The Patterson Pitts report, dated 10 July 2010;
  - (b) A report by the Far North District Council, dated 5 November 2010; and
  - (c) A report by the Registrar General and Surveyor General of lands, dated 20 September 2010 and an update to this report, dated 16 September 2011.

#### *Possible Solutions*

8. The Patterson Pitts report ("**PP Report**") proposed three possible solutions:
  - (a) Provide a replacement – the report suggested that the easiest solution may lie with Lot 9 DP 102868 which is a Local Purpose Reserve (Esplanade) subject to the Reserves Act 1977 with the Bay of Islands County Council pursuant to s 306(4) of the Local Government Act 1974. Conveniently, the reserve is roughly the same shape as the original Kopuakawau block. The PP Report suggested that the Ministry of Justice could pursue, with the local authority, the acquisition of the reserve as a replacement block for the original Kopuakawau block as a redefinition of the Kopuakawau block;
  - (b) Ownership Adjustment – this option involves adjusting the cadastral record to reinstate the block in its original form. This option will be problematic because it deals with a number of private owners with indefeasible titles. There is also the question of how suitable access might be achieved to Kopuakawau block; or
  - (c) Financial Compensation.

9. Broadly speaking, the PP Report identified three proposals that may provide a resolution in this case, and this report has formed a basis for discussions with the Māori owners to understand the issues and possible resolutions to this matter. As referred to in more depth below, we have ascertained that the majority of owners have indicated a preference for the replacement option.

#### **Last known position of the Crown**

10. The Crown and the Far North District Council ("FNDC") were last involved in this application in December 2015 when each sought to be excused from further attendances until an agent could be appointed to represent the owners.<sup>6</sup>
11. On 31 October 2014, LINZ filed a Memorandum setting out its position, including:
- (a) LINZ noted Lot 9 was a Local Purpose Reserve vested in the Far North District Council ("FNDC");
  - (b) LINZ noted the suggestion of Counsel for the affected Māori owners that LINZ should purchase Lot 2 in lieu of compensation under s 172 of the Land Transfer Act 1952;
  - (c) LINZ submitted that the assumption of liability under this section was premature at this stage;
  - (d) The RGL and the Surveyor-General continue to reserve their position in the Patterson Pitts Report.
12. Regarding Lot 9, the FNDC has previously stated that "...*Kopuakawau was initially excluded from the Crown Grant, but later absorbed into the title issued from that Crown Grant, presumably by adverse occupation. If that is the case then subsequent titles issued are correct and the status quo should remain.*"<sup>7</sup> Counsel submit that this "presumption" by FNDC is not only inappropriate but cannot be relied upon to further alienate Māori from their lands. Māori are entitled to rely upon the indefeasibility of their title and the

<sup>6</sup> 118 Taitokerau MB 21, 17 December 2015

<sup>7</sup> Letter from Mark Lagerstedt to the Māori Land Court, dated 5 November 2010

Crown cannot simply absorb Māori title to land and assert that the subsequent titles are, as a result of that illegal absorption, correct.

13. Counsel submits that it could be productive to understand the Crown and FNDC's current position. In particular it would be helpful if the Crown and the FNDC could respond to the following questions:
  - (a) Is the FNDC willing and/or able to provide Lot 9 to the owners by way of substitution of the original loss of the Kopuakawau land?
  - (b) In addition, is the Crown willing and/or able to include either Lot 1 or Lot 2 to be alongside Lot 9 (by way of compensation and also to provide access)?
  - (c) If this is not possible, what other solutions do they consider appropriate in order to resolve the loss of Kopuakawau.
14. If the answers to the above questions were apparent, in Counsel's submission this would be helpful to elucidating the logical next steps for the Māori owners.

