

Meeting: Council

Meeting Date: 19 July 2023

Subject: Proposed Plan Change 4 (Residential Development of Stoneham Park) Adoption and Notification of Decisions

File No.: 301013

1 Purpose

This report seeks approval to adopt and publicly notify the decisions of the hearing commissioner for the proposed Plan Change 4 - Rezoning of Roy Stoneham Park from Reserve to Residential, in accordance with the First Schedule of the Resource Management Act 1991 (Attachment 1).

2 Background

Plan Change 4 relates to the proposed residential development of Stoneham Park which is currently zoned as a recreational reserve.

Prior to any development being undertaken, Council is required to undertake two statutory processes, being the revocation of the reserve status of Stoneham Park in accordance with the Reserves Act, and secondly the rezoning of the Stoneham Park Reserve status to Residential through the proposed Plan Change 4 process in accordance with Schedule 1 of the Resource Management Act 1991 ('RMA').

The Plan Change 4 implements the strategic framework contained in the District Long Term Plan 2021-2031 in relation to 'Grow our District'. The intention of 'Grow our District' was to provide for residential development of Stoneham Park to contribute to the housing needs in Kawerau.

This will be achieved through enabling suitable land (Stoneham Park), to be made available for residential development, and provide a range of development opportunities, by providing different section size and flexible planning rules to enable more affordable building options. This will help address Kawerau's housing pressures and affordability constraints, which have accumulated as a result of aged housing stock, lack of new supply and changing community needs.

Having undertaken community engagement around this topic, off and on, since the development of the Long Term Plan in 2021, the proposed plan change was publically notified on 24 February 2023, with initial submissions closing on 24 March 2023, and further submissions closing on 28 April 2023.

A total of thirty five submissions were received. Fourteen were in support, eleven were in part support and ten in opposition. The submissions are summarized in the attached report (Attachment 1).

Seven submitters requested to be heard and Council appointed an independent hearing commissioner, Bill Wasley, to hear the submissions on the proposed District Plan Change 4.

The hearing was held on 15 June 2023. As set out in the Commissioner's report of the hearing (Attachment 1), one submitter was heard on the day and one written submission was tabled by one of the submitters who could not participate in the hearing. These statements were considered by the commissioner.

The hearing commissioner adopted the assessments made in the s42A report (Attachment 2) in respect of the submissions specific to the matters in the Plan Change, apart from those related to the FENZ submission and those on matters outside the scope of the plan change.

The hearing commissioner accepted the position of FENZ and provided for the relief sought, indicating these provide an opportunity for the most up to date firefighting water supply code of practice, stating it is 'an efficient way of achieving the plan change objectives having regard to the health, safety and well-being of future residents and the community generally'. The relief sought related to ensuring compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, in that sufficient water is available when and where required. This includes making sure fire appliances can reach buildings and fire hydrants are available in appropriate locations throughout the residential development.

The consideration of submissions and reasons for accepting or declining are outlined in Appendix 1 of the Hearing Commissioner's Report.

The hearing commissioner recommended the proposed District Plan 4 be approved as per the amendments outlined in Appendix 2 to the Hearing Commissioner's Report.

3 Options

There are two available options.

Option one: Accept the recommendations of the hearing commissioner, after examination, adopting the amendments to the proposed District Plan Change 4.

Option Two: Where you do not accept the changes adopted by the hearing commissioner, return the matter back to him to reconsider any amendments raising concerns.

4 Risks

Schedule 1 of the RMA, provides a pathway for those who made submissions regarding the proposed District Plan Change 4, to appeal a decision they do not support.

There is a small risk that submitters whose requests were not accepted, may appeal the plan change relating to the Stoneham Park site.

5 Legal Considerations

The proposed Plan Change 4 is consistent with Council's Long Term Plan 2021 - 2031 enabling district growth.

The plan change decisions will be notified in accordance with Schedule 1 of the RMA.

6 Financial Considerations

The proposed plan change is being undertaken as a fundamental part of the Stoneham Park residential development.

Council resolved on 14 December 2022 to utilise the Better off Funding to fund the residential development in a staged approach. The proposed plan change is part of the first stage in the development.

No new budget is required.

7 Significance and Engagement

Iwi and the community were provided with the opportunity to comment on the proposed Plan Change 4, through public consultation prior to and after being publically notified in line with Schedule 1 of the RMA.

Schedule 1 of the RMA provides previous submitters with a further opportunity to oppose the decision through appealing the decision to the Environment Court.

People who have submitted on the proposed Plan Change will be interested in the decisions.

The plan change is rezoning land previously indicated for residential development in the Long Term Plan 2021 - 2031. This will not affect Council rates or debt due to the funds obtained.

8 Conclusion

The hearing commissioner has reviewed the proposed Plan Change 4 and has recommended it be approved with amendments. The amendments are not inconsistent with what Council is trying to achieve and will enable development opportunities which will provide different section sizes and flexible planning rules to enable more affordable building options for our community.

9 **RECOMMENDATIONS**

1. That the report "Proposed Plan Change 4 (Residential Development of Stoneham Park) Adoption and Notification of Decisions" be received.
2. That Council receives the recommendations of the hearing commissioner for the proposed Plan Change 4 - Residential Development of Stoneham Park (Attachment 1 dated 12 July 2023); and
3. That Council accepts the recommended decisions for the proposed Plan Change 4 - Residential Development of Stoneham Park (Attachment 1); and
4. That Council agrees to publicly notify the decisions for the proposed Plan Change 4 - Residential Development of Stoneham Park (Attachment 1) as soon as practicably possible and in accordance with the First Schedule of the Resource Management Act 1991.



Michaela Glaspey

Group Manager, Regulatory & Planning

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Attachments

1. Plan Change 4 Report and Recommendations of the Hearing Commissioner.
2. Plan Change 4 – Section 42A report (Report to Hearing Commissioner)

Resource Management Act 1991

**Kawerau District Plan
Plan Change 4**

**Rezoning of Roy Stoneham Park from Reserve to
Residential**

**Independent Commissioner Report and
Recommendations to the Kawerau District
Council**

12 July 2023

Rezoning of Roy Stoneham Park from Reserve to Residential to permit development of the site for residential purposes

INTRODUCTION

1. This recommendation to approve Plan Change 4, is made to Kawerau District Council by Independent Hearing Commissioner Bill Wasley, appointed, and acting under delegated authority pursuant to section 34 (s34) and section 34A (s34A) of the Resource Management Act 1991 (the Act or RMA).

2. Matters related to the plan change were heard by me acting under delegated authority of the Council. I was appointed a commissioner pursuant to s34A of the RMA, to hear and consider all matters related to the plan change. This included considering all submissions, the Council's section 42A (s42A) report and recommendations in respect of the submissions. If recommended for approval, I was to consider and recommend any associated amendments to the Proposed Plan Change to the Council, which I have done.

BACKGROUND TO PLAN CHANGE 4

3. Both the s32 and 42A reports¹ outline the reasons for the Council wishing to develop Roy Stoneham Park for residential use and are summarised as follows:
 - Kawerau is facing housing pressures and affordability constraints which is leading to social and economic consequences in the district. There are several reasons for this issue including aged housing stock, lack of new supply, and changing community housing needs.

 - The lack of available new housing could be one of the factors underpinning a lower population growth rate in Kawerau compared with towns of a similar size.

 - The market is more accepting of small housing types and sections such as town houses, flats, and units.

¹ S42A Report-Section 2

- The current District Plan rules for the Residential Zone do not provide for smaller section sizes, duplex housing, or additional dwellings as permitted activities.
4. I was advised that the Council has committed to developing Roy Stoneham Park for residential purposes via its 2021-2031 Long Term Plan. The park is currently an under-utilised reserve.
 5. It is noted that Plan Change 4 implements the strategic framework contained in the Long-Term Plan 2021-2031 in relation to 'Grow our District'. The intention of 'Grow our District' is to provide for residential development of Roy Stoneham Park and contribute to the housing needs of Kawerau District by:
 - Making more land available for residential development, and
 - Improving the wellbeing of the Kawerau community by facilitating an increase in the stock of housing available in the town.
 6. The Council has committed to ensuring there is enough housing in the community for future needs, has considered areas for future development and believes Stoneham Park (the old Soccer Club grounds) is the most suitable option to pursue.
 7. To achieve the residential development opportunity, Council needs to undertake two statutory processes, being the revocation of the reserve status of Roy Stoneham Park in accordance with the Reserves Act; and to rezone the park from Reserve to Residential through Proposed Plan Change 4 in accordance with Schedule 1 of the Resource Management Act 1991.
 8. I was advised that the Council was currently undertaking the reserve revocation process in parallel to the plan change process but noting both processes have quite separate decision-making processes and are undertaken via separate legislative mechanisms.
 9. After the statutory processes have been completed, there are additional processes to be undertaken, including applying for resource consents for subdivision and site development such as earthworks and stormwater management. These are required prior to development of the park for residential purposes.

PLAN CHANGE PROCESS

10. The proposed plan change has been prepared following the standard RMA Schedule 1 process. The plan change was publicly notified on 24 February 2023, with submissions closing on 24 March 2023, and further submissions closing on 28 April 2023.
11. Of the thirty-five submissions received, fourteen were in support, eleven were in part support, and ten were in opposition. The submissions were summarised and notified for further submissions, but no further submissions were received.
12. I did not issue any directions in respect of the hearing, and the default provisions of the RMA 1991 then applied in respect of timeframes for circulation of the s42A report and any expert evidence. Apart from the s42A report and attachments, no expert evidence from submitters was provided.

SUMMARY OF THE PLAN CHANGE

Location and Site Description

13. The land subject to the plan change is located off Peter Lippa Drive, Kawerau and is currently known as Roy Stoneham Park. It is in the ownership of the Council and was the location of the former soccer club.

Immediate Environment

14. It is located within a well-established residential area but is bounded to the south by rural land. Pedestrian access is also available from Valley Road and Fenton Mill Road.

Existing Zoning

15. The subject site is zoned Reserve.

Purpose and Scope of Plan Change

16. The Plan Change seeks to rezone the subject site to Residential and the scope of the plan change² is outlined as follows:
 - *“Rezone Roy Stoneham Park from Reserve to Residential*
 - *Amend District Plan Maps 5 and 6 to rezone the area and applies a new Residential Growth Precinct.*

² S42A Report-Section 5

- *Amend specific provisions in the Residential and Sub-division sections of the District Plan to provide for the new Residential Growth Precinct:*

Residential Zone

- *Add an Objective (new C3.2.1.2) and Policy (new C3.2.2.4) for Residential Growth Precincts*
- *Change specific rules to provide for Residential Growth Precincts:*
 - *Rule C3.3.1 Permitted Activities – provide for one additional minor dwelling*
 - *Rule C3.4.1 Height – daylighting provision*
 - *Rule C3.4.2 Yards – front yards and side yards*
 - *Rule C3.4.3 Density Coverage*
 - *(new) Rule C3.4.12 – Additional minor dwelling or accessory building used for habitation*

Subdivision

Change the shape factor requirements in the C7.7.6(b) to provide for narrower lot sizes in the Residential Growth Precinct.”

17. I noted that all other provisions in the Kawerau District Plan remain unchanged.

HEARING

18. The hearing was held on Thursday 15 June 2023, in the Kawerau District Council Chambers.

19. Those in attendance included:

Council

Ms Ruth Feist- S42A Consultant Reporting Officer

Mr Mathew Gibbard - Veros- Development Management & Property Advisor

Ms Micheala Glaspey - Group Manager, Regulatory and Planning

Ms Tania Humberstone - Communications and Engagement Manager; Residential Developments

In attendance

Mayor Faylene Tunui

Mr Russell George – Chief Executive Officer (attended part of the Hearing)

Submitter

Ms Lauren Schick: Herenga a Nuku (Attended via Zoom)

Note: Ms Irma Hoani, a submitter, had intended to be present but was unavailable due to illness.

20. FENZ had originally indicated attendance but advised that there would be no attendance. However, a statement was tabled at the hearing which essentially traversed those matters that had been outlined in the original submission.
21. At the conclusion of the hearing, I adjourned it and subsequently closed it on 10 July 2023.

OVERVIEW OF SUBMISSIONS RECEIVED

22. In respect of the residential development of Roy Stoneham Park, there were various options for submissions to be made. These related to the reserve revocation for Roy Stoneham Park under the Reserves Act; and Proposed Plan Change 4 to the District Plan (under the Resource Management Act), and ideas for the development of the Stock Pound. I wish to note that my consideration is confined to submissions in respect of the plan change.
23. Ms Feist advised that some submitters did not submit on Proposed Plan Change 4 (which was Option 2 in the online submissions portal). Submitters 12, 15, 32, 36 and 39 did not submit on Proposed Plan Change 4 and were therefore not included in her s42A report. The submitters who did submit on Proposed Plan Change 4 and whose submissions were addressed in the s42A report, are outlined below.

Submitter Number	Submitter Name
1	Sheryl Hiha
2	Irma Hoani
3	Allan Clarke
4	Gabrielle Brown
5	Jan Pullin
6	Allie Curran
7	Chris Reynolds
8	Tapara Reid-Hiakita
9	Shaun Wright
10	Huia and Rongo MacDonald
11	Herenga a Nuku
13	Peter John Cowley, Industrial Symbiosis Kawerau
14	Lester Murfitt
16	Elaine Florence McGlinchey
17	Jacob Kajavala, Kajavala Forestry Ltd
18	Hendrik Westeneng
19	Roxane Prescott
20	Angelique Nicoll
21	Peter Wright, Taurus Electrical
22	Kawerau and Districts Grey Power Association

Submitter Number	Submitter Name
23	Maria Mitchell
24	Kirsten Brown
25	Raewyn Morgan
26	Christine Borlase
27	Fire and Emergency New Zealand
28	Tracy Wilson
29	Savage Papakāinga Land Trust
30	Nasaire Karauria
31	Vicky Mitchell
33	Waka Kotahi
34	Phil Kilroy
35	Alison Marshall
37	Te Atawhai Karauria
38	Kristine Windle
40	Moana Hale

24. Thirty-five submissions were received, and no late submissions were received. No further submissions were received. Of the thirty-five submissions:
- Ten submitters opposed PC4.
 - Fourteen submitters supported PC4.
 - Eleven submitters supported in part, PC4.
25. Twenty- six submitters made points in relation to the whole of Plan Change 4, which either supported or opposed the plan change in its entirety. Twenty submitters supported or supported in part PC4, while six submitters opposed the plan change.
26. Ten submitters had submission points in relation to matters outside of the plan change, related to Roy Stoneham Park development. These were concerns with the detail of the residential development rather than matters that can be addressed by PC4.
27. Four submitters made points in relation to changes in the Residential Zone chapter. Three submitters supported or supported in part the changes, and one submitter opposed the provisions.
28. One submission was received in relation to the Subdivision chapter changes. The submission supported in part the provisions and requested additional changes.

STATUTORY AND POLICY CONTEXT

Resource Management Act 1991

29. Proposed Plan Change 4 (PC4) must be prepared in accordance with the following sections of the RMA:
- Part 2 – Purpose and principles
 - Section 31 – Council’s functions and responsibilities
 - Section 32 – an evaluation report and any further evaluation required by section 32AA of the RMA.
 - Sections 74 and 75 – matters to be considered and contents of a district plan.

Plan Change 4, and the process to develop the plan change, are consistent with the requirements of the RMA.

National Policy Statements

30. The following national policy statements are not considered to be of relevance to PC4 for the reasons as outlined in section 6.2 of the s42A report. I concur with the reporting officers’ opinion and therefore not considered the following national policy statements further:

- New Zealand Coastal Policy Statement (NZCPS)
- National Policy Statement for Renewable Electricity Generation (NPS-REG)
- National Policy Statement on Electricity Transmission (NPS-ET)
- National Policy Statement on Highly Productive Land (NPS-HPL)

National Policy Statement on Urban Development

31. I was advised³ that The National Policy Statement on Urban Development 2020 (NPS-UD) applies to ‘urban environments’ which are defined in the NPS-UD. The population of Kawerau District is 7,146 (Census 2018), so by definition, is not an ‘urban environment’ and therefore the NPS-UD requirements do not apply directly to Kawerau District Council. However, the outcomes sought by the plan change and residential development of Roy Stoneham Park are consistent with the intent of the NPS-UD, particularly Policy 1 (well-functioning urban environments) and Subpart 7 Clause 3.35 (development outcomes for zones).

National Policy Statement for Freshwater Management

32. The s42A report noted that PC4 was not considered to be inconsistent with the National Policy Statement for Freshwater Management (NPS-FM) 2017 for the reasons outlined in section 6.2.2 of that report. I concur with the reporting officers’ conclusions.

³ S42A Report- Section 6.2

Bay of Plenty Regional Policy Statement

33. Proposed Change 4 is considered to be consistent with the relevant Objectives and Policies of the Urban and Rural Growth provisions of the Regional Policy Statement (RPS) as amended by RPS Change 6 (NPSUD), particularly Objectives 23 and 26, Policies UG8B, UG 9B, UG 10B, UG 11B, UG 12B, UG 13B, UG 14B and UG 22B.

The s42A report⁴ has assessed the plan change against the relevant RPS provisions and concludes that it is consistent with those provisions as proposed residential development of Stoneham Park is within an existing urban area, and:

- *“Contributes to achieving a compact urban form.*
 - *Does not affect rural production land.*
 - *Provides for residents to live, work, play and learn in Kawerau District.*
 - *Utilises existing infrastructure in the area, including transport infrastructure.*
 - *Provides open space through provision of parks within the development.*
 - *Is consistent with sound resource management principles”⁵*
34. Having considered that assessment, I concur with the conclusions reached by the reporting officer and that the proposed plan change is consistent with the relevant RPS provisions.

Bay of Plenty Regional Natural Resources Plan and Regional Plan for the Tarawera River Catchment

35. The reporting officer advised that the plan change was not considered to be inconsistent with either the Regional Natural Resources Plan or the Regional Plan for the Tarawera River Catchment. I was not advised of anything to the contrary.

Consistency with adjacent district plans

36. The Kawerau District is surrounded by Whakatane District. However, the matters in PC4 do not affect Whakatane District and there is no need or specific reason to be consistent with the Whakatane District Plan in relation to residential development.

Iwi Management Plans

37. The iwi management plans (IMP) and documents that are applicable to the area covered by the plan change are:
- Tuwharetoa ki Kawerau Strategic Plan 1991

⁴ S42A Report-Section 6.3

⁵ S42A Report-Section 6.3

- Ngati Rangitihi Iwi Environmental Plan 2011
 - Te Mahere Whakarite Matatiki Taiao O Ngati Awa – Ngati Awa Environmental Plan 2019
38. Consultation with Ngati Tuwharetoa on residential development of Roy Stoneham Park and the plan change is documented in the s32 report⁶. The plan change is considered to be not inconsistent with the Tuwharetoa ki Kawerau Strategic Plan.
39. PC4 is not inconsistent with the Ngati Rangitihi Iwi Environmental Management Plan because it relates to the residential development of land within an existing urban area and does not affect a site identified in the map book.
40. PC4 is not inconsistent with the Ngati Awa Iwi Environmental Plan because it is the residential development of land within an existing urban area that is not known to contain sites of cultural heritage.

MATTERS HIGHLIGHTED AT THE HEARING

41. Ms Feist spoke to her s42A report which was taken as read due to pre-circulation as required by s42A(3)(b) of the RMA. She provided an overview of the proposed plan change, the context for the Council undertaking the plan change, being a focus on providing for housing opportunities in the district, and to assist this, providing for smaller lot sizes and varying housing typologies.
42. Ms Feist also referenced the Veros report which was attached to her s42A report. This report discussed a range of matters in response to submissions that were outside the scope of Plan Change 4, but addressed particular issues raised in those submissions. These included matters that were more appropriately addressed by the structure plan.
43. Given the FENZ statement that was tabled at the hearing, Ms Feist was of the opinion, as per her s42A report, that the matters raised in the submission could be considered as part of the subsequent subdivision process.
44. In considering and deliberating on the relevant matters highlighted in the FENZ submission, I have concluded that it is appropriate to accept it as it provides an opportunity for the most up to-date firefighting water supply code of practice, to be applied. The detail of this is outlined in the FENZ submission, and provides for the health, safety and well-being of people and the wider community in a timely manner.

⁶ S32 Report-Section 4

45. Ms Schick of Herenga a Nuku provided an overview of the submission and advised that she agreed with the conclusions reached in respect of the Herenga a Nuku submission. It was noted that the matters related to connectivity highlighted in the submission would be addressed by the structure plan for the rezoned land.

