Submission 50.1 - Mr George Whaiapu

In support of Mr Leo George Whaiapu's submission #50.1, he respectfully requests that the panel take into account the following matters:

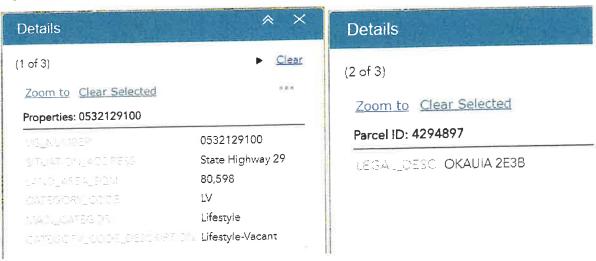
- 1. The property, Okauia 2E3B, was properly identified in a manner ensuring fairness to other submitters.
- 2. The criterion regarding adjoining the marae and the equity issues this approach causes.
- 3. The low level of constraint posed by the stream and possible wetlands through the northern portion of the site.
- 4. The lack of incompatibility with the stock effluent disposal and weighbridge located on the road reserve at the intersection of SH29 with SH24
- 5. The possible traffic safety concerns given the proximity of the site to the intersection of SH29 with SH24.

1. Okawia 2E3B identification

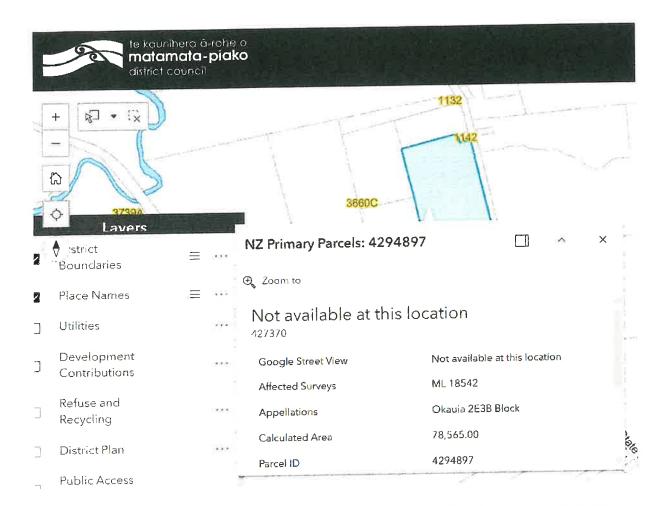
In paragraph 6.2.2.2 paragraph 105 of the s42 report, the planner says that accepting Leo George Whaiapu's submission could raise fairness issues because the submission was broad in nature and did not expressly, or specifically, identify the Okauia 2E3B Block requested to be rezoned by way of address or image depicting the location, so that other submitters could reasonably understand what was being sought. The planner went on to explain that, as a result, affected neighbouring landowners may not have had a reasonable opportunity to make further submissions.

Respectfully, we wish the panel to take into account that this block of land does not have a street address or a lot and DP number. In fact, the name Okauia 2E3B is the best publicly available location identifier for this property.

On the WRC online maps, the situation address is State Highway 29, which is not helpful, and the legal description is Okauia 2E3B.



On the MPDC maps, there is no street address option available for the block and the appellation is Okauia 2E3B Block.



The point that planner was making regarding fairness to neighbouring landowners was noted. We draw your attention to the layout of the properties shown in the map below. The houses on the neighbouring properties to the west are on the extreme western boundaries of their own properties and are at least 150m away from any potential building platforms on Okauia 2E3B. The properties to the north are across the stream and are well screened from the majority of Okauia 2E3B. Nevertheless, Mr Whaiapu wanted to ensure the neighbours did not feel they had been unfairly treated, so he has been visiting potentially affected landowners. He will point out who he has visited so far and tell you their response.



