



**The Ordinary Meeting of the
Kawerau District Council will be held
on Wednesday 22 February 2023
in the Council Chambers
commencing at 9.00am**

SUPPLEMENTARY

SUPPLEMENTARY A G E N D A

Apologies

Declarations of Conflict of Interest

Any member having a “conflict of interest” with an item on the Agenda should declare it, and when that item is being considered abstain from any discussion or voting. The member may wish to remove themselves from the meeting while the item is being considered.

1 Roy Stoneham Park Residential Development District Plan Change 4 Report (Manager, Communications and Engagement) (407900)

Please find attached a report on the Roy Stoneham Park Residential Development District Plan change 4.

Recommendations

1. That the report, *Roy Stoneham Park Residential Development District Plan Change 4 Report* be received;
2. That the Council confirms it is satisfied the requirements of Section 32 of the Resource Management Act 1991 have been met and adopts the Section 32 Report for Proposed Change 4 (Residential Development of Roy Stoneham Park) to the Kawerau District Plan (*refer attached*);
3. That the Council confirms it is satisfied the requirements of the Resource Management Act 1991, in particular sections 73, 74, 75 and 76 and Schedule 1, relating to the preparation of a change to the Kawerau District Plan up to public notification stage, have been met;
4. That Council approves Proposed Change 4 (Residential Development of Roy Stoneham Park) to the Kawerau District Plan pursuant to Clause 5 of Schedule 1 to the Resource Management Act 1991, and makes the Section 32 Report publicly available at the time of the public notification (*refer attached*);
5. That Council approves the public notification of the Proposed Change 4 (Residential Development of Roy Stoneham Park) to the Kawerau District Plan pursuant to the requirements of Clauses 5 and 7 of Schedule 1 to the Resource Management Act 1991;
6. That Council delegates authority to the Group Manager, Regulatory and Planning to make any minor amendments, including grammatical and formatting, to Proposed Change 4 (Residential Development of Roy Stoneham Park) to the Kawerau District Plan and the Section 32 Report prior to public notification;
7. That Council approves in principle that one independent Commissioner will be appointed to the Change 4 Hearing Panel;
8. The Council notes that the independent Commissioner will be appointed in due course in March/April or May 2023 subject to resolution of Council.


R B George

Chief Executive Officer

Meeting: Council

Meeting Date: 22 February 2023

Subject: **Roy Stoneham Park Residential Development District Plan Change 4 Report**

File No.: 407900

1 Background

To enable further growth of the district, Council has identified Roy Stoneham Park (formerly the soccer club grounds) as the most suitable option for the next residential development.

The Kawerau District population has grown significantly and Statistics NZ projects it will reach 8,000 by 2028 due to:

- The pandemic bringing whānau home;
- Economic development of the district and the region creating employment;
- Kawerau's housing stock being more affordable than other regions;

A property market analysis completed for Council by Veros in 2022 shows:

- Kawerau's population estimated to have grown by 7% since the last census;
- Population growth exceeds the building consents being issued (compared with other similar sized towns);
- Median house prices have increased by 182% in the last five years to \$432,000;
- Average house sold in Kawerau in the last 12 months was a 100m² 1960's three bedroom, one bathroom home on a 795m² section for \$460,000 (now at \$450,000);
- Release of Council's new subdivision has shown an appetite for larger new homes 3-4 bedrooms, 2 bathrooms on smaller sections around \$700,000 price point.

2 Housing Strategy - Overview

Council identified the need for growth and has been proactively driving this with the Council Housing Strategy through:

- Long Term Plan 2018-2028 resolutions
- Long Term Plan 2021-2031 resolutions
- Annual Plan 2022-2023 resolutions
- DIA Better Off Funding Application 27 September 2022 resolution
- Use of Better Off Funding for Stoneham Park Residential Development resolution 14 December 2022

Council's current developments comprise:

- *Porritt Glade Lifestyle Village:*

Purpose-built retirement village with 29 units sold with a Right to Occupy. All 18 units constructed are occupied and the majority sold their Kawerau homes to move into the village –meeting Council’s aim to provide high quality living for seniors and free up larger family-sized homes. The village will be completed by March 2023 on the principle of Council recouping costs.