#### **Owner Preference for a Resolution**

15. A Consolidated Order, dated 17 June 2009, attaching a list of the owners for this block is attached as **Appendix A**.
16. Counsel understands that succession has occurred for Tireiniama Wepiha Reo, however there may still be outstanding succession orders required for Te Aroha Pongia, Geneva Pongia, Stan Pongia, Te Aroha o Te Mangai Wepiha Reo, and Amelia Te Rangi Maria Wepiha.<sup>8</sup> Nevertheless, we have been touch with the descendants of a number of these (excluding Te Aroha Pongia, Geneva Pongia and Stan Pongia).
17. As at 2014, based on an owner hui, with Counsel (Mrs Peters) present (which took place on Friday 15 August 2014, at MacDonald's, Bader Drive, Mangere) and a number of phone contacts, our file shows that a majority preference had been indicated by the owners around the

<sup>8</sup> Based on an inquiry our firm (Ihipera Peters) made to the Māori Land Court (Nanette Rahui) on 20 June 2016, and response received.



replacement/substitution option (with Lot 2 as compensation). This is indicated by the summary from our file which is attached as **Appendix B** to this Memorandum. It should be noted that the preference indicated by Hoani Pita (as trustee of the majority shareholder) appears to have come via phone contact with him on 15 May 2015.<sup>9</sup>

18. The owner preferences for this option do require confirmation and updating given the passage of time. Nevertheless, we think discussion with the Crown on this option could and should continue regardless.

*Memorandum of 16 December 2015*

19. On 16 December 2015, Counsel (Mrs Ihipera Peters) filed a Memorandum with the Court which set out where matters had progressed to up to that point. A copy of this Memorandum is attached as **Appendix C**. The key points to note are as follows:
  - (a) Counsel had had some success in contacting the 50% shareholder, the Rameka Waitai Pita Whanau Trust (the trustees for which are based in Australia), and one of the trustees had indicated a preference for a resolution (paragraph 3);<sup>10</sup>
  - (b) Some successions still needed to take place for deceased owners (in order for our firm to be able to take instructions from those successors) (paragraph 4);
  - (c) Of 12 owners who Counsel had been able to contact, a summary of their position was (paragraph 6):
    - i. They seek the return of land in one form or another.
    - ii. They accept that a substitution of land would be more practical than a reinstatement of the original land block, at least as identified in the Patterson Pitts' report, because of the overlap with five other Land Transfer titles.

---

<sup>9</sup> File note, 15 May 2015

<sup>10</sup> A file note dated 15 May 2015 records a phone call that Mrs Peters made to Hoana Pita which states "he is happy for us to keep the ball rolling with LINZ"; a further note on the file indicates his preference is "return of land/substitute"

- iii. The consensus was that Lot 9 of DP 102686 should form part of any resolution by way of substitution land but not on its own because:

1. Lot 9 is landlocked by Lots 1-4 of DP 102686;
2. there is no legal access from the driveway;
3. as a result of the access issues there would be no ability for the affected Māori land owners to develop or utilise the land effectively;
4. Lot 9 is 542m<sup>2</sup> smaller than the area of land depicted by Patterson Pitts as the original Kopuakawau block (as discussed previously in paragraphs 10 and 22 of our memorandum dated 27 February 2015); and
5. there is concern that more of the land that forms part of Lot 9 may subside into the Waikare stream, as appears to have occurred in the past, which would further diminish the land available for use by the affected Māori land owners.

- iv. The majority therefore seek either Lot 1 or Lot 2 in addition to Lot 9 as part of any substituted land area as discussed in our earlier memoranda.<sup>11</sup>

- v. In respect of the possibility of appointing an agent to act on behalf of the owners pursuant to s183 of Te Ture Whenua Māori Act 1993, the general consensus is that it is a possible avenue but more time is sought to consider who would be appropriate, if that path is pursued.

20. The above points were discussed at a Judicial Conference on 17 December 2015.<sup>12</sup> The recommendation of Judge Ambler at this time was that an agent be appointed, and the application was amended accordingly.

---

<sup>11</sup> See paragraphs 9 and 14 of our memorandum dated 6 October 2014 and paragraph 7 to 10 of our memorandum dated 27 February 2015.

<sup>12</sup> 118 Taitokerau MB 21

21. From this time on, the focus of our firm's work turned to engaging with the owners around the appointment of an agent. That said, the owners position will need to be updated and instructions will be required.

**Discussions with the Māori Owners re: appointment of an agent**

22. Having reviewed the file, it is apparent that a large amount of work was undertaken to achieve progress towards who should be nominated as an agent for the Māori owners and to ensure there was broad support for an agent.
23. Our firm filed a number of Memoranda updating the Court on our progress with the owners (and our engagement with the Māori Trustee) in this regard.<sup>13</sup> In addition, there was a significant amount of correspondence and contact with the owners that continued up until mid-2018.
24. In summary, while some ambivalence was expressed regarding the appointment of an agent, generally speaking the owners we were able to contact were generally supportive. However, there was less clarity and consensus around who the agent should be.

*Deceased owners*

25. On 20 June 2016, we sought an update from the Court regarding the succession of interests of deceased owners. We were advised on one succession application that had been completed at this time (out of a total of 6 deceased owners).<sup>14</sup>
26. This may be a discrete area where, if an agent was appointed, it would be helpful for them to assist the owners. This was one of areas the Māori Trustee proposed he could assist with, see MOC of 1 April 2016, at para 3(c). However, our firm could work to progress succession matters with the owners unless and until an agent is appointed.

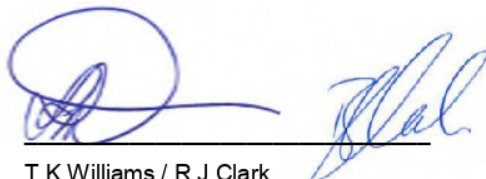
---

<sup>13</sup> See Memoranda of 29 February 2016, 1 April 2016, 1 June 2016, 13 June 2016

<sup>14</sup> Ibid, note 8

**Conclusion**

27. In Counsel's submission, it would be productive to understand the parameters of the Crown and FNDC's position with regard to the proposed replacement / substitution solution, centring on the provision of lot 9 as a substitution for the loss of Kopuakawau, along with an additional lot by way of compensation and to provide access. Counsel has proposed a list of questions for the Crown and FNDC at **paragraph 13** which could provide a useful starting point for (recommencing) discussions.
28. A clear understanding of the Crown's position should assist in advising the next steps for the owners who are likely to be more pro-active if there is a real opportunity for a positive outcome and if they have a concrete proposition to consider.
29. Once we have a clear understanding of the Crown's position, the continuation of efforts to achieve the necessary level of support from owners for the appointment of an agent could also be recommenced at that time, if that was deemed appropriate and useful.
30. With regards to the deceased owners and any outstanding succession orders, it seems logical for our firm to take steps to progress this unless and until an agent is appointed, in which case this role may transfer to them.



T K Williams / R J Clark  
**Counsel for the Māori Owners**



## Māori Land Court | Judge's Corner

Deputy Chief Judge C L Fox

## Māori Freehold Land Registration Project

August 2011

In this edition of the Judges' Corner, I have decided to elaborate further on the Māori Freehold Land Registration Project that was substantively completed in 2010 with tidy up work still being completed. This was briefly mentioned in Chief Judge Wilson Isaac's contribution to this forum.

**Background**

Today, owners their whanau and hapu, the Māori Land Court staff and its judges have inherited a system of Māori land title that many have claimed to be inconsistent with Māori customary preferences. A particular criticism concerns the notion of individualisation, a matter that has resonated across three centuries. The early history of individualisation leading to land dispossession and alienation and the impact this system of tenure wrought on Māori society has been rehearsed time and time again before the Waitangi Tribunal. It has also been acknowledged by the Crown in deeds and legislation designed to settle such historical claims.

While individual titles according to shareholding remains the means by which Māori freehold land is administered under Te Ture Whenua Maori Act 1993, the Act has resulted in an improved approach to Māori aspirations for their land. But that does not mean we cannot continue to seek improvements, including an improved title system.

This is the reason why the Māori Freehold Land Registration project was so important. The project was a joint one involving the Māori Land Court administration, LINZ and a sector sometimes forgotten in the literature on the project, the Māori Land Court judiciary.

I understand that in 2004, when the Hon John Tamihere was Minister of Lands, Cabinet approved the investment of approximately \$30m in the MFLRP. Its purpose was to register all outstanding Māori Land Court orders relating to Māori land ownership in LINZ. The project continued to receive support from the National Government to its completion.

The primary purpose of the project was to ensure that the title system of the Māori Land Court was reflected in the Torrens system administered by LINZ. In addition, there were requirements in Te Ture Whenua Maori Act 1993 and previous legislation for the transmittal of Māori Land Court orders as to title, which had not been consistently applied.

