

# Proposed Redevelopment of Memorial Hall Playground

## A little bit about us

- We are two friends, Lucy Skou and Brenna O'Neill, with a passion for our families and the Marton community
- With a background in nursing and education we are very aware of the benefits of getting children outside and engaging them in social and physical play
- We are strong advocates for our community and believe Marton would reap significant benefits from having a destination playground

## History of Marton's playgrounds

- Wilson park was developed in 1975
- Memorial hall playground was developed in 1951
- Small additions have been made over the past 40 years
- All playgrounds are up to current health and safety standards

## Existing playground



## Current situation

- Local playgrounds are used infrequently
- Existing playgrounds are limited with the experiences they provide local children
- Existing playgrounds are not suitable for children with disabilities
- Families travel long distances to Whanganui and Palmerston North to use playgrounds – spending money outside of the Marton area

## Importance of playgrounds

- Playgrounds evoke a sense of adventure in children and provide a social atmosphere that helps keep children active and healthy
- Find a good one and the entire family can be kept occupied for hours
- Children's brains are wired to wonder. By cultivating their curious side and exploring new ideas and experiences they will become happier, healthier and smarter.
- Playgrounds no longer just consist of modular equipment. They now provide children with a broad range of creative, dynamic and sensory experiences.

## Proposed playground for Memorial Hall Park

Our proposed playground contains a quality setting with natural features, artistic expressions and age appropriate, challenging and fun playground equipment.

## Proposed design



Playground proposal

5/6/2018 POC1200 Revision: 0

Memorial Hall Park - Marton


  
fun is for life!



Age groups appropriate for:

 Toddlers & Pre-Schoolers
  Primary to Big Kids
  Teenagers to Young Adults
  Whole family / Young at Heart

[sales@playgroundcentre.com](mailto:sales@playgroundcentre.com) | 0800 805 256 | [www.playgroundcentre.com](http://www.playgroundcentre.com)



Playground proposal

5/6/2018 POC1200 Revision: 0

Memorial Hall Park - Marton


  
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## INCLUSIVE CAROUSEL

A heavy-duty 2000mm diameter Carousel ideal for wheelchairs, parents with buggies, or just loads of kids!!

Standard model has Hot Dip Galvanised frame, powdercoated Silver, with aluminium checkerplate base (no colour) & grey or black seat

Optional extras:

- Colour powdercoat frame, to the colour of your choice
- Colour powdercoat base, to the colour of your choice
- Different colour seat – range available

- 2000mm diameter unit
- 6000mm diameter safety surface area required



Model shown in special colours













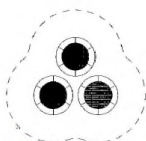
## TRAMPOLINE PI

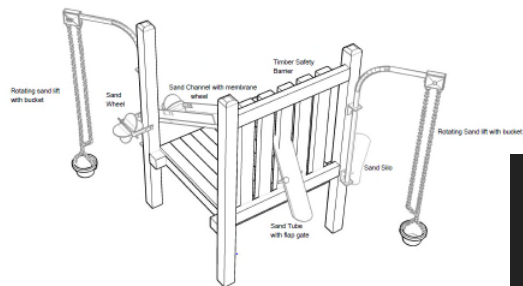
- Total size including rubber surround 1.75m diameter
- Jump Mat 1.2m diameter
- Free space area 4.25m diameter

Extremely popular trampoline,  
ideal for all ages, stages & abilities!



How about a set of  
Two or three?





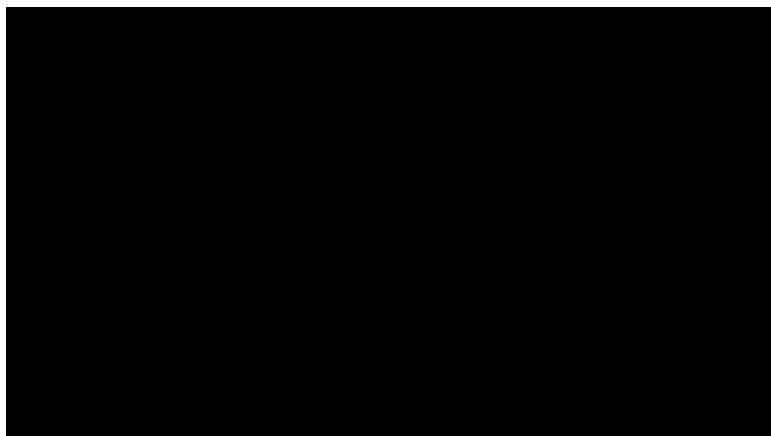
## Benefits to the Marton community

- Provides a positive focal point for our children and families
- Creates an aesthetically pleasing area within the town
- Promotes physical activity for children through safe, creative play
- Free physical & healthy entertainment for local families
- Financial gains for the business community through increased visitors
- Increased community spirit and togetherness

## Mental health benefits

- As we are all aware, mental health and suicide is prevalent in rural communities. Last year, Dr Annette Beautrais conducted a study on behalf of the Rural Health Alliance Aotearoa New Zealand and funded by AgResearch about farm related suicide.
- "Dr Beautrais' findings show there's definitely a need to revitalise our rural communities by encouraging the community to come together and engage with one another, along with ensuring adequate funding for rural health services," said Katie Milne, a Council member and Federated Farmers' wellbeing spokesperson.
- "The reality is New Zealand has become more urbanised and that notion of civic engagement has diminished. We need to make sure that our rural communities build neighbourly spirit and share activities outside work," she said
- This playground is one step towards creating a community focal point where young people and families (including rural families) can gather to catch up and feel connected to the wider community.

## What local children have to say



## Survey of children

Sam & Jack & Stella & Collette & Cooper

**What's in your DREAM playground!**

We would like to know what the Marton community, particularly its children and young people, want in their new playground.

We want the playground to cater for the needs of all ages from preschoolers through to teenagers and their families.

**YOUR DREAM PLAYGROUND**

Write, draw and list everything you think the Marton playground should include. No idea is too big or too small!

Slid	elephant slide
Swing	karagel
climbing wall	trap
tree & nut	big bouncer
big	four garden
hamster wheel	boat
Solar	a climbing tree
bongosill	rings
train	funfill
steps	monkey
sliding fox	place
spy binoculars	

Olivia 9 years old

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**YOUR DREAM PLAYGROUND**

Write, draw and list everything you think the Marton playground should include. No idea is too big or too small!

Many people = seats

pole

swing

spiral tower

fly

foot locky

monkey

monkey

## Survey of children

Sadie 9

**What's in your DREAM playground!**

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We want the playground to cater for the needs of all ages from preschoolers through to teenagers and their families.

**YOUR DREAM PLAYGROUND**

Write, draw and list everything you think the Marton playground should include. No idea is too big or too small!

person rock climbing

snake slide

water blasty

And a small tower

Poppy 4 years old & 6 months

**What's in your DREAM playground!**

We would like to know what the Marton community, particularly its children and young people, want in their new playground.

We want the playground to cater for the needs of all ages from preschoolers through to teenagers and their families.

**YOUR DREAM PLAYGROUND**

Write, draw and list everything you think the Marton playground should include. No idea is too big or too small!

trampoline

swing

monkey

monkey



## Survey of children



## Proposed costings

- It is anticipated that the ongoing maintenance would be carried out by Rangitikei District Council within its Parks and Reserves budget.

## Funding process

To secure funding for the proposed playground we will apply for funding grants from the following (but not limited to) organisations:

- Duddings Trust
- Lion Foundation
- Lotteries Commission
- Whanganui Community Foundation

We are currently forming an Incorporated Society with charitable status to do so.

## Time frame



OHAKEA REPORT 23<sup>rd</sup> July 2018

The big news regarding Ohakea this month is the recently announced decision that the Government will purchase four P8 Poseidon surveillance aircraft and station these at Ohakea.

These aircraft are built on the same airframe as the commercial 777 jet airliners which are very long and have a wide wing span. The hangars that will need to be built to accommodate these will be huge.

The Minister of Defence has announced that these new aircraft will be operated by number 5 squadron which will be relocated to Ohakea from Whenuapai.

The infrastructure that will be necessary for the additional 500 personnel of number 5 squadron will be extensive. I am informed that planning for this very major upgrade to Ohakea will begin immediately and will progress steadily to be complete by 2023 which is when the new aircraft will be delivered.

The new aircraft will not require the runway to be extended but this may still be required if the Singapore squadron come to Ohakea. A decision regarding Singapore is expected soon.

As a Council we need to consider if there is any planning that we should consider so that the Rangitikei may benefit from the number 5 squadron coming. There will be many families so may be around 1500 extra people arriving in our area.

There are no exercises or unusual activity at Ohakea for the next month.

Graeme Platt

**TABLED DOCUMENT**

Tabled at Council  
on 27- 7- 18





## Portfolio Update Heritage & Tourism – Cr Richard Aslett – July 2018

### 1) Update Heritage -

#### **Rangitikei Heritage group**

**Next Full Meeting** scheduled for Tuesday 7<sup>th</sup> of August 2018, 3.30pm, at Hunters café Hunterville.

#### ***Current Active Topics for the Rangitikei Heritage Group -***

**Group to mark/commemorate Armistice Day 2018 (11 November)**. This date will mark the end of World War I (also known as the First World War, the Great War, or the War to End All Wars) which lasted from 28 July 1914 to 11 November 1918. With many commemorations over the last three or so years, to mark the 100 years, it seems fitting to conclude. Further discussion at the next full meeting in August.

**WWI DVD project** - Will look at another production run as numbers are getting low (especially considering the above) **Have sold approximately 365 DVD's** – (having ordered 400) - with 35 stored for distribution in the office at Council. Current Price is \$15 each.

**Heritage Catalogue's** - A work in progress, Group considering the potential hard and e-publishing of inventories in the future.

**Heritage Weekend 2018 : 19 -20 May 2017** - A debrief will be added to the Agenda for discussion at the next meeting. The prize draw will also be drawn for the "Characters of the Past" A2 Canvas prize.

**Rangitikei Heritage Trail** - Potentially the next big project. Currently looking at the previous Trail and what can be utilised from the old information etc.

**2) UPDATE on Tourism** : Economic Development/District Promotion Council Workshop held Thursday 19 July. Unfortunately was overseas so could not attend. Look forward to updates/discussion resulting from this.

**Upcoming/Ongoing Events; - Taihape Musicians Club** - Jam Nights - Last Friday each Month 7pm onwards and also This Saturday 28<sup>th</sup> – '**The Sherminators**' LIVE, good times Rock & Roll - \$10 advance ticket or \$15 on door.

**17 August** - The **Club Hotel Marton** Back to the 70's and 80's Dance Party. 6pm \$50 per Adult which includes a welcome drink, 3 course buffet meal and unlimited entertainment.

**17 August** - **Open Mic Night** at Marton Players.

**Wear-a-Bull Arts, (& Art for Art's Sake Exhibition) Sat 1st September, Bulls Town Hall.**

***For more events etc see Rangitikei.com***

#### **Rangitikei.com Website :**

**Website Stats** : Quick view; **June's total Hits 68,886**, down on May's **154,400**. Though unique visits are again up on the previous year. Again also the total hits stats are starting to show a gradual drop in total visits – mostly due to the large amount of staff traffic generated from when staff first started doing the major overhaul work on the site. As previously described 'Hits' are only a part of the story, so as always, happy to forward the full stats and comparisons for everyone's perusal.

Thanks, Cr Richard Aslett - [mangawekagallery@xtra.co.nz](mailto:mangawekagallery@xtra.co.nz)

**TABLED DOCUMENT**

Tabled at Council  
on 26 July 2018



Tabled at Council  
on 26 July 2018

## Proposed additional carry-forwards to 2018/19

Included in the budgets in the final draft of the Long Term Plan proposed for adoption

### Roading and footpaths

Project	2017/18 budget	Proposed carry-forward to 2018/19	Reason
Replacement bridges and structures		270,000	

### Water

Project	2017/18 budget	Proposed carry-forward to 2018/19	Reason
Marton WTP and Dam renewals		840,866	

### Wastewater

Project	2017/18 budget	Proposed carry-forward to 2018/19	Reason
Wastewater renewals		1,732,952	
Land purchase		6,151,000	

### Stormwater

Project	2017/18 budget	Proposed carry-forward to 2018/19	Reason
None			

### Community & leisure assets

Project	2017/18 budget	Proposed carry-forward to 2018/19	Reason
Marton Civic Centre		945,919	Slower progress than envisaged

Bulls Community Centre		3,905,606	Slower progress than envisaged
New Mangaweka campground ablution block		204,496	Timing depends on construction of new Mangaweka bridge
Taihape Memorial Park new ablution block		600,000	Further consultation needed

## Other

Project	2017/18 budget	Proposed carry-forward to 2018/19	Reason
None			

**TOTAL:\$14,650,839**

Not included in the budgets in the final draft of the Long term Plan proposed for adoption

## Roading and footpaths

Project	2017/18 budget	Proposed carry-forward to 2018/19	Reason
None proposed			

## Water

Project	2017/18 budget	Proposed carry-forward to 2018/19	Reason
None proposed			

## Wastewater

Project	2017/18 budget	Proposed carry-forward to 2018/19	Reason
None proposed			





## Stormwater

Project	2017/18 budget	Proposed carry-forward to 2018/19	Reason
None proposed			

## Community & leisure assets

Project	2017/18 budget	Proposed carry-forward to 2018/19	Reason
Community housing refurbishment	100,000	40,075	Contractor delays
Marton Civic Centre		945,919	Slower progress than envisaged
Bulls Community Centre		3,905,606	Slower progress than envisaged
New Mangaweka campground ablution block		204,496	Timing depends on construction of new Mangaweka bridge
Taihape Memorial Park new ablution block		600,000	Further consultation needed
Playground equipment and memorials		43,465	Scheduling
Cemetery expansions		50,600	Ratana and Hunterville

## Other

Project	2017/18 budget	Proposed carry-forward to 2018/19	Reason
Small Project fund: Taihape Community Board		5,379.00	Funds unspent
Small Project Fund Turakina Community Committee		537.67	Funds unspent
Small Project Fund Hunterville Community Committee		359.00	Funds unspent
Small Project Fund Marton Community Committee		154.00	Funds unspent
Small Project Fund		1,254.00	Funds unspent

Council minutes, 28 June 2018 – Appendix 1

Bulls Community Committee			
Path to Well-being		20,956	Maori responsiveness framework
District promotions		15,000	Economic development initiatives not formulated

**TOTAL:**        **\$\$177,779.67**

28 June 2018

(Deletions and the two totals (in red) were added at the meeting.)





## **Rangitikei District Council Rates Resolution**

### **For the Financial Year 1 July 2018 to 30 June 2019**

1. That the Rangitikei District Council, under the Local Government (Rating) Act 2002, sets the following rates for the 2018/2019 financial year:

- (a) a uniform annual general charge under section 15(1)(b) of the Local Government (Rating) Act 2002 on all rateable land of \$578.62 (inc GST) per separately used or inhabited part of a rating unit.
- (b) a general rate under sections 13(2)(a) and 22 of the Local Government (Rating) Act 2002 for all rateable land, as follows:

Land subject to rate	Rateable Value	Rate in the dollar of Rateable Value (inc GST)
All rating units (excluding Defence land)	Capital Value	\$0.000814
Defence land	Land Value	\$0.001242

- (c) Community services targeted rates under sections 16(3)(b) and 16(4)(a) of the Local Government (Rating) Act 2002 per rateable rating unit as follows:

Land subject to rate	Basis for Liability	Charge (inc GST)
Taihape Community Board area	Per rating unit	\$36.12
Ratana Community Board area	Per rating unit	\$188.58

- (d) a solid waste targeted rate under section 16(3)(a) and 16(4)(a) of the Local Government (Rating) Act 2002 on all rateable land of \$93.83 (inc GST) per separately used or inhabited part of a rating unit.

- (e) a roading targeted rate under sections 16(3)(a), 16(4)(a) and 22 of the Local Government (Rating) Act 2002 on all rateable land, as follows:

Land subject to rate	Rateable Value	Rate in the dollar of Rateable Value (inc GST)
All rating units (excluding Defence land)	Capital Value	\$0.001767
Defence land	Land Value	\$0.002696

- (f) a wastewater (public good) targeted rate under section 16(3)(a) and 16(4)(a) of the Local Government (Rating) Act 2002 on all rateable land of \$85.08 (inc GST) per separately used or inhabited part of a rating unit.
- (g) a wastewater (connected) targeted rate under sections 16(3)(b) and 16(4)(a) of the Local Government (Rating) Act 2002 on all rating units connected to a wastewater scheme within the district of \$431.04 (inc GST) per water closet or urinal connected.
- (h) a water supply (public good) targeted rate under section 16(3)(a) and 16(4)(a) of the Local Government (Rating) Act 2002 on all rateable land of \$125.74 (inc GST) per separately used or inhabited part of a rating unit.
- (i) a water supply (connected) targeted rate under sections 16(3)(b) and 16(4)(b) of the Local Government (Rating) Act 2002 on all land connected to a water supply in the district set differentially for different categories of land, as follows:

Differential Category	Basis for Liability	Charge (inc GST)
Marton, Taihape, Bulls, Mangaweka, Ratana, <i>Residential</i>	Per separately used or inhabited part of a rating unit	\$639.81
Marton, Taihape, Bulls, Mangaweka, Ratana, <i>Non Residential</i>	Per rating unit	\$639.81

- (j) a water supply (by volume - Marton, Taihape, Ratana, Bulls and Mangaweka) targeted rate under section 19(2)(a) of the Local Government (Rating) Act 2002 set for all land connected to a water supply in Marton, Taihape, Ratana, Bulls and Mangaweka, and metered for extraordinary use in the period 1 July 2018 to 30 June 2019 of \$1.99 (inc GST) per m<sup>3</sup> for consumption in excess of 250m<sup>3</sup> per annum.
- (k) a water supply (by volume - Riverlands (Bulls)) targeted rate under section 19(2)(a) of the Local Government (Rating) Act 2002 set for all land connected to a water supply at Riverlands (Bulls) and metered for extraordinary use in the period 1 July 2018 to 30 June 2019 of \$1.39 (inc GST) per m<sup>3</sup> for consumption in excess of 250m<sup>3</sup> per annum.
- (l) a water supply (Huntermville urban connected) targeted rate under section 19(2)(a) of the Local Government (Rating) Act 2002 set for all land connected to the Huntermville Urban water supply scheme for water supplied in the period of 1 July 2018 to 30 June 2019 of \$3.58 (inc GST) per m<sup>3</sup>.
- (m) a water supply (rural supply – Huntermville) targeted rate for all land in the Huntermville rural area connected to the rural water supply scheme under section 19(2)(a) of the Local Government (Rating) Act 2002 for water supplied in the period of 1 July 2018 to 30 June 2019 of \$316.25 (inc GST) per unit or part unit of 365m<sup>3</sup>.
- (n) a water supply (rural supply – Erewhon) targeted rate for all land in the Erewhon rural area connected to the rural water supply scheme under section 19(2)(a) of the Local Government (Rating) Act 2002 for water supplied in the period of 1 July 2018 to 30 June 2019 of \$121.05 (inc GST) per unit or part unit of 365m<sup>3</sup>.
- (o) a water supply (rural supply – Omatane) targeted rate for all land in the Omatane rural area connected to the rural water supply scheme under section 19(2)(a) of the Local Government (Rating) Act 2002 for water supplied in the period of 1 July 2018 to 30 June 2019 of \$70.08 (inc GST) per unit or part unit of 365m<sup>3</sup>.

- (p) a water supply (rural supply) targeted rate for all land in the Putorino rural area connected to the rural water supply scheme under section 16(3)(b) and 16(4)(a) of the Local Government (Rating) Act 2002 of \$0.000764 (inc GST) per dollar of land value.
- (q) a stormwater (public good) targeted rate under section 16(3)(a) and 16(4)(a) of the Local Government (Rating) Act 2002 on all rateable land of \$24.08 (inc GST) per separately used or inhabited part of a rating unit.
- (r) a stormwater (urban) targeted rate under sections 16(3)(b) and 16(4)(a) and 18(2) of the Local Government (Rating) Act 2002 on all identified rateable land in the Marton, Bulls, Taihape, Mangaweka, Ratana and Hunterville urban areas of \$131.93 (inc GST) per separately used or inhabited part of a rating unit.

Due dates for payment (For all rates except those listed at 1(j) to 1(o) (inclusive) above)

2. **That the Rangitikei District Council resolves that the rates (except those listed at 1(j) to 1(o) (inclusive) above) be due in four equal instalments, as set out in the table below:**

Instalments	Due dates
1	20 August 2018
2	20 November 2018
3	20 February 2019
4	20 May 2019

Penalties (For all rates except those listed at 1(j) to 1(o) (inclusive) above)

3. **That the Rangitikei District Council resolves to apply the following penalties on these unpaid rates:**

- (a) a penalty of 10 per cent on the amount of each instalment that has been assessed after 1 July 2018 and which is unpaid after the due date of each instalment, to be applied on the following dates:
  - 21 August 2018 (in respect of the first instalment)
  - 21 November 2018 (in respect of the second instalment)
  - 21 February 2019 (in respect of the third instalment)
  - 21 May 2019 (in respect of the fourth instalment)
- (b) an additional penalty of 10 per cent on the amount of any rates assessed in previous years which remain unpaid on 5 July 2018. This penalty will be added on 10 July 2018.

- (c) a further penalty of 10 per cent on any rates to which a penalty has been added under 3(b) above, if the rates remain unpaid 6 months after that penalty was added. This penalty will be added 11 January 2019.

**4. That the Rangitikei District Council resolves that due dates for the water rates listed at 1(j) to 1(o) (inclusive) above be as set out in the tables below:**

Due dates for payment (For metered rates for water) for –  
Hunterville Urban Water Supply are:

Meter reading	Due dates	Penalty date
September 2018	23 October 2018	24 October 2018
January 2019	20 February 2019	21 February 2019
May 2019	20 June 2019	21 June 2019

Due dates for payment (For extra ordinary rates for water) for –  
Marton Water Supply and  
Ratana Water Supply are:

Meter reading	Due dates	Penalty date
September 2018	23 October 2018	24 October 2018
January 2019	20 February 2019	21 February 2019
May 2019	20 June 2019	21 June 2019

Due dates for payment (For extra ordinary rates for water) for –  
Bulls Water Supply,  
Mangaweka Water Supply and  
Taihape Water Supply are:

Meter reading	Due dates	Penalty date
October 2018	20 November 2018	21 November 2018
February 2019	20 March 2019	21 March 2019
June 2019	20 July 2019	22 July 2019

Due dates for payment (for extra ordinary rates for water) for  
Riverlands are:

Meter reading	Due date	Penalty date
Last day of each month	20 <sup>th</sup> day of the month following each meter reading (or the next business day when the 20 <sup>th</sup> falls	21 <sup>st</sup> day of the month following each meter reading (or the next business day



	in the weekend or a public holiday)	when the 21st falls in the weekend of a public holiday)
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Due dates for payment (For water scheme charges) for –

Erewhon Rural Water Scheme are:

Meter reading	Due dates
November 2018	20 December 2018
May 2019	20 June 2019

Due dates for payment (For water scheme charges) for –

Omatane Rural Water Scheme are:

Meter reading	Due dates
May 2019	20 June 2019

Due dates for payment (For water scheme charges) for –

Huntermville Rural Water Scheme are:

Meter reading	Due Dates
November 2018	20 December 2018
May 2019	20 June 2019

Penalties (for extraordinary, metered urban water supply)

5. **That the Rangitikei District Council resolves to apply the following penalties on unpaid metered or extraordinary rates for water for Huntermville Urban Water, Marton Water Supply, Ratana Water Supply, Bulls Water Supply, Mangaweka Water Supply, Taihape Water Supply and Riverlands:**

a penalty of 10 per cent on the amount of each instalment that has been invoiced after 1 July 2018 and which is unpaid after the due date of each instalment, to be applied on the dates specified in section 4.

### **Penalties (For Hunterville Rural Water Supply)**

6. That the Rangitikei District Council resolves to apply the following penalties on unpaid Hunterville Rural Water Supply;
- (a) a penalty of 10 per cent on the amount of each instalment that has been invoiced after 1 July 2018 and which is unpaid after the due date of each instalment, to be applied on the following dates:

#### **Hunterville Rural Water Supply**

Meter reading	Penalty dates
November 2018	21 December 2018
May 2019	21 June 2019

### **Discount**

7. That the Rangitikei District Council confirms it will allow a discount of 2.5 percent where a ratepayer pays the year's rates in full on or before the due date for the first instalment of the year.



**TABLED DOCUMENT**



**RANGITIKEI**  
DISTRICT COUNCIL  
*Maia mai, this place home*

## Memorandum

Tabled at Council  
on 26 July 2018

**To:** Council

**From:** Ross McNeil

**Date:** 23 July 2018

**Subject:** **Proposed sale of 37 Kensington Road, Marton – reviewing the determination of non-financial considerations**

**File:** 5-EX-4

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The Administrative matters report to Council's meeting on 28 June 2018 notes that approximately 1.5 ha of the Council's site at 37 Kensington Road will be advertised for sale by open tender subject to survey and title within the next fortnight. This is in accordance with Council's resolution of 28 June 2018 (18/RDC/241) which also specified that the sale price was to reflect the pro rata cost of the land acquisition in 2011 (inflation adjusted), the pro rata costs in developing the site remediation plan, the pro rata costs incurred in providing services to the initial subdivision, and the costs of the new survey, subdivision and issue of title.

Council did not make a determination on the non-financial attributes. The disposal of surplus lands and buildings delegates this to the Chief Executive on sites worth less than \$250,000. That delegation is relevant to this sale, and the current determination is that there the tender evaluation will be done solely on price.

Council's normal process in calling for tenders is to include the standard disclaimer 'highest or any tender not necessarily accepted', and that was planned for this tender. However, it is uncertain whether such a qualification is valid to approve any tender which was *not* the highest tender meeting the requirements of Council's 28 June resolution if the non-financial considerations continue to be set to nil.

So the determination will be amended so that non-financial considerations will constitute one third of the assessment.

### Recommendation

That the memorandum 'Proposed sale of 37 Kensington Road, Marton – reviewing the determination of non-financial considerations' be received.

Ross McNeil  
Chief Executive







# Memorandum

To: Council

From: Michael Hodder

Date: 25 July 2018

Subject: **Parks Upgrade Partnership Scheme – further details**

File: 1-AS-1-1

At its meeting on 14 June 2018, the Assets/Infrastructure Committee asked for a list of projects which had been supported by the Parks Upgrade Partnership Scheme be presented to this Council meeting. Those projects (date of funding, and amount granted) were identified in the relevant minutes of the Assets/Infrastructure Committee and reported to Council's meeting on 28 June 2018

11 February 2016	Horse yards at Taihape Memorial Park	\$2,354.63	4410170610
	Toilets for Taihape Horse Jumping <sup>1</sup>	\$3,530.00	
30 June 2016	Centennial Park (Marton) – re-seeding and irrigation	\$17,596.78	4410170601
15 September 2016	Viewing platform at Mt Stewart Reserve, Taihape	\$14,226.00	4410170612
8 June 2017	Drinking fountains on Council parks and sports grounds	\$12,177.22	4410168273
12 October 2017	Horse yards at Taihape Memorial Park	\$3,400	44101363

An additional column has been added to show which cost centre was used:

44101363 Grants

4410170601 Renewals

4410170610 Parks Upgrade

4410170612 Parks Upgrades

4410168273 Other External Contractor

**TABLED DOCUMENT**

Tabled at Council  
on 26 July 2018

<sup>1</sup> This project was omitted in the earlier analysis.

4410170610 was established for the Parks Upgrade Scheme. Council sought further clarification as the current balance was stated at the 28 June 2018 meeting as \$113,091 but the total cost of the approved projects is \$53,284.63. However, that is a GST inclusive cost – costs showing in the General Ledger are GST exclusive, so in this case are \$46,334.46. Since the budget set by Council was \$50,000 annually, the current balance (allowing for carry-forwards on unspent amounts) at 28 June 2018 would have been \$103,666. At its meeting on 28 June 2018, Council approved a further contribution of \$60,000 from the scheme for the Marton skate park project.

An exact reconciliation with 4410170610 cannot be achieved without considerable journaling. As will be evident, the projects under the scheme have been coded to several different cost centres. There were two park upgrade cost centres (4410170610 and 4410170612), both of which were used for the Parks Upgrade Projects *and* other initiatives outside these schemes. In addition, the grants code 44101363 was also used for one Parks Upgrade Project. The code external contractor 4470601 funded re-seeding etc. at Centennial Park. Other external contractor (4410168273) funded the installation of drinking fountains. 4410170610 has also been used for other parks projects.

Technically there is an unspent sum of \$43,666 in 2017/18 for the Scheme, so Council may wish to increase the \$50,000 base sum in 2018/19. Irrespective of that decision, 4410170610 will be renamed 'Parks Upgrade Partnership – Council contributions' and used only for projects funded under this scheme.

In general, Council is not the fund-holder for these projects, although the value of the new asset comes onto Council's balance sheet. Where Council is the fund-holder (as is the case for the Marton skatepark project), there will be an increase in both expenditure and revenue – to be noted in the monthly financial reporting.

### **Recommendations**

1. That the memorandum 'Parks Upgrade Partnership Scheme – further details' be received.
2. That the Parks Upgrade Scheme – Council contributions (4410170610) budget for 2018/19 be set at \$.....

Michael Hodder  
Group Manager, Community & Regulatory Services

Tabled at Council

on 26-07-2018

### IN THE WAITANGI TRIBUNAL

Wai 2180

#### CONCERNING

the Treaty of Waitangi Act 1975

#### AND

the Taihape: Rangitikei ki  
Rangipō District Inquiry

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### DIRECTIONS OF JUDGE L R HARVEY: EARLY REPORTING ON LANDLOCKED LAND CLAIM ISSUES

23 July 2018

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#### Claimant counsel

L Watson for the *Ngā Iwi o Mōkai Pātea amalgamated claim* (Wai 1705, 647, 588, 385, 581, 1888)  
A Sykes / J Bartlett / R Jordan (Annette Sykes & Co.) for the *Ngāti Hinemanu me Ngāti Paki amalgamated claim* (Wai 662, 1835, 1868)  
K Feint (Thorndon Chambers) for the *Ngāti Tūwharetoa amalgamated claim* (Wai 61, 575)  
C Hockly (Hockly Legal) for the *Ngāti Hikairo amalgamated claim* (Wai 37, 933)  
P Walker / M Tukapua (Kahui Legal) for the *Waiouru to Ohakune Lands claim* (Wai 151)  
S Loa and S Zellman (Tamaki Legal) for the *Horowhenua Block claim* (Wai 237) and *Tongariro Power Development Scheme Lands claim* (Wai 1196)  
B Gilling, C Bulow (Morrison Kent) for the *Ōwhāoko C3B claim* (Wai 378), *Kāweka Forest Park and Ngaruroro River claim* (Wai 382), *Ahuriri Block claim* (Wai 400), and *Ngāti Kauwhata ki te Tonga surplus lands claim* (Wai 972)  
T Afeaki, J Lewis, N Lambert (Afeaki Chambers) for the *Renata Kawepo Estate claim* (Wai 401)  
J Burgess / C Bollen (McCaw Lewis) for the *Te Reu Reu Land claim* (Wai 651), *Tamakana Waimarino (No. 1) Block claim* (Wai 954), and *Ngāti Pīkahu claim* (Wai 1872)  
P Johnston / E Stretch / D Hunt (Rainey Collins) for the *Kauwhata Lands and Resources claim* (Wai 784) and *Te Kotahitanga o Te Iwi o Ngāti Wehiwehi claim* (Wai 1482)  
Yashveen Singh (Legal Hub) for the *Awakino and Other Lands claim* (Wai 868), *Ngāti Hekeawai Land Block claim* (Wai 1299), *Lands and Resources of Ngāti Ngutu/Ngāti Hua claim* (Wai 1409), *Ngāti Ngutu Hapū claim* (Wai 1497), *Hauturu Waipuna C Block (Herbert) claim* (Wai 1978), and *Ngāti Kinohaku and Others Lands (Nerai-Tuaupiki) claim* (Wai 2131)  
M Tuwhare for the *Ngā Poutamanui-a-Awa Lands and Resources claim* (Wai 1254)  
T Williams / C Linstead-Panoho (Wackrow Williams & Davies) for the *Ngāti Waewae Lands claim* (Wai 1260), *Ngāti Hikairo ki Tongariro Lands claim* (Wai 1262), and *Ngāti Parewahawaha (Reweti) claim* (Wai 1619)  
T Bennion / L Black (Bennion Law) for the *Waimarino No. 1 Block and Railway Lands claim* (Wai 221), *Ngāti Tara Lands claim* (Wai 1261), and *Tahana Whānau claim* (Wai 1394)  
D Hall / J Hamel (Woodward Law) for the *Ngāti Kauwhata ki te Tonga and Rangitikei-Manawatū, Reureu blocks and Awahuri reserve lands claim* (Wai 1461)  
M Sinclair / D Jones (Te Haa Lega) for the *Raketapauma (Descendants of Ropoama Pohe) claim* (Wai 1632)  
M McGhie for the *Te Wai Nui a Rua (Ranginui and Ranginui - Tamakehu) claim* (Wai 2157)

#### Unrepresented claims

*Te Kōau Block and Ruahine Ranges claim* (Wai 263)  
*Gwavas Forest Park claim* (Wai 397)  
*Parakiri and Associated Land Blocks claim* (Wai 1195)  
*Descendants of Mōkai-Pātea (Cribb) claim* (Wai 1639)

#### Crown counsel

S Eccles (Crown Law), R Ennor

#### Interested parties

P Majurey (Atkins Holm Joseph Majurey) for *Genesis Power*



## Introduction

1. This direction confirms that the Taihape Tribunal will issue, in respect of claim issues concerning landlocked land in this district:
  - (a) Our preliminary views (in August 2018); and
  - (b) A priority report (following the completion of hearings).

## Background

2. During the fourth hearing week in December 2017, we proposed to issue an early report on claims concerning landlocked land. Our rationale, as we stated in subsequent directions, was:

Our intention in suggesting an early discrete report on select issues relating to landlocked land was that it may contribute to immediate and meaningful change irrespective of any future settlement of historical Treaty claims. Some of the reasons why this may be warranted include:

- (a) The unusually high proportion of Māori land that is landlocked in this district – making it, in effect, a case study for the nation as a whole;
- (b) The apparent lack of success of resolving this issue through other channels; and
- (c) The separate and ongoing work stream concerning barriers to Māori land development that was discussed by counsel during the chambers conference.<sup>1</sup>

3. We informed counsel during a chambers conference convened during hearing week four that the Tribunal would issue directions outlining some preliminary views on our proposal and directing counsel to file submissions. Prior to issuing our preliminary views, we also asked parties to prepare further evidence regarding the level of access to landlocked land in the district:

[T]he Tribunal would find it useful if parties prepared evidence as to the feasibility of reasonable access to landlocked lands (be that from a surveyor or other qualified professional). If the terrain is such that the cost of access becomes prohibitive, then this should be made clear. While some of this information is identified in plate 85 of the inquiry map book (Wai 2180, #A55), it does convey all of the requisite information – the topography of the adjacent land, other geographical features obstructing access and so forth. This will assist us in deciding how to proceed on the matter of claims concerning landlocked lands.<sup>2</sup>

4. On 19 February 2018, we issued directions outlining our preliminary thoughts on early reporting, and sought submissions from counsel by 27 February 2018 on several questions relating to scope, timing, evidence, the nature of any findings and recommendations, and any potential conflicts of interest.<sup>3</sup> Short extensions were subsequently granted to Mr Hockly, Mr Johnston and Ms Stretch.<sup>4</sup>

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<sup>1</sup> Wai 2180, #2.6.36, para 9

<sup>2</sup> Wai 2180, #2.6.30, para 45

<sup>3</sup> Wai 2180, #2.6.36

<sup>4</sup> Wai 2180, #2.6.40, paras 8, 11





### Submissions received

5. Nine memoranda of counsel were filed in response to our directions. This included a joint memorandum of counsel filed by Mses Lang and Bulow, which was supported by:
  - (a) Mses Sykes, Bartlett and Jordan; Mr Hockly; and Mr Williams and Ms Linstead-Panoho;<sup>5</sup> and
  - (b) Mr Watson and Messrs Naden, Loa and Munro, with some exceptions and/or additions as necessary.<sup>6</sup>
6. Ms Ennor and Mr Eccles noted that the Crown does not oppose the procedural path and timetabling suggested in the joint memorandum, but made several additional submissions.<sup>7</sup>
7. Further submissions were made orally by counsel during the judicial conference held on 8 March 2018 during hearing week five.

### Nature of findings and recommendations

#### *Our questions*

8. We asked counsel whether an early report be more useful if it outlined the Tribunal's initial opinions only, or if it included findings and recommendations as per section 6(3) of the Treaty of Waitangi Act 1975?<sup>8</sup>

#### *Joint memorandum*

9. Mses Lang and Bulow submitted that the early report should include findings and recommendations pursuant to section 6(3) of the Act, as this would provide claimants with an opportunity to achieve a practical and imminent outcome.<sup>9</sup>

#### *Other submissions*

10. During the judicial conference on 8 March 2018, Ms Ennor submitted that the Crown has no objection to an early report being issued, provided that all Crown evidence on the matter is heard first.<sup>10</sup>

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<sup>5</sup> Wai 2180, #3.2.251, para 2; #3.2.246; #3.2.247; #3.2.255

<sup>6</sup> Wai 2180, #3.2.248, para 3; #3.2.254, para 2

<sup>7</sup> Wai 2180, #3.2.251, para 3

<sup>8</sup> Wai 2180, #2.5.36, para 17

<sup>9</sup> Wai 2180, #3.2.238, paras 4-5

<sup>10</sup> Wai 2180, #4.1.13, p 21



## Scope

### *Our questions*

11. We asked counsel:

- (a) If an early report were prepared, what claim issues should it focus on?
- (b) To what extent is the issue of landlocked land separable from other issues in the inquiry, such that the Tribunal could report on landlocked land before fully considering those other matters? If there are overlaps, how should these be managed?<sup>11</sup>

### *Joint memorandum*

12. Ms Lang and Bulow submitted that the early report should address all the questions relating to landlocked land outlined in the Tribunal Statement of Issues (TSOI). Where there is overlap with other processes (such as the Native Land Court), the Tribunal should focus on the 'linkage' between these processes rather than the processes themselves.<sup>12</sup>

### *Other submissions*

13. Mr Johnston and Ms Stretch submitted that their clients do not have any claim issues regarding landlocked land and will abide by the Tribunal's decision. However, to the extent that there are overlaps between landlocked land and other issues (such as the Native Land Court and public works takings), counsel requested that reporting on those issues be:

- (a) Limited to the extent required to make conclusions with respect to landlocked land; and
- (b) Dealt with in full in the subsequent final report, once all evidence has been heard.<sup>13</sup>

14. Mr Watson submitted that, in addition to the questions relating to landlocked land outlined in the TSOI, the issue of paper roads may also become relevant.<sup>14</sup>

15. Mr Watson further submitted that the Tribunal should commence at a 'baseline presumption' that Māori land should have reasonable lawful access. Where the land is not the subject of such access, counsel argued that this should be considered a breach of Treaty principles. The Crown should consider conceding on this point or else rebut it on a case-by-case basis.<sup>15</sup> If this baseline presumption were adopted, counsel submitted the Tribunal's early report could then focus on recommendations providing the claimants and the Crown with a robust analysis of the current situation

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<sup>11</sup> Wai 2180, #2.5.36, paras 20(a)-(b)

<sup>12</sup> Wai 2180, #3.2.238, paras 6-8

<sup>13</sup> Wai 2180, #3.2.239; #3.2.259

<sup>14</sup> Wai 2180, #3.2.248, para

<sup>15</sup> Wai 2180, #3.2.248, paras 6-8





and future opportunities to unlock the affected land. The broader inquiry would then focus on historical circumstances, including previous attempts to unlock the land and prejudice that arose from landlocking.<sup>16</sup>

16. Messrs Naden, Loa and Munro similarly argued that a case-by-case analysis of landlocked land is unnecessary. Counsel contended that Ms Woodley's report demonstrates that the Crown is responsible for all examples of Māori landlocked land because of deficiencies in legislation that only provided for road access to Crown land that had been sold to settlers. The onus, they argued, is therefore on the Crown to provide evidence where access issues are of a geographical nature.<sup>17</sup>
17. During the judicial conference on 8 March 2018, Ms Bulow supported Mr Watson's proposed baseline presumption.<sup>18</sup>
18. Ms Ennor contended during the conference that Mr Watson's proposal appeared to be contrary to the established practice of the Waitangi Tribunal, and might involve importing aspects of civil or criminal law into an area of administrative law. Counsel added that more detailed submissions could be provided if required.<sup>19</sup>

## Evidence

### *Our questions*

19. We asked counsel:

- (a) What evidence (both existing and anticipated) should the Tribunal take into account before it issues an early report?
- (b) If the Tribunal is to make findings and recommendations, what evidence (both existing and anticipated) must the Tribunal take into account to meet the threshold of 'having regard to all the circumstances of the case'?
- (c) If the answer [to the above] includes anticipated evidence, does it need to be heard and tested before the Tribunal proceeds with early reporting, or will it suffice to be filed in writing only?
- (d) If this anticipated evidence needs to be heard and tested first, when should this occur in the hearing programme?
- (e) Does the Tribunal need to take into account targeted closing submissions on claims concerning landlocked land? If so, do they need to be heard and tested or simply taken as read?<sup>20</sup>

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<sup>16</sup> Wai 2180, #3.2.248, paras 9-10

<sup>17</sup> Wai 2180, #3.2.254, para 3

<sup>18</sup> Wai 2180, #4.1.13, p 5

<sup>19</sup> Wai 2180, #4.1.13, p 21

<sup>20</sup> Wai 2180, #2.5.36, para 24(a)-(e)



*Joint memorandum*

20. Mses Lang and Bulow submitted that the Tribunal should take the following evidence into account when preparing an early report:

- (a) All claim-specific evidence (a list was attached to the joint memorandum);
- (b) Targeted opening submissions (including amendments to opening submissions already presented);
- (c) Relevant technical evidence:

- i. Ms Woodley's *Māori Land Rating and Landlocked Blocks Report*,<sup>21</sup>
- ii. Mr Walzl's *Twentieth Century Overview*,<sup>22</sup>
- iii. Messrs Subasic and Stirling's *Sub-District Block Study – Central Aspect*,<sup>23</sup> and
- iv. Messrs Stirling and Fisher's *Sub-District Block Study – Northern Aspect*.<sup>24</sup>

(d) Anticipated evidence and submissions:

- i. The further professional evidence regarding feasibility of access;
- ii. Crown witnesses concerning landlocked land;
- iii. Any further claim-specific evidence not yet presented; and
- iv. Targeted closing submissions.<sup>25</sup>

21. Mses Lang and Bulow also advised the Tribunal that the proposed research on the feasibility of access to landlocked land should cover the following issues:

- (a) Outline of the practical realities, difficulties and opportunities for development of landlocked land;
- (b) Outline of some suggested remedies for the situation and analysis of the pros/cons/feasibility of each;
- (c) Reference to the national context, and acknowledgement that this is a national problem as well as a regional one;
- (d) Address issues of costs to landowners for obtaining access e.g. compensation to neighbouring land owners;
- (e) Review of materials held by the Rangitīkei District Council on the subject of landlocked land; and
- (f) Accompanied by a comprehensive map book which identifies each parcel of landlocked land in the inquiry district and the legal status of the land adjoining it.<sup>26</sup>

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<sup>21</sup> Wai 2180, #A37

<sup>22</sup> Wai 2180, #A46

<sup>23</sup> Wai 2180, #A8

<sup>24</sup> Wai 2180, #A6

<sup>25</sup> Wai 2180, #3.2.238, paras 9-13

<sup>26</sup> Wai 2180, #3.2.238, para 14



22. Ms Lang and Bulow submitted that the evidence listed above should all be presented and tested *viva voce*, although targeted closings could be taken as read if timing is an issue, and Tribunal questions then put in writing.<sup>27</sup>

*Other submissions*

23. Messrs Naden, Loa and Munro submitted that further evidence may be needed on:
- (a) The amount of non-Māori landlocked land in the district, and how much of this is formerly Māori landlocked land;
  - (b) The nature and extent of private agreements between the Crown and private landowners to provide access to landlocked land; and
  - (c) The full extent of Māori land that was sold on account of being landlocked, and whether the price received matched the market price per acre.<sup>28</sup>
24. Ms Ennor and Mr Eccles advised that the Crown intends to file evidence and call witnesses from the New Zealand Defence Force, the Department of Conservation, and Te Puni Kōkiri in respect of landlocked land in the district.<sup>29</sup>
25. Mr Watson submitted that, in addition to the evidence outlined in the joint submission, the Rangitikei District Council (and Te Roopu Ahi Kaa) may need to be involved as interested parties.<sup>30</sup> Counsel further submitted that closing submissions should be presented and tested *viva voce* rather than taken as read.<sup>31</sup>

*Discussion on further evidence concerning feasibility of access*

26. During the judicial conference on 8 March 2018, Mr Watson advised that he intends to propose a panel approach to preparing the further evidence requested by the Tribunal concerning feasibility of access to landlocked land. This would involve professionals with historical, surveying, and mapping expertise. Counsel also hopes to draw on those with existing experience wherever possible (including practitioners who have assisted the Rangitikei District Council).<sup>32</sup>
27. Mr Watson also proposed that the researchers should engage with Crown officials regarding the work stream on non-legislative solutions that has been running in parallel with the proposed Te Ture Whenua Māori Act reforms.<sup>33</sup> Counsel suggested that collaborating with the Crown would ensure that the evidence was more robust and helpful to the Tribunal, and might obviate the need for the Crown to take a more adversarial approach.<sup>34</sup> Mr Hockly submitted that a 'hot-tubbing' process might result in a useful joint statement.<sup>35</sup>

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<sup>27</sup> Wai 2180, #3.2.238, paras 19, 21

<sup>28</sup> Wai 2180, #3.2.254, paras 4-7

<sup>29</sup> Wai 2180, #3.2.251, para 4

<sup>30</sup> Wai 2180, #3.2.248, para 11

<sup>31</sup> Wai 2180, #3.2.248, para 15

<sup>32</sup> Wai 2180, #4.1.13, pp 11, 13

<sup>33</sup> Wai 2180, #4.1.13, p 14

<sup>34</sup> Wai 2180, #4.1.13, p 19

<sup>35</sup> Wai 2180, #4.1.13, p 21





28. Ms Sykes commented that, during the latest work on reforming the Te Ture Whenua Māori Act, a compendium of advice was prepared for the Crown by officials. Counsel suggested that this be placed on the Wai 2180 record to assist the researchers, along with any advice prepared for the Māori Affairs Select Committee.<sup>36</sup>
29. Ms Ennor submitted that some of this information will be brought by Te Puni Kōkiri during the Crown's hearing week.<sup>37</sup> Counsel also suggested that it would be useful if the further evidence regarding feasibility of access also considered the quality of landlocked land, how it was being used, and what form of access was appropriate.<sup>38</sup>
30. Mr Watson sought directions from the Tribunal that the additional report on feasibility of access was 'desirable and important'. Leave was sought to discuss funding for this project with the Tribunal should counsel be unable to secure Crown Forestry Rental Trust (CFRT) funding.<sup>39</sup>
31. During the sixth Taihape hearing on 12 April 2018, Mr Watson updated the Tribunal on progress with this project. Counsel confirmed that Mr David Alexander has been approached to undertake the project, but is not available to commence until July 2018. Counsel also submitted that the New Zealand Defence Force has agreed to work collaboratively with the researchers selected to undertake the project. Mr Watson seeks directions from the Tribunal endorsing their proposed approach so that he can progress a funding application with CFRT.

## Timing

### *Our questions*

32. We asked counsel:

(a) If an early report were prepared, when would it be most useful for parties to have it completed by?

(b) Would the production of an early report justify a potential reconsideration of the forward inquiry programme as presently agreed?<sup>40</sup>

### *Joint memorandum*

33. Ms Lang and Bulow submitted that all evidence and submissions should be heard before the end of 2018, with a report issued soon after. Counsel argued that additional hearing time would be needed to accomplish this. It was suggested that hearing week eight be reassigned to hear all remaining evidence for landlocked land, and hearing week nine be reassigned for closing submissions.<sup>41</sup>

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<sup>36</sup> Wai 2180, #4.1.13, p 18

<sup>37</sup> Wai 2180, #4.1.13, p 15

<sup>38</sup> Wai 2180, #4.1.13, pp 22-23

<sup>39</sup> Wai 2180, #4.1.13, p 14

<sup>40</sup> Wai 2180, #2.5.36, paras 28(a)-(b)

<sup>41</sup> Wai 2180, #3.2.238, paras 20, 22-25



### *Other submissions*

34. Ms Ennor and Mr Eccles submitted that the Crown's evidence on landlocked land could be filed one month ahead of a November 2018 hearing.<sup>42</sup>
35. Mr Watson submitted that tangata whenua evidence on landlocked land may be completed in hearing weeks five to seven. However, counsel suggested that a decision on the implications for the hearing programme should be made after parties receive clarity as to the timing of further professional and Crown evidence. Counsel sought to make supplementary submissions on this point.<sup>43</sup>
36. During the judicial conference on 8 March 2018, Mr Watson suggested that it may not be realistic for all evidence concerning landlocked land to be heard by October or November 2018.<sup>44</sup>

### **Potential conflict of interest**

#### *Our questions*

37. We asked counsel the following questions:
  - (a) To what extent should an early report consider (and potentially weigh the merits of) any material associated with Māori Land Court cases in which myself and/or inquiry parties were involved?
  - (b) Would such consideration by the Tribunal present any actual or appearance of conflicts of interest?<sup>45</sup>

#### *Joint memorandum*

38. Mses Lang and Bulow submitted that the proceedings regarding Awarua o Hinemanu and Owahaoko D6 Subdivision 3 should be considered. Counsel argued that my involvement in these proceedings does not present a conflict of interest, as it is the facts and extent of the problem that are of most significance for this inquiry.<sup>46</sup>

### *Other submissions*

39. Mr Watson agreed that a conflict of interest does not arise as a Māori Land Court judge is bound by the law as it stood at the time, unlike the broader focus of the Waitangi Tribunal. In addition, counsel noted that no conflict of interest has been raised by parties to date in this inquiry.<sup>47</sup>
40. Ms Ennor and Mr Eccles submitted that an early report should consider contemporary Māori Land Court proceedings, but cannot include findings on Māori Land Court

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<sup>42</sup> Wai 2180, #3.2.251, para 4

<sup>43</sup> Wai 2180, #3.2.248, paras 12-14

<sup>44</sup> Wai 2180, #4.1.13, p 9

<sup>45</sup> Wai 2180, #2.5.36, paras 30(a)-(b)

<sup>46</sup> Wai 2180, #3.2.238, paras 26-27

<sup>47</sup> Wai 2180, #3.2.248, paras 16-19



decisions as they are not acts of the Crown.<sup>48</sup> Counsel further submitted that issues of bias and conflict of interest are for the Tribunal to address itself. They argued that the extent to which Māori Land Court proceedings and related systemic matters can be impartially considered is something that we will need to carefully consider.<sup>49</sup>

41. During the 8 March 2018 judicial conference, Mr Watson commented that the memorandum of Ms Ennor and Mr Eccles was “ambivalent” on whether or not the Crown perceived a conflict of interest, and noted that it would be better if the Crown clarified its position now instead of later.<sup>50</sup> Ms Ennor replied that the Crown would abide by the Tribunal’s decision on the matter.<sup>51</sup>

## Other matters

### *The Taihape inquiry district as a case study*

42. Ms Ennor and Mr Eccles disagreed with our suggestion that the high proportion of landlocked land in the Taihape inquiry district made it a case study for the nation as a whole. Counsel suggested that the Taihape inquiry district was an outlier rather than being representative of landlocked Māori land issues in general.<sup>52</sup>
43. During the judicial conference on 8 March 2018, we clarified that, while the proportion of landlocked land in the Taihape district is not representative of the nation as a whole, we considered that this district has a greater range of examples to draw upon.<sup>53</sup> Ms Ennor agreed that the range of issues in this district were relevant to issues elsewhere in the country.<sup>54</sup>

### *Cost of access and private land*

44. During the judicial conference on 8 March 2018, a discussion was held about the costs associated with seeking to gain access to landlocked land (such as land transfers and exchanges). Mr Bennion suggested that this should be an important aspect of an early report, but that the Tribunal would need to be careful when making findings or recommendations which relate to private land.<sup>55</sup> Mr Watson agreed that, while the cost of negotiating access is a major impediment, the legislation itself can result in some adjoining landowners acting in an unhelpful and obstructive manner.<sup>56</sup>
45. Ms Ennor agreed that the Tribunal would need to be sensitive about making findings and recommendations which relate to private land. Counsel also agreed with us that it may be appropriate to provide notice of our proceedings to private landowners in the interests of natural justice.<sup>57</sup>

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<sup>48</sup> Wai 2180, #3.2.251, paras 6-9

<sup>49</sup> Wai 2180, #3.2.251, paras 10-11

<sup>50</sup> Wai 2180, #4.1.13, p 20

<sup>51</sup> Wai 2180, #4.1.13, p 26

<sup>52</sup> Wai 2180, #3.2.251, para 5

<sup>53</sup> Wai 2180, #4.1.13, p 4

<sup>54</sup> Wai 2180, #4.1.13, pp 21-22

<sup>55</sup> Wai 2180, #4.1.13, p 7

<sup>56</sup> Wai 2180, #4.1.13, pp 11-12

<sup>57</sup> Wai 2180, #4.1.13, pp 24-25



## Discussion

### *Areas of agreement*

46. Parties are unanimously supportive of our proposal to issue an early report on landlocked land issues. In particular, parties agree that the early report:

- (a) Should include findings and recommendations pursuant to section 6(3) of the Act;
- (b) Should be produced after all remaining tangata whenua, Crown, and technical evidence concerning landlocked land, as well as targeted closing submissions, have been heard; and
- (c) Should consider proceedings regarding Awarua o Hinemanu and Owahaoko D6 Subdivision 3.

47. Parties were also in agreement that:

- (a) All remaining evidence and submissions concerning landlocked land should be heard before the end of 2018, preferably viva voce (although there is some concern that it may be optimistic to expect the report on the feasibility of access to be completed by this time);
- (b) All parties need to work collaboratively on the project regarding feasibility of access;
- (c) The examples of Māori landlocked land in the Taihape inquiry district are relevant to the general, nation-wide issue of landlocked land; and
- (d) The Tribunal should carefully consider how private land, and private landowners, are involved in the hearing and reporting process.

48. We will therefore prepare an early report following these broad parameters, and provide further detail in our decision below.

### *Areas of disagreement*

49. There is some disagreement on what the scope of an early report should be. As we noted in our directions dated 19 February 2018, there are two aspects to the claims concerning landlocked land and the questions set out in the TSOI:

- (a) *Historical issues*: How did the land end up with a lack of access, and what were the impacts on the land owners (both economic and cultural)?
- (b) *Contemporary issues*: What has the Crown done in more recent times to address the situation, and what is it obliged to do?<sup>58</sup>

50. Many counsel supported the early report covering both historical and contemporary issues, with the caveat that, where historical matters are intertwined with other

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<sup>58</sup> Wai 2180, #2.6.36, para 18





alleged Crown actions and omissions, the Tribunal limit its findings and recommendations.

51. In contrast, Mr Watson suggested that the early report focus on the current situation and future opportunities, leaving the broader inquiry report to deal with historical matters. We think Mr Watson's distinction between contemporary, 'forward-looking' solutions and alleged historical Treaty breaches is an important one; indeed, it goes to the heart of our rationale for proposing an early report.

## Decision

52. Counsel have made us aware through their submissions of the Crown work streams that are presently underway concerning barriers to Māori land development, and the material that has been prepared by officials to advise Ministers concerning these work streams.
53. We believe that we may be in a position to assist these work streams by issuing our preliminary views on the landlocked land claim issues before us, and potential solutions to these issues, as soon as possible. Therefore, in addition to the proposal to issue an early report, we believe that it would be useful to parties if our preliminary views were issued prior to the completion of hearings.

### *Preliminary views*

54. We intend to issue our preliminary views on the claims before us concerning landlocked land by the end of August 2018 in the form of a memorandum-directions.
55. We are mindful that we will not have heard all of the relevant evidence and submissions concerning landlocked land by this date, in particular the Crown's evidence. We therefore stress that our preliminary views will be of an interim nature only. The Tribunal has issued similar preliminary views in previous inquiries, including the decision issued in the Eastern Bay of Plenty inquiry regarding the disposal of Crown surplus lands and, more recently, the 'panel guidance' issued during the hearings for the Whakatōhea Deed of Mandate inquiry.<sup>59</sup>
56. Given that our preliminary views will be based on the evidence and submissions we have received to date, we may choose to revisit our conclusions later in the inquiry when we are in a position to issue formal findings and recommendations pursuant to section 6(3) of the Act.

### *Priority report*

57. Following the completion of hearings for this inquiry, we will issue a priority report on the claims before us concerning landlocked land. Similar priority reports have been issued in a number of previous Tribunal inquiries, including most recently the *Priority Report Concerning Māui's Dolphin* that was issued in the Te Rohe Pōtae district inquiry.<sup>60</sup> Our priority report will include findings and recommendations pursuant to section 6(3) of the Act.

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<sup>59</sup> Wai 46, #2.88; Wai 2662, #2.7.2

<sup>60</sup> For other examples, see Wai 1040, #2.6.173, paras 13-22



58. Given that the remaining evidence is unlikely to be heard in its entirety until the end of 2018 at the earliest, we do not consider it necessary for counsel to file targeted closing submissions specifically for the priority report. Rather, counsel may file their closing submissions on landlocked land issues alongside all other closing submissions in 2019. It remains our intention to hear these closings *viva voce*.
59. We confirm that the priority report may consider the Māori Land Court decisions regarding Owhaoko D6 Subdivision 3 and Awarua o Hinemanu, as no objections have been raised concerning my involvement in those proceedings.

*Further evidence*

60. We are not persuaded to commission the further evidence as suggested by Messrs Naden, Loa and Munro.
61. We note the approach proposed by counsel in respect of a proposed report providing additional information regarding possible remedies to access landlocked lands, in particular in the joint memoranda filed on 2 and 28 February 2018.<sup>61</sup> We would find this report helpful for our inquiry, and we ask that it include the following matters:
- (a) The proportion of Maori land in this inquiry district which has no suitable legal access and this is the only barrier to owner access to that land;
  - (b) The proportion of land without legal access where legal access cannot be provided because of physical/geographic barriers to access; and
  - (c) Any additional information as to why current legislative remedies are not working for providing legal access to landlocked Maori lands in this inquiry district and practical recommendations for overcoming this for the blocks concerned.
62. This evidence will need to be filed by the end of December 2018 in order for it to be considered in our priority report. We ask that counsel advise us when the terms of reference for this project have been completed.
63. We appreciate the Crown's commitment to collaborating in the preparation of this further evidence. We agree with Ms Sykes that it would be useful to the Tribunal and to the researchers if the Crown filed a copy of the compendium of advice that was prepared during the recent proposed reforms to Te Ture Whenua Māori Act 1993, along with any advice prepared for the Māori Affairs Select Committee. Crown counsel are directed to file this material by no later than **midday, Thursday 30 August 2018**.
64. We have identified the following parties that appear to us to have an interest greater than the general public in our proceedings concerning landlocked land:
- (a) The Rangitikei District Council;
  - (b) Te Roopu Ahi Kaa; and

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<sup>61</sup> Wai 2180, #3.2.206; #3.2.238, para 14



(c) Private landowners whose land adjoins landlocked Māori land in this district, or through whose land an access route exists, and which is the subject of a claim in this inquiry.

65. If any of these parties wish to apply to become interested parties to these proceedings, they or their counsel should do so by no later than **midday, Thursday 30 August 2018**.

*Baseline presumption regarding landlocked land*

66. Crown counsel is to file a memorandum responding to Mr Watson's proposed 'baseline presumption' regarding access to Māori land by no later than **midday, Thursday 30 August 2018**.

The Registrar is to distribute this direction to:

- The Rangitīkei District Council;
- Te Roopu Ahi Kaa;
- Private landowners whose land adjoins landlocked Māori land in this district, or through whose land an access route exists, and which is the subject of a claim in this inquiry; and
- All parties on the notification list for Wai 2180, the record of inquiry for claims in the Taihape: Rangitīkei ki Rangipō District Inquiry.

**DATED** at Whakatāne on this 23<sup>rd</sup> day of July 2018



Judge L R Harvey  
Presiding Officer  
**WAITANGI TRIBUNAL**