- *Central Cove Development*
Freehold house and land packages comprising 31 sections.
Profits from the Central Cove subdivision allocated as rates subsidies to benefit all ratepayers.
12 sections available.
- *Hine Te Ariki and Bell Street Development*
Comprising four sections, Council resolved in 2022 to build two easy-care quality duplexes (four units) in 2023.
Freehold title. To be sold at market rates.

3 Future Housing Developments – Overview

With the uptake of the current residential subdivisions, the waiting lists at the Council-owned rental flats, and Kadap (Kawerau and Districts Ageing in Place) survey responses indicating that nearly 20% of seniors surveyed would move into smaller ‘easy care’ units if they were available – Council is progressing the next residential housing development.

Roy Stoneham Park (formerly the soccer club grounds) has been identified as the most suitable and feasible option for Council to develop. This land is 5.42 hectares with a flat contour adjacent to the nearby Kawerau Pūtauaki Primary School.

Community engagement has been carried out in two Long Term Planning processes in 2018-2028 and 2021-2031.

With input from professional architects, Design Group Stapleton Elliott (DGSE) Council produced a ‘vision plan and document’ to discuss with Iwi, neighbours and the community which gained good levels of support. Council resolved in July 2021 to proceed with the development processes while carrying out further consultation and engagement with the community taking into consideration concerns raised by Iwi, neighbours, and stakeholders.

In 2022, Council has worked with DGSE and Veros to complete a housing market report and feasibility study that confirmed Stoneham Park development can achieve:

- Additional housing for the district approx. 80 dwellings
- Range of housing options such as inter-generational
- Variety of section sizes to meet different price ranges 300 to 700m²
- More rateable properties
- Enhanced green space and recreational areas
- Partnering to offer range of housing models (rent to own, rental, etc.)
- Increased value for the surrounding properties
- Estimated profit of \$2m from sales in addition to Three Waters Reform ‘Better off Funding’ of \$4.32m approved on 1 Dec 2022.

- Targeted residential development through partnering
- Council development of land parcel (1ha approx.) adjacent to Stoneham Park at Kowhai Park Body Corporate and offer additional housing to meet the needs of the community i.e., seniors.
- Council has included the approximate 1 hectare land parcel currently owned by Kowhai Park Body Corporate within the Residential Growth Precinct to ensure flexibility for any residential development on this land which Council is seeking to acquire for additional residential development and stormwater ponding.

4 Proposed District Plan Change 4

The alterations to the District Plan to provide for development at Roy Stoneham Park are encompassed in the fourth change to the Kawerau District Plan (Plan Change 4). (*Refer attachments*).

To enable the subdivision and minimise future consenting issues by purchasers, Council is proposing a 'Residential Growth Precinct' to maximise use of the land in the Stoneham Park residential subdivision.

Council has included the approximate 1 hectare land parcel currently owned by Kowhai Park Body Corporate within the Residential Growth Precinct to ensure flexibility for any residential development on this land which Council is seeking to acquire for additional residential development. Initial modelling shows part of this land parcel may be ideal for stormwater requirements of the Stoneham Park Residential Development.

The changes to the District Plan proposed as part of the Residential Growth Precinct (on the Stoneham Park and adjacent 1hectare land parcel only) are fully outlined in the attached Proposed Plan Change 4 (Residential Development of Roy Stoneham Park) to the Kawerau District Plan and Section 32 Report.

Council is asked to approve Proposed Plan Change 4 for public notification. The public notification process allows for the community to make a submission on the proposed changes and new 'Residential Growth Precinct'. The submission period for Plan Change 4 is in tandem with the reserve revocation process for Roy Stoneham Park (see separate report in this agenda).

5 Funding Requirements

A Veros feasibility study in 2022 confirmed Council is best-placed as the developer as Council owns the land outright.

Council resolved on 27 September 2022 to apply for the 'Better Off' programme funding and was advised on 1 December 2022 it was successful in obtaining \$4.2m for the Stoneham Park residential development and \$160k for Spatial Planning.

Council resolved on 14 December 2022 to utilise this Better Off Funding to fund Stoneham Park residential development in a staged approach and the Spatial Planning review.