CONSIDERATION OF MATTERS

46. I wish to record that I adopt the assessments made in the s42A report in respect of the submissions specific to the matters in the plan change, apart from those related to the FENZ submission and those on matters outside the scope of the plan change. As outlined above, I have accepted those submissions and provided the relief sought by FENZ for the reasons outlined, together with those reasons contained in the FENZ submission.
47. I consider that the imposition of requirements related to the most up to date code for firefighting water supply is an efficient way of achieving the plan change objectives having regard to the health, safety and well-being of future residents and the community generally.
48. It is not considered that any further evaluation in respect of s32AA of the Act is necessary.
49. The consideration of submissions, and reasons for accepting or declining submissions, are outlined in Appendix 1 to this recommendation report.
50. Having considered all relevant statutory matters, all submissions, the FENZ tabled statement, the s42A report and the plan change documentation including the s32 report, I conclude that it is appropriate to recommend approval of the plan change as per the amendments outlined in Appendix 2.

RECOMMENDATIONS

- ***That pursuant to Section 32 (3) of the Resource Management Act 1991, I have undertaken an evaluation which examined:***
 - (i) The extent to which each objective in the Proposed Plan Change 4 is the most appropriate way to achieve the purpose of the Resource Management Act 1991:***
 - (ii) Whether, having regard to their efficiency and effectiveness, the policies and methods are the most appropriate for achieving the objectives:***
 - (iii) And which took into account:***
 - ***The benefits and costs of policies and methods; and***

- *The risk of acting or not acting if there was uncertain or insufficient information about the subject matter of the policies and methods; and*

confirm the section 32 report and the further evaluation under s32AA, in respect of the FENZ relief.

- *That pursuant to Schedule 1, Clause 10 of the RMA, I determine that submissions on Plan Change 4 are accepted and declined in accordance with this recommendation report, and on the basis of the recommendations set out in the section 42A report and as outlined in this report, and as summarised in Appendix 1; and I further determine that Plan Change 4 to the Kawerau District Plan is recommended for approval as per the amendments outlined in Appendix 2;*

In addition to the findings made in this recommendation report, the summary reasons for these recommendations are that Plan Change 4;

- (i) Will assist the Council in achieving its functions under s31 of the RMA and the Part 2 sustainable management purpose, and principles of the RMA.*
- (ii) Will assist the Council in making provision for housing development, particularly the opportunity for the provision of a range of housing types, affordable housing, and smaller lot sizes, and enable the more efficient and beneficial use of an under-utilised physical resource being an ex-soccer ground, for residential purposes.*
- (iii) Is supported by necessary evaluations in accordance with sections 32 and 32AA of the RMA.*



Bill Wasley

Hearing Commissioner

12 July 2023

Appendices

Appendix 1: Recommendations to Accept or Decline Submissions to Plan Change 4

Appendix 2: Recommended Amendments to Plan Change 4

APPENDIX 1

Recommendations on Submissions- 12 July 2023

Notes

- The table below responds to each submitter in numerical order and provides reasons for either accepting or declining a submission
- Submitters 12, 15, 32, 36 and 39 did not submit on Proposed Plan Change 4 and are not included in this report.

Submitter number	Name	Support/Support in Part / Oppose	Summary of submission	Relief sought	Decision	Reason
1	Sheryl Hiha	Oppose	Why build more houses? Why not build a park, or tables for picnics. This town needs to focus on the children and their upbringing before building houses they can't even live in.	[no relief specified]	Decline – no change to Plan Change 4	Kawerau District Council has committed to the residential development of Roy Stoneham Park through its Long- Term Plan 2021-2031, and PC4 is part of the process to achieve that development. PC4 provides for new housing; smaller housing types and sections such as town houses, flats and units; smaller section sizes, duplex housing, and additional dwellings on a property. These factors provide for a wider range of housing within the District, including affordable housing and multi-generational housing.
2	Irma Hoani	Oppose	I strongly oppose District Plan Change 4.	I offer the alternative for consideration:	Decline	Kawerau District Council has committed to the residential development of Roy

			<p>The social impact of higher population density on this parcel of land is a recipe for disaster having lived in an area such as this. Therefore, I strongly oppose urban intensification as specified in the proposed plan changes.</p>	<p>Allocating a portion of Prideaux Park to build nice townhouses. This will create a more vibrant "downtown" space and will offer units for people who prefer to live within walking distance to shops and work. Units such as these would fall into a more affordable housing space. Alternative spaces such as Boyce Park could also be considered.</p>		<p>Stoneham Park through its Long- Term Plan 2021-2031, and PC4 is part of the process to achieve that developed. Roy Stoneham Park was selected because it is currently an underutilised reserve. The flat and reportedly free draining nature of the land, as well as its proximity to schools and amenities, makes an ideal location for urban growth.</p> <p>While Plan Change 4 provides for a 'higher density' in the Residential Growth Precinct that will apply to Roy Stoneham Park, it is not to the urban density in Papamoa (as an example). The car parking requirements in section C10 Traffic Management of the District Plan are not changed by PC4. All residential dwellings must provide 2 car parking spaces (including in the Residential Growth Precinct).</p>
3	Allan Clarke	Support	I support District plan change 4 as proposed by KDC. Could some of the Roy Stoneham reserve be kept	[no relief specified]	Accept	<p>Submissions supporting PC4 are noted and accepted.</p>
4	Gabrielle Brown	Oppose		[refer to summary of submission]	Decline – no change to Plan Change 4	<p>This submission point is addressed by the structure plan for the residential</p>

						development, which includes provision for public space. There are several linear and pocket parks that form part of the concept design, that will fulfil roles of active recreation and passive open spaces. The green spaces in the concept design will be detailed through a subsequent subdivision and land use consent, with the green spaces ultimately forming part of Council's open space network.
5	Jan Pullin	Support in Part	That's all good.	[no relief specified]	Accept	Submissions supporting PC4 are noted and accepted.
6	Allie Curran	Support	My partner and I are hoping to move to Kawerau; we have had trouble finding a quality small house. We fully support this proposal.	[no relief specified]	Accept	Submissions supporting PC4 are noted and accepted.
7	Chris Reynolds	Support	I like the idea of providing a wider range of types of accommodation than is generally available in the current parts of town.	[no relief specified]	Accept	Submissions supporting PC4 are noted and accepted.

7	Chris Reynolds	Support	<p>I also support the changes proposed to the rules governing Setbacks, Site Coverage, Height, Additional Minor Dwellings. They seem practical for enabling more extensive use of the land.</p> <p>In addition, I would like to see these changes made available to all existing house sites in Kawerau. I cannot see any physical or mechanical reason why some sites should have one set of Rules and other sites have a different set of Rules.</p>	Apply Residential Growth Precinct standards to the Residential Zone.	Decline – no change to Plan Change 4	<p>Changes to the Residential Zone (outside the Residential Growth Precinct) are not within the scope of Plan Change 4, which is limited to the rezoning of Roy Stoneham Park and application of a new Residential Growth Precinct. However, whether the Residential Growth Precinct standards or similar should be applied in other parts of the Kawerau urban area should be discussed as part of the upcoming District Plan review process.</p>
7	Chris Reynolds	Support in part	<p>And, taking this to its logical extension, I see no real reason for the difference in Set-Back rules for front of house and front of garage. A number of houses have garages built</p>	Apply the same setback distances for front of house and garages.	Decline – no change to Plan Change 4	<p>The difference in minimum distance for a front façade (3 metres) versus the front of a garage (5 metres) is to provide for an average utility vehicle (ute) to park in front of a garage door without overhanging onto the footpath. Reducing the front setback to a minimum of 3 metres could result in vehicles being</p>

			<p>into them these days and I fail to see any point in different setbacks depending on whether there is a garage or a rumpus room behind the front wall. And if one is going to quote "aesthetics" as the reason for having the difference, I would respond that with the proliferation of 6-foot-high front fences, you cannot see an awful lot of what is behind them anyway</p>			<p>parked (at least partly) on the footpath and impeding pedestrian access and safety. Where a garage is parallel to the front boundary, vehicles can be parked in the area provided in the turning area into the garage. This avoids the need to park over the footpath. For this reason it is recommended that the submission be declined.</p>
8	<p>Tapara Reid-Hiakita</p>	<p>Oppose</p>	<p>The worry is who will benefit from turning Roy Stoneham Park reserve into residential land? Will the locals that have been part of our community for more than 20yrs be able to afford the homes that are proposed?</p>	<p>[no relief specified]</p>	<p>Decline – no change to Plan Change 4</p>	<p>Kawerau District Council has committed to the residential development of Roy Stoneham Park through its Long- Term Plan 2021-2031, and PC4 is part of the process to achieve that development. PC4 provides for additional housing choice and typologies as permitted activities in the Residential Growth Precinct to meet the changing demand for housing in the area. PC4 provides for new housing; smaller housing types and</p>

						sections such as town houses, flats and units; smaller section sizes, duplex housing, and additional dwellings on a property. These factors provide for a wider range of housing within the District, including affordable housing and multi-generational housing.
9	Shaun Wright	Oppose	I'm against the council's intention to exchange the reserve status of Roy Stoneham Park.	[no relief specified]	Decline – no change to Plan Change 4	Kawerau District Council has committed to the residential development of Roy Stoneham Park through its Long- Term Plan 2021-2031, and PC4 is part of the process to achieve that development.
10	Huia and Rongo MacDonald	Support	We SUPPORT the proposed Roy Stoneham Park Residential Development currently being progressed by Council as part of the March 2023 Consultation and Engagement Meetings process with the Kawerau community.	[no relief specified]	Accept	Submissions supporting PC4 are noted and accepted.
10	Huia and Rongo MacDonald	Support	We SUPPORT and appreciate the inclusion of the following design aspects;	[refer to summary of submission]	Decline – no change to Plan Change 4	The design aspects supported in the submission point are outside the scope of Plan Change 4. However, support for those matters in the structure plan is noted.

10	Huia and Rongo MacDonald	Support	<p>a) Green Pedestrian Walkway backing onto Valley Road Homes;</p> <p>b) Planting For Visual Amenity;</p> <p>c) Interconnected Green Park Spaces for sustained community wellbeing;</p> <p>d) Existing Secondary Pedestrian Access/Connection.</p> <p>We SUPPORT the private owners of Kowhai Park Land Parcel that should an agreed purchase of the 'said' Kowhai Park Land Parcel eventuate, that a Through road only be approved.</p>	[refer to summary of submission]	Decline – no change to Plan Change 4	
10	Huia and Rongo MacDonald	Oppose	We DO NOT SUPPORT 'through road' access that may enable road	[refer to summary of submission]	Decline – no change to Plan Change 4	<p>The matter of concern in the submission point is outside the scope of Plan Change 4. However, it is noted that there will be only one vehicle access point into the residential development at Roy Stoneham Park at Peter Lippa Drive. Council has taken into consideration the traffic movements in Fenton Mill Road and the scope of the existing access way into Kowhai Park Residential Development and does not have any plans to put in a through-road into the main area of the development at this location.</p> <p>The matter of concern in the submission point is outside the scope of Plan Change 4. It is noted that Council agreed with</p>

11	Herenga a Nuku	Oppose	<p>users to 'speed' on entry from Fenton Mill road to Peter Lipppa Drive and vice versa.</p> <p>Reduced vehicle noise levels at all times for residents, and road user and pedestrian safety should remain a traffic management priority.</p>	<p>1. We recommend maintaining the connectivity and public access currently afforded by the Roy Stoneham reserve. Specifically, we would like to see the roading within the new development kept as public roads, not private. We</p>	Decline – no change to Plan Change 4	<p>residents in prior to the submission period that only having access via Fenton Mill Road to the Kowhai Park area and to the Stoneham Park development via Peter Lipppa would help prevent speeding and excessive joy riding through the area ensuring the safety of residents and pedestrian and cyclists in the area.</p>
			<p>Herenga ā Nuku recognises that the current Roy Stoneham reserve has many access points and connects the surrounding community and the Kawerau township. The park and the accessways to the park provide connection to roads, public spaces and housing areas. We request that this connectivity be retained within the new proposed residential</p>	<p>1. We recommend maintaining the connectivity and public access currently afforded by the Roy Stoneham reserve. Specifically, we would like to see the roading within the new development kept as public roads, not private. We</p>	Decline – no change to Plan Change 4	<p>This matter is addressed by the structure plan for the residential development, which includes connectivity of the site to the wider neighbourhood. The structure plan will ensure two access ways allowing pedestrian and cycle access ways from Peter Lipppa Drive and Two from Valley Road all linking to Fenton Mill Road. This will allow easy and safe access to Pūtauaki School and on to the new reserve at the Stock Pound and Stoneham Walk.</p>

		route will provide an important access corridor and a link between the two spaces (that is, between the existing Roy Stoneham Park and the proposed new reserve).		We suggest that the Residential Growth Precinct Provisions include a direct reference to providing for active transport and connectivity to and through the site.	Accept in part	Including reference to active transport modes and connectivity is included in an amendment to Objective C3.2.1.2 relating to the Residential Growth Precincts. There is no need to amend Policy C3.2.2.4 as that policy is specifically about the housing types in the Precinct.
11	Herenga a Nuku	We support these access routes and connectivity and would like these to be included in Plan Change 4 so the community has a sense of what the Growth Precinct will look like. Plan Change 4 offers no certainty or plan of what access there will be into and through the Growth Precinct but instead offers a concept that is open to change and has no legal	Oppose	We support these access routes and connectivity and would like these to be included in Plan Change 4 so the community has a sense of what the Growth Precinct will look like. Plan Change 4 offers no certainty or plan of what access there will be into and through the Growth Precinct but instead offers a concept that is open to change and has no legal		

13	Peter John Cowley Industrial Symbiosis Kawerau (ISK)	Support		status. Similarly, the Growth Precinct's conditions do not include access through or into the precinct. Therefore Herenga ā Nuku opposes Plan Change 4 based on accessibility.			
14	Lester Murffit	Support		We support this change as it will facilitate the Residential Development as proposed. I support the proposed District Plan Change 4. Changing the plan to allow slight change in building/land ratio makes housing more accessible to people who are currently blocked from having a place to make home. If the development provides for mix of ages	[no relief specified]	Accept	Submissions supporting PC4 are noted and accepted.
					[no relief specified]	Accept	Submissions supporting PC4 are noted and accepted.

16	Elaine Florence McGlinchey	Support	and stages in life the neighbourhood will develop and reflect our community. Rather than isolating different groups into their own separated spaces.	Needed to get this much needed housing development going.	[no relief specified]	Accept	Submissions supporting PC4 are noted and accepted.
17	Jacob Kajavala Kajavala Forestry Ltd (KFL)	Support		I strongly support the initiative to grow residential options for the community. Efforts to grow & enhance this community will only be effective if we can house the growth.	[no relief specified]	Accept	Submissions supporting PC4 are noted and accepted.
18	Hendrik Westeneng	Support		(No comment)	[no relief specified]	Accept	Submissions supporting PC4 are noted and accepted.
19	Roxane Prescott	Oppose		Not sure but leave the horses alone.	[refer to summary of submission]	Decline – no change to Plan Change 4	This matter is outside the scope of PC4. The current lease to graze horses in the 5.44ha operated as the stock pound in Fenton Mill Road was enacted around 2018 on an ‘as needed’ basis and unfortunately, this lease is not tenable

20	Angelique Nicoll	Support	I believe this is a positive initiative by the council to further provide affordable homes for members within our community, who may be disadvantaged financially due to rental prices and home ownership.	[no relief specified]	Accept	<p>with the Intention to Exchange the Reserve Status. Currently, residents can only see the horses from the road frontage. While Council appreciates that people enjoy seeing the horses, Council believes that a greater proportion of the community will gain higher recreational benefits from the Fenton Mill Road land when it is opened up as a recreational reserve with enhanced features. This area is close to the town centre but away from the geothermal area that flanks the current BMX track. The opportunity to utilise the Fenton Mill land for recreation for children, youth and whānau will maximise this available land and offer a unique reserve.</p>
<p>Submissions supporting PC4 are noted and accepted.</p>						

21	Peter Wright Taurus Electrical	Support in Part	To change the district plan I feel there are other areas that could be used within the district for housing that already has all amenities around them so cost would not be high and a burden on rate payers.	[no relief specified]	Decline – no change to Plan Change 4	Council has previously investigated other areas for housing and decided that Roy Stoneham Park is appropriate for residential development. Other areas in Kawerau township are privately owned and development is dependent on landowner interest and external funding arrangements.
22	Kawerau and Districts Grey Power Association	Support	Kawerau Grey Power supports the District Plan Change 4.	[no relief specified]	Accept	Submissions supporting PC4 are noted and accepted.
23	Maria Mitchell	Support	(no comment provided)	[no relief specified]	Accept	Submissions supporting PC4 are noted and accepted.
24	Kirsten Brown	Oppose	(no comment provided)	[no relief specified]	Decline – no change to Plan Change 4	The submission does not specify the reason for opposition or request amendments to Plan Change 4. Therefore no changes are made.
25	Raewyn Morgan	Support	I support this.	[no relief specified]	Accept	Submissions supporting PC4 are noted and accepted.
26	Christine Borlase	Support in part	(no comment provided)	[no relief specified]	Accept	Submissions supporting PC4 are noted and accepted.
27	Fire and Emergency New Zealand (FENZ)	Support in part	C7.7.6 Subdivision Design (d) Layout of Allotments Amend to include:	[as per summary of submission]	Accept	The change to C7.7.6 Subdivision design, to include (d)(vi) in relation to Residential Growth Precincts, has been made as requested. The submission point is accepted for the reasons set out in the

27	FENZ	Support in part	<p>vi Within the Residential Growth Precinct, the location of fire hydrants in relation to proposed building platforms and whether compliance is achieved with the requirements of New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.</p> <p>C7.7.6 Subdivision Design (e) Access to rear sites Amend to include: New line measurement in relation to the Residential Growth Precinct with subsequent amendments as follows: 2. Residential Growth Precinct Minimum Width: a. up to 3 dwellings: 3.5m</p>	[as per summary of submission]	Accept	<p>submission. The reference to the most relevant Code of Practice is noted and accepted.</p>
			<p>A change to C7.7.6 (e) has been made to include a new row under 1. Residential Zones. This is a new (c) which relates to Residential Growth Precincts, and includes the standards requested in the submission. The submission point is accepted for the reasons set out in the submission.</p>			

27	FENZ	Support in part	<p>b. more than 3 dwellings: 6m Minimum Clearance Height: 4m Minimum Formation Width: 3.5m</p> <p>C7.7.6 Subdivision Design (f) Provision for Access to Rear Lots Amend to include: In the Residential Growth precinct, where an access exceeds 50m in length, the minimum access width must be 4m with a vertical clearance no less than 4m.</p>	[as per summary of submission]	Accept	<p>The change to C7.7.6 Subdivision design, to include wording at the end of (f) in relation to Residential Growth Precincts has been made. The submission point is accepted for the reasons set out in the submission.</p>
27	FENZ	Support in part	<p>Add new rule: C7.8.12 Servicing or C3.4.13 Servicing Any development within the Residential Growth Precinct shall demonstrate compliance with New Zealand Fire Service Firefighting Water Supplies Code</p>	[as per summary of submission]	Accept	<p>The addition of new C3.4.13 Servicing in the Residential Zone rules has been made as requested. The submission point is accepted for the reasons set out in the submission.</p>

28	Tracy Wilson	Support in part	of Practice SNZ PAS 4509:2008. I support if comments made in sections 1 and 3 are acted upon. [note – Section 1 relates to submission on revocation of Reserve status, Section 2 relates ideas for the Development of the Stock Pound]	[refer to summary of submission]	Decline – no change to Plan Change 4	The matters of concern relating to the revocation of Reserve status and development of the stock pound are not issues that can be addressed in Plan Change 4. It is noted that the s42A report contains a full response from Council in relation to the wider matters.
29	Savage Papakāinga Land Trust	Support in Part	We would like to raise a few important points for consideration before we can support this project: <ul style="list-style-type: none"> • Tripartite relationship • Absence of a strong strategy • Maori land and Papakainga Strategy • Maori perspective 	[refer to summary of submission]	Decline – no change to Plan Change 4	The matters of concern listed in the submission cannot be addressed in Plan Change 4 as those are matters relating to Council's relationship and ongoing consultation with tangata whenua organisations, Council strategies, and cultural perspectives. It is noted that the s42A report contains a full response from Council in relation to the submission points.