2. Proximity to Marae

While Mr Whaiapu acknowledges that MPDC have taken the approach of only identifying land immediately next to marae for rezoning, this can raise equity issues. Not all whānau have interests in the blocks immediately next to marae. The plan change in its current form excludes some whānau for this reason. The subject block is between two marae, being less than 100m from Te Omeka, and is one which was customarily occupied in the past.

3.Stream and possible wetlands

There are considerable flat areas on the property that are accessible from SH24 without having to traverse the stream. The previous map shows 1m contours. The watercourse running south to north is a drain which can be avoided if required. The flat parts of the site are 7m above the stream and are not subject to flooding. The WRC hazard portal does not show this site as being prone to flooding.



4.Stock effluent disposal and weighbridge

The stock effluent disposal site and weighbridge is in the middle of the intersection between SH29 and S24. Any access to Okauia 2E3B would be from SH24 and placed well away from the intersection, so would not affect the existing facilities.

5. Traffic safety concerns

The previous map shows a more than 300m stretch of straight and level road between the SH29 intersection with SH24 (measured as 312.5m on the map). Discussions have been had with NZTA Waka Kotahi on this matter. They agree that SH29 is not feasible for an entrance to the property, but the Network Manager and Safety Engineer are currently looking to find a time in which they can come to the site to determine whether an access can be established safely from SH24 for the numbers of houses proposed for the MPZ. The photograph below shows the view along SH24 from the intersection. The stream is just beyond the roadside trees on the left before the bend in the road in the distance.

Although we are very hopeful that NZ Waka Kotahi will approve access from the long, level straight road you can see in the photo, such potential constraints are likely to exist for other proposed MPZ sites. It has been acknowledged through the process that regional consents may be required and that full yield may or may not be attainable. We respectfully ask that this be considered to be a similar situation where detailed design may or may not allow for the maximum dwellings permitted under the zone provisions.



Dr Andrea Julian
Regional Strategy Manager
Pūtake Taiao
Raukawa Charitable Trust



354 Victoria Street, Hamilton 3204

DX: GX10101

T: 07-957-7880 | F: 07-957-7881

In reply please quote: A20180006551, A20180006550 and A20180006552 W: www.justice.govt.nz

Leo Whaiapu State Highway 29 Te Poi Matamata 3473

MINISTRY OF

Tēnā Koe,

RE:

Te Mahau 1 Trust and Irihanga 2 and Lot 1 DPS 62940 Trust - To

appoint Tracey Rongopai Cooper and Nigel Leef as trustees in place

of Robert Leef and Henare Rahiri (A20180006551)

SECTION:

239 of Te Ture Whenua Mãori Act 1993

RE:

Okauia 2E3B Trust - Appoint Leo Whaiapu and Jeremy Murray in

replacement of Sonny Tokona, Archie Te Wheoro, Roy Murray, Eru

Whaiapu & Vary terms of trust (A20180006550)

SECTION:

239 and 244 of Te Ture Whenua Māori Act 1993

RE:

Okauia 2F1C Lands Trust - To appoint Steven Waaka, Nile Marsh and

Gloria Hirini as trustees in replacement of Christina Renata, Tahuri

Madoza, William Hirini and Noel Kinred (A20180006552)

SECTION: -

239 of Te Ture Whenua Mãori Act 1993

Please find attached a copy of the Court Minutes dealt with at 173 Waikato Maniapoto MB 282 dated 20 November 2018, regarding the above.

The orders for the applications A20180006551 and A20180006550 have been issued as immediate release. Once these orders have been drawn and finalised, a copy of the Court Orders will be distributed to the interested parties accordingly.

The orders for A20180006552 are conditional upon Nile Marsh completing trustee training within three months of the date of this court hearing. However, if he does not complete the trustee training within that time frame criteria, then the said appointment shall be cancelled. Mr Rika is email me Nile's trustee training certificate upon completion of the training. Please remember to provide the reference number so that I can complete the file.

Should you require further information regarding the above application, please do not hesitate to contact me on (07) 837 2880 or by email: teatairehia.thompson@justice.govt.nz

Nāku noa nā

Te Atairehia Thompson

Case Manager

Minutes of General Meeting of Okauia 2E3B Trust Held at Ukaipo Marae on 5 Nov 2017 at 10am

Present: Terry Baker (Chairman), Peggy Bonnar, Jeremy Murray, Allan Bill Smith, Bruce-Lee Smith, Caswell Smith, Glenis Taratu, Rowi Tarei, Moana Walters, Leo Whaiapu, Pauline Whaiapu and Walter Rika (Secretary) and others as set down in the attached attendance Register.

Also 3 Proxies were presented to the table from Cecil, Jeremy and Katie Jack appointing Moana Walters as their Proxy holder - accepted by hui.

Mihi given by Terry Baker and Karakia given by Leo Whaiapu

A Quorum was ascertained - there being more than 10 Owners present / represented.

Apologies:

Were received from: Cecil, Jeremy and Katie Jack; Barry, Frederick, Denise, Zane, Desmond, Shawn, Julian and Janet Baker; Tweenie and Rose-Anne Smith.

Apologies Accepted

Moved: Leo Whaiapu/Peggy Bonnar

Carried Unanimously

Terry Baker having just taken his asthma pump medication asked Walter to continue

Walter Rika addressed the Hui by introducing himself to the Owners and advised that Terry Baker the Trust Chairman and only remaining Trustee appointed him as the Secretary of the trust to assist in the compliance of the Trust and of the Trust activities - Walter being familiar and experienced with Maori Land and Maori Trust work as he was formerly a MLCt Dep Registrar.

The Hui was advised that the Trust did not have Owners addresses so Notice of this hui was properly advertised in the Rot Daily Post, BOP Times and Hamilton News 3 weeks in advance to comply with the Trust Deed. The last General Hui was so long ago no one could recall when it was and it was agreed that the Trust start afresh as the former Trustees appointed almost 30 years ago have long since passed and never left any previous Gen Mtg records.

The Hui unanimously agreed to move on.

Chairman's Report - was verbally given by Terry Baker to the hui and he advised that the Trustees have done their best to upgrade and develop the land that would enable the land to be leased at a higher return than what is currently being obtained. The Trust property required fencing erected, road entrances formed, a water bore to be put down, water reticulation and pwer to the water bore shed. This cost a great deal of funds Trust funds and the Lessee has continued to graze the land, pay the rent and the Rates and keep the land in good heart. The Trust was debt free and all taxes was paid up to date as well as the rates on the blk. A lot of work has been undertaken by the Trust to bring the land up to its current state.

Terry also advised that he had rec'd a request from the other remaining Trustee Sonny Tokena who requested his resignation be accepted because he was incarcerated at the time. And that replacement Trustees needed to be appointed for Sonny and his fellow Trustees who have passed on.

When Terry was approached by Moana Walters seeking approval to build on the blk where her Kuia used to live, he immediately requested Walter to carry out due process to summon a General hui for the Beneficial Owners, to arrange the paper adverts for the Hui Notice, and prepare a land report and obtain a Financial report from the Trust's Solicitors and Accountants.

All funds from the lease of the Trust blk has been paid and held in Trust with the Bell Graham Solicitors Trust Account at Matamata on behalf of the Trust and administered by Bell Graham.

Terry was very supportive of Moana building on the blk because at least the Trust will have one of the Owners on the land to keep an eye on it and she was the mokopuna of the original occupant of the block.

Resolved:

"That the Chairman's report be accepted by the Hui"

Moved: Glenis Taratu/Allan Bill Smith Carried Unanimously

<u>Land Report</u> – The written report was distributed to the Hui and read out by Walter. The title details; the Ahu Whenua Trust constitution and the original Trustee appointments made by the Court on 19 April 1989 and the later Trustee appointments made in 26 June 1996; the state of the land and the lease details were explained particularly the current informal tenure that exists with the lease. It was time to have the lease reviewed.

It was explained that Moana's proposal to build upon the land by first obtaining an Occupational Order from the Owners and the Trust as she had sufficient shares for that to happen and her house site was where her Kuia's original house stands now as a farm shed. The access from off the Te Poi road side of the blk would run along the western side of the blk where also the original access to the old house was formed. The Hui discussed the aspect of negotiating a new lease with the current informal lessee Moozlea Ltd and wished to have include the provision that should the Trust wish to set aside an area for housing to be developed on the property then the lease was to abate to allow that to happen. It was evident that the land was prime farmland and there would be keen competition for the lease of the blk but it would be offered to Moozlea Ltd at new updated rates in the first instance.

Resolved:

"That the Land Report be accepted by the Hui" Moved: Leo Whaiapu/Glenis Taratu

Carries Unanimously

Financial Report — The financial report was distributed out for the current financial year to the Hui. Walter read the Trust's accounts that was provided by Bell Graham in respect to the past years and advised the Owners what was expended by the Trustees for the fencing, establishment of the water bore, electricity hook up and gates and entrance formation. And the funds paid by the Trust for the past administration of the funds and taxes. It was advised that in terms of the Trust Deed the annual accounts required to be Audited which have not been done. However this matter could be sorted by an amendment of the Trust Deed to provide for accounts to be prepared by a Chartered Accountant if the income (as in this case) was under \$100K and such accounts need not be Audited. This would save costs. The Hui discussed the accounts and generally agreed when Terry Baker asked them what they would like done with the funds held in the putea that they wished the putea be built up and when a more substantial amount was held in the Trust account the Trust should look at making a

distribution. The Trust was a registered Maori Authority to enable the taxation rate to be 17.5% on Trust Income.

Resolved:

"That the Financial report be ace[pted by the Hui"

Moved: Allan Bill Smith/Rowi Tarei

Carried Unanimously

Moana Walters Proposal for an Occupation Order - Moana put her proposal to the Hui. She owned 0.4 shares in the blk which equated to 0.16417ha or 1642m2 of land area. The land lends itself for a house to be built upon although the land was zoned Rural for farming purposes. There was a small creek that ran through the property that could flood but Moana's proposed site was where the old Whanau Homestead used to be and was an ideal site for her to build with access along the boundary from the Te Poi Rd which was where the old road used to be. All the Owners present were aware of the lay of the land and that Moana's Kuia used to live where Moana wishes to build. The land was also suitable for building upon along that old roadway as it was not subject to flooding and the access was more suitable than from off the Tauranga Main H/W on the eastern side of the blk. The Trust would look at providing water and power and assisting Moana with approvals to be obtained from Transit and the local authority. The Owners also wished that the Trust look at setting aside an area that may be used as a Papakaingal for other owners to build and live. There was a great deal of interest for housing sites on Maori land and providing building sites availability to Beneficiaries that require housing. There was a robust discussion had by the Hui and Moana was well supported by the Owners. All Owners present wished her well and said it would be good to have her and her Whanau live there again. Once she had her house there it could be a forerunner for other Owners who may be able to build as well.

Moana's scheme plan was discussed and explained to the Hui and her site location and access would be properly drawn up for the Trustees to sign off prior to any appln to the Court. The Hui also agreed that her Occupation Order may be succeeded to. **Resolved:**

"That the Trust consent to an Occupation Order be granted to Moana Walters and be provided with access and the necessary easements for power and water."

Moved: Terry Baker/Allan Bill Smith

Carried Unanimously

<u>Election Of Replacement Trustees</u> – As advertised the Hui required an election for the replacement of Trustees. The Trustees that had passed on were:

- Archie Te Wheoro who died about 15yrs ago
- Roy Murray who died in August 2011 as advised by his son Jeremy Murray.
- Eru Whaiapu who died 5 yrs ago as advised by his cousin Leo Whaiapu. Most of the Owners present can recall attending the tangi for these 3 dec'd Trustees.

The other Trustee being Sonny Tokona made contact with Terry Baker and requested to resign as he was at the time incarcerated. Terry Baker advised the Hui that he had accepted Sonny's resignation but he had not put it to the Court. Now Sonny has been released by one knows of his whereabouts. All the Owners present was aware of Sonny being incarcerated and expressed their desire to have him removed as a Trustee.

The Hui also advised after being told how important the responsibility of a Trustee had to the Trust and to all its Beneficial Owners, that 3 Trustees would be sufficient to run this Trust.

Nominations were called for from the floor of the Hui as follows:

- Leo Geoge Whaiapu nominated by Pauline Whaiapu / Glenis Taratu

- Jeremy Te Paapa Murray nominated by Moana Walters / Allan Bill Smith

Resolved:

"That nominations be closed"

Moved: Moana Walters / Terry Baker

Carried Unanimously

After both nominees accepted their nominations Terry Baker declared them duly elected.

Resolved:

"That an appln be made to the Court to remove Sonny Tokena as a Trustee and that both Leo George Whaiapu and Jeremy Te Paapa Murray be appointed as replacement Trustees to the Okauia 2E3B Trust"

Moved: Moana Walters/ Terry Baker

Carried Unanimously.

Variation of Trust Deed – This matter was discussed at length. Walter went through the current Trust Deed and there were clauses that required updating as the Deed was quite antiquated in comparison to current Trust Deeds being drawn up nowadays. The Costs for trustee fees and mileage was not set down and in terms of the Deed the Trustees were entitled to be reimbursed for their out of packet expenses incurred in their attendances to the affairs of the Trust. As well because the high cost of auditing Trust accounts the requirement for auditing of accounts needed to be changed to allow the accounts to be prepared by a Chartered Accountant – the revenue of the Trust was under \$100K per year. The Hui agreed that the Trustees had done a very good job of keeping the land in good heart and administering the Trust affairs and they should be paid something for their good work. Any fees would need to be approved by the Court. Any amendments to the Trust Deed would also need to be approved by the Court.

The Hui considered that Trustee meeting fees be \$150 and mileage be 0.85c per km. A full revision of the Trust Deed would be carried out once the new Trustees are appointed to be put to the Owners at the next General Hui.

Resolved:

"That the Trust make appln to vary the current Trust Deed for Trustee Meeting fees be approved by the Court at \$150 per mtg and Trustee mileage be at 0.85c per km. And that the requirement for Auditing of accounts be amended for Trust accounts not to be audited if prepared by a Chartered Accountant provided that the Trust annual income is less than \$100,000 per year."

Moved: Rowi Tarei/Pauline Whaiapu

Carried Unanimously

General Business – The Hui wished to progress the investigation by the Trust the matter earlier talked about in respect to some of the Trust property being set aside for "Pakakainga" housing purposes. Such Papakainga areas generally need to be associated to a nearby Marae which this land does. There was definitely a need by the Beneficial Owners who wished to come home to build and to build upon their own land. There was also avenues of housing finance from Te Puni Kokiri and other Govt sources that may be able to be tapped into to provide the Trust with funds to implement a housing scheme that may cater for the needs of the Owners. The area along the access way being provided for Moana's house project may be a suitable

sight and the Trust should find out from the Council and other Govt offices what could be done that may benefit the Trust and its Beneficiaries.

Resolved:

"That the Trust negotiate a new lease of the Trust land and to seek additional back rent on the past use and occupation of the land and that any lease make provision for the new lease to abatment of rent and leased area should the Trust allow houses to be built upon the land. The Trust to also investigate the possibility of having part of the land set aside as a Housing Papakainga"

Moved: Peggy Bonnar/Pauline Whaiapu

Carried Unanimously

As there was no further business the Owners were thanked for their attendance and the hui closed with a karakia by Leo Whaiapu at 12.15pm

Walter Rika	
Secretary	Confirmed:
-	Chairman

Report on OKAUIA 2E3B Trust General Hui – 5/11/2017

Kia Ora Koutou,

It is some time since the last General hui of this blk has been held.

This land is Maori Freehold Land containing 8.0598ha.

There are 19.6375 shares in the blk with 105 Owners.

The Title Order is a Partition Order dated 30/7/1959.

The blk is a rectangular blk bounded on 2 sides by a public road and is zoned rural.

The Court constituted an Ahu Whenua Trust over this blk on 19/4/1889 and vested the land in Terry Baker, Roy Murrat, Archie Te Wheoro, Sonny Tokona and Eru Whaiapu as Responsible Trustees. Most of the trustees have passed on and replacement trustees are required to be elected and appointed.

The land is clear, fenced, water reticulated, grassed and generally flat. The Trustees have granted a Grazing Cattle lease over the land to Moozlea Ltd in 2009 for a 3 yr term at a rental of \$7,000/year being paid quarterly. The Lessee is responsible for the payment of the rates and the rates and rents /are up to date.

The lease has not been formally renewed but the lessee has continues occupying and leasing the property and paying the rates and the lease.

All funds from the lease proceeds have been paid into the Bell Graham Solicitors account and taxes have been paid to date.

Moana Walters wishes to build upon the land where her Kuia used to live and seeks consent from the Owners for that to happen.

Her 0.40000 shares in the blk equate to 4104m2 of land area – sufficient for her to obtain and Occupation Order to build a house on the blk.

Terry Baker the Chair of the blk will preside over this hui and bring the Owners up to date on all matters pertaining to the land as it has been some time since the last General hui of this blk.

Walter Rika For the Trust

ISMP - UKAIPO MARAE

Interim Speed Management Plan – Ukaipo Marae, SH29 Te Poi

PURPOSE

This document will highlight a possible plan to manage speed reduction along SH29 from 37°52'58.1"S, 175°54'11.3"E (Fixed Speed Camera - SH29) to SH29/SH24 Junction. This is a linear distance of <3km and has a PSL (Posted speed Limit) of 100km/hr.

The focus of the plan is to encourage increased "Driver awareness" travelling in the Westbound and Northbound direction along this part of the highway by using ATLM (Acoustic Tactile Line Marking) and ITS (Intelligent Transport Systems). ATLM installation in the format suggested in this document has not been used in such a progressive manner and may take a large shift in support for installation from the existing roading authority, Waka Kotahi - Land Transport Safety Authority.

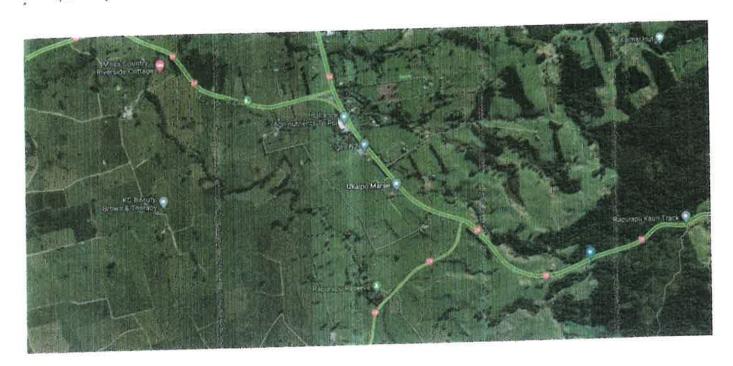
The existing requirement to obtain National Land Transport Funding (NLTF) to approve this type of installation to occur on the National Land Transport Plan (NLTP) requires several objectives to be met before this will be added to each of those mentioned. The optimum objective that is suggested to use at this early stage is likely to come from gaining "Public Support" for this installation to occur. Activities in the NLTP must reflect the priorities in the most recent Government Policy Statement on land transport (GPS). NLTP development is also guided by the laws in the Land Transport Management Act (2003). The GPS sets out the Government's strategic direction for the land transport system and guides how we invest the National Land Transport Fund (NLTF).

SH29 is classified as a "Major Arterial Road" with AADT 10395 20% Heavy Vehicles, Average speed 80 – 100Km/hr. (Note that the continuation SH29 to Hamilton the count reduces to 5647AADT and Rapurapu Road has 2440AADT) By seeking a trial to reduce speeds and seek a reduction in driver errors leading to accidents as well as provide driver interest during their trip along this section of highway is the aim.

These assumptions are based solely upon "STATE HIGHWAY GEOMETRIC DESIGN MANUAL

SECTION 2: BASIC DESIGN CRITERIA" and "Traffic Control Devices Manual – Part 4" (TCD – Part 4)

This type of road management requires certain levels of attention and when there is a kaupapa at this marae, there will be a need to determine how much attention is given to these details in order to improve safety along this part of the road. This is the reason for making this effort, so that more attention can be highlighted to the problems faced during short term and intermittent kaupapa so that safe movement in and out of the area is mitigated effectively.



This trial will provide a 2 phase outcome.

- Manage speeds over a greater length of road corridor
- 2. Improve driver interest in their surroundings making them more alert and responsive if continuing on their journey past Matamata.

Additional assets including Variable Message Signs and the ability to "Post" live information about any event at Ukaipo will also become standard practice. By this I mean the large sign over the other side of Kaimai near Ruahihi Dam will read "SPECIAL EVENT SH29 UKAIPO MARAE USE CAUTION UNTIL SLEAR OF AREA" or similar statement.

"E huri tō aroaro ki te rā, tukuna tō ataarangi ki muri i a koe"

OPTIONS AVAILABLE

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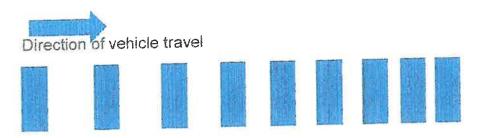
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ACOUSTIC TACTILE LINE MARKING (ATLM): This is the main focus of my plan. In order to install these a number of changes are required. The first change is to New Zealand Laws related to road marking. This may be a lot more straight forward to achieve for a few reasons

1. There is some use of similar lines in place "unofficially" in parts of Aotearoa

2. The method to place the type of lines I am asking to install are guided by "AUST ROADS" who already have these line markings in use.

3. The need to provide a cost-effective solution is most attractive to Waka Kotahi What is ATLM you may be asking? It is a series of converging lines that are installed across a lane and cause a change in the attitude of the vehicle and its driver. There are a dissimilar line in use upon every road in Aotearoa already, but they run in a longitudinal direction, they are those bump lines on the side of many lanes around the Motu. While these are quite aggressive and very regular, the type of ATLM I am suggesting is not as aggressive or regular. They can be placed over a 300m - 500m length of road on the approach to a certain area that requires to be highlighted.



The above is a basic diagram of how they are placed and are between 2mm and 10mm thick. The ones on the side of the road along the lane and approx. 10mm to 25mm thick. The effect that this line has on a vehicle is enough to change the driver's awareness of an upcoming passage of road and causes the driver to refresh themselves to their surroundings. There is additional road noise from the vehicle striking the ATLM but this sound occurs only while the vehicle is traveling over this length which is considerably shorter than the existing ATLM installations around Aotearoa.

VARIABLE MESSAGE SIGN (VMS): These are already installed around State Highways and currently carry information related to road conditions that are coming up in the direction of travel for the highway that they are installed upon. I am part of a group that maintains and services these signs and we also install new ones as required by Waka Kotahi. I also am part of a consultancy group that provides feed back into the type of signaling and system configuration available on these installations and recently was asked to provide suggestion about the type of messaging that can be placed on these VMS signs. The suggestion made earlier was put forward and accepted by the group. Additionally, they asked about grammatical use of Tohu in writing Maaori words correctly and I provided the vowels with Tohu attached, these were also accepted and may soon be seen in use on all VMS signs around the Motu.

SPECIAL MESSAGE SIGNS: These are in development and include "Marae" based signs and are not electronic. They are static and highlight an upcoming Marae location.

