

Attachment D - Pre-hearing Correspondence with Submitters



te kaunihera ā-rohe o
matamata-piako
district council

Our Ref: Plan Change 54 – Papakāinga
Enquiries to: **Nathan Sutherland**

24 January 2024

The Trustees of Waiti Marae
C/- Manga Randel and Mike Paki
95 Waiti Road
Tahuna 3373

Dear Manga and Mike

Plan Change 54 - Papakāinga

I write in relation to the discussion at Waiti Marae on 10 September 2023 regarding the Matamata-Piako District Council's ("the Council") Plan Change 54 – Papakāinga. Firstly, thank you for allowing the District Planner and I to attend, and speak at your marae meeting. The intention of this letter is to summarise some of the matters discussed at this meeting.

The purpose of Plan Change 54 is to enable the establishment of marae and papakāinga (to varying degrees) in a Māori Purpose Zone and on Māori Freehold Land. As part of this plan change, it was initially proposed to zone Waiti Marae and some adjoining records of title Māori Purpose Zone – Precinct 1. The records of title encompassed in this cluster included:

- RT315700 (Part Hoe-O-Tanui North 2B1A2B2 Block and Part Hoe-O-Tanui North 2B1A2B2 Block);
- RT321822 (Hoeotainui North No. 2B1A1 Block);
- RT343808 (Hoeotainui North 2B3B1A Block);
- RT319204 (Hoeotainui North 2B3B1B Block); and
- RT318271 (Hoeotainui North 2B3B1E2B Block).

The provisions of the Māori Purpose Zone – Precinct 1 as presently written allow for the establishment of marae and papakāinga as a permitted activity, subject to compliance with development standards. However, during the notification and submission process of Plan Change 54, the Council received a submission from the Waikato Regional Council (WRC). This submission noted that some of the records of title identified above are down stream of the Waiti Detention Dam and may be subject to flooding during certain weather events. To reduce flood risk on any future development, WRC have recommended the reduction of the Māori Purpose Zone – Precinct 1 around Waiti Marae so that it only covers areas suitable for development.

Because of this submission, the Council is intending to remove the Māori Purpose Zoning from RT318271 and RT318271 where it occupies the eastern side of Waiti Road. This removal will not preclude the establishment of marae and papakāinga on

these records of title, however, it will restrict the intensity to which it could occur. Additionally, a resource consent will be likely required for any development to understand the flooding risk.

Attendees of the September meeting did not raise any concerns regarding this approach. In fact, there seemed to be a consensus that while the flooding on the eastern side of Waiti Road had become better since the installation of the detention dam, the land was still not particularly suitable for residential development.

A hearing for Plan Change 54 – Papakāinga is scheduled for late April 2024. During this hearing, submitters will have an opportunity to speak to their submissions and independent commissioners will make decisions on these as well as the final District Plan provisions. As previously mentioned, the Council's planner will be recommending the removal of the Māori Purpose Zoning from RT318271 and RT318271 where it occupies the eastern side of Waiti Road, however, the final decision regarding this matter ultimately lies with the hearing commissioners.

If you have any questions or require further clarification of anything in this letter, please do not hesitate to contact me.

Yours sincerely



Nathan Sutherland
Team Leader – RMA Policy
nsutherland@mpdc.govt.nz



Our Ref: Plan Change 54 – Papakāinga
Enquiries to: **Nathan Sutherland**

01 March 2024

Mike Paki
97 Waiti Road
Tahuna 3373

Dear Mike

Plan Change 54 - Papakāinga

Thank you for your invitation to speak with landowners/trustees at Waiti Marae on 16 March 2024 regarding Plan Change 54 – Papakāinga (PC 54) and the implications this plan change may have for them. Unfortunately, the District Planner and I cannot make this date. However, I will try to summarise what was proposed when the plan change was notified for submissions and how that differs from what is currently proposed. We would appreciate it if you could pass this information on to the relevant property owners/trustees.

PC 54 is looking to enable quality papakāinga development that supports the social, cultural and economic wellbeing of tangata whenua. One of the key aspects of the plan change is the creation of a new zone called the Māori Purpose Zone. The Māori Purpose Zone is proposed to have two separate areas or “precincts”. These will be known as Precinct 1 - Papakāinga Tahī and Precinct 2 - Papakāinga Tahī.

Papakāinga Tahī – Sites that are proposed to be rezoned as Papakāinga Tahī are areas that have existing marae and directly adjoining Māori Freehold land. This precinct will provide the most enabling rules for papakāinga by:

- Increasing the housing density in comparison to the underlying Rural Zone by allowing for one kāinga per 5,000m² of site area, up to a maximum of 10 kāinga per property.
- Allowing the establishment of home businesses and small-scale community facilities, education activities, healthcare facilities and urupa.

As an example, if you had a piece of land that was zoned Māori Purpose Zone - Papakāinga Tahī that occupied 2ha, you would be able establish up to four kāinga on it as a permitted activity (subject to meeting the relevant standards). If you had 5ha or more, then you could have up to 10 kāinga.

However, these developments will still need to meet the permitted activity standards of the District Plan, which apply to development across the district. These standards

include matters such as vehicle access formation and location, site suitability and infrastructure services to name a few.

Initially, Waiti Marae and some of the surrounding pieces of land were identified as Māori Purpose Zone - Papakāinga Tahī. The records of title encompassed by this zoning included:

- RT315700 (Part Hoe-O-Tanui North 2B1A2B2 Block and Part Hoe-O-Tanui North 2B1A2B2 Block);
- RT321822 (Hoeotainui North No. 2B1A1 Block);
- RT343808 (Hoeotainui North 2B3B1A Block);
- RT319204 (Hoeotainui North 2B3B1B Block); and
- RT318271 (Hoeotainui North 2B3B1E2B Block).

However, during the notification and submission process of PC 54, the Council received a submission from the Waikato Regional Council (WRC). This submission noted that some of the records of title identified above are down stream of the Waiti Detention Dam and may be subject to flooding during certain weather events. To reduce flood risk on any future development, WRC recommended reducing the Māori Purpose Zone – Papakāinga Tahī around Waiti Marae so that it only covers areas suitable for development.

Because of this submission, the Council is intending to remove the Māori Purpose Zoning from RT318271 and RT315700 where it occupies the eastern side of Waiti Road. This removal will not preclude the establishment of marae and papakāinga on these records of title; however, it will restrict the intensity to which it could occur. As mentioned, the Māori Purpose Zone – Papakāinga Tahī allows for one kāinga per 5,000m² of site area, up to a maximum of 10 kāinga. With the Māori Purpose Zone removed, the District Plan only allows one kāinga per hectare, up to a maximum of five per property on Māori Freehold Land.

If we go back to our example, this means that you would only be able establish two kāinga on the 2ha property as a permitted activity (subject to meeting the relevant standards). If you had 5ha or more, then you could have a maximum of five kāinga. Additionally, you would also be limited in the ability to establish small-scale community facilities, education activities and healthcare facilities.

However, the key issue is the suitability of the site for papakāinga development. Every building project and subdivision within the district needs to demonstrate that the site is suitable for the activity proposed, regardless of whether it is in the Residential Zone, Rural Zone or Māori Purpose Zone. Because of the potential flooding risk, a lot more work needs to be done to demonstrate that RT318271 and RT315700 are suitable for papakāinga. This is the main reason for us removing the Māori Purpose Zone from these two blocks of land. We felt that retaining the proposed zoning would send a false message, that RT318271 and RT315700 are automatically suitable for housing developments.

Knowing that a picture speaks a thousand words, I have included two map versions showing Waiti Marae and the surrounding land to help explain what I have written. One shows RT318271 and RT315700 as Māori Purpose Zone. This is what was originally proposed. The second map shows the two blocks without this zone over top of them, which is what we are proposing now.



As I mentioned in my previous letter, independent hearings commissioners will make decisions on the plan change, but the Council's planner will be recommending to them that the Māori Purpose Zoning is removed from RT318271 and RT315700 where it occupies the eastern side of Waiti Road. However, if you or the other property owners have any issues with this, please let us know.

If you have any questions or require further clarification of anything in this letter, please do not hesitate to contact me.

Yours sincerely



Nathan Sutherland
Team Leader – RMA Policy
nsutherland@mpdc.govt.nz



Our Ref: Plan Change 54 - Papakāinga
Your Ref:
Enquiries to: **Nathan Sutherland**



06 September 2023

Mr Ray Kett
2736 Tahuna-Ohinewai Road
RD3
Hoe-O-Tainui
Morrinsville 3373

Dear Ray

Proposed Plan Change 54 - Papakāinga

Thank you for your correspondence in relation to Matamata-Piako District Council's (the "Council") Proposed Plan Change 54 - Papakāinga. I understand that you have some questions in relation to the representation of the Iwi Working Group and the plan change's consultation process. I will attempt to answer these questions for you below.

The Iwi Working Group (IWG) formed at the start of the plan change process at the direction of the Te Manawhenua Forum, which is a standing committee of the Council. The purpose of the IWG was to help drive the plan change process and to assist with preparing the proposed District Plan provisions. Each of the 12 iwi with interests within the Matamata-Piako district were invited to nominate a representative on the Group. Not all iwi took up this invitation for their own individual reasons. However, in addition to representing Te Manawhenua Forum on the IWG, Councillor Gary Thompson also adds a voice for Ngāti Paoa.

The IWG has provided technical guidance to Council officers and have worked as a conduit for directing mana whenua's aspirations into the proposed District Plan provisions. While they make recommendations to the Council regarding the change, they have no decision-making ability and do not determine the final District Plan provisions. An independent hearings commissioner, who will consider the submissions, along with the recommendations of Council staff and any technical experts, will make this decision. If the shareholders of the Trust that administers Hoe-o-Tainui North 2B3B1E2B Block have made a submission, then their wishes will be considered as part of this process.

In your letter dated 25 August 2023, you have stated that contact with the aforementioned shareholders should have been made at the start of the plan change process. I agree with this statement, but consider that the Council has done this. As you are listed in the Council's records as the contact for this piece of land, the Council sent you a letter on 21 January 2022. This letter asked you to provide informal feedback on the proposed provisions and I understand that you did that.

In addition to the above, the Waikato Regional Council (WRC) has made a submission regarding the proposed Papakāinga plan change, some of which relates specifically to the area of proposed Maori Purpose Zone around the Waiti Marae. They have noted that both Hoe-o-Tainui North 2B3B1E2B Block and Hoe-o-Tainui North 2B1A2B2 Block are downstream of the Waiti Detention Dam and are subject to flooding during certain flooding events. This may mean that these two pieces of land are not as suitable for papakāinga development as we had initially hoped.

The Council may need to alter the proposed District Plan provisions to reflect this new information. We would like to discuss this with you further. Councillor Gary Thompson and some Council staff are meeting at the Waiti Marae at 10am this coming Sunday (10 September) to discuss the current situation with other affected landowners. You are invited to join that discussion, but if this does not work for, we are happy to meet with you at a time that is convenient for you.

If you have any questions or require further clarification of anything in this letter, please do not hesitate to contact me on (07) 884 0060.

Yours sincerely



Nathan Sutherland
Team Leader - Resource Consents



magill^{earl}

BARRISTERS AND SOLICITORS

sl

Our Ref: Marja Meeter
E-Mail Address: marja@magilllearl.co.nz

Matamata Office;
28 Tainui Street
PO Box 43 Matamata 3440
Ph: 07 888 7049
Fax: 07 888 5587
DX GA 27004
Email admin@magilllearl.co.nz
www.magilllearl.co.nz

25th August 2023

Matamata Piako District Council,
P.O. Box 266,
TE AROHA 3342.

email: nsutherland@mpdc.govt.nz

Dear Nathan,

re: Plan Change - Papakāinga

Thank you for meeting at our offices.

Our client maintains that the driveway is situated on his land.

We have not carried out a site visit, nor have we engaged a surveyor.

The surveyor in charge of the subdivision will have to ascertain the whereabouts of the driveway in due course when the survey is done for the Papakāinga.

Yours faithfully,
MAGILL EARL

Per:

