

MATAMATA PIAKO DISTRICT COUNCIL – PLAN CHANGE 54 – PAPA KĀINGA

SUMMARY STATEMENT OF LEZEL BENEKE ON BEHALF OF KĀINGA ORA

18 APRIL 2024

1. Tēnā koutou katoa, my name is Lezel Beneke and I hold the position of Principal Development Planner within the Urban Planning and Design Group at Kāinga Ora–Homes and Communities. I confirm that I am authorised to give evidence on behalf of Kāinga Ora in respect of hearings on the Plan Change. My qualifications and experience are outlined in paragraphs 2.1. to 2.4. of my primary evidence.
2. This primary evidence summarised:
 - a. The portfolio of Kāinga Ora;
 - b. The rationale for the relief sought concerning:
 - i. Reverse Sensitivity Effects – Changes to Objectives
 - ii. Maximum Density and the need for rationalisation across title structures and zones
 - iii. Change of activity status to Restricted Discretionary for a range of activities
 - iv. Yards and Building Coverage
 - v. Communal Living; and
 - vi. Papakāinga Development Plans

Kāinga Ora Public Housing Portfolio

3. With respect to the Matamata Piako District, Kāinga Ora manages 185 properties across the district.
4. As of the 31st of December 2023, Kāinga Ora have 102 applicants seeking a home in the district, with 93 of these applicants being categorised as a 'Priority A'

applicant – meaning that they are considered at risk, with severe and persistent housing need that requires immediate attention. Approximately 49% of applicants on the national waitlist are specified as Māori¹.

5. The council have identified the need for quality affordable housing for Māori within the district. There is a shortage of quality and affordable housing options. Accommodation for larger whanau homes is difficult to come by and leads to overcrowding.
6. It is therefore critical to ensure the delivery of a planning framework in Matamata Piako that contributes to well-functioning urban environments that reduce barriers to developing and using tangata whenua land.

Reverse Sensitivity Effects – Changes to Objectives

7. Kāinga Ora supports the proposed reverse sensitivity policies and assessment criteria within PC54, however request minor changes to Objective MPZ O3 and Papakāinga O3 to ensure that reverse sensitivity effects are managed on lawfully established non-residential activities.

Maximum Density

8. Kāinga Ora does not consider that the proposed density provisions within the Māori Purpose Zone, Rural Zone and Rural-Residential Zone are sufficient to allow for the maximum development potential of papakāinga within these respective zones. The density provisions also vary dependent on the structure of the underlying title.
9. The proposed changes to the maximum density thresholds are outlined in paragraph 8.4 – Table 2 of my evidence and seek to achieve better alignment across the zones and title structures. The proposed changes also seek to allow for clustered development which is akin to papakāinga. Noting that, Kāinga Ora still seek to allow for an unlimited number of dwellings within the Māori Purpose Zone – Precinct 2. Kāinga Ora consider that the development and performance standards are sufficient to guide density within this precinct appropriately.

¹ MSD Housing Register as at December 2023

Activity Status

10. Kāinga Ora consider that a Restricted Discretionary Activity status is more appropriate than a Discretionary activity status for:
 - MPZ-PREC1-R(3)(a)-(e)
 - MPZ-PREC2-R(3)(a) and (b)
 - Papakāinga 6.1.4
 - 6. Subdivision

11. An RDA status provides clear direction as to the scale of activity and setting in which it can operate. Appropriate assessment criteria clearly outlines operating limits, and in doing so it provides direction as to the scale of activity that is appropriate in this context.

Yards and Building Coverage

12. A 5m side and rear yard setback and a 10m front yard is appropriate to address any effects on adjoining, lawfully established primary production activities and to avoid any bulk or dominance effects within a rural setting. A 5m and 10m setback is provided for within the Rural Residential Zone.

13. A maximum building coverage within MPZ-Precinct 2 should be 40% as this is more in line with an urban setting and provides for better use of the land.

Communal Living

14. Communal living arrangements and buildings are an integral part of papakāinga living including providing for inter-generational living and should be a permitted activity and that the building coverage provisions are appropriate to manage the effects associated with building scale and dominance of any shared living spaces.

Papakāinga Development Plans

15. Kāinga Ora consider that requiring a Papakāinga Development Plan to be submitted alongside a building consent application for permitted activities becomes in itself an additional consenting/approval process which increases barriers for tangata whenua to develop their land.

Lezel Beneke

17 April 2024

STATEMENT OF KAHURANGI TAPSELL

Introduction

1. My name is Kahurangi Tapsell and I am the Whenua Māori Development Lead at Kāinga Ora – Homes and Communities.
2. I hold a Bachelor of Resource and Environmental Planning (Honours) from Massey University.
3. I have 20 years' experience in planning, resource management and advisory in local and central government, and the private sector. My experience has been primarily focussed on consenting, development, subdivision, infrastructure and designations.
4. My current role as the Whenua Māori Development Lead at Kāinga Ora oversees a small team focussed on reducing barriers for Māori to access housing and by supporting development aspirations. Our work programme includes the key areas of the House Relocations Programme, Divestments and Leasing, Whenua Māori Development Projects, and regulatory advocacy. I note that as part of our Whenua Māori Development project work, we have completed multiple site designs for papakāinga development in Te Waipounamu.
5. I note that I am a direct shareholder of a number of Māori land blocks, although as far as I am aware, none of these are located in the Matamata-Piako District.

Approach

6. In conjunction with my Kāinga Ora colleagues, we have made submissions on plan changes affecting Māori housing and papakāinga provisions in Far North District, Waipa District and Wellington Region, as well as Plan Change 54 of the Matamata-Piako District Plan.
7. Our submissions highlight that Council planning processes are a small part of the long cycle of papakāinga development. This is a model that needs to move away from a burdensome consenting regime to one where whanau, hapū, iwi and landowners take the primary decision making role.
8. Our submission points therefore focus on the following themes:
 - Treating General Freehold and Māori Freehold title the same when it comes to development rights and activity status.
 - Ensuring that there is a robust and transparent regime for any whakapapa requirements.
 - Supporting more flexible permitted activity rule frameworks for papakāinga housing and avoiding discretionary and non-complying activity statuses for the same.
 - Avoiding dwelling density limitations.
 - Supporting limited matters of discretion and control for activities that do require resource consent, with a focus on strong site design prioritised over effects on adjoining landowners.
9. Underpinning this approach is the understanding that papakāinga isn't defined by housing alone. It's about an integrated community where landowners have the ability to develop socio-

economically on site – and not necessarily outsourcing these needs for the benefit of others in zones elsewhere within the district.

Plan Change 54

10. I have read the Reporting Officer's Section 42A report for Plan Change 54. I appreciate the comprehensive discussion of submissions made on PC54 and the reasoning given where Kāinga Ora submission points have been accepted or rejected.
11. I therefore prefer to focus on specific submission points where I don't agree with the conclusions reached by the reporting officer, being:
 - Density
 - Activity status
 - Side/rear yards

Density

12. Our submission sought the removal of maximum density rules and instead rely on servicing a development and performance standards to determine appropriate density. In this regard I note the Proposed Māori Purpose Zone in Timaru District, where papakāinga is permitted in the Māori Purpose Zone, with no maximum density limitations.
13. Our specific submissions points raising this issue were:
 - MPZ-PREC1-R(1)(f)
 - MPZ-PREC2-R(1)(a)
 - Papakāinga 6.1.1
14. I note that the reporting officer has rejected these submission points.
15. The proposed density standards for the Māori Purpose Zone – PREC1 is one kāinga per 5000m² of site area with a maximum of ten houses per site.
16. I request that the limitation on 10 dwellings per site be removed.
17. The proposed density standards for the Māori Purpose Zone – PREC2 is one kāinga per 500m² of site area with no maximum number per site. We continue to propose that there is no density limitations.
18. In paragraph 302 of the reporting officer's s42A report, it is stated that without a density provision, District Plan standards influencing the number of residential units would be limited to built form requirements. These include yard setbacks, height and maximum building coverage, which would enable more than one dwelling per site. This is correct and enables the Papakāinga Development Plan to consider site design. While it is true that a higher number of dwellings on a site has the potential to increase demand on infrastructure, residential amenity and rural character, this isn't fully explored in the s42A report. I argue that infrastructure can be made as a permitted activity criterion with no density. Residential amenity is managed through

the Papakāinga Development Plan; and rural character is managed through built form performance standards.

19. I also note that for whenua Māori it is very much a case of 'it is where it is'. Whether whenua Māori is surrounded by rural or residential zoned land is somewhat a moot point. The ability to develop papakāinga should not be limited by the location of whenua Māori, in itself a legacy very different to land within general title.

Activity status

20. Our submission sought the replacement of discretionary activity status with restricted discretionary activity status.
21. Our specific submissions points raising this issue were:
 - MPZ-PREC1-R(3)(a)-(e)
 - MPZ-PREC2-R(3)
22. I note that the reporting officer has rejected these submission points.
23. Paragraph 419 of the Reporting Officer's s42A report provides reasoning as to why a discretionary over a restricted discretionary activity status is preferred. I don't believe that a papakāinga activity (of more than 10 kāinga per site in a rural context) has adverse effects on the environment that are so unknown for Council to be unable to assess the appropriateness of the activity. A defined list of restricted discretionary activity matters provides a more straightforward direction for resource consent applicants – achieving a goal of reducing uncertainty in developing papakāinga.

Side/rear yards

24. Our submission sought the reduction of yard requirements to 5m for front, side and rear yards in MPZ-PREC1-R(5)(c) and in 3.2.1 (iii). In relation to papakāinga, for the Rural Zone front yards are proposed at 25m; for the Rural-Residential Zone this is 10m. Side and rear boundaries are 20m for both zones.
25. For other activities in these two zones the front yard requirements are the same. However, the side yard requirement for the Rural Zone is 10m and the Rural-Residential Zone is 5m.
26. The Reporting Officer provides reasoning for the side yard requirements in paragraphs 329 and 330 of the s42A report. The primary reason for this is to avoid reverse sensitivity effects. However, this doesn't address a key issue of fairness. For example, a dwelling on each of two adjoining parcels of land in the Rural Zone would each need to a yard setback of 10m. For the Rural-Residential Zone this is 5m each. If we replaced one of these adjoining land parcels in this scenario with a dwelling within a papakāinga, this dwelling needs to be 20m from the boundary, and 30m between dwellings across the two land parcels. This is despite the activity, being residential use, being the same on both land parcels.

27. Such a scenario isn't addressed in the s42A report. A dwelling within a papakāinga is therefore in effect considered to generate greater reverse sensitivity effects than any other dwelling otherwise would within the Rural Zone.

Kahurangi Tapsell