		<ul style="list-style-type: none"> • Naming conventions • Cultural significance of a house <p>[refer to full submission for detail on the matters above]</p>			
30	Nasaire Karauria	<p>Oppose</p> <p>Not sure more houses will be a good replacement for a beautiful place to walk your dogs, exercise or even just to look at.</p>	[no relief specified]	Decline	<p>Kawerau District Council has committed to the residential development of Roy Stoneham Park through its Long- Term Plan 2021-2031, and PC4 is part of the process to achieve that development. PC4 provides for additional housing choice and typologies as permitted activities in the Residential Growth Precinct to meet the changing demand for housing in the area. PC4 provides for new housing; smaller housing types and sections such as town houses, flats and units; smaller section sizes, duplex housing, and additional dwellings on a property. These factors provide for a wider range of housing within the District, including affordable housing and multi-generational housing.</p> <p>Submissions supporting PC4 are noted and accepted.</p> <p>Submissions supporting PC4 are noted and accepted.</p>
31	Vicky Mitchell	<p>Support</p> <p>I support the district plan change 4.</p> <p>The Roy Stoneham Park Residential</p>	[no relief specified]	Accept	
33	Waka Kotahi	<p>Support</p>	Waka Kotahi seeks that the	Accept	

			<p>Development area is well suited to residential growth and is part of the contiguous urban area. It is well placed for land use and transport integration meeting Waka Kotahi objectives of enabling people to live, work, learn and enjoy recreation locally without having to solely rely on private vehicles.</p> <p>3. The plan change is also aligned with the National Policy Statement on Urban Development Policy 1 (a), (c) and (e). Giving people the ability to access housing, jobs, and community spaces without relying on private vehicles and reducing vehicle</p>	<p>plan change is approved.</p>		
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33	Waka Kotahi	Support in part	kilometres travelled. 4. The proposal includes cycle and pedestrian access to allow for active modes of transport to be used. It appears that the intersection of Valley Road and State Highway 34 will have adequate capacity as well as adequate form to accommodate the additional traffic associated with the plan change safely and efficiently. However, Waka Kotahi note that the traffic impact assessment does not include a specific assessment of this intersection.	Waka Kotahi consider that a specific assessment of the Valley Road and State Highway 34 intersection should be undertaken.	Decline -- no change to Plan Change 4	The traffic assessment for the residential development is outside the intent of Plan Change 4. However, it is noted that a transportation assessment has been undertaken for the intersection of concern as part of the structure planning and investigation process.
34	Phil Kilroy	Support	No problem as long as it is for this new subdivision only. With up to 50%	50% building coverage for the new subdivision only (Roy Stoneham Park)	Accept	Submissions supporting PC4 are noted and accepted.

35	Alison Marshall	Support	<p>coverage for building maybe have a green space allocation as we don't want 100% coverage in building and hard surfaces, as this could affect drainage issues.</p> <p>I support the District Plan Change 4 Reasons Roy Stoneham Park Residential Development Vision It is a bit difficult to oppose the vision upon which the changes to the District Plan have been based, as these plan changes plan have been made in response to public requests for more housing supply in Kawerau, to accommodate the growing need and from public feedback on the types and models of housing required.</p>	[no relief specified]	Accept	Submissions supporting PC4 are noted and accepted.
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35	Alison Marshall	Support in part	<p>Consider different building materials - wood is coming back into fashion, concrete raw materials are finite resources, building houses off the ground instead of all of them on concrete pads - where does the rain go when there's not enough ground around the concrete pads to absorb heavy rainfalls, the park is flat so can't build a downhill water run off (as seen on the TV news in Auckland during the recent January flooding)</p>	[refer to summary of submission]	Decline - no change to Plan Change 4	<p>The control of building materials is outside the scope of Plan Change 4. However, the intention is to use a design guideline for the residential development that will set out standards, including for construction materials. The guideline is a non-statutory document that will set out minimum standards for quality of home design, construction materials and fencing outcomes. The site coverage for the Residential Growth Precinct has been increased to 50%, but this consistent with national and international best practice for low to medium housing density. There will also be open space and other stormwater attenuation and management within the development.</p>
35	Alison Marshall	Support in part	<p>- no gated retirement village concept, seniors can live independently in</p>	[refer to summary of submission]	Decline - no change to Plan Change 4	<p>The matter of concern is outside the scope of Plan Change 4. It is noted that it is not intended for the Roy Stoneham Park to be a gated community. The concept design provided for a traditional</p>

			<p>smaller homes within the multigenerational community pedestrian walkways to be accessible to wheelchairs, bicycles, prams and pushchairs</p>			<p>sub-division with public roads and open spaces.</p>
35	Alison Marshall	Support in Part	<p>If existing trees have to be felled, could you please plant tall trees and not seedling sized – incentives for home owners to plant greenery – we all know how important trees are for our wellbeing</p>	[refer to summary of submission]	Decline – no change to Plan Change 4	<p>The matter of concern is outside the scope of Plan Change 4. It is noted that the landscape planting for the development will form part of the detailed design for the sub-division consent stage. It is intended for the planting scheme to use species at a suitable size</p>
35	Alison Marshall	Support in Part	<p>Traffic Management Concerns – Increased traffic volume – more vehicles, noise and vehicle headlights Unfortunately the most logical place for the only two-way vehicular entry and</p>	[refer to summary of submission]	Decline – no change to Plan Change 4	<p>The matter of concern is outside the scope of Plan Change 4. It is noted that Council has identified that there will be no vehicle access from Fenton Mill Road due to traffic concerns, but a roundabout is planned at the junction with Peter Lippa Drive. A transportation report has identified that the existing roading network around the development is capable of supporting the additional</p>

			<p>exit point is at the T-junction of Peter Lipka Drive and Windley Place. The T-junction will become a crossroads, or even a roundabout! I would prefer this intersection to remain a T-junction and not become a roundabout – and please, NO MORE shudder, judder bars (speed humps). The April 2021 Stapleton Elliott vision document (page 07) showed a one-way vehicle access point turning into Stoneham Park from Fenton Mill Road. Council told us that Veros deemed this turning in point would add to traffic congestion in Fenton Mill Road, being too close to the Putauaki School,</p>			<p>traffic movements generated by the subdivision.</p>
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35	Alison Marshall	Support in Part	<p>Kowhai Park and Ballantrae 7-Day Store entry and exit points into and out of Fenton Mill Road. However there would be no congestion if the one-way vehicle access was a left-turning only exit point from Stoneham Park out into Fenton Mill Road.</p> <p>Main entrance into the development from Peter Lippha Drive. The April 2021 Stapleton Elliott vision document Spatial Analysis & Response Diagrams (page 07) suggests the primary vehicular entry point be via "a bespoke landscaped gateway to provide a sense of destination and interpretive signage"! and (page 14) Urban Design</p>	[refer to summary of submission]	Decline – no change to Plan Change 4	The matter of concern is outside the scope of Plan Change 4. It is noted that the intention is for the design of the main entrance to the development is to be consistent with Kawerau's current streetscapes.
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	35	Alison Marshall	Support in Part	<p>within the housing area. No fancy entrance, just an ordinary road with a street sign and attractive planting would suffice.</p> <p>Lighting Concerns – the increased street lighting at the Peter Lippa/Windley intersection – more light pollution in the night sky in the area from the all the extra street and house lighting. ALAN – artificial light at night – widespread negative impact on night time species – health impacts and sleep deprivation on humans – ruins our view of the stars in the night sky We have a semi-rural outlook and a dark night sky. I'm pleased that</p>	[refer to summary of submission]	Decline – no change to Plan Change 4	The matter of concern is outside the scope of Plan Change 4. It is noted the Council's intention is for street lighting to be used in a way that balances neighbourhood safety, energy efficiency and minimising impact.
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			<p>Council has assured us "it's not going to be stadium lighting". At one of the consultation meetings Council said "plan changes are an ideal testing ground for new ideas." May I suggest Council explore all street lighting ideas ie dimmable, solar powered.</p>	<p>[refer to summary of submission]</p>	<p>Decline – no change to Plan Change 4</p>	<p>The matter of concern is outside the scope of Plan Change 4. However, support for the funding model is noted.</p>
35	Alison Marshall	Support	<p>Funding Model I support and commend the Council's decision to use the timely 3 Waters grant to fully fund the stages of the development at no cost to the ratepayer – and that the original grant money will be available at the completion of the project for further community projects.</p> <p>Concerns</p>	<p>[relief not specified]</p>	<p>Accept in part</p>	<p>The 50% site coverage in Plan Change 4 only applies to the Residential Growth</p>
35	Alison Marshall	Support in part				

			<p>- greater density residential development, number of sections 80 – greater site coverage from 35% to 50%, let's hope not every house is built to 50% coverage as it could look like Papamoa - "all house and no trees"</p>			<p>Precinct and is necessary to provide for construction of a dwelling on the smaller section sizes provided for in the Precinct. Also refer to comments in response to the submission point on construction materials.</p>
37	Te Atawhai Karauria	Oppose	<p>I believe this development will disrupt our household and all households that neighbour the Reserve. I also believe the road that is planned to run parallel to our boundaries will bring noise pollution from increased traffic and the high possibility of increased crime.</p>	[refer to summary of submission]	Decline – no change to Plan Change 4	<p>The matter of concern is outside the scope of Plan Change 4. It is noted that the structure plan and roading layout have been amended to include wider separation between the road and the households along Valley Road.</p>
38	Kristine Windle	Support in part	(no comment provided)	[no relief specified]	Accept	<p>Submissions supporting PC4 are noted and accepted.</p>

40	Moana Hale	[not specified]	<p>I'm writing to make a suggestion concerning the traffic flow for the new proposed Stoneham Park Development. The farm area between Hardie Ave and Stoneham Park I've walked before and I reckon to make a road through will speed the traffic flow ease onto to Valley Road. It will also allow people an option to River Road and further from there. I think this is a great suggestion.</p>	[refer to summary of submission]	Decline – no change to Plan Change 4	<p>The matter of concern is outside the scope of Plan Change 4. The farm area between Hardie Ave and Roy Stoneham Park is privately owned by Ngati Tuwharetoa and currently farmed. As such, it is not appropriate to consider this land for road access.</p>
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Appendix 2



**KAWERAU
DISTRICT COUNCIL**

TAONGA O TE WHENUA
TREASURE OF THE LAND

**Proposed Plan Change 4 (Residential Development of Roy
Stoneham Park)**

KAWERAU DISTRICT PLAN

Note to Reader (not part of Proposed Plan Change 4)

What this Plan Change does

The following pages from the Kawerau District Plan are proposed to be amended by Plan Change 4 (Residential Development of Roy Stoneham Park):

- Provisions to be added are underlined and shaded
- Provisions to be deleted are ~~struck through~~.

Unless indicated, all other provisions in the Kawerau District Plan are not changed.

Version after hearing 15 June 2023

Additional changes as a result of decisions on submissions are shown in yellow shading:

- Provisions to be added are underlined and shaded
- Provisions to be deleted are ~~struck through~~.

C3.1 DESCRIPTION OF THE ZONE

The Residential Zone is characterised by established low density dwellings of generally one per lot. Lot sizes range from 500m² to 2000m² with an average lot size of 800m². There is some multi-unit development within the zone. The Residential Zone is also the location for a variety of community activities, especially those related to education, health and community well-being.

Underground utilities and a general lack of structures in the front yards contribute to the visual amenity and spaciousness of the zone. Low volumes of vehicular traffic and a lack of heavy vehicle movements provide a quiet and safe living environment. The low rise nature of the built environment adds to the feeling of privacy and spaciousness.

Rules including Development and Performance Standards have been developed for the Residential Zone to avoid or mitigate potential adverse effects of activities within the zone.

The intended outcome in the Residential Zone is to maintain or enhance the existing levels of amenity while enabling the community to meet its needs and to provide for its well-being.

Within the Residential Zone are Residential Growth Precincts. These Precincts are to enable greater density residential development, contain a variety of section sizes (including smaller lots) and a variety of housing types to improve housing supply and choice. Amenity values are maintained by providing recreational spaces and achieving attractive streetscapes.

C3.2 OBJECTIVES AND POLICIES

C3.2.1 Objectives

C3.2.1.1 To ensure development and activities carried out within and adjacent to the residential zone, maintain and enhance the amenity and character of the existing residential environment.

C3.2.1.2 Residential Growth Precincts are 'communities within a community' enabling greater density of residential development through a range of section sizes and housing types, while providing quality amenity for residents through

attractive streetscapes and recreation spaces, and connectivity is provided through walking and cycling access.

C3.2.3 Policies

C3.2.2.1 Activities carried out within the residential zone should be of an intensity, design and appearance that avoids or mitigates adverse effects on residential amenity and character.

C3.2.2.2 Development proposals of more than one dwelling shall be comprehensively designed to avoid or mitigate adverse effects on residential amenity and character, service infrastructure and transportation networks.

C3.2.2.3 Non-residential activities (including home occupations and visitor accommodation) within the residential zone shall be of an intensity, scale and character which avoids adverse effects on residential amenity values and visual character.

C3.2.2.4 To enable residential development in Residential Growth Precincts that provides for a variety of housing types by:

- Allowing smaller section sizes;
- Reduced daylighting requirements (recession plane);
- Providing for greater site coverage to accommodate smaller section sizes;
- Allowing an additional minor dwelling or accessory building used for habitation (sleepout) on a property; and
- Reduced front yards, with the requirement for garage setbacks to contribute to maintaining attractive streetscapes.

C3.3 ACTIVITY STATUS IN THE RESIDENTIAL ZONE

C3.3.1 Permitted Activities

Residential Activity, comprising one of the following:

- Dwelling
- Visitor accommodation
- Home occupation
- Relocated Dwellings where, prior to the building being relocated on to a site a building consent or consents have been granted that covers all of the matters under C3.4.11.

Residential Growth Precinct

- Residential Activity as listed above plus one additional minor dwelling per site that meets the requirements in C3.4.12.

C3.3.2 Restricted Discretionary Activities

- Any permitted activity that doesn't meet any permitted activity standard in C3.4.
 - Council shall restrict to its discretion to matters as identified in Section C3.5.
- More than one dwelling per site.
 - Council shall restrict its discretion to Sections C3.5.3 and C3.5.5.

C3.3.3 Discretionary Activities

Any activity not listed as permitted, controlled or restricted discretionary.

A discretionary activity shall be assessed in accordance with the Resource Management Act 1991 and the criteria specified for assessing discretionary activities in Section 104 and 104B.

C3.4 RULES OF THE RESIDENTIAL ZONE

C3.4.1 Height

- The maximum height of any building or structure in the Residential zone shall be:

8.0 metres

- No part of any building or structure shall exceed a height of 2.0 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary except in a Residential Growth Precinct.
- In a Residential Growth Precinct no part of the building or structure shall project beyond a 45° recession plane 2.7 metres above the ground from the shortest horizontal distance between that part of the building and the nearest site boundary. This standard does not apply to a common wall for a semi-detached dwelling.

Note: See definition of height.

C3.4.2 Yards

Front Yard

- Except in a Residential Growth Precinct the minimum distance between any building or structure and the front boundary of the site shall be:

5.0 metres

– In a Residential Growth Precinct, the following standards apply:

1. The minimum distance between any building or structure front façade and the front boundary of the site shall be:

3.0 metres

2. The minimum distance between the garage door and road boundary of the site shall be 5.4 metres. Except garages that are positioned parallel to the front road boundary can utilise the front façade setback as shown in Diagram C3.4.2 below.

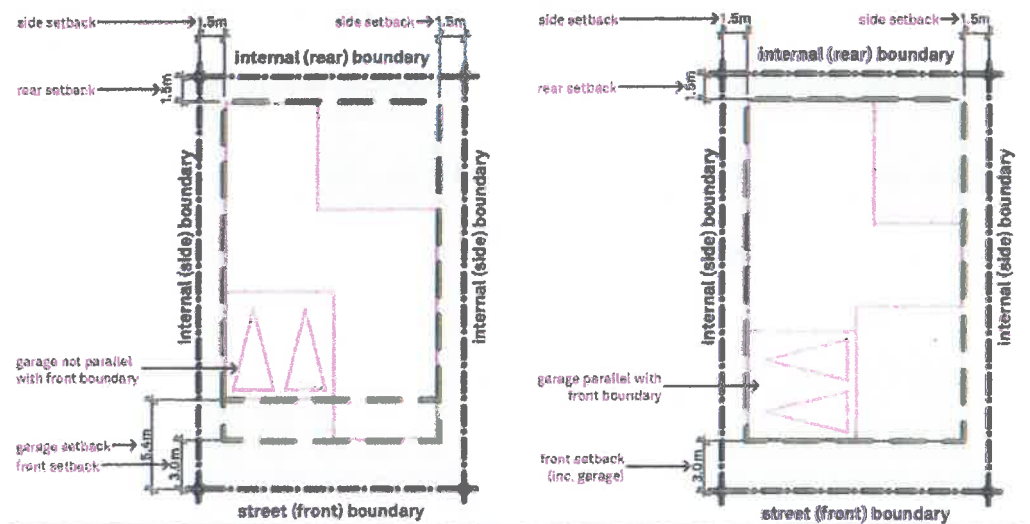


Diagram C3.4.2 – Positions of garage that comply with front yard setback in Residential Growth Precinct

Side and rear yards

– The minimum distance between any building or structure and the side or rear boundary of the site shall be:

1.5 metres

Note: —

Except:

– This distance can be reduced subject to the written consent of the owner of land whose boundary is within 1.5 metres of the building. In the case of an access under shared ownership written consent shall be required from all persons having legal interest in the access.

- In a Residential Growth Precinct, the 1.5 metre side boundary standard does not apply to the common wall boundary of semi-detached dwellings designed for two sites and where the dwellings are constructed contemporaneously (at the same time). One side boundary of 1.5 metres must be retained on each site.

C3.4.3 Density Coverage

- The maximum area of a site covered by all buildings shall not exceed 35%.
- There shall be a maximum density of one dwelling house or one household-unit per site.
- Except in a Residential Growth Precinct, where the following standards apply:
 1. The maximum area of a site covered by all buildings shall not exceed 50%.
 2. One additional minor dwelling or accessory building used for habitation (sleepout) is allowed. The additional minor dwelling or accessory building used for habitation must meet the permitted standards in Rule C3.4.12.

C3.4.4 Signs

- The maximum signage on any site shall not exceed:

Maximum Area	0.5 m ²
Maximum Height Above Ground Level	2.0 metres
- Off-site signs which are located so as to be visible from the State Highway, are an exception to these rules, and shall be classed as a discretionary activity.

C3.4.5 Traffic Management

The rules set out in Section C10: Traffic Management shall apply.

C3.4.7 Natural, Cultural and Heritage Features

The rules set out in Section C8: Natural, Cultural and Heritage Features shall apply.

C3.4.8 Noise

- a) Every activity, other than a residential activity, shall be conducted to ensure noise from the site shall not exceed the following limits when measured at or within the boundary of any other residential zoned site or the notional boundary of any rural lifestyle zoned site:
 - 0700 to 2200 hours 50dBA L_{Aeq}
 - 2200 to 0700 hours 40dBA L_{Aeq}
 - 65dBA L_{Amax}
- b) The noise shall be measured in accordance with the requirements of *NZS6801:2008 Acoustics – Measurement of Environmental Sound* and assessed in accordance with the requirements of *NZS6802:2008 Acoustics – Environmental Noise*.
- c) Construction noise from sites shall not exceed the limits set out in *NZS6803:1999 Acoustics – Construction Noise*.

C3.4.9 Home Occupation

- Maximum floor area of the home occupation shall not exceed 40m².
- No selling of corporeal goods shall occur on the premises.
- A maximum of 2 persons who are resident on-site shall be employed by the business.
- The outdoor storage of materials, plant or equipment is screened from public view and other properties.

C3.4.10 Visitor Accommodation

- The manager(s) of the accommodation shall reside on-site.
- Maximum of 4 guests per night.

C3.4.11 Relocated Dwellings are subject to the following requirements:

- i) The building shall be located on permanent foundations approved by building consent, no later than 2 months from the building being moved to the site.
- ii) Any relocated dwelling must be accompanied by a building inspection report that confirms the suitability of the building for

use as a dwelling and identifies all reinstatement work required to the exterior of the building.

- iii) All work required to reinstate the exterior of any relocated building shall be completed within 12 months of the building being moved onto the site.

C3.4.12 Additional minor dwelling or accessory building used for habitation in a Residential Growth Precinct

- The one additional minor dwelling or accessory building (sleep out) is secondary to a principal dwelling of no less than 90m² excluding decks and garage.
- The additional minor dwelling or accessory building used for habitation:
 1. Must be attached to the principal dwelling or be an integrated part of the building.
 2. Must not exceed 65m² excluding decks and garages.

Note: The additional dwelling or accessory building used for habitation must also meet the other permitted standards in section C3.4 (including yard setback, height and density coverage).

C3.4.13 Servicing

Any development within a Residential Growth Precinct shall demonstrate compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

C3.5 RESTRICTED DISCRETIONARY ACTIVITIES

Matters to which council will restrict its discretion:

C3.5.1 Height

When assessing an application to exceed the Height rules Council will restrict the exercise of its discretion to the following matters:

- The distance of any building from the boundary.
- The bulk of the building in relation to the bulk of the buildings in the immediate vicinity.
- The potential for the building or structure to overshadow or overlook other buildings

- The visual appearance of building(s) and any proposed landscape mitigation.

C3.5.2 Yards

When assessing an application to reduce the minimum specified yards the Council will restrict the exercise of its discretion to the following matters:

- The continuity of buildings frontages.
- The existing character and amenity of the streetscape.
- The location and density of landscaping.
- The distance between the proposed building and any other buildings.
- The effect of the building on traffic safety.
- The maintenance of visual and aural privacy.
- The visual appearance of the building(s) and any proposed landscape mitigation.

C3.5.3 Scale/Intensity

Council will restrict its assessment to the following matters:

- The residential character and amenity of the area.
- The design and layout of the site, including carparking location.
- The design and appearance of buildings, including cladding materials, colour schemes and reflectivity.
- The provision of adequate service infrastructure.
- Any potential adverse visual cumulative effects.

C3.5.4 Signs

In assessing an application to increase the maximum standards specified in the Signs rule the Council will restrict the exercise of its discretion to the following matters:

- The size, design, construction, location and illumination of the sign.
- The nature of the information displayed on the sign.
- The effects on amenity and landscape.

C3.5.5 Traffic Management

Refer to Section C10: Traffic Management.

C3.5.6 Natural, Cultural and Heritage Features

Refer to Section C8: Natural, Cultural and Heritage Features.

C3.5.7 Noise

When assessing an application to dispense with the Noise standard the Council will restrict the exercise of its discretion to the following matters:

- The noise environment of the locality.
- The practicality of reducing noise from the activity.
- Any relevant New Zealand Noise Standards.
- New Zealand Standard 6806:2010.
- an acoustic assessment of the effects of proposed activity prepared by an Acoustic Engineer.

C3.5.8 Relocated Dwellings

Council shall restrict the exercise of its discretion to the timeframe for completion of any work required by Rule C3.4.11.

C7.1 INTRODUCTION

Subdivision is the process by which areas of land are divided into smaller parcels which allows them to be sold or leased as separate units.

Subdivision and development has potential to cause adverse effects on the environment, such as alteration of natural and cultural features and landscapes, deterioration in water quality and destruction or degradation of the amenity value of an area. Intensification of development in inappropriate locations or that are not managed effectively, can lead to conflicts with other lawfully established activities.

The management of the processes of subdivision and development is necessary to ensure that design including the provision of service infrastructure and construction occurs in such a way as to avoid, remedy or mitigate any adverse effects on the environment.

Land modification, including construction and site works can have other adverse effects including noise, smoke and dust.

It is necessary to ensure that adequate roading and services including an accessible water supply for fire fighting requirements are provided at a sufficient standard to support foreseeable future activities on the land.

C7.2 OBJECTIVES AND POLICIES

C7.2.1 Objectives

- C7.2.1.1 To enable subdivision and development to proceed in a manner that will ensure the sustainable management of the natural and physical resources of the district.
- C7.2.1.2 Prevent subdivision and land development detracting from the amenity values of the local environment.
- C7.2.1.3 To ensure the provision of an adequate standard of infrastructure and public utility services at the time land is subdivided or developed to avoid, remedy or mitigate any adverse effect on the environment, and to ensure that the full cost of providing or upgrading services is borne by those undertaking the subdivision or development.

C7.2.1.4 To ensure that subdivision and development of land in a manner that does not adversely affect the function or capacity of the transport network.

C7.2.1.5 To ensure subdivision and development does not create conflict with sensitive land uses.

C7.2.2 Policies

C7.2.2.1 Ensure that proposals for subdivision and development assess the physical characteristics, natural hazards and amenity values and qualities and avoid, remedy or mitigate any adverse effects.

C7.2.2.2 Maintain or enhance and avoid adverse effects on significant features or areas having cultural, spiritual, historical, or landscape or ecological value.

C7.2.2.3 Manage the effects of construction to avoid or mitigate any adverse effects on the environment including on people and communities.

C7.2.2.4 Identify and provide for safe and practicable building sites for all new allotments.

C7.2.2.5 Provide for the amenity values of future occupants of land development proposals.

C7.2.2.6 Provide for the operation, maintenance and minor upgrading of network utilities, including electricity generation facilities, where adverse effects on the environment are avoided remedied or mitigated where practicable or consider alternative forms of mitigation such as offsetting or environmental compensation where it is not possible to avoid, remedy or mitigate adverse effects on the environment.

C7.2.2.7 Proposals for development should be comprehensively designed to enable a full assessment of the visual effects of the activity and level of amenity provided.

C7.2.2.8 Ensure adverse effects of land use, subdivision and development on the safe and efficient functioning of the transport network are avoided.

C7.2.2.9 To manage subdivision and development to ensure compatibility with sensitive activities and reduce the potential for reverse sensitivity effects.

- C7.2.2.10 Subdivision and development in the Putauaki Structure Plan area is to be undertaken in accordance with the Structure Plan to avoid compromising future development potential.

C7.3 SERVICING REQUIREMENTS

C7.3.1 Introduction

The development of land needs to provide for the servicing requirements of new activities and sustainably manage the resources of the district.

Subdivision and development places an increased demand upon resources of the district. In order to address these adverse effects additional services or extensions to existing services may be required to ensure there is an efficient and effective standard of service infrastructure.

The cost of upgrading existing or providing for additional infrastructure must be fairly allocated to avoid inequitable cost to the community arising from new development.

C7.3.2 Objectives

- C7.3.2.1 Ensure that there is an appropriate standard of public infrastructure to provide for the use of land resulting from subdivision and development.
- C7.3.2.2 That subdivision or development is serviced in a way that avoids, remedies or mitigates any adverse effect on the environment.

C7.3.3 Policies

- C7.3.3.1 That new subdivision and development connects to public service infrastructure where there is adequate capacity to provide for the demand of additional activity.
- C7.3.3.2 That the servicing of new subdivision and development provides for the sustainable management of a natural and physical resources.
- C7.3.3.3 That new development is to meet the fair and reasonable cost of providing additional infrastructure necessary to service the development.
- C7.3.3.4 Avoid, remedy or mitigate any adverse affects from the disposal of stormwater on the environment.

C7.4 INFRASTRUCTURE CONTRIBUTIONS

C7.4.1 Introduction

Where new subdivision or development occurs, upgrading of the infrastructure networks is often necessary to service the development. This upgrading adds incrementally to the demand on Council owned and operated services.

It is reasonable that the costs of addressing these issues is met by those who cause the demand for upgrading.

C7.4.2 Objective

C7.4.2.1 To allocate the cost of additional service and roading infrastructure necessary to meet additional demands as a result of a subdivision or development to those who cause the demand for the upgrade.

C7.4.3 Policies

C7.4.3.1 Subdividers and developers should be required to meet the full costs of providing upgraded roading and service infrastructure necessary to support their subdivision or development.

C7.4.3.2 Ensure new subdivision and development adequately compensate for any impact on service and roading infrastructure by way of financial contribution to ensure there is no degrading of that infrastructure.

C7.4.3.3 Ensure new subdivision and development contribute to providing new or upgrading existing public reserves including esplanade reserves.

C7.5 CONTAMINATED LAND

The presence of contaminated land can adversely impact upon existing and future activities on the site and on the wider environment.

Identifying and managing activities in the presence of contaminated land is critical as part of the responsibility to manage effects on the environment and on the health and safety of people and communities.

Specific legislation to manage hazardous substances is expected to be deferred to. The provisions of the district plan and the Resource Management Act will be

applied to ensure a complete approach and strategy is applied to the management of potential future and existing contaminated land.

C7.5.1 Objective

To manage existing contaminated land and prevent the creation of additional contaminated land.

C7.5.2 Policy

Ensure that new activities avoid, remedy or mitigate the effect of contaminated land on the environment.

C7.6 SUBDIVISION AND DEVELOPMENT RULES

C7.6.1 General

Subdivision of land shall meet the requirements of Part 2 of the Resource Management Act.

Subdivision of land into two or more allotments or any subdivision of a title into two or more leased sites shall be a controlled activity, subject to C7.6.3 and C7.7.

In determining an application for subdivision as a controlled activity the Council shall exercise control over those matters set out in C7.7.

C7.6.2 Utility Services

Subdivision to create an allotment of any size for the purpose of providing for an existing or proposed network utility is a controlled activity. Subdivisional rules contained in other parts of the Plan shall not apply to activities covered by this provision unless otherwise specifically stated.

Council reserves control over allotment size.

The assessment criteria which shall apply are:

- The degree to which the proposed size of the allotment allows sufficient land to accommodate the activity and associated structures.
- The mitigation of adverse effects on amenity values.

C7.6.3 Contaminated Land

Require a statement to be provided as to the likelihood of contaminated land forming all or part of the site of a proposed activity.

In providing this statement, 'contaminated' land shall be as defined under the Resource Management Act 1991, and the development of all or part of that land shall be a restricted discretionary activity.

Matters over which Council will exercise discretion are limited to the effects of the contaminated land on the environment.

C7.6.4 Transmission Lines

Subdivision of land into two or more allotments within 32 metres from the centreline of the Kawerau – Deviation A and Kawerau – Matahina A circuit high voltage transmission lines on towers and/or within 16m from the centreline of the Edgecumbe – Kawerau A and B high voltage transmission lines in Pi poles shall be a restricted discretionary activity.

In determining an application for subdivision Council shall restrict its discretion to the following matters:

- The extent to which the subdivision design mitigates the effects on the lines, for example through the location of roads and reserves under the route of the line;
- The ability for maintenance and inspection of transmission lines and the minimisation of risk or injury and/or property damage from such lines;
- The extent to which potential adverse effects including visual impact are mitigated, for example through the location of building platforms;
- Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001); and
- The outcomes of any consultation with the affected utility operator.

C7.7 SUBDIVISION AND DEVELOPMENT REQUIREMENTS

C7.7.1 Subdivision to Create Separate Titles

- New subdivision and development which gains direct access off State Highway 34 is a restricted discretionary activity. Matters to which Council will restrict its discretion are:

1. The adverse effects of the proposal on the safe and efficient operation and function of the state highway and adjoining transport network;

and

2. Any measure required to avoid, remedy or mitigate adverse effects on the safe and efficient functioning of the state highway and adjoining transport network.
- An application for subdivision will be a non-complying activity where:
 - a) Any of the land the subject of the application or any structure on that land is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source; or any use subsequent to the subdivision is likely to accelerate, worsen, or result in material damage to that land or other land from these causes; or the land is subject to man-made hazards to future occupiers of the land.

Provided however, this rule will not apply where:

- i The application is for a boundary adjustment between allotments and will not create additional building sites, or change the use of the sites; or
 - ii Any proposed allotment has an adequate building platform whether constructed or not, that will not be affected by any erosion, falling debris, subsidence, slippage or inundation in a 2% AEP flood event. Use will be made of consent notices or other instruments to limit building to those parts of the site which are free from such effects; or
 - iii Adequate works or other innovative solutions can be undertaken to avoid, remedy or mitigate these hazardous effects.
- b) The land is not suitable to be subdivided in the manner proposed because of the potential adverse effects the proposal would have on the environment or on public health and safety.
 - d) The proposal is inappropriate in relation to the requirements of Sections 5, 6, 7 and 8 of the Resource Management Act and especially the protection of the natural features and landscapes as required by Section 6 of the Resource Management Act.
 - e) The proposal is for a staged unit development, and the proposal depicted in the application has not been granted a resource consent or a Certificate of Compliance has not been issued.
- Rules for subdivision around a network utility are included in section C9.8.

- Any subdivision of land to create separate titles in the Rural Lifestyle Zone in the Putauaki Structure Plan area is a Discretionary Activity. The exception is utility lots which will be subject to Rule C7.6.2.

C7.7.2 Requirements for the Lease of a Building or Part of a Building Where a Cross-Lease, Company Lease or Unit Title is not Involved

- a) Before granting a subdivision consent the Council shall be satisfied that the subject building has been lawfully erected.
- b) No minimum areas for each allotment is required, but the boundaries of the allotments created by these provisions shall follow existing or proposed walls, ceilings and floors, and the plan shall show the allotment in relation to the exterior of the building and shall give upper and lower elevations in terms of a datum to be established.

C7.7.3 Requirements for Unit Title and Cross-Lease Subdivision

- a) Where an application for subdivision consent affects a building or any part thereof, compliance with relevant legislation concerning the erection or modification to buildings is required.
- b) Where an existing building included in an application for subdivision consent, has obtained a resource consent or is a permitted activity, any proposed covenant, unit or auxiliary unit boundary shall take into account all relevant development controls for the zone.
- c) Where any building included in the application for subdivision consent has not been constructed or is under construction at a time of granting the consent, the Council will not approve the survey plan under Section 223 of the Resource Management Act, until the building is completely framed up to and including the roof level and the Council is satisfied that it has been built in accordance with the Plan or any resource consent granted. The Council may require the height of the building and its position in relation to the boundaries of the site to be confirmed by a Certificate from a Registered Surveyor.
- d) Before granting consent to a staged cross-lease subdivision the Council shall be satisfied that the site has sufficient area for further complying development and that such development will be free from inundation and capable of adequate servicing.
- e) Consent to an application for a staged unit title subdivision is subject to the production of the unit development plan for the site approved in terms of the Plan.

C7.7.4 Requirements for Development

Where a development plan approval is required separately or as part of any resource consent the Council will not approve any such plan where:

- a) Any of the land the subject of the application or any structure on that land is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source; or any use is likely to accelerate, worsen, or result in material damage to that land or other land from these causes; or the land is subject to man-made hazards such as pollutants from industrial activities, that may be hazardous to future occupiers of the land.

Provided however, this rule will not apply where:

- i Any proposed building site has an adequate building platform, whether constructed or not, that will not be affected by any erosion, falling debris, subsidence, slippage or inundation in a 1% AEP flood event. Use may be made of consent notices or other instruments to limit building to those parts of the site which are free from such effects; or
 - ii Adequate works or other innovative solutions can be undertaken to avoid, remedy or mitigate these hazardous effects.
- b) The land is not suitable for development in the manner proposed because of the potential adverse effects the proposal would have on the environment or on public health and safety and because of inadequate means of stormwater and sewerage disposal.
 - c) The proposal is inappropriate in relation to the requirements of Sections 5, 6, 7 and 8 of the Resource Management Act and especially the protection of the natural features and landscapes as required by Section 6 of the Resource Management Act.

C7.7.5 Certification

The Council will not issue:

- a) Any certificate under Section 222 of the Resource Management Act; or
- b) Any certificate enabling the use or occupation of any building for which a development consent has been sought.

Nor will it accept any infrastructure or utility service for vesting unless:

- i All contributions in the form of works and services have been completed as required by the Council and fully documented into the Council records, all fees and charges have been paid, all technical works have been tested and certified as to standard, quality, performance and function and all necessary documentation has been approved. **Note:** any easement in favour of the Council shall be an easement in gross.
- ii The Council will not approve a survey plan under Section 223 of the Resource Management Act unless a subdivision consent has been obtained for the subdivision to which the survey plan relates and the survey plan is in accordance with that consent. In the case of applications for cross-leases, company leases or unit titles [other than those being staged] the Council must be satisfied that the buildings, the subject of the leases, have been constructed in accordance with their building consent especially as to bulk, level and location.
- iii Where a subdivision other than for cross-lease and unit title is likely to be carried out in stages, the developer must signify this to the Council at the time of the application for subdivision consent and indicate the time period over which the development is likely to take place. Approvals in terms of Section 223 and 224 of the Resource Management Act for each stage will only be given when the Council is satisfied the conditions that apply to that stage have been met, and the balance of the area being subdivided in an allotment that complies with the provisions of this Plan.
- iv All buildings subject to a cross-lease, unit title or company lease application must have:
 - Existing use rights; or
 - Comply with the relevant provisions of the Plan; or
 - A resource consent.

Where any building fails to comply, a subdivision consent will not be granted until the appropriate land use consent has been granted.

C7.7.6 Subdivision Design

a) Lot Size

No minimum lot sizes are specified in this plan, except in the Rural Lifestyle zone (see rule C6.4.3), however a minimum lot size may be a condition of any consent where it may be necessary to ensure other standards relating to the subdivision can be met.

b) Shape Factor

All lots intended to be used for residential dwellings shall be of a shape which would contain a 15m diameter circle as minimum requirement except in a Residential Growth Precinct.

In a Residential Growth Precinct all lots intended to be used for residential dwellings shall be of a shape which would contain a 10m diameter circle as a minimum requirement.

All lots intended to be used for Commercial or Industrial activity shall be of a shape capable of containing a rectangle equal to half the site area and with sides in proportion of not more than 2:1 without encroaching on any specific yard spaces.

c) Frontage

No residential lot shall have a frontage of less than 5m provided that where lots share frontage in the form of access strips the requirements for access to rear sites shall apply.

There is no minimum width of frontage in other zones but no front site shall have a lesser frontage width than would be required if it were a rear site.

No lot shall use a service lane for the purpose of frontage.

d) Layout of Allotments

In determining the layout of subdivisions particular consideration shall be given to:

- i The need to ringmain water supplies – particularly between cul-de-sacs heads.
- ii The need for a secondary flow path for stormwater overflows.
- iii The undesirability for cul-de-sacs to fall toward the head.
- iv The economic use of utility services.
- v The roading hierarchy.
- vi Within a Residential Growth Precinct, the location of fire hydrants in relation to proposed building platforms and whether compliance is achieved with the requirements of New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

e) Access to Rear Sites

		Minimum Width	Minimum Clearance Height	Minimum Formation Width
1	Residential Zones			
	a. Up to 3 dwellings b. Up to 12 dwellings	3.5m 6m	3m 3m	3m Sufficient formation width to enable two vehicles to pass
	c. <u>Within a Residential Growth Precinct:</u> i. <u>Up to 3 dwellings</u> ii. <u>More than 3 dwellings</u>	<u>3.5m</u> <u>6m</u>	<u>4m</u>	<u>3.5m</u>
2	Commercial / Industrial Zones			
	a. One or two lots b. More than two lots	6m 7.5m	4m 4m	6m 7.5m
3	Rural Lifestyle Zone			
	a. 3 lots or less b. 4 lots or more	10m 10m	5m 5m	3m Sufficient formation width to enable two vehicles to pass

f) Provision for Access to Rear Lots

Access to a rear site may be by way of an entrance strip of the required width integral with the site, or by a right of way easement over adjoining land or by a combination of these provided the total width of the access complies with these rules. The granting or reserving of any such right of way will be a condition of the subdivision. Where the right of way is outside the land being subdivided, the right of way will need to be registered prior to the approval of the survey plan. Access may also be provided by means of an interest in an access lot as a tenancy in common, subject to:

- i No access strip shall be more than 60m in length.
- ii Compliance as specified in this rule.
- iii Amalgamation of an individual share in the access lot with each site to be served.

In the Residential Growth Precinct, where an access exceeds 50m in length, the minimum access width shall be 4m with a vertical clearance no less than 4m.

- g) To reduce the potential for flood risk, the minimum platform level for all subdivision and development is above 1% of annual exceedance probability (AEP) flood levels.
- h) Subdivision design is required to be in accordance with the Putauaki Structure Plan.

C7.7.8 Works and Services Requirements

The Resource Management Act provides for a resource consent to include a condition requiring that a financial contribution be made in the form of works or services, including the planting or replanting of any tree or other vegetation or the restoration or enhancement of any natural or physical resource.

The Council considers that the developers and subdividers should provide, or contribute to the provision of, those works and services necessary to ensure the efficient functioning of their developments and subdivisions. A contribution may also include the formation of an unformed road, the upgrading of a formed road where the activity is likely to generate additional traffic to the extent that increased pressure on the facility will go beyond the ability of the road to cater for, the upgrading of an undersized sanitary sewer or stormwater drain, the contribution toward any sewage treatment or water supply headworks or any trunk sewer, water main or stormwater drain.

The provision of these services, or any contribution towards them, should include the undergrounding of all reticulation involved in these, together with individual connections to each separate allotment, lease site or dwelling unit.

The amount of contribution will be limited to the works necessary to meet the additional loading on the infrastructure or utility service caused by the subdivision and developments, as determined by the Council.

In determining the amount of any financial contribution the Council shall consider any design and operational factors provided by the developer that may have a benefit to the wider community.

In the case of a subdivision consent, where services are not immediately available to serve land on an application plan, but are expected to be available within 5 years, the Council may require the applicant to pay or enter into a bond to pay to the Council, such amounts as the Council considers fair and reasonable towards the cost of providing such services to serve the subdivision.

- a) Adequate works and services are required to ensure that:
- i All new sites created as a result of subdivision are suitable for their intended purpose.
 - ii All sites containing or intended for development are capable of sustaining the permitted activities allowed in this plan without giving rise to loss of amenity due to nuisance or unsanitary conditions or resulting in other significant adverse effects on the environment.
 - iii Any roading or private ways provided minimise any loss of amenity caused by traffic or the routing of utility services by making adequate and appropriate provisions:
 - For the formation, construction and drainage to the appropriate standard of all proposed roads, parking and manoeuvring areas.
 - For the formation and construction of a carriageway over every proposed private way and private road.
 - For the provision of frontage to a road or private road which will give vehicular access from an existing road or private road.
 - For both vehicles and pedestrian and cycle traffic whether generated by the permitted activities on the land being subdivided, or in transit through the area.
 - For all utility services which may be needed to service future and existing development on the land being subdivided or developed.
- b) Any roading or other vehicular access, sanitary or stormwater drainage, water supply or other works or services which may be reasonably required for the proposed land use activity are provided without cost to the Council, using materials and methods which will minimise future maintenance costs and not unduly detract from the amenities of the area and not endanger the lives of citizens.
- c) All easements for the identification and protection of private and public services and secondary flow paths are to be granted by the owner. All services should be underground with separate lots set aside for network utility operators for transformers etc.

d) Subdivision or development activities avoid adverse effects upon existing and proposed network utilities by compromising the effective operation, maintenance, development and protection of that network.

e) Specifically Council must be satisfied that:

- Telecommunication facilities can be made available to the subdivided lots from existing services, or that agreement has been reached with the telecommunication provider for the provision of any necessary services and that all telecommunication facilities provided by the subdivider are approved by the telecommunication provider as suitable for connection to its network before installation.
- If the land proposed to be subdivided is crossed by existing telecommunication lines adequate provision is made for any necessary relocation or undergrounding of such lines.
- There are suitable arrangements for the reticulation of a gas supply for every lot, lease area and building site within the subdivision, where existing gas reticulation is available within 200 metres of the subdivision.
- When determining the layout of subdivisions, particular regard shall be given to:
 - i Operational, safety and protection requirements for existing and proposed transmission lines and transmission gas pipelines;
 - ii That suitable access to transmission lines and transmission gas pipelines will be maintained;
 - iii That there will be no need to erect buildings within 32m of the centre line of high voltage transmission lines; and
 - iv That building platforms for residential dwellings will facilitate the main living area not facing the transmission lines.
 - v Existing and proposed transmission lines.
 - vi Any new buildings and structures shall comply with the permitted activity standards for activities in proximity to transmission lines in Section C4.3.7; and
 - vii That where practical the building platforms for residential dwellings will facilitate the main living area not directly facing the transmission lines.

C7.8 RESOURCE CONSENT APPLICATIONS FOR SUBDIVISION AND DEVELOPMENT

C7.8.1 All applications for a subdivision consent or for a land use consent

shall be accompanied by either:

- a) A concept plan outlining the development concept where it is proposed to subdivide 50 or more allotments [singularly or in stages] or where in the opinion of the Council there are special circumstances relating to the integration with surrounding land or the provision of network services.
- b) A development plan depicting the process or stages involved in a proposed subdivision where two or more household units are to be constructed on any site or where any rule in this plan requires the submission of a development plan.
- c) A subdivision plan where any division of land onto two or more separate allotments is proposed.
- d) Copies of subdivision plans shall be served on the following organisations, and evidence of this consultation and any written comment they provide shall be submitted to the Council as part of the application for a subdivision consent:

The Bay of Plenty Regional Council
Electricity generators and suppliers
Telecommunication provider (if relevant)
New Zealand Transport Agency [if adjacent to a State Highway]
Vector Gas Limited [if relevant]
Historic Places Trust [if relevant]
Local iwi [if affecting Maori land]
Department of Conservation [if adjacent to a Department of Conservation reserve, conservation covenant, or significant natural area]

C7.8.2 The following information is to be shown on any plan:

- All of the land in the title(s) being subdivided including balance areas, existing and proposed boundaries and areas of all allotments;
- Contours to show general topography of the site in terms of mean sea level and using not more than a 2m contour interval;
- Any existing buildings on the site, including any residential units within those buildings;
- The relationship of existing or proposed buildings to any proposed new site boundaries including their height in relation to that boundary;
- Public sewers and private drains on or adjacent to the land;

- Other utility services, sewers, watermains and drainage systems including the position of the nearest fire hydrant and details of any private rights;
- All trees and indigenous vegetation bush including the spread of the canopy;
- The proposed grade of any private way [including a driveway to a proposed building site]; and any new road;
- Any existing building line;
- Any flood plains and any existing overland flowpaths;
- All roads, private roads, reserves, retirement or conservation areas, land to be vested in the Council and private ways;
- Any fences, water courses or such other data as may be necessary to fully depict the physical features of the land and any constraints on its development or use.
- The location of any high voltage transmission lines traversing or within 32 metres of the site.

For the subdivision of rural land plans need only show the outline details of the proposal recording the area to be subdivided and the residual land. Where appropriate such additional data as contours, existing and proposed road access points, water supplies, public services, location of buildings etc should also be shown.

C7.8.3 Details

a) An application for a consent shall include:

- A development plan; and
- A description of the activity for which consent is sought and its location; and
- Any information required to be included in the application by this Plan and any regulations; and
- A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the application has applied for such consents; and
- The prescribed administration charge; and

- A current copy of the title(s) of the subject land.

An application for a subdivision for cross-lease, company lease or unit title, in addition to the foregoing shall include:

- i Sufficient information to demonstrate that the buildings have existing use rights or;
 - ii A copy of the certificate of compliance for each building depicted on the application; or
 - iii Evidence or any required land use consent granted for the buildings the subject of the application; or
 - iv) Sufficient information to demonstrate the buildings (the subject of the application) meet the relevant development controls.
- b) The application shall be accompanied by adequate information to define:
- The position of all boundaries [new and existing];
 - Except in the case of a subdivision to be affected by the grant of a cross-lease or company lease or by the deposit of a unit plan, the areas of all new allotments;
 - The location and areas of any part of the bed of a river or lake, which is required under Section 237A of the Resource Management Act to be shown on a survey plan as land to be vested in the Crown;
 - The location and areas of land to be set aside as new road.
- c) A report covering the matters set out in C7.8.4 to C7.8.11 where appropriate.

C7.8.4 Stormwater Drainage

Where existing stormwater sewers are proposed to be used to service the subdivision, confirmation that adequate capacity is available. If stormwater is proposed to be discharged into a watercourse or lake, comment on the situation with respect to any other resource consents required and the result of any consultation held with the Regional Council.

Onsite disposal of stormwater by soakpits will be required in all parts of the district except where special provision has been made to accept discharges into the public stormwater drains.

C7.8.5 Sanitary Drainage

Where existing sanitary sewers are proposed to be used to service the subdivision, confirmation that adequate capacity is available. In all other cases, the applicant must submit evidence that this proposed means of sewage disposal have had the prior approval of the Council and the Regional Council.

C7.7.6 Stability

A statement is required confirming that there is no uncontrolled fill on the site, that the Council's hazards register has been checked and that there is no sign of soil creep or slumping. Where the stability of the site or part of the site is suspect, a full report from a qualified civil engineer experienced in these matters must be submitted.

C7.8.7 Designations

A statement identifying any designations applying to the land.

C7.8.8 Archaeological Sites

A statement covering archaeological sites as they may relate to the land including consultation if any with tangata whenua and the relationship to known archaeological sites. Subdividers are encouraged to undertake a surface archaeological inspection at the time of survey. There are many unknown sites and the subdivision process should seek to identify these where possible so that the planning for the layout of the development can take these into account.

Archaeological sites are subject to protection under the Historic Places Act that includes the ability to prosecute in the event of any unlawful disturbance of sites.

C7.8.9 Other Consents

Detail of any other consents required [including any works] and whether they have been applied for.

C7.8.10 Cross-Lease and Unit Title [not being staged]

- a) Comment on any other buildings on the site not being included in the lease.
- b) Comment on whether any residential buildings being leased are subdivided into further residential units.

- c) For proposed buildings, what building consents have been applied for and whether they have been issued.
- d) For buildings under construction, the building consents numbers and dates of issue if applicable.

C7.8.11 Staging

In the case of freehold subdivisions, the applicant shall state whether the subdivisions is to be staged and if so over what period of time to ensure the consent can be made current for the appropriate period.

Applications for cross-lease, unit titles and company leases [non-staged or second and subsequent stage cross leases].

These fall into two categories:

- i) Those with existing completed buildings.

Applications for this type may be made by using the survey plan as the application plan provided the following information is supplied:

- Where an existing residential building within 1 metre of a site or proposed site boundary, the distance to that boundary;
- Where an existing commercial and industrial building is within 3 metres of a site or proposed site boundary the distance to that boundary and the percentage of the wall nearest to that boundary made up of openings formed by doors and windows.

- ii) Those with proposed buildings or buildings under construction and which are to be cross-leased or unit titled.

Applications for these may be made either by lodging the final survey plan as the application plan or lodging the site plan that accompanied the building consent application, provided it is to a recognised scale, showing the whole site the subject of the cross-lease and all buildings that will be subject of the leases.





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Section 42A Report – Plan Change 4

To: RMA Independent Hearing Commissioner

From: Ruth Feist, Consultant Planner (on behalf of Kawerau District Council)

Subject: Section 42A Hearing Report on Submissions to Plan Change 4 – Residential Development of Roy Stoneham Park

Hearing Date: 15 June 2023

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Appendix

- Veros report – Matters arising from submissions

1. Purpose of Section 42A report

Under Section 42A of the Resource Management Act (RMA), Kawerau District Council may prepare a report in advance of a hearing to:

- Set out staff recommendations on the submissions received on a proposed plan change (i.e. whether to accept, accept in part or decline the submission points), and
- Identify any changes to the proposed plan change resulting from submissions being either accepted or accepted in part.

The section 42A report is often referred to as the 'hearings report'.

Kawerau District Council has appointed an independent hearing commissioner to consider, hear and decide on submissions on Proposed Plan Change 4 – Development of Roy Stoneham Park (PC4).

The hearing will be held 15 June 2023. Submitters who asked to be heard will receive advance notification of the timetable and hearing dates.

To assist the commissioner, Council has arranged for a hearings report (section 42A report) to be written by qualified planners.

The primary purpose of the hearings report is to assist the hearing commissioner to evaluate and decide on submissions made on the proposed plan change.

This section 42A report contains:

- An overview of background information, statutory context and procedural matters up to the hearings.
- Evaluation/analysis of submissions and associated recommendations to the hearing commissioner.
- Additional evaluation of any changes to proposed plan change resulting from submissions (this is in accordance with section 32AA of the RMA).

The analysis and recommendations in this report are preliminary only, responding only to the written submissions and any information accompanying that submission. Submitters can speak and present their own evidence at the hearing. The hearings report will be released to submitters well before the relevant hearing date, to give submitters time to prepare.

It is important to note that the conclusions reached and recommendations made in this report are not binding on the hearing commissioner, who will make an independent decision on the matters raised in the submissions.

2. Background to Proposed Plan Change 4

The reasons for Proposed Plan Change 4 (Residential Development of Roy Stoneham Park) are explained in the Section 32 report. In summary, Kawerau District Council decided to develop Roy Stoneham Park for residential use because:

- Kawerau is facing housing pressures and affordability constraints which is leading to social and economic consequences in the district. There are several reasons for this issue including aged housing stock, lack of new supply, and changing community housing needs.
- The lack of available new housing could be one of the factors underpinning lower population growth rate in Kawerau compared with towns of a similar size.
- The market is more accepting of small housing types and sections such as town houses, flats and units.
- The current District Plan rules for the Residential Zone do not provide for smaller section sizes, duplex housing, or additional dwellings as permitted activities.

Kawerau District Council has committed to developing Roy Stoneham Park for residential purposes via the Long Term Plan 2021-2031. Roy Stoneham Park is currently an underutilised reserve.

Plan Change 4 implements the strategic framework contained in Council's Long-Term Plan 2021-2031 in relation to 'Grow our District'.

The intention of 'Grow our District' is to provide for residential development of Roy Stoneham Park and contribute to the housing needs of Kawerau District by:

- Making more land available for residential development, and
- Improving the wellbeing of the Kawerau community by facilitating an increase to the stock of housing available in the town.

Kawerau District Council has committed to ensuring there is enough housing in the community for future needs. Specifically, Council has considered areas for future development and believes Stoneham Park (the old Soccer Club grounds) is the most suitable option to pursue.

To realise the residential development, Council needs to carry out two statutory processes:

- Revoke the reserve status of Roy Stoneham Park in accordance with the Reserves Act.
- Rezone Roy Stoneham Park from Reserve to Residential through Proposed Plan Change 4 in accordance with Schedule 1 of the Resource Management Act.

After the statutory processes, there are additional processes, including resource consents for subdivision and site development (e.g. earthworks, stormwater management), that are required before Roy Stoneham Park can be developed. This is shown in Figure 1 below.



Figure 1. Steps to develop Roy Stoneham Park

2.1 Location of Roy Stoneham Park

Figure 2 below shows the location of Roy Stoneham Park. The main access is from Peter Lippla Drive, with additional pedestrian access to Fenton Mill Road and Valley Road.



Figure 2: Location of Roy Stoneham Park

3. Process and timing of Proposed Plan Change 4

Below is a summary of the process and timing of Proposed Plan Change 4 that has been in accordance with the requirements of Schedule 1 of the RMA (this part of the RMA specifies requirements for plan change processes).

Process	Timing
Council approves Proposed Plan Change 4 and Section 32 Report for public notification	22 February 2023
Public notification of Proposed Plan Change 4 for submissions	24 February 2023
Submissions period (minimum 20 working days)	24 February to 24 March 2023
Public notification of summary submissions for further submissions	12 April 2023
Further submissions period (10 working days)	12 April to 28 April
Prepare Section 42A (hearings) report and progress resolution of submission points	May 2023
Provide Section 42A (hearings) report to submitters at least 5 working days before the hearing	29 May 2023
Notification of hearing (10 working days prior to hearing)	29 May 2023
Hearing on Proposed Plan Change 4	15 June 2023

During the submissions period (24 February to 24 March), Council sought submissions and feedback on 3 matters:

- Submissions on the revocation of reserve status for Roy Stoneham Park (in relation to the Reserves Act 1977) – this was ‘Option 1’ in the online submissions form.
- Submissions on Proposed Plan Change 4 (in relation to Schedule 1 of the Resource Management Act 1989) – this was ‘Option 2’ in the online submissions form.
- Ideas for redevelopment of the Stock Pound area, which is to be improved to offset the development of Roy Stoneham Park (this relates to general public consultation and engagement intentions by Council) – this was ‘Option 3’ in the online submissions form.

35 submissions were received on Proposed Plan Change 4, and no late submissions were received. No further submissions were received.

- 10 submitters opposed PC4.
- 14 submitters supported PC4.
- 11 submitters supported in part PC4.

The Hearing for Proposed Plan Change 4 is to be held on 15 June 2023. After the Hearing, the hearing commissioner will deliberate and make decisions on the submissions. The hearing commissioner's will then be presented to Kawerau District Council who can adopt those recommendations as their Decisions on Submissions.

4. Qualifications and Experience Statement

My full name is Ruth Heather Feist. I am a Senior Planner for Hayson Knell and have held this position since 2022. Prior to this I was employed as a Planner/Senior Planner with Bay of Plenty Regional Council from 1997 to 2022.

I hold the qualification of Masters of Social Science in Geography obtained in 1994 from the University of Waikato.

I have over 26 years planning experience with Bay of Plenty Regional Council and Hayson Knell. I have been involved in a range of resource management projects including regional plan development, section 32 evaluation and reports, plan hearing and deliberations, evidence for the Proposed Bay of Plenty Regional Policy Statement, preparation and processing of resource consents, and spatial planning.

Hayson Knell are engaged by Kawerau District Council to assist planning and resource consent processes. I became involved with PC4 in August 2022 when I joined Hayson Knell and have taken over the role of Council's planning officer on this project. I have visited Roy Stoneham Park and am familiar with the issues and plan change process.

I can confirm that I am familiar with the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2014. I have read and agree to comply with the Code. Except where I state that I am relying upon the specified evidence or advice of another person, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

I am authorised to prepare and present this Section 42A Report on the Council's behalf to the PC4 hearings commissioner.

To the best of my knowledge, I confirm that I have no real or perceived conflict of interest in relation to PC4.

I am the author of this report which has been prepared in accordance with Section 42A of the Resource Management Act 1991 (RMA).

The data, information, facts, and assumptions I have considered in forming my opinions are set out in this report. Where I have set out my professional opinions, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

5. Overview and Scope of Plan Change 4

Proposed Plan Change 4 – Residential Development of Roy Stoneham Park seeks to:

- **Rezone Roy Stoneham Park from Reserve to Residential**
 - Amend District Plan Maps 5 and 6 to rezone the area and applies a new Residential Growth Precinct.
- **Amend specific provisions in the Residential and Sub-division sections of the District Plan to provide for the new Residential Growth Precinct:**

Residential Zone

- **Add an Objective (new C3.2.1.2) and Policy (new C3.2.2.4) for Residential Growth Precincts**
- **Change specific rules to provide for Residential Growth Precincts:**
 - **Rule C3.3.1 Permitted Activities** – provide for one additional minor dwelling
 - **Rule C3.4.1 Height** – daylighting provision
 - **Rule C3.4.2 Yards** – front yards and side yards
 - **Rule C3.4.3 Density Coverage**
 - **(new) Rule C3.4.12** – Additional minor dwelling or accessory building used for habitation

Subdivision

Change the shape factor requirements in the C7.7.6(b) to provide for narrower lot sizes in the Residential Growth Precinct.

The list of changes above forms the scope of PC4 (i.e. the limitation of the changes to the Kawerau District Plan).

All other provisions in the Kawerau District Plan remain unchanged.

6. Statutory and Policy Context

6.1 Resource Management Act

Proposed Plan Change 4 (PC4) must be prepared in accordance with the following sections of the RMA:

- Part 2 – Purpose and principles
- Section 31 – Council’s functions and responsibilities
- Section 32 – an evaluation report and any further evaluation required by section 32AA
- Sections 74 and 75 – matters to be considered and contents of a district plan.

A Section 32 report has been prepared for PC4 and was made available with the publicly notified plan change documents. The Section 32 Report assessed the provisions of PC4 as consistent with Part 2 of the RMA.

PC4 is consistent with Council’s functions under section 31 as the purpose of the plan change meets:

- S31(1)(aa) in relation to providing sufficient development capacity in respect of housing to meet expected demands of the Kawerau district; and
- S31(1)(b) in relation to controlling the effects of the use and development of land (in this case being the development of land for residential use).

In relation to sections 74 and 75, PC4 must give effect to any relevant national policy statement and a national planning standard.

PC4 must also:

- Have regard to the Regional Policy Statement and regional plans;
- Have regard to the extent to which consistency is needed with district plans of adjacent district councils.
- Take into account iwi management plans that apply to the area.

These matters are discussed in the sections below.

6.2 National Policy Statements

Six national policy statements are currently operative.

The following national policy statements are not relevant to PC4 and are not considered further in this report for the stated reason:

- New Zealand Coastal Policy Statement (NZCPS)

- The NZCPS not relevant to the area covered by PC4 as it is not in a coastal location.
- National Policy Statement for Renewable Electricity Generation (NPS-REG)
 - The NPS-REG is not relevant to the rezoning and residential and subdivision matters in PC4.
- National Policy Statement on Electricity Transmission (NPS-ET)
 - The NPS-ET is not relevant to the area covered by PC4 as there are no national grid lines over that location.

6.2.1 National Policy Statement on Urban Development

The National Policy Statement on Urban Development 2020 (NPS-UD) applies to ‘urban environments’ which are defined as:

“urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- (a) is, or is intended to be, predominantly urban in character; and*
- (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people”*

One of the key policies of NPS-UD is Policy 1, which is around achieving well-functioning urban environments:

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

- (a) have or enable a variety of homes that:

 - (i) meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) enable Māori to express their cultural traditions and norms; and**
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) support reductions in greenhouse gas emissions; and*
- (f) are resilient to the likely current and future effects of climate change.*

Subpart 7 of the NPS-UD relates to development outcomes for zones. The requirements of clause 3.35 are:

- Objectives in a district plan for a zone in an urban environment must describe the development outcomes intended for the zone over the life of the plan (and beyond)
- Policies and rules in the district plan are consistent with the development outcomes in the objective(s) for the related zone.