Note: The Better Off Funding is available due to the Government's Three Waters Reform to spend on projects and initiatives to improve local authorities' community

well-being (not for Three Waters Infrastructure). *Council's acceptance of the Better Off Funding does not change its stance against the current reform model.*

The \$4.2m will enable the first stage of the development to be completed and fund subsequent stages by effectively 'recycling' it through the development. On completion of the development, currently planned for 2027, this funding will be available to reinvest into the community.

6 Significance and Engagement

Community engagement and consultation is required as part of the Council's Significance and Engagement Policy and as a legislative requirement of proposed changes to the district plan.

Council will also continue consulting regarding the design and potential issues such as traffic management with Iwi, neighbours of Stoneham Park, Kawerau Pūtauaki School and the Kawerau community.

Ongoing Iwi engagement with Tangata Whenua has been carried out in the 2022 year including three hui between the Mayor, Deputy Mayor and Staff and Iwi Kaumātua regarding the Development and Plan Change 4 (District Plan Modifications); and a meeting between Council and the Ngāti Tūwharetoa (Bay of Plenty) Settlement staff; and a subsequent meeting regarding Council's Housing Strategy and specifically Stoneham Park Residential Development with Ngāti Tūwharetoa (Bay of Plenty) Settlement Trustees.

A pre-engagement update was held between Council and the Kawerau Pūtauaki School Board of Trustees on 19 December 2022 to discuss potential numbers of children that the school may need to cater for, traffic management, particularly car parking areas on Fenton Mill Road and green space and recreational areas. The traffic management assessment currently being undertaken for Council encompasses Kawerau Pūtauaki School traffic management. Further discussions are scheduled in February/March 2023.

Further hui with Iwi Kaumātua and the Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust will be carried out as per Council's Te Tiriti o te Waitangi obligations and commitments to Tangata Whenua. These hui / meetings with all stakeholders.

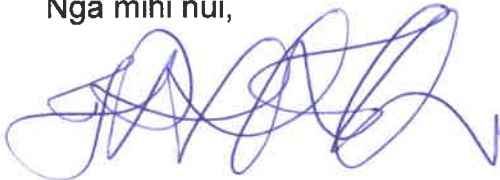
Meetings with the public and other sectors of the community are currently being scheduled.

7 RECOMMENDATIONS

1. That the report, *Roy Stoneham Park Residential Development District Plan Change 4 Report* be received;
2. That the Council confirms it is satisfied the requirements of Section 32 of the Resource Management Act 1991 have been met and adopts the Section 32 Report for Proposed Change 4 (Residential Development of Roy Stoneham Park) to the Kawerau District Plan (*refer attached*);
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7. That Council approves in principle that one independent Commissioner will be appointed to the Change 4 Hearing Panel;
8. The Council notes that the independent Commissioner will be appointed in due course in March/April or May 2023 subject to resolution of Council.

Ngā mihi nui,



Tania Humberstone

Kaiwhakahaere Whakapā Kōrero

Manager Communications and Engagement, Residential Developments

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Kawerau District Council

Section 32 Report

Plan Change 4 - Residential Development
of Roy Stoneham Park

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1. Residential Development of Roy Stoneham Park

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. Other factors include job creation and economic development within the district and a general change in the housing market meaning that Kawerau now has organic and regional growth surplus and a population growth trajectory.

The town's population is estimated to have grown by 7% since the last census in 2018. The population growth that Kawerau is currently experiencing is outstripping the number of building consents that are being issued which is leading to an imbalance of housing supply and demand. This lack of available new housing could be one of the factors underpinning the lower population growth rate compared with towns of a similar size.

At the 2018 census, the population of Kawerau was 7,146 with 2,742 dwellings. In 2021 Statistics New Zealand estimated Kawerau's population to be at 7,670. From 2018 to 2021, 44 new dwelling consents have been issued, according to Statistics NZ data.

Only 153 new dwelling consents have been issued from 1990 to 2001. Of these consents, 27% were issued after the census in 2018. These consents show that for the market is more accepting of small housing types and sections such as town houses, flats and units.

1.1 Processes to develop Roy Stoneham Park

Kawerau District Council has committed to developing Roy Stoneham Park for residential purposes. Roy Stoneham Park 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. Figure 1 below shows the location of Roy Stoneham Park.



Figure 1 – Roy Stoneham Park

To offset the development of Roy Stoneham Park, Council will improve the Stock Pond site for recreational use. The Stock Pond is adjacent to another large reserve, and it makes sense to roll the parks together. The Stock Pond site is shown in Figure 2 below.



Figure 2 – Stock Pond site

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 a change to the Kawerau District Plan (a 'Plan Change') in accordance with Schedule 1 of the Resource Management Act.

Roy Stoneham Park currently has the status of a recreation reserve under the Reserves Act 1977. To consider any development opportunities, the reserve status of the land needs to be removed through a statutory process. The reserve revocation process is being progressed in tandem with Plan Change 4.

Once the final decision on the reserve revocation is made by the Minister of Conservation and Council makes Plan Change 4 operative the site can be developed:

- Council will apply for resource consents to develop the site (subdivision, earthworks, etc).
- When the resource consents have been granted, construction and development works can begin (e.g. earthworks, installing infrastructure).
- After construction has been completed, sections will be available for sale and houses can be built.



Figure 3 – processes to develop Roy Stoneham Park for residential use

1.2 Proposed Plan Change 4 to the Kawerau District Plan

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

- Rezone Roy Stoneham Park from Reserve to Residential
 - Amend Plan Maps 5 and 6 to rezone the area and apply 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.

All other provisions in the Kawerau District Plan remain unchanged.

Plan Change 4 will follow the statutory process in Schedule 1 of the RMA, as shown by Figure 4 below.

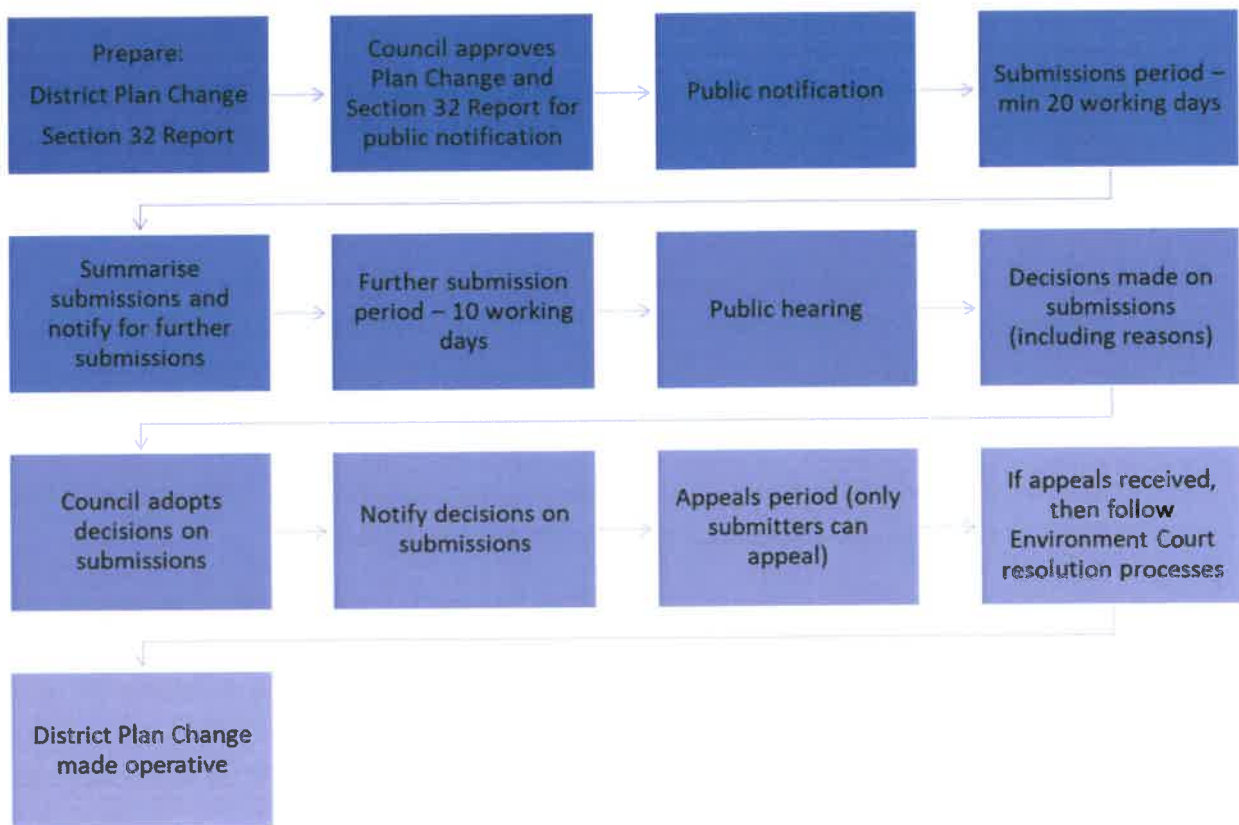


Figure 4 – Plan change process under Schedule 1 RMA

2. Purpose of Section 32 Report

This report addresses the requirements of section 32 of the Resource Management Act 1991 (RMA) in relation to Plan Change 4.

2.1 Requirements of Section 32 of the Resource Management Act 1991

Under Section 32 of the Resource Management Act 1991 (RMA), a Proposed Plan Change must be accompanied by an evaluation report at the time of public notification.

The specific requirements of Section 32 are listed below with reference to where in the report the information is contained:

Section 32 RMA requirement	Location in this report
(1) An evaluation report required under this Act must—	<i>Introductory sentence of provision</i>
(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and	Section 5.1 Evaluation

Section 32 RMA requirement	Location in this report
(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—	<i>Introductory sentence of provision</i>
(i) identifying other reasonably practicable options for achieving the objectives; and	Section 5.2 Evaluation
(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and	Section 5.3 Evaluation
(iii) summarising the reasons for deciding on the provisions; and	Section 5.3 Evaluation
(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.	Section 5.4 Evaluation
(2) An assessment under subsection (1)(b)(ii) must—	<i>Introductory sentence of provision</i>
(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for— (i) economic growth that are anticipated to be provided or reduced; and (ii) employment that are anticipated to be provided or reduced; and	Section 5.4 Evaluation
(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and	Section 5.4 Evaluation
(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.	Section 5.4 Evaluation
(3) If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to— (a) the provisions and objectives of the amending proposal; and (b) the objectives of the existing proposal to the extent that those objectives— (i) are relevant to the objectives of the amending proposal; and (ii) would remain if the amending proposal were to take effect.	Section 5.2 Evaluation (Status Quo – no change to Kawerau District Plan)

Section 32 RMA requirement	Location in this report
<p>(4) If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.</p>	<p><i>Not applicable to Plan Change 4 as no national environment standard applies to the topic.</i></p>
<p>(4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—</p> <p>(a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and</p> <p>(b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.</p>	<p>Section 4 Consultation with Iwi</p>
<p>(5) The person who must have particular regard to the evaluation report must make the report available for public inspection—</p> <p>(a) as soon as practicable after the proposal is made (in the case of a standard, regulation, national policy statement, or New Zealand coastal policy statement); or</p> <p>(b) at the same time as the proposal is notified.</p>	<p><i>Specifies when the Section 32 report must be available</i></p>
<p>(6) In this section,—</p> <p>objectives means,—</p> <p>(a) for a proposal that contains or states objectives, those objectives;</p> <p>(b) for all other proposals, the purpose of the proposal</p> <p>proposal means a proposed standard, statement, national planning standard, regulation, plan, or change for which an evaluation report must be prepared under this Act</p> <p>provisions means,—</p> <p>(a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change;</p> <p>(b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.</p>	<p><i>Defines the terms that are applicable to section 32 evaluations</i></p>

3. Policy and Strategic Context

3.1 Kawerau District Council Long Term Plan 2021-2031

Plan Change 4 implements the strategic framework contained in Council's Long-Term Plan 2021-2031 in relation to 'Grow our District'. This is specifically to develop Roy Stoneham Park for residential purposes.

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.

The reasons for providing more land for residential development in Kawerau are:

- The district's population continues to increase and Statistics New Zealand (medium) projections indicate a population of 8,000 by 2028.
- The drivers for this growth include people returning home to Kawerau during the COVID-19 pandemic; new jobs being created by the region's economic development; and that the Kawerau housing market still offers affordable housing compared to other districts and areas.

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.

The outcomes sought from Plan Change 4 are:

- Provide additional housing for the district.
- Enhance and provide green space for recreational activities.
- Offer a range of housing options, such as inter-generational.
- Offer a variety of section sizes and homes across different price ranges, and
- Enhance the visual appeal and value of neighbouring properties.
- Provide more rateable properties and additional rates for the district.

3.2 National Policy Statement on Urban Development 2020

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 is not an ‘urban environment’ in itself and 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 jobs (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 not subject to flooding.
- 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.

3.3 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 it's 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 undeveloped 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.

4. Consultation with iwi

4.1 Background – Relationships between Iwi, Tangata Whenua and Council

Kawerau District Council (Council) is committed to an open dialogue and working relationship with Māori, Tangata Whenua and Iwi, and has been working towards growing these relationships.

Council recognises Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust as tangata whenua and mana whenua of the Kawerau rohe (as a statutory Te Tiriti o Te Waitangi consultation partner).

At a governance level, the Iwi Kaumātua role appointed for Council by Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust in the previous term has provided Council with a Te Ao Māori lens within policy, decision-making and cultural areas through scheduled ongoing kōrero kanohi ki te kanohi.

Council also meet regularly with Kaumātua and Tohia o te Rangi Marae Chair who also forms the Iwi Kaumātua forum. Tohia o te Rangi has sought a boundary change so that the marae is within the Kawerau rohe, where it is already serviced by Te Kaunihera a Rohe o Kawerau.

A significant proportion of the 62 percent of Māori residents in Kawerau are from Iwi other than Ngāti Tūwharetoa ki Kawerau. Council ensures the view of the entire hapori by engaging with the Kaumātua and Rautahi Marae committee, an urban marae and consultation partner.

4.2 Iwi and Tangata Whenua Engagement - Stoneham Park Residential Development

Initial discussions and the formation of Kawerau District Council's housing strategy occurred during the Long Term Plan 2018-2028 community engagement processes. This comprised planning and discussions regarding the Porritt Glade Lifestyle Village and the freehold house and land residential developments Central Cove, Hine Te Ariki / Bell Street and Stoneham Park.

Detailed plans and discussion specifically regarding the Stoneham Park residential development occurred during the Long Term Plan 2021-2031 pre-engagement and kōrero kanohi ki te kanohi with Iwi and Tangata Whenua in May 2021.

The Iwi Kaumātua have been involved with ongoing hui and wānanga (workshops) comprising the funding, principles and outcomes Council aims to achieve for the community through the Stoneham Park residential development.

In August and September 2022, Te Kaunihera a Rohe o Kawerau held wānanga for the Iwi Kaumātua regarding the Three Waters Reform 'better off funding' available for the rohe. Hui encompassed the need for the plan changes to be introduced to maximise the development, while ensuring it is in keeping with the surrounding properties.

In November 2022, during the regular wānanga Te Kaunihera a Rohe o Kawerau continued the discussions with Iwi Kaumātua specifically outlining the reasons for the District Plan Changes proposed as part of the residential growth precinct. The main reason outlined is that it would enable Council to achieve its vision of a variety of housing to maximise the available land and enable quality housing.

Council met and discussed the housing strategy, specifically Stoneham Park residential development, and the district plan changes and reserve swap required to progress the development with Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust staff in August 2022 and the Chair and Trustees in September 2022.

At this hui-a-Iwi, Council raised the opportunity of partnering in the development with Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust. 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.

4.3 Feedback and Issues Raised – Plan Change 4 ‘Residential Zone Precinct’

During the kōrero, kanohi ki te kanohi with Iwi Kaumātua and the Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust there were no objections or negative feedback regarding the funding, principles and outcomes.

Feedback raised in these forums included discussions regarding the housing crisis, over-crowding, population growth, quality of housing and the need for a variety of housing to suit different levels of financial ability, seniors, whānau and inter-generational living.

In addition, there has been feedback for Kawerau to look after the hapori in terms of providing and enhancing job creation and retention through the development.

Te Kaunihera a rohe o Kawerau will continue to engage and consult with Iwi Kaumātua and Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust to discuss the Stoneham Park residential development.

5. Evaluation under Section 32 RMA

5.1 Appropriateness of Objectives to Achieve Purpose of RMA

Plan Change 4 proposes to add an Objective to the Residential Zone chapter of the District Plan:

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.*

Section 5 RMA specifies the purpose of the Act (this is included in the table below).

Objective C3.2.1.2 Plan Change 4	
<i>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.</i>	
Evaluation of Objective C3.2.1.2 against purpose of the RMA	
Section 5 RMA - Purpose	Assessment
<p>(1) <i>The purpose of this Act is to promote the sustainable management of natural and physical resources.</i></p> <p>(2) <i>In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—</i></p> <p>(a) <i>sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and</i></p> <p>(b) <i>safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and</i></p> <p>(c) <i>avoiding, remedying, or mitigating any adverse effects of activities on the environment.</i></p>	<p>Objective C3.2.1.2 achieves the purpose of the RMA as it is to promote the sustainable management of natural and physical resources. This is achieved through providing for a variety of housing types and section sizes in a Residential Growth Precinct and using land within the existing urban area efficiently. This will assist with enabling the Kawerau community to provide for the well-being of its residents, and also meeting the housing needs of the reasonably foreseeable needs of the future population and generations.</p> <p>Avoiding, remedying or mitigating adverse effects of residential development at Roy Stoneham Park will be achieved through resource consent conditions on a comprehensive development consent and associated resource consents.</p>
Section 6 RMA – Matters of national importance	Assessment
<i>In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources,</i>	Where relevant, Section 6 matters are addressed through existing objectives contained in other parts of the District Plan, which are not being amended by Plan Change 4.

<p><i>shall recognise and provide for the following matters of national importance:</i></p> <p><i>(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:</i></p> <p><i>(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:</i></p> <p><i>(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:</i></p> <p><i>(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:</i></p> <p><i>(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:</i></p> <p><i>(f) the protection of historic heritage from inappropriate subdivision, use, and development:</i></p> <p><i>(g) the protection of protected customary rights:</i></p> <p><i>(h) the management of significant risks from natural hazards.</i></p>	<p>Section 6(a), (b), (c), (d) and (f) are not relevant to the location of the site.</p> <p>Section 6(e) - Refer to Section 4 Consultation for details of engagement with tangata whenua on the residential development of Roy Stoneham Park.</p> <p>Section 6(g) – there are no protected customary rights affecting Roy Stoneham Park (these relate to the Marine and Coastal Area (Takutai Moana) Act).</p> <p>Section 6(h) – the site is not at significant risk from natural hazards.</p>
<p>Section 7 RMA – Other matters</p>	<p>Assessment</p>
<p><i>In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—</i></p> <p><i>(a) kaitiakitanga:</i></p> <p><i>(aa) the ethic of stewardship:</i></p> <p><i>(b) the efficient use and development of natural and physical resources:</i></p> <p><i>(ba) the efficiency of the end use of energy:</i></p> <p><i>(c) the maintenance and enhancement of amenity values:</i></p> <p><i>(d) intrinsic values of ecosystems:</i></p> <p><i>(e) [Repealed]</i></p> <p><i>(f) maintenance and enhancement of the quality of the environment:</i></p> <p><i>(g) any finite characteristics of natural and physical resources:</i></p> <p><i>(h) the protection of the habitat of trout and salmon:</i></p> <p><i>(i) the effects of climate change:</i></p>	<p>Where relevant, Section 7 matters are addressed through existing objectives contained in other parts of the District Plan, which are not being amended by Plan Change 4.</p> <p>Objective C3.2.1.2 is consistent with the following:</p> <ul style="list-style-type: none"> • Section 7(b) as it promotes the efficient use and development of the existing urban environment and infrastructure. • Section 7(c) as it provides quality amenity for residents within the Precinct through attractive streetscapes and recreation spaces.

<i>(j) the benefits to be derived from the use and development of renewable energy.</i>	
Section 8 RMA – Treaty of Waitangi	Assessment
<i>In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</i>	Refer to Section 4 Consultation for details of engagement with tangata whenua on the residential development of Roy Stoneham Park.

5.2 Identification and Evaluation of Options to Achieve Objectives

The range of options below have been identified to achieve new Objective C3.2.1.2.

Status Quo (no change to Kawerau District Plan) does not achieve new Objective C3.2.1.2 and the purpose of Plan Change 4 and has not been considered further.

Options to Achieve Objective C3.2.1.2

Option	Explanation
1	Rezone Roy Stoneham Park to Residential (no other changes to the Residential and Sub-division provisions in the Kawerau District Plan)
2	Rezone Roy Stoneham Park to Residential and amend specific provisions in the Residential Zone and Sub-division provisions (Rules) to provide for development through a precinct approach
3	Include rezoning of Roy Stoneham Park and other changes in a District Plan review
4	Apply the Medium Density Residential Standards in the RMA to Roy Stoneham Park
5	Develop other Council land in Kawerau District for residential use
6	Rely on private developers to progress new residential greenfield areas in Kawerau District
7	Rely on infill housing to provide additional housing
8	Use a Consent notice under s221 RMA to allow for reduced yards and other variations in Stoneham Park

The reasonably practicable options above are evaluated further below to identify a preferred option.

5.3 Evaluation of reasonably practicable options

Evaluation of reasonably practicable options				
Option	Relevance	Achievability	Acceptability and Reasonableness	Recommendation
1 - Rezone Roy Stoneham Park to Residential (no other changes to the Residential and Sub-division provisions in the Kawerau District Plan)	The option would partly respond to the purpose of Plan Change 4 by making more land available for residential development in Kawerau.	The option would partly achieve the purpose of Plan Change 4. But this option would retain residential rules that would be restrictive on smaller sites and require resource consent for houses to be built.	It is not reasonable to expect resource consent for houses that otherwise breach residential rules (such as front yard setbacks) in a new urban precinct explicitly intended to provide higher density development than currently in Kawerau township.	DISCARD This option would not fully achieve new Objective C3.2.1.2 and the purpose of Plan Change 4.
2 - Rezone Roy Stoneham Park to Residential and amend specific provisions in the Residential Zone and Sub-division provisions (Rules) to provide for development through a precinct approach	The option would respond to the purpose of Plan Change 4 by making more land available for residential development in Kawerau and providing for development on smaller sections.	The option would achieve the matters in the purpose of Plan Change 4.	It is appropriate that provision is made for higher density in a precinct targeted for new residential development. Applying such changes to the whole Residential zone may not be acceptable to the wider community. Other areas may be appropriate for similar higher density – but this should be discussed with the owners/developers of those areas and any changes progressed through a wider District Plan review.	EVALUATE FURTHER This option will achieve new Objective C3.2.1.2 and the purpose of Plan Change 4.

Evaluation of reasonably practicable options				
Option	Relevance	Achievability	Acceptability and Reasonableness	Recommendation
3 - Include rezoning of Roy Stoneham Park and other changes in a District Plan review	The option would respond to the purpose of Plan Change 4 by making more land available for residential development in Kawerau and providing for development on smaller sections. However, it would not meet the timing requirement around the matter.	The option would achieve the matters in the purpose of Plan Change 4, except the timing intention.	The option delays residential development on Roy Stoneham Park, which is inconsistent with the purpose of Plan Change 4.	DISCARD This option may achieve new Objective C3.2.1.2 and the purpose of Plan Change 4, but not in a timely manner. To focus resources effectively, Council will progress a District Plan review after PC4. Consultation on the Residential Growth Precinct in PC4 will be used to inform the wider District Plan review.
4 - Apply the Medium Density Residential Standards (MDRS) in the RMA to Roy Stoneham Park	This option would be in tandem with rezoning of Roy Stoneham Park to Residential. The MDRS provisions are designed to apply to Tier 1 urban environments (and Tier 2 and 3 in certain circumstances). These are large urban environments, such as Auckland, Hamilton and Tauranga and associated towns (e.g. Omokoroa and