Much has been achieved by the project for Māori land owners, their whanau and hapu by giving greater certainty to title issues. The project has proven, simply by the volume of work completed and by the number of title anomalies uncovered, that both title systems were in a parlous and unsatisfactory state. In general, however, we can

## Māori Land Court | Judge's Corner

Deputy Chief Judge C L Fox

be satisfied that the work completed has been of assistance to the majority of owners.

As a result of the project, registration of 97% of the 27,411 Māori land titles was completed. It has required hundreds of hours of human resource time, with a large percentage of that time derived from the Maori Land Court judges. It is they who had to sign the 80,970 orders and the hundreds of computed and compiled plans that were transmitted to LINZ pursuant to the project.

**Benefits beyond Registration**

**First**, the project provided an opportunity to clean up Māori Land titles providing more certainty for owners keen to develop their lands, including improving their access to loan finance.

**Second**, the Ministry now has a large human resource pool with specialist knowledge of the Māori Land title system. That resource has not been lost and many project team members have been reintegrated back into the Māori Land Court administration.

**Third**, the project confirmed why it is important for the Māori Land Court to continue its current role given its historical and particular expertise in the administration of titles. While the project also threw up issues for improvement, generally I think we can be satisfied that the Māori Land Court is the most appropriate mechanism for administering Maori Land titles, so long as every order is reflected in the LINZ system.

**Fourth**, and one of the funnier issues that it has thrown up for improvement, involves the appellations chosen for land blocks. Judges and Registrars past, have tended to default to surveyors over the names of newly created titles following partitions, consolidations, amalgamations or aggregations of Māori land. So it was not uncommon on this project to have a block with an appellation such as this: Waerenga East No 2 B, Waerenga East No 1, Section 7 block 5 Rotoiti Survey District, Maungaroa Kaharoa No 12 block (Amalgamated) Lot C. The definitive description for demonstrating that we are only dealing with one block (derived from 3 blocks) being Lot C. Thus the project has highlighted this issue for staff and the judges.

**Fifth**, the project has also highlighted the need for the Māori Land Court to be more proactive in its identification and review of defunct trusts and incorporations due to circumstances such as the death of key trustee or management committee members. It is rarely the case that the Māori Land Court judges do not appoint people into these positions where selected by owners. The challenge is to initiate these meetings so that a defunct ahu whenua trust or incorporation can be reactivated.

**Sixth**, the issue of locating owners was also highlighted by the project and basics such as requirements as to notice cannot be complied with because Court staff cannot access proper addresses for owners. Judges are forever hearing the criticism

**Māori Land Court | Judge's Corner**

Deputy Chief Judge C L Fox

from owners that they were not notified of a hearing or meeting affecting their land or their interests. This is a fair point. What must also be borne in mind, however, is that ever since the whole concept of individualisation was originally imposed over Maori concepts of ownership, the necessary resourcing to keep lists of owners up to date has generally been inadequate. Added to that fact is the reality according to modern demographers that a large percentage of the Māori population is on the move. They are, in other words, living in short term accommodation. It would help if Māori land owners let the Court know their addresses when they move.

But, it is my experience that not all owners will participate even with notice. It is not uncommon for a block of 100-200 owners, for meetings to attract less than 10 owners – and that is on a good day. In such cases, the notion that absentee owners could be represented by their marae, hapu or iwi authority is an idea that could be explored. These efforts combined would, I believe, assist in ensuring as many owners, their whanau or hapu are kept informed, are consulted and are able to express their views as to the administration of their lands.

**Conclusion**

There are aspects of the current title system that will continue to challenge us, including:

- (a) The transmission of Māori Land Court orders to LINZ;
- (b) The state and quality of survey plans;
- (c) Remedies for blocks with defunct administrative structures; and
- (d) Owners without contact details.

What the Māori Freehold Land Registration Project has done has been to provide an invaluable updated base of knowledge for a new generation of policy makers keen to review and improve the manner in which owners, their whanau or hapu hold title. But the real challenge remains what it has always been for us all – the administration of Māori land and the delivery of services in accordance with the aspirations or rangatiratanga of Māori to retain, utilise and develop their land for the benefit of the owners, their whanau and hapu in accordance with their own cultural preferences.

**C L Fox**

DEPUTY CHIEF JUDGE

**8 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

**9 MEETING CLOSE**