The population of Kawerau District is 7,146 (Census 2018), so by definition is not an 'urban environment' and therefore the NPS-UD requirements do not apply directly to Kawerau District Council. However, the outcomes sought by Plan Change 4 and residential development of Roy Stoneham Park are consistent with the intent of the NPS-UD as:

- The development is to provide for a range of housing options and variety of section sizes and homes across different price ranges.
- Housing is to be in a location that is close to employment (e.g. Kawerau industrial zone), community services (e.g. medical centres, grocery stores, schools) and open spaces (e.g. local reserves).
- The location is within the existing urban area and supports a compact urban form.
- The location is identified as flood prone.
- The new Objective and Policy for the Residential Growth Precinct clearly state the development outcomes for the Stoneham Park area, and the changes to the rules are to provide for those development outcomes.

6.2.2 National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management (NPS-FM) came into effect on 7 September 2017. PC4 is not inconsistent with NPS-FM as:

- There are no rivers, streams or wetlands at the Roy Stoneham Park site, and it is the redevelopment of an existing site within an urban area.
- Water supply for the Roy Stoneham Park development will be provided by Kawerau's existing infrastructure capacity and within the existing water allocation for the town water supply.
- Stormwater management for the Roy Stoneham Park development will include on-site management and provision within the existing stormwater infrastructure capacity. The discharge from the existing stormwater infrastructure is managed through an existing resource consent.
- Potential adverse effects resulting from earthworks and stormwater management will be managed in accordance with regional plan and resource consent conditions. It is noted that necessary resource consent applications for the development of Roy Stoneham Park would be lodged at an appropriate time after rezoning has taken effect.

6.2.3 National Policy Statement on Highly Productive Land

The National Policy Statement on Highly Productive Land (NPS-HPL) came into effect on 17 October 2022. Under the NPS-HPL, land is considered highly productive if it is zoned General Rural or Rural Production AND it contains Land Use Capability (LUC) 1, 2 or 3 soils.

Roy Stoneham Park is currently zoned Reserve, and in this case the NPS-HPL does not apply and is not considered further in this report.

6.3 Bay of Plenty Regional Policy Statement

Proposed Change 4 is consistent with relevant Objectives and Policies from the Urban and Rural Growth provisions of the Regional Policy Statement (RPS) as amended by RPS Change 6 (NPSUD):

Objective 23 A compact, well designed and sustainable urban form that effectively and efficiently accommodates the region's urban growth

- Plan Change 4 is to provide for higher density residential development within the existing Kawerau township.

Objective 26 The productive potential of the region's rural land resource is sustained and the growth and efficient operation of rural production activities are provided for

- Roy Stoneham Park is not on land used for rural production activities.

Policy UG 8B: Implementing high quality urban design and live-work-play principles

- The development will contribute to the high-quality urban design principles in Appendix B of the Regional Policy Statement as relevant to the Kawerau township and its context.

Policy UG 9B: Co-ordinating new urban development with infrastructure

Policy UG 10B: Rezoning and development of urban land – investment and infrastructure considerations

Policy UG 11B: Managing the effects of subdivision, use and development on infrastructure

- Residential development at Roy Stoneham Park will connect to existing infrastructure in the surrounding area.

Policy UG 12B: Providing quality open spaces

- The wider proposal to develop Roy Stoneham Park for residential purposes includes redevelopment of the Stock Pound area in Kawerau for quality recreational use, and the inclusion of parks and open spaces within the new development.

Policy UG 13B: Promoting the integration of land use and transportation

- Residential development at Roy Stoneham Park will connect to existing transport infrastructure in the surrounding area. This includes the Kawerau to Whakatane #135 bus service on Valley Road and Fenton Mill Road near the location.

Policy UG 14B: Restricting urban activities outside urban environments (RPS Change 6 version)

- The proposal is for urban growth within an existing urban area that has reticulated water and wastewater services and is an efficient use of land in Kawerau District.

Policy UG 22B: Te Tiriti o Waitangi Principles (RPS Change 6 version)

- Section 4 of this report documents consultation with iwi during the development of proposed Plan Change 4.
- The proposed use of a Residential Growth Precinct allows application of that Precinct to other areas in Kawerau if appropriate. This includes land owned by Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust and other Māori Trustees, and land that could be developed for urban papakāinga.

In summary, Plan Change 4 is consistent with the provisions of the RPS above as residential development on Stoneham Park is within the existing urban area and:

- Contributes to achieving a compact urban form
- Does not affect rural production land
- Provides for residents to live, work, play and learn in Kawerau District
- Utilises existing infrastructure in the area, including transport infrastructure
- Provides open space through provision of parks within the development
- Is consistent with sound resource management principals.

6.4 Bay of Plenty Regional Natural Resources Plan and Regional Plan for the Tarawera River Catchment

The Regional Natural Resources Plan (RNRP) as objectives, policies and methods (which include rules) to address issues of use, development and protection of land resources, geothermal resources and freshwater resources, including the beds and margins of water bodies. While the RNRP controls the effects of activities (including land use activities) on water and soil resources, it does not contain specific policies or regulations that relate to the matters in PC4.

The Regional Plan for the Tarawera River Catchment (Tarawera Plan) was developed primarily to manage water quantity and water quality in the river catchment, and manage the effects of the discharges of the pulp and paper mills near Kawerau. The Tarawera Plan is designed to manage abstraction from the Tarawera River and maintain water quality standards in the

Tarawera River and its tributaries and lakes. As such, there are no specific policies or regulations that relate to the matters in PC4.

Proposed Plan Change 4 is not inconsistent with either the Regional Natural Resources Plan or the Regional Plan for the Tarawera River Catchment.

6.5 Consistency with adjacent district plans

Kawerau District is surrounded by Whakatane District. However, the matters in PC4 do not affect Whakatane District and there is no need or specific reason to be consistent with the Whakatane District Plan in relation to residential development.

6.6 Iwi Management Plans

The iwi management plans (IMP) and documents that are applicable to the area covered by Plan Change 4 are:

- Tuwharetoa ki Kawerau Strategic Plan 1991
- Ngati Rangithi Iwi Environmental Plan 2011
- Te Mahere Whakarite Matatiki Taiao O Ngati Awa – Ngati Awa Environmental Plan 2019

6.6.1 Tuwharetoa ki Kawerau Strategic Plan 1991

The Tuwharetoa ki Kawerau Strategic Plan is a document for the internal processes and tribal development of Ngati Tuwharetoa. The Plan states that:

“The report has three main purposes, with respect to Tuwharetoa ki Kawerau Tribal Development:

- 1. The definition of an iwi planning process suited to Tuwharetoa ki Kawerau.*
- 2. The establishment of kaupapa (mission), tikanga (goals) and take (policies) for the iwi.*
- 3. The establishment of an iwi administration structure to oversee tribal development.*

The intention is that his report be used by the iwi to initiate tribal development.”

Consultation with Ngati Tuwharetoa on residential development of Roy Stoneham Park and PC4 is documented in the Section 32 report (refer to section 4 of that report). PC4 is not inconsistent with the Tuwharetoa ki Kawerau Strategic Plan, and it is noted in the Section 32 report that:

“Subsequent hui are planned to discuss this opportunity and how the Residential Growth Precinct and proposed plan changes could be utilised by Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust (or other Māori land trusts) for any prospective residential developments they may wish to undertake in the rohe.”

6.6.2 Te Mahere a Rohe mo Ngati Rangitahi- Ngati Rangitahi Iwi Environmental Plan 2011

Te Mahere a Rohe mo Ngati Rangitahi - Ngati Rangitahi Iwi Environmental Management Plan includes issues, objectives, policies and methods for addressing important resources to the iwi.

Key parts of the Ngati Rangitahi Iwi Environmental Management Plan that are relevant to the scope and area covered by PC4 are:

- NGĀ RAWA WHAKAHIRAHIRA – Places of significant and customary resources areas
- NGĀ RAWA WHAKAHIRAHIRA – Archaeological sites
- KO TE PAPA – LAND – Urban development
- Schedule 1 – Nga rawa whakahira o Ngati Rangitahi - Places of Significance and Customary Resource Areas
- Schedule 2 - Archaeological sites (Pa)

The Ngati Rangitahi Iwi Environmental Management Plan contains a mapbook (Part 2 of the IMP). A review of map D06.1 in the mapbook indicates there are no sites of significance or archaeological sites at Roy Stoneham Park. PC4 is not inconsistent with the Ngati Rangitahi Iwi Environmental Management Plan because it relates to the residential development of land within an existing urban area.

6.6.3 Te Mahere Whakarite Matatiki Taiao O Ngati Awa – Ngati Awa Environmental Plan 2019

The purpose of the Te Mahere Whakarite Matatiki Taiao O Ngati Awa – Ngati Awa Environmental Plan is stated as:

“The purpose of this Plan is to articulate our:

- *common vision for kaitiakitanga of our natural resources and ancestral taonga.*
- *issues regarding resource and environmental management within our rohe.*
- *position regarding activities and development within our rohe (i.e. what we want or do not want to happen).*
- *expectations with regards to consultation by others, particularly Council, Central Government Agencies, developers and resource consent applicants.”*

Key parts of the Ngati Awa Iwi Environmental Plan that are relevant to the scope and area covered by PC4 are:

- Section 6.2 Land
- Section 9.1 Cultural Heritage

PC4 is not inconsistent with the Ngati Awa Iwi Environmental Plan because it is the residential development of land within an existing urban area that is not known to contain sites of cultural heritage.

7. Submissions on Proposed Plan Change 4

7.1 List of submitters addressed in this report

The submissions opportunity for around residential development of Roy Stoneham Park included options to submit on:

- The reserve revocation for Roy Stoneham Park (under the Reserves Act),
- Proposed Plan Change 4 to the District Plan (under the Resource Management Act), and
- Ideas for the development of the Stock Pound:

Some submitters did not submit on Proposed Plan Change 4 (which was Option 2 in the online submissions portal). Submitters 12, 15, 32, 36 and 39 did not submit on Proposed Plan Change 4 and are not included in this report. The submitters who did submit on Proposed Plan Change 4 and whose submissions are addressed in this report are listed below.

Submitter Number	Submitter Name	Abbreviation (if used)
1	Sheryl Hiha	
2	Irma Hoani	
3	Allan Clarke	
4	Gabrielle Brown	
5	Jan Pullin	
6	Allie Curran	
7	Chris Reynolds	
8	Tapara Reid-Hiakita	
9	Shaun Wright	
10	Huia and Rongo MacDonald	
11	Herenga a Nuku	
13	Peter John Cowley, Industrial Symbiosis Kawerau	ISK
14	Lester Murfitt	
16	Elaine Florence McGlinchey	
17	Jacob Kajavala, Kajavala Forestry Ltd	KFL
18	Hendrik Westeneng	
19	Roxane Prescott	
20	Angelique Nicoll	
21	Peter Wright, Taurus Electrical	
22	Kawerau and Districts Grey Power Association	Grey Power
23	Maria Mitchell	
24	Kirsten Brown	
25	Raewyn Morgan	
26	Christine Borlase	
27	Fire and Emergency New Zealand	FENZ
28	Tracy Wilson	
29	Savage Papakāinga Land Trust	

Submitter Number	Submitter Name	Abbreviation (if used)
30	Nasaire Karauria	
31	Vicky Mitchell	
33	Waka Kotahi	
34	Phil Kilroy	
35	Alison Marshall	
37	Te Atawhai Karauria	
38	Kristine Windle	
40	Moana Hale	

7.2 Assessment of Submissions

It is important to note that under the RMA Council is not required to make individual decisions on each and every submission or the specific relief sought in them. The opportunity exists for submitters to clarify their reasons in hearing evidence presentation, including presentation of a joint case with others who have made similar submissions if desired, noting that they cannot expand on the scope of their submissions.

7 submitters initially indicated that they wish to be heard at a PC4 hearing. However, some submitters subsequently decided not to appear at the hearing.

No submitters acknowledged any trade competition interests. Other than trade competitors the RMA allows 'any person' to make a submission.

Persons making submissions in many instances may not fill in the forms exactly as required by the RMA First Schedule and the Regulations, even where the forms are provided to them by the local authority. The RMA encourages public participation in the resource management process, and the ways whereby members of the community participate in that process should not be bound by formality. Some submissions have indicated opposition to the proposal and some have not recommended any amendments to the proposal in the event that PC4 is approved and residential development proceeds. These are noted in the relevant table below.

7.3 Assessment of submissions by topic

The submissions received on PC4 have been grouped into four broad topic areas for assessment:

Topic 1: Whole of Plan Change 4

Topic 2: Matters outside Plan Change 4 related to Roy Stoneham Park development

Topic 3: Residential zone chapter changes

Topic 4: Subdivision chapter changes

It should be noted that some submitters had a number of points, which have been split into the different topics as relevant.

7.4 Topic 1- Whole of Plan Change 4

26 submitters submitted in relation to the Whole of Plan Change 4.

Table 1 – Submitters on Whole of Plan Change 4

Submitter number	Name	Support/Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
1	Sheryl Hiha	Oppose	Why build more houses? Why not build a park, or tables for picnics. This town needs to focus on the children and their upbringing before building houses they can't even live in.	[no relief specified]	Decline
2	Irma Hoani	Oppose	I strongly oppose District Plan Change 4. The social impact of higher population density on this parcel of land is a recipe for disaster having lived in an area such as this. Therefore, I strongly oppose urban intensification as specified in the proposed plan changes.	I offer the alternative for consideration: Allocating a portion of Prideaux Park to build nice townhouses. This will create a more vibrant "downtown" space and will offer units for people who prefer to live within walking distance to shops and work. Units such as these would fall into a more affordable housing	Decline

Submitter number	Name	Support/Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
				space. Alternative spaces such as Boyce Park could also be considered.	
3	Allan Clarke	Support	I support District plan change 4 as proposed by KDC.	[no relief specified]	Accept
5	Jan Pullin	Support in Part	That's all good.	[no relief specified]	Accept
6	Allie Curran	Support	My partner and I are hoping to move to Kawerau; we have had trouble finding a quality small house. We fully support this proposal.	[no relief specified]	Accept
7	Chris Reynolds	Support	I like the idea of providing a wider range of types of accommodation than is generally available in the current parts of town. I also support the changes proposed to the rules governing Setbacks, Site Coverage, Height, Additional Minor Dwellings. They seem practical for enabling more extensive use of the land.	[no relief specified]	Accept
8	Tapara Reid-Hiakita	Oppose	The worry is who will benefit from turning Roy Stoneham Park reserve into residential land? Will the locals that have been part of our community for more	[no relief specified]	Decline

Submitter number	Name	Support/Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			than 20yrs be able to afford the homes that are proposed?		
9	Shaun Wright	Oppose	I'm against the council's intention to exchange the reserve status of Roy Stoneham Park.	[no relief specified]	Decline
10	Huia and Rongo MacDonald	Support	We SUPPORT the proposed Roy Stoneham Park Residential Development currently being progressed by Council as part of the March 2023 Consultation and Engagement Meetings process with the Kawerau community.	[no relief specified]	Accept
13	Peter John Cowley Industrial Symbiosis Kawerau (ISK)	Support	We support this change as it will facilitate the Residential Development as proposed.	[no relief specified]	Accept
14	Lester Murfitt	Support	I support the proposed District Plan Change 4. Changing the plan to allow slight change in building/land ratio makes housing more accessible to people who are currently blocked from having a place to make home. If the development provides for mix of ages and stages in life the neighbourhood	[no relief specified]	Accept

Submitter number	Name	Support/Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			will develop and reflect our community. Rather than isolating different groups into their own separated spaces.		
16	Elaine Florence McGlinchey	Support	Needed to get this much needed housing development going.	[no relief specified]	Accept
17	Jacob Kajavala Kajavala Forestry Ltd (KFL)	Support	I strongly support the initiative to grow residential options for the community. Efforts to grow & enhance this community will only be effective if we can house the growth.	[no relief specified]	Accept
18	Hendrik Westeneng	Support	(No comment)	[no relief specified]	Accept
20	Angelique Nicoll	Support	I believe this is a positive initiative by the council to further provide affordable homes for members within our community, who may be disadvantaged financially due to rental prices and home ownership.	[no relief specified]	Accept
21	Peter Wright Taurus Electrical	Support in Part	To change the district plan I feel there are other area that could be used within the district for housing that already has all amenities around them so cost would not be high and a	[no relief specified]	Accept in part

Submitter number	Name	Support/Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			burden on rate payers.		
22	Kawerau and Districts Grey Power Association	Support	Kawerau Grey Power supports the District Plan Change 4.	[no relief specified]	Accept
23	Maria Mitchell	Support	(no comment provided)	[no relief specified]	Accept
24	Kirsten Brown	Oppose	(no comment provided)	[no relief specified]	Decline
25	Raewyn Morgan	Support	I support this.	[no relief specified]	Accept
26	Christine Borlase	Support in part	(no comment provided)	[no relief specified]	Accept
30	Nasaire Karauria	Oppose	Not sure more houses will be a good replacement for a beautiful place to walk your dogs, exercise or even just to look at.	[no relief specified]	Decline
31	Vicky Mitchell	Support	I support the district plan change 4.	[no relief specified]	Accept
33	Waka Kotahi	Support	The Roy Stoneham Park Residential Development area is well suited to residential growth and is part of the contiguous urban area. It is well placed for land use and transport integration meeting Waka Kotahi objectives of enabling people to live, work, learn and enjoy recreation locally without having to solely rely on private	Waka Kotahi seeks that the plan change is approved.	Accept

Submitter number	Name	Support/Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			<p>vehicles.</p> <p>3. The plan change is also aligned with the National Policy Statement on Urban Development Policy 1 (a), (c) and (e). Giving people the ability to access housing, jobs, and community spaces without relying on private vehicles and reducing vehicle kilometres travelled.</p> <p>4. The proposal includes cycle and pedestrian access to allow for active modes of transport to be used.</p>		
38	Kristine Windle	Support in part	(no comment provided)	[no relief specified]	Accept
35	Alison Marshall	Support	<p>I support the District Plan Change 4 Reasons</p> <p>Roy Stoneham Park Residential Development Vision</p> <p>It is a bit difficult to oppose the vision upon which the changes to the District Plan have been based, as these plan changes plan have been made in response to public requests for more housing supply in Kawerau, to accommodate the growing need and from public feedback on the</p>	[no relief specified]	Accept

Submitter number	Name	Support/Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			types and models of housing required.		

7.4.1 Assessment/Reason for Staff Recommendation

The submissions supporting PC4 are noted and accepted. These are Allan Clarke (#3), Jan Pullin (#5), Allie Curran (#6), Chris Reynolds (#7), Huia and Rongo MacDonald (#10), ISK (#13), Lester Murfitt (#14), Elaine Florence McGlinchey (#16), KFL (#17), Hendrik Westeneng (#18), Angelique Nicoll (#20), Grey Power (#22), Maria Mitchell (#23), Raewyn Morgan (#25), Christine Borlase (#26), Vicky Mitchell (#31), Waka Kotahi (#33), Kristine Windle (#38), and Alison Marshall (#35).

The submission from Peter Wright (#21) supports in part PC4, and suggests that other areas in the district could be used for housing at a reduced cost. It is recommended that this submission is accepted in part as Council has previously investigated other areas for housing and decided that Roy Stoneham Park is appropriate for residential development. Other areas in Kawerau township are privately owned and development is dependent on landowner interest and external funding arrangements.

The submissions opposing PC4 (including the development of Roy Stoneham Park) are acknowledged but declined. These are Sheryl Hiha (#1), Irma Hoani (#2), Tapara Reid-Hiakita (#8), Shaun Wright (#9), Kirsten Brown (#24) and Nasaire Karauria (#30). The reason for decline is that Kawerau District Council has committed to the residential development of Roy Stoneham Park through its Long Term Plan 2021-2031, and PC4 is part of the process to achieve that development. As noted above, PC4 provides for additional housing choice and typologies as permitted activities in the Residential Growth Precinct to meet the changing demand for housing in the area. PC4 provides for new housing; smaller housing types and sections such as town houses, flats and units; smaller section sizes, duplex housing, and additional dwellings on a property. These factors provide for a wider range of housing within the District, including affordable housing and multi-generational housing.

It is noted that some matters of concern to submitters who oppose PC4 may be addressed by the Structure Plan or matters outside the scope of PC4. Appendix 1 contains responses to Topic 2 (Matters outside Plan Change 4 related to Roy Stoneham Park development), which may be of interest to the submitters.

7.4.2 Recommendations

- It is recommended that the submissions are either accepted, accepted in part or declined as shown in Table 1 above, and for the reasons given in Section 7.4.1 Assessment/Reason for Staff Recommendation.
- I recommend that the Hearing Commissioner retain the provisions in Plan Change 4 as notified.

7.4.3 Section 32AA evaluation

No changes to PC4 are recommended in relation to the submissions in the table above. As such, no further evaluation is required in relation to section 32AA.

7.5 Topic 2 Matters outside Plan Change 4 related to Roy Stoneham Park development

10 submitters had submission points in relation to Matters outside Plan Change 4 related to Roy Stoneham Park development. These are concerns with the residential development rather than matters that can be addressed by the proposed amendments to the District Plan in PC4.

Table 2 – Submitters on Matters outside Plan Change 4 related to Roy Stoneham Park development

Submitter number	Name	Support/ Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
4	Gabrielle Brown	Oppose	Could some of the Roy Stoneham reserve be kept while some get developed?	[refer to summary of submission]	Accept
10	Huia and Rongo MacDonald	Support	We SUPPORT and appreciate the inclusion of the following design aspects; a) Green Pedestrian Walkway backing onto Valley Road Homes; b) Planting For Visual Amenity;	[refer to summary of submission]	Accept

Submitter number	Name	Support/Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			c) Interconnected Green Park Spaces for sustained community wellbeing; d) Existing Secondary Pedestrian Access/Connection.		
10	Huia and Rongo MacDonald	Support	We SUPPORT the private owners of Kowhai Park Land Parcel that should an agreed purchase of the 'said' Kowhai Park Land Parcel eventuate, that a Through road only be approved.	[refer to summary of submission]	Accept
10	Huia and Rongo MacDonald	Oppose	We DO NOT SUPPORT 'through road' access that may enable road users to 'speed' on entry from Fenton Mill road to Peter Lippa Drive and vice versa. Reduced vehicle noise levels at all times for residents, and road user and pedestrian safety should remain a traffic management priority.	[refer to summary of submission]	Accept
11	Herenga a Nuku	Oppose	Herenga ā Nuku recognises that the current Roy Stoneham reserve has many access points and connects the surrounding community and the Kawerau township. The park and	1. We recommend maintaining the connectivity and public access currently afforded	Accept

Submitter number	Name	Support/ Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			<p>the accessways to the park provide connection to roads, public spaces and housing areas. We request that this connectivity be retained within the new proposed residential development so that public access through this area remains and connection corridors allow for continued access.</p>	<p>by the Roy Stoneham reserve. Specifically, we would like to see the roading within the new development kept as public roads, not private. We would encourage a connection corridor to and through the new development to maintain connectivity and ensure public access to the outdoors is not reduced or affected in this area.</p> <p>2. Herenga ā Nuku recommends creating a walking and cycling track between the current recreation reserve at Roy Stoneham Park and the new proposed recreation reserve at the Stock</p>	

Submitter number	Name	Support/ Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
				Pound. This track/access route will provide an important access corridor and a link between the two spaces (that is, between the existing Roy Stoneham Park and the proposed new reserve).	
19	Roxane Prescott	Oppose	Not sure but leave the horses alone.	[refer to summary of submission]	Decline
28	Tracy Wilson	Support in part	I support if comments made in sections 1 and 3 are acted upon. [note – Section 1 relates to submission on revocation of Reserve status, Section 2 relates ideas for the Development of the Stock Pound]	[refer to summary of submission]	Decline
29	Savage Papakāinga Land Trust	Support in Part	We would like to raise a few important points for consideration before we can support this project: <ul style="list-style-type: none"> • Tripartite relationship 	[refer to summary of submission]	Accept in part

Submitter number	Name	Support/ Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			<ul style="list-style-type: none"> • Absence of a strong strategy • Maori land and Papakainga Strategy • Maori perspective • Naming conventions • Cultural significance of a house <p>[refer to full submission for detail on the matters above]</p>		
33	Waka Kotahi	Support in part	<p>It appears that the intersection of Valley Road and State Highway 34 will have adequate capacity as well as adequate form to accommodate the additional traffic associated with the plan change safely and efficiently. However, Waka Kotahi note that the traffic impact assessment does not include a specific assessment of this intersection.</p>	Waka Kotahi consider that a specific assessment of the Valley Road and State Highway 34 intersection should be undertaken.	Accept
35	Alison Marshall	Support in part	Consider different building materials - wood is coming back into fashion, concrete raw materials are finite	[refer to summary of submission]	Accept in part

Submitter number	Name	Support/ Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			resources, building houses off the ground instead of all of them on concrete pads – where does the rain go when there's not enough ground around the concrete pads to absorb heavy rainfalls, the park is flat so can't build a downhill water run off (as seen on the TV news in Auckland during the recent January flooding)		
35	Alison Marshall	Support in part	– no gated retirement village concept, seniors can live independently in smaller homes within the multigenerational community pedestrian walkways to be accessible to wheelchairs, bicycles, prams and pushchairs	[refer to summary of submission]	Accept
35	Alison Marshall	Support in Part	if existing trees have to be felled, could you please plant tall trees and not seedling sized – incentives for home owners to plant greenery – we all know how important trees are for our	[refer to summary of submission]	Accept in part

Submitter number	Name	Support/ Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
35	Alison Marshall	Support in Part	<p>wellbeing</p> <p>Traffic Management Concerns – Increased traffic volume – more vehicles, noise and vehicle headlights Unfortunately the most logical place for the only two-way vehicular entry and exit point is at the T-junction of Peter Lippa Drive and Windley Place. The T-junction will become a crossroads, or even a roundabout! I would prefer this intersection to remain a T-junction and not become a roundabout – and please, NO MORE shudder, judder bars (speed humps). The April 2021 Stapleton Elliott vision document (page 07) showed a one-way vehicle access point turning into Stoneham Park from Fenton Mill Road. Council told us that Veros deemed this turning in point would add to traffic congestion in Fenton Mill Road, being</p>	[refer to summary of submission]	Accept in part

Submitter number	Name	Support/ Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			<p>too close to the Putauaki School, Kowhai Park and Ballantrae 7-Day Store entry and exit points into and out of Fenton Mill Road.</p> <p>However there would be no congestion if the one-way vehicle access was a left-turning only exit point from Stoneham Park out into Fenton Mill Road.</p>		
35	Alison Marshall	Support in Part	<p>Main entrance into the development from Peter Lipa Drive. The April 2021 Stapleton Elliott vision document Spatial Analysis & Response Diagrams (page 07) suggests the primary vehicular entry point be via "a bespoke landscaped gateway to provide a sense of destination and interpretive signage"!! and (page 14) Urban Design Key Qualities – 7 C's Creativity – suggests the main entrance to the development "be defined by considered</p>	[refer to summary of submission]	Accept in part

Submitter number	Name	Support/ Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			<p>signage and sculpture that will have cultural and place meaning”!! IMHO (in my humble opinion) I suggest that if this looks and feels too different from the rest of the neighbourhood then it may feel too much like a gated community or enclave within to the rest of us, and we may feel discouraged from, and uncomfortable when, walking through the park, around the streets and using the “enhanced green space and recreational areas” within the housing area. No fancy entrance, just an ordinary road with a street sign and attractive planting would suffice.</p>		
35	Alison Marshall	Support in Part	<p>Lighting Concerns – the increased street lighting at the Peter Lippa/Windley intersection – more light pollution in the night sky in</p>	[refer to summary of submission]	Accept in part

Submitter number	Name	Support/ Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			<p>the area from the all the extra street and house lighting. ALAN – artificial light at night – widespread negative impact on night time species – health impacts and sleep deprivation on humans – ruins our view of the stars in the night sky</p> <p>We have a semi-rural outlook and a dark night sky. I'm pleased that Council has assured us "it's not going to be stadium lighting". At one of the consultation meetings Council said "plan changes are an ideal testing ground for new ideas." May I suggest Council explore all street lighting ideas ie dimmable, solar powered.</p>		
35	Alison Marshall	Support	<p>Funding Model I support and commend the Council's decision to use the timely 3 Waters grant to fully fund the stages of the development at no cost to the ratepayer – and that the original grant</p>	[refer to summary of submission]	Accept

Submitter number	Name	Support/ Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			money will be available at the completion of the project for further community projects.		
37	Te Atawhai Karauria	Oppose	I believe this development will disrupt our household and all households that neighbour the Reserve. I also believe the road that is planned to run parallel to our boundaries will bring noise pollution from increased traffic and the high possibility of increased crime.	[refer to summary of submission]	Decline
40	Moana Hale	[not specified]	I'm writing to make a suggestion concerning the traffic flow for the new proposed Stoneham Park Development. The farm area between Hardie Ave and Stoneham Park I've walked before and I reckon to make a road through will speed the traffic flow ease onto to Valley Road. It will also allow people an option to River Road and further from there. I think this is a great suggestion.	[refer to summary of submission]	Decline

7.5.1 Assessment/Reason for Staff Recommendation

The matters of concern in the submissions in Table 2 above are related to the residential development of Roy Stoneham Park, but outside the scope of Plan Change 4. Many of the submission points are addressed in the structure plan, which includes the concept plan or layout of the development. The structure plan is currently a non-statutory development plan that may evolve as final investigations and planning is completed. The structure plan will be included in the sub-division application, which is the next step after Plan Change 4 in the development phase (refer to Figure 1 above for the development phases). Other submission points are addressed through agreements with Council that sit outside PC4.

While the submissions in Table 2 do not lead to amendments to PC4, a response is provided as to whether the concern has been addressed (i.e. accepted or accepted in part), or the submission point cannot be addressed or the suggestion is not appropriate (i.e. declined). Appendix 1 contains a report from Veros that provides an overview of matters addressed in the structure plan. This is referred to (as relevant) in the following assessments.

Gabrielle Brown (#4) requests the retention of green space and reserve area in the development. This submission point is accepted as the structure plan includes provision for public space. The Veros report in Appendix 1 contains additional information under the Green Space, Environment and Home Design heading.

Huia and Rongo MacDonald (#10) have three submission points in this Topic, which have been addressed individually as detailed below:

- Green space, pedestrian access and planting - This submission point is accepted as it supports the inclusion of design aspects covering these matters in the structure plan.
- Kowhai Park Land and Through road from Fenton Mill Road to Peter Lippa Drive - These submission points are accepted, as there will be only one vehicle access point at Peter Lippa Drive. In taking into consideration the traffic movements in Fenton Mill Road and the scope of the existing access way into Kowhai Park Residential Development, Council does not have any plans to put in a through-road into the main area of the Stoneham Park development. In addition, Council agreed with residents in prior submission rounds who advised that only having access via Fenton Mill Road to the Kowhai Park area and to the Stoneham Park development via Peter Lippa would help prevent speeding and excessive joy riding through the area ensuring the safety of residents and pedestrian and cyclists in the area. In addition, the current cobbled roadway would be kept in the short to medium term and that an addition of traffic for approximately 20 dwellings would be possible via this existing access way and down through Les Martin Place. However, any further traffic movements would also impact on the lifestyle and culture of the Kowhai Park Residential Development which has been acknowledged by Council. The Veros report in Appendix 1 also contains additional information under the Traffic and Vehicle Throughfare heading.

Herenga a Nuku (#11) request that connectivity be retained within the residential development to public access remains. This submission point is accepted, as the structure plan

includes walking and cycling access within the residential development and to the wider area. The Veros report in Appendix 1 contains additional information under the Pedestrian and Cycle Throughfare heading.

The submission from Roxane Prescott (#19) is declined for the following reasons. Kawerau District is seeing an increasing demand for residential property. With little freehold land within our district, Stoneham Park Reserve was identified as a possible future development site in 2017 when the council started to develop its housing strategy. In addition, this land is not at risk of natural hazards such as flooding and landslides; it is close to the nearby Kawerau Putauaki School and general store; and nearby the regional transport network. The current lease to graze horses in the 5.44ha operated as the stock pound in Fenton Mill Road was enacted around 2018 on an 'as needed' basis and unfortunately, this lease is not tenable with the Intention to Exchange the Reserve Status. Currently, residents can only see the horses from the road frontage. While Council appreciates that people enjoy seeing the horses, Council believes that a greater proportion of the community will gain higher recreational benefits from the Fenton Mill Road land when it is opened up as a recreational reserve with enhanced features. This area is close to the town centre but away from the geothermal area that flanks the current BMX track. The opportunity to utilise the Fenton Mill land for recreation for children, youth and whānau will maximise this available land and offer a unique reserve. Conversely, the passive reserve at Stoneham Park has little recreational value now that organised sport has moved away. The cost of mowing the grass costs ratepayers approx. \$17,000 per annum, money that can be spent on the new reserve in Fenton Mill Road.

Tracy Wilson (#28) supports PC4 only if her submission on the reserve revocation (under the Reserves Act) and feedback on the redevelopment of the Stock Pound are acted upon. This submission is declined for the following reasons:

- The name of the park is Stoneham Park. However, given that there was confusion from the public in the original 2019 submission process, Council has referred to the project as: Roy Stoneham Park Residential Development (the former soccer club grounds) to avoid confusion. The name as per the District Plan is Stoneham Park.
- With regard to discussion with the family of former Mayor Roy Stoneham, Council has discussed with the family representative their wishes for the naming of the development should it be approved. A whānau spokesperson of Roy Stoneham has indicated that the family do not wish the development to carry the Stoneham name. The family would prefer that an internal park within the development be the namesake. The wish is that Iwi Kaumātua would find appropriate names for the development's streets, walkways and parks (as appropriate) after nature, the natural environment and/or tīpuna as they believe would have been the wish of Roy Stoneham. Council will continue these discussions with Iwi Kaumātua and the whānau.
- The lack of housing in Kawerau is spread across a broad spectrum of society. Those who are on waiting lists may not wish to purchase a new home, but they may wish to rent a new home, or duplex unit. Similarly, those Kawerau and Districts Ageing in Place (KADAP) members answered the survey question as they wished to live in quality, healthy and environmentally friendly accommodation. This is all possible with new

builds, whether they be purchased outright or rented. With today's builds being 'turnkey' packages, the easy care sections are part of the cost and completed as part of the build, which makes the process for a buyer easier by dealing with only one company, who manages all the sub-contracting work. In addition, the Council is mindful of the many family members who do wish their elderly parents or grandparents to live with them and have made that provision available in the PC4 for an additional adjoining dwelling. This will also provide a potential home and income package.

- The current economic climate has impacted house sales across Aotearoa. Council is confident there is still demand for sections, and house and land packages. This has been confirmed through new building companies contacting Council to submit their interest in partnering to build in the current and new developments. Council agrees that ideally the existing subdivisions be fully completed prior to any new developments. This is the reason Council is progressing Stoneham Park now, as given the Intention to Exchange process required, along with the PC4 process and the subsequent Resource Consents that are required – the Stoneham Park development, at best, will be available for purchase in 2025.
- The shortage of health care professionals is not unique to Kawerau and is not within Council's scope to directly remedy. However, the Tūwharetoa ki Kawerau Hauora and other health care providers in the district are working hard to alleviate these issues and ensure adequate healthcare provision. This is not an easy fix, however, greater numbers of residents can also ensure better service provision due to economies of scale.
- Council staff like all businesses are still at times impacted by the Covid-19 Pandemic. This will of course ease. With regard to the water outages, the majority of these are planned in line with the major Drinking Water Pipe replacement project currently being undertaken by Council until 2026. This is to set the district up in good stead for the handover the assets and operation of the district's Stormwater, Wastewater and Drinking Water to the Three Waters' entity. Like many businesses, Council has at times struggled to fill certain roles. However, again, this is not unique to our district. Prior to the pandemic, there were few issues, and only rare occasions when Council had to shut any services due to staffing. Council is a small and lean organisation, which is reflected in staff numbers. However, its provision of services outweighs its size limitations.
- Currently, the passive reserve at Stoneham Park has little recreational value now that organised sport has moved away. The cost of mowing the grass costs ratepayers approx. \$17,000 per annum, money that can be spent on the new reserve in Fenton Mill Road. In addition, it is planned that the Fenton Mill Reserve would be developed in stages as external funding is secured. It is important to the Council to develop a reserve that is fit for purpose for the community. Council has commenced discussions with Iwi Kaumātua, Council's Cultural Advisor appointed by Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust, in terms of the site's cultural and historical importance for tangata whenua. Council will continue these discussions to ensure that all aspects of cultural importance are considered and developed with the approval of Iwi Kaumātua

and tangata whenua. Feedback during the submission process, particularly, from Kawerau's youth showed that they see this being a great resource for tamariki and whānau. The feedback from the Tarawera High School taura (students) was largely incorporated into the concept plan for the development of the land on Fenton Mill Road. Council agrees that any development, needs to be made with the best easy care, low-maintenance areas as possible.

Savage Papakainga Land Trust (#29) raises a number of concerns (as listed in Table 2 and detailed in their submission). The submission is accepted in part for the following reasons:

- **Tripartite Relationship**
Council is interested in partnerships to mutually benefit the residents and ratepayers of Kawerau. As an 'enabler' of housing, Council is interested in discussions with other Iwi and Tangata Whenua organisations to support growth and specifically residential developments in the district.
- **Council Housing Strategy**
Council began developing the Housing Strategy in 2017, incorporating it into the Long Term Plan 2018-2028. This has been a multi-pronged vision to enable housing for seniors, locals, attract people home to the district to ensure the prosperity of local education and businesses. Council has consulted during multiple processes since 2018, 2021 and more recently in 2023 in the lead-up to this final process for the Plan Change 4 and the Intention to Exchange the Reserve Status of Roy Stoneham Park. The strategy is for Council to enable housing and this has been discussed with Iwi Kaumātua throughout that timeframe. In addition, Council has shared this vision and strategy with Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust several times and will continue doing so.
- **Māori Land and Papakāinga Strategy**
Council is mindful in terms of its scope and primary objectives to enable development for housing. Within that principle, Council wishes to work alongside land owners, Māori Land Trusts and Iwi Landowners regarding their aspirations and vision. With regards to a papakāinga strategy, Council recommends that these discussions and aspirations can be undertaken in the development of the Eastern Bay Spatial Plan. The aim of the spatial plan is to determine areas of growth for the region, the types of growth. Council is currently seeking guidance from Iwi Kaumātua to determine a framework for discussion and engagement and look forward to progressing these discussions with the Savage Trust. The Eastern Bay Spatial Plan will see Kawerau District Council working with Whakatāne and Ōpōtiki Districts. In addition, Council is likely to carry out further reviews of the Kawerau District Plan, which would be an ideal regulatory vehicle to incorporate Papakāinga Strategy into the future growth. To clarify, the Plan Change 4 for the Stoneham Park Residential Development refers only to the residential growth precinct of the area overlaying Roy Stoneham Park and the adjacent land parcel. Council will continue dialogue with the Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust, and also Tūwharetoa ki Kawerau Hauora as important relationship partners, along with Trusts and land owners as appropriate.
- **Māori Perspective**

Council acknowledges its obligations under Te Tiriti o Waitangi and respects the importance of a Te Ao Māori view. Council is privileged to have Rangatira, Iwi Kaumātua and Cultural Advisor walking the path alongside it to provide guidance and instruction, as Council grows its relationships within the rohe with Tangata Whenua.

- **Naming Conventions**

There have been few new streets and developments in Kawerau. The most recent were the Council's Central Cove and Porritt Glade Lifestyle Village developments. With both these developments, Council asked Iwi Kaumātua and Council's Cultural Advisor, for advice and suggestions for names which Council duly adopted with Tiwhatiwha and Piripiri Crescents. Council also acknowledged the need to rename particular streets in Kawerau that had been incorrectly named. Council has apologised to Iwi Kaumatua, Tangata Whenua and the community for these errors. Council was mindful of the need to make these corrections to these street names to respectfully reflect the whakapapa and tīpuna of the rohe – Mawake Taupō and Hine Te Ariki. Naming conventions for Stoneham Park Residential Development have been raised and discussed with Iwi Kaumātua and the whānau of the park's namesake. In terms of entry signage and naming of streets, walkways and/or parks: Council wishes to liaise further with Iwi Kaumātua and the whānau of the namesake of the original park (Roy Stoneham) in terms of appropriate naming conventions. A whānau spokesperson of Roy Stoneham has already indicated that they do not wish the development to carry the Stoneham name, and would prefer that an internal park within the development be the namesake. Their wish is that Iwi Kaumātua would find appropriate names for the development's streets, walkways and parks (as appropriate) after nature, the natural environment and/or tīpuna as they believe would have been the wish of Roy Stoneham, and named as deemed appropriate by Iwi Kaumātua. Council will continue these discussions with Iwi Kaumātua and the whānau. In addition, Council may seek to review the Council Street Naming Bylaw to reflect the importance of Tangata Whenua input and approval.

- **Cultural Significance of a House**

Council acknowledge and appreciate the cultural value of homes for those who whakapapa to Kawerau, those Iwi members who choose Kawerau as their home, or whom have returned home to Kawerau where they whakapapa to. Regarding other concerns in the submission, Council has limited tools and resources available to directly rectify these. However, Council can advocate on behalf of its rohe and can contribute to the collective voice on the issues outlined in the submission.

Waka Kotahi (#33) requested a traffic assessment of the Valley Road and State Highway 34 intersection be undertaken. This submission point is accepted as a transportation assessment has been undertaken for the intersection of concern. The Veros report in Appendix 1 contains additional information under the Traffic and Vehicle Throughfare heading.

Alison Marshall (#35) has a number of submission points, which have been addressed individually as detailed below:

- **Building materials** - This submission point is accepted in part as the intention is to use a design guideline for the residential development that will set out standards, including for construction materials. The Veros report in Appendix 1 contains additional information under the Green Space, Environment and Home Design heading.
- **No gated community concept** - This submission point is accepted as it is not intended for the Roy Stoneham Park to be a gated community. The Veros report in Appendix 1 contains additional information on this matter under the Pedestrian and Cycle Throughfare heading.
- **Trees** – This submission point is accepted in part as the landscape planting for the development will form part of the detailed design for the sub-division consent stage. It is intended for the planting scheme to use species at a suitable size. The Veros report in Appendix 1 contains additional information under the Green Space, Environment and Home Design heading.
- **Traffic Management concerns** - This submission point is accepted in part as there will be no vehicle access from Fenton Mill Road, but a roundabout is planned at the junction with Peter Lippa Drive. The Veros report in Appendix 1 contains additional information on this matter under the Traffic and Vehicle Throughfare heading.
- **Main entrance** – This submission point is accepted in part as the intention is for the design to be consistent with Kawerau’s current streetscapes. The Veros report in Appendix 1 contains additional information under the Green Space, Environment and Home Design heading.
- **Lighting concerns** – This submission point is accepted in part as the intention is for street lighting to be used in a way that balances neighbourhood safety, energy efficiency and minimising impact. The Veros report in Appendix 1 contains additional information under the Green Space, Environment and Home Design heading.
- **Funding Model** - This submission point is accepted as it supports Council’s funding model for the development.

Te Atawhai Karauria (#37) opposes the development due to concerns about disruption to neighbours, and effects of a road running parallel to property boundaries. The submission is recommended for declined as Council has committed to developing Roy Stoneham Park for residential use. However, mitigating the potential adverse impacts on neighbouring properties is important to achieve. This is to be achieved through design and layout in the structure plan, and other resource consent processes. The Veros report in Appendix 1 contains additional information on mitigation measures, including under the Traffic and Vehicle Throughfare heading.

Moana Hale (#40) suggests a road between Hardie Ave and Roy Stoneham Park. This submission is declined as the farm area between Hardie Ave and Roy Stoneham Park is privately owned by Ngati Tuwharetoa and currently farmed. As such, it is not appropriate to consider this land for road access.

7.5.2 Recommendations

- It is recommended that the submissions are either accepted, accepted in part or declined as shown in Table 2 above, and for the reasons given in Section 7.5.1 Assessment/Reason for Staff Recommendation.
- I recommend that the Hearing Commissioner retain the provisions in Plan Change 4 as notified.

7.5.3 Section 32AA evaluation

No changes to PC4 are recommended in relation to the submissions in the table above. As such, no further evaluation is required in relation to section 32AA.

7.6 Topic 3 Residential zone chapter changes

4 submissions were received in relation to Residential zone chapter changes.

Table 3 – Submitters on Residential zone chapter changes

Submitter number	Name	Support/Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
7	Chris Reynolds	Support	In addition, I would like to see these changes made available to all existing house sites in Kawerau. I cannot see any physical or mechanical reason why some sites should have one set of Rules and other sites have a different set of Rules.	Apply Residential Growth Precinct standards to the Residential Zone.	Decline
7	Chris Reynolds	Support in part	And, taking this to its logical extension, I see no real reason for the difference in Set-Back rules for	Apply the same setback distances for front of house and garages.	Decline

Submitter number	Name	Support/ Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			<p>front of house and front of garage. A number of houses have garages built into them these days and I fail to see any point in different setbacks depending on whether there is a garage or a rumpus room behind the front wall. And if one is going to quote "aesthetics" as the reason for having the difference, I would respond that with the proliferation of 6-foot-high front fences, you cannot see an awful lot of what is behind them anyway</p>		
11	Herenga a Nuku	Oppose	<p>We support these access routes and connectivity and would like these to be included in Plan Change 4 so the community has a sense of what the Growth Precinct will look like. Plan Change 4 offers no certainty or plan of what access there will be into and through the Growth Precinct but instead offers a concept that is open to change and has no legal</p>	We suggest that the Residential Growth Precinct Provisions include a direct reference to providing for active transport and connectivity to and through the site.	Accept in part

Submitter number	Name	Support/ Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			status. Similarly, the Growth Precinct's conditions do not include access through or into the precinct. Therefore Herenga ā Nuku opposes Plan Change 4 based on accessibility.		
34	Phil Kilroy	Support	No problem as long it is for this for this new subdivision only. With up to 50% coverage for building maybe have a green space allocation as we don't want 100% coverage in building and hard surfaces, as this could affect drainage issues.	50% building coverage for the new subdivision only (Roy Stoneham Park)	Accept
35	Alison Marshall	Support in part	Concerns – greater density residential development, number of sections 80 – greater site coverage from 35% to 50%, let's hope not every house is built to 50% coverage as it could look like Papamoa - "all house and no trees"	[relief not specified]	Decline

7.6.1 Assessment/Reason for Staff Recommendation

Chris Reynolds (submitter #7) requested that the Residential Growth Precinct standards be applied to the whole of the Residential Zone in Kawerau District. This is not within the scope

of Plan Change 4, which is limited to the rezoning of Roy Stoneham Park and application of a new Residential Growth Precinct. For this reason it is recommended that the submission be declined. However, whether the Residential Growth Precinct standards or similar should be applied in other parts of the Kawerau urban area should be discussed as part of the upcoming District Plan review process.

Chris Reynolds also questioned the difference between the front setbacks allowed. The difference in minimum distance for a front façade (3 metres) versus the front of a garage (5 metres) is to provide for an average utility vehicle (ute) to park in front of a garage door without overhanging onto the footpath. Reducing the front setback to a minimum of 3 metres could result in vehicles being parked (at least partly) on the footpath and impeding pedestrian access and safety. Where a garage is parallel to the front boundary, vehicles can be parked in the area provided in the turning area into the garage. This avoids the need to park over the footpath. For this reason it is recommended that the submission be declined.

Herenga a Nuku (submitter #11) request that the Residential Growth Precinct Provisions include a direct reference to providing for active transport and connectivity. The structure plan for Roy Stoneham Park includes connectivity of the site to the wider neighbourhood. Including reference to active transport modes and connectivity can be included in proposed Objective C3.2.1.2 relating to the Residential Growth Precincts. There is no need to amend Policy C3.2.2.4 as that policy is specifically about the housing types in the Precinct. As such, it is recommended that the submission is accepted in part. Refer to Section 32AA evaluation below for further detail on this addition. It is not recommended that the structure plan be included in Plan Change 4 for the reasons discussed in Appendix 2 of the Section 32 report.

Phil Kilroy (submitter #34) and Alison Marshall (submitter #35) both submitted on the increased site coverage permitted in proposed Rule C3.4.3 Density Coverage. Phil Kilroy supports the 50% site coverage but only for the Residential Growth Precinct. Alison Marshall has expressed concerns about the site coverage, but no specific amendments to Plan Change 4 are requested. The 50% site coverage in Plan Change 4 only applies to the Residential Growth Precinct and is necessary to provide for construction of a dwelling on the smaller section sizes provided for in the Precinct. As such, no change to Rule C3.4.3 Density Coverage is recommended in relation to the submissions.

7.6.2 Recommendations

- It is recommended that the submissions are either accepted, accepted in part or declined as shown in Table 3 above, and for the reasons given in Section 7.6.1 Assessment/Reason for Staff Recommendation.
- I recommend that the Hearing Commissioner retain the provisions in Plan Change 4 as notified, except in relation to Objective C3.2.1.2 as amended below.

7.6.3 Section 32AA evaluation

In relation to the submission point from Herenga a Nuku (submitter 11), it is recommended that Objective C3.2.1.2 be amended to read:

C3.2.1.2 *Residential Growth Precincts are ‘communities within a community’ enabling greater density of residential development through a range of section sizes and housing types, while providing quality amenity for residents through attractive streetscapes and recreation spaces, and connectivity is provided through walking and cycling access.*

The assessment of Objective C3.2.1.2 in the Section 32 report for the proposed Plan Change remains valid and is not repeated here. The addition of the words to specifically provide for connectivity through walking and cycling access is consistent with section 7(c) RMA – the maintenance and enhancement of amenity values.

7.7 Topic 4 Subdivision chapter changes

One (1) submission was received in relation to Residential zone chapter changes. The one submitter had 4 points.

Table 4 – Submitters on Subdivision chapter changes

Submitter number	Name	Support/ Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
27	FENZ	Support in part	C7.7.6 Subdivision Design (d) Layout of Allotments Amend to include: vi Within the Residential Growth Precinct, the location of fire hydrants in relation to proposed building platforms and whether compliance is achieved with the requirements	[as per summary of submission]	Decline

Submitter number	Name	Support/ Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			of New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.		
27	FENZ	Support in part	C7.7.6 Subdivision Design (e) Access to rear sites Amend to include: New line measurement in relation to the Residential Growth Precinct with subsequent amendments as follows: 2. Residential Growth Precinct Minimum Width: a. up to 3 dwellings: 3.5m b. more than 3 dwellings: 6m Minimum Clearance Height: 4m Minimum Formation Width: 3.5m	[as per summary of submission]	Decline
27	FENZ	Support in part	C7.7.6 Subdivision Design	[as per summary of submission]	Decline

Submitter number	Name	Support/ Support in Part / Oppose	Summary of submission	Relief sought	Staff recommendation
			(f) Provision for Access to Rear Lots Amend to include: In the Residential Growth precinct, where an access exceeds 50m in length, the minimum access width must be 4m with a vertical clearance no less than 4m.		
27	FENZ	Support in part	Add new rule: C7.8.12 Servicing or C3.4.13 Servicing Any development within the Residential Growth Precinct shall demonstrate compliance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.	[as per summary of submission]	Decline

7.7.1 Assessment/Reason for Staff Recommendation

Fire and Emergency NZ (FENZ) (submitter 27) requested a number of additions to the Subdivision chapter. These submission points are not within the scope of Plan Change 4 as

these are not on the matters proposed to be amended. As such, it is recommended that the submission be declined.

However, the matters of concern in the submission will be addressed in the residential development of Roy Stoneham Park as part of the following processes:

Concern in Submission	Process where addressed
Location of fire hydrants in relation to proposed building platforms and compliance with the requirements of New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.	Subdivision consent for Roy Stoneham Park. <ul style="list-style-type: none"> <li data-bbox="884 524 1366 658">• The subdivision consent process will assess the location of fire hydrants for compliance with the Standards specified.
Width of access to rear lots	Structure Plan and subdivision consent for Roy Stoneham Park. <ul style="list-style-type: none"> <li data-bbox="884 770 1382 967">• The structure plan sets out the location of streets and general depth of the sections for the area and effectively limits the number of houses sharing an access way. The layout will be specified in the subdivision consent.
Servicing compliance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.	Subdivision consent for Roy Stoneham Park. <ul style="list-style-type: none"> <li data-bbox="884 1039 1382 1173">• The subdivision consent process will assess the servicing of the development area for compliance with the Standards specified.

In addition, the matters raised in the FENZ submission should be considered during the District Plan review process.

7.7.2 Recommendations

- It is recommended that the submissions are declined as shown in Table 4 above, and for the reasons given in Section 7.7.1 Assessment/Reason for Staff Recommendation.
- I recommend that the Hearing Commissioner retain the provisions in Plan Change 4 as notified.

7.7.3 Section 32AA evaluation

No changes to PC4 are recommended in relation to the submissions in the table above. As such, no further evaluation is required in relation to section 32AA.

Report Preparation and Approval

Consultant Planner:



Ruth Feist

Consultant Planner

Hayson Knell Ltd

Dated: 29 May 2023

Reviewed by:



Tracy Hayson

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Hayson Knell Ltd

Dated: 29 May 2023



District Plan Change 4
Residential Growth Precinct Provisions
Matters Arising from Public Submissions
Kawerau District Council

Veros

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PREPARED FOR:



PREPARED BY:



DOCUMENT ACCEPTANCE:

Action	Name	Signed	Date
Draft approved for issue:	Mathew Gibbard		
Final approved for issue:	Morgan Jones		

1 Introduction

Kawerau District Council (Council) is seeking to enable the development of surplus, vacant land at Stoneham Park into a quality residential community. Plan Change 4 proposed a rezoning of the land to residential zoning, and applies a 'Residential Growth Precinct' to the area.

Broadly, the Residential Growth Precinct allows for variations from the standard residential zoning, to support best practice outcomes in larger well planned residential projects. These plan provisions reflect best practice to support the development of larger residential land parcels.

The background Section 32 analysis and technical information supporting the Plan Change, including design testing, site by site residential house concept designs and bulk and location plans illustrating the potential built form enabled by the Plan Change. As part of the Section 32 supporting information, Veros have completed a business cases to test and refine the form, density and optimised residential development for the Stoneham Park land. A key objective of Council is not only to lead and deliver positive housing outcomes for the District, but ensure it is commercially viable to deliver.

In understanding what will deliver the optimal outcome for the land, it has been identified that the existing residential District Plan provisions are dated and in some instances are a barrier to enabling what are considered best practice residential outcomes. As a District Plan change is required to rezone the land to residential, it is recommended that the Plan Change also provides residential development performance standards to support the desired residential outcomes. It is appropriate to apply a precinct approach to achieve those outcomes, which is reflected in the Residential Growth Precinct approach.

The notification of the Plan Change has been completed, with 35 written submissions being received by Council.

Veros has been provided a copy of all submissions and has reviewed these submissions.

We have been asked by Council to provide a response to the submissions that are concerned with matters outside the scope of Plan Change 4 but related to the residential development of Roy Stoneham Park..

This short report and response, excludes consideration and a response to submissions that outlines fall outside the scope of the changes to the District Plan in Plan Change 4.

2 Review of Themes Arising from Public Submissions

We have reviewed public submissions on the Plan Change. The table below provided a summary of the themes of the submissions, the detail of the matters raised, and our comments and response that that submission. For each theme we provide Council with a recommendation.

Theme	Matters raised by submitters	Mitigation if required
<p>1. Green space, environment and home design</p>	<ul style="list-style-type: none"> • Diminished green space and recreational space, through subdivision of Roy Stoneham Park. • Diminished of green space through increased site coverage of individual sections. 	<ul style="list-style-type: none"> • We note the green space, recreational space is being offset through a separate Reserve Swap process, to ensure that there is no net loss of Reserve land. The active recreation use of Roy Stoneham Park for soccer fields and sports fields has long been ceased, and the old soccer club rooms have been sold for use as a private residence. • The Design Group Stapleton Elliott's (DGSE) Vision Document, which forms part of the s32 analysis for Plan Change 4, proposed a site structure plan layout that will minimise the effects of higher density housing on the people who live there, through using an interconnected pedestrian link between public green spaces. There are several linear and pocket parks that form part of this concept design, and will fulfil roles of active recreation and passive open spaces. • The green spaces illustrated with the concept design will be detailed through a subsequent subdivision and land use consent, with the green spaces ultimately forming part of Council's open space network. • Street and open space planting, lighting, and landscaping will form part of the detail design at subdivision consent stage. It is the intention that the designs will be in keeping Kawerau's current streetscapes, and that planting will utilise species that are of a suitable size and scale. It is the intention that street lighting be used in such a way where a balance is struck between creating a

		<p>safe neighbourhood, minimising energy use and the impact on the night sky.</p> <ul style="list-style-type: none"> • With respect to the proposed increase site coverage of the Residential Growth Precinct, we note that this reflects the wider national planning agenda, including the NPS-UD, which seeks to provide for the efficient use of land for urban development as a limited resource. The site coverage maximum's that are proposed through the Plan Change, are in line with national and international best practice for low to medium density development, that retains open spaces and space for landscaping, while providing appropriate levels of space for building. • The intention is to utilise a design guideline at the Stoneham Park residential development. The guideline is a non-statutory directive that sets out minimum standards for quality of home design, construction materials and fencing outcomes. <p>Recommendation: Retain the public green space identified in the structure plan.</p>
<p>2. Pedestrian and cycle throughfare</p>	<ul style="list-style-type: none"> • Aversion to gated communities. • Guaranteed pedestrian / cycle throughfare from multiple access points. • Connection between Stoneham Park and the Stock Pound. 	<ul style="list-style-type: none"> • As per Design Group Stapleton Elliott's (DGSE) Vision Document, the structure plan for Stoneham Park will ensure two access ways allowing pedestrian and cycle access ways from Peter Lipppa Drive and Two from Valley Road all linking to Fenton Mill Road. This will allow easy and safe access to Pūtauaki School and on to the new reserve at the Stock Pound and Stoneham Walk. • It is the intention to vest access into Council road reserve to ensure users safe and efficient access of the identified connections that the submitters have identified.

		<ul style="list-style-type: none"> There is no intention that the residential development of Stoneham Park will be gated. The current concept by DGSE provides for all a traditional subdivision, with public roads and publicly vested open spaces. <p>Recommendation: The structure plan be designed to ensure safe and efficient connection for pedestrian and cyclist to, from and through Stoneham Park..</p>
<p>3. Traffic and vehicle throughfare</p>	<ul style="list-style-type: none"> Impact of road noise Impact of increased traffic on surrounding streets Aversion to the ability to drive through the subdivision Garage setbacks 	<ul style="list-style-type: none"> Due to the width of existing accesses ways and the nature of landownership land surrounding Stoneham Park, only one suitably sized and located vehicle access point at Peter Lippa Drive is possible. This forms part of the Concept Plans for the site. A number of additional cycle and walking access points to the site are proposed, to support mode share transport options and wider permeability of the site. Harrison Transportation's Transportation Assessment Report indicates that while there will be additional vehicle movements in and around the Stoneham Park subdivision, the existing roading network is capable of supporting that additional traffic generated. The conclusion of the report was that 'The adjacent intersections of Valley Road / Fenton Mill Road, Valley Road / Peter Lippa Drive, Fenton Mill Road / Les Martin Drive, and SH34 / Valley Road, are all expected operate efficiently with low delays, minimal queues, and a high level of service'. A series of recommendations are provided including the construction of a roundabout at Peter Lippa and the access to Stoneham Park, as well as roading design and traffic calming features that will reduce speeds within the subdivision. The detailed design and further traffic modelling will inform the final measures implemented. This is a resource consent and subdivision matter that will be considered in due course.

		<ul style="list-style-type: none"> A garage set back of 5.4m allows future homeowners the ability to pull off the street safely without impeding pedestrians and cyclist or to use their driveways for parking. <p>Recommendation: Retain the roading layout and walking and cycling access in the structure plan.</p>
4. Flooding	<ul style="list-style-type: none"> Impact of increased site coverage on the ability of the land to absorb water 	<ul style="list-style-type: none"> Testing during the very wet summer April of 2023 showed the water table at 3.5m below the surface. The testing at Stoneham Park was performed the morning after flooding affected some businesses in the CBD and a nearby street had restricted access due to the height of the ground water. Stormwater modelling is currently being finalised; initial modelling shows that there is potentially the capacity for stormwater at 50% site coverage with on-site soakage pits. Full detailed stormwater modelling and design will be undertaken at detailed design stage and resource consent stage. That work will take into account worst case impervious surfaces and runoff, which is industry standard. Stormwater drainage and swales will be designed to cater for this. <p>Recommendation: No change required.</p>
5. Affordability	<ul style="list-style-type: none"> The ability of local residents to purchase homes in the subdivision 	<ul style="list-style-type: none"> The development of Roy Stoneham Park, will allow for a range of housing sizes, typologies, and price points. The design drivers have a focus of the development on meeting the current and future needs of the community. <p>Recommendation: No change required.</p>
6. PC4 overlay	<ul style="list-style-type: none"> The ability for other properties in town to utilise the PC4 overlay 	<ul style="list-style-type: none"> The Residential Growth Overlay is suited to well planned large sites, that allow for a coordinated approach to development. Roy Stoneham Park provides a significant site, where a master planned

		<p>community is able to be delivered by a master developer with consideration of density, design and housing outcomes.</p> <ul style="list-style-type: none"> • If appropriate, this overlay tool could be sought by other property owners, through a future Plan Change. With the Residential Growth Overlay embedded in the District Plan, this is able to be transferred to other properties through that process. <p>Recommendation: No change required at this stage.</p>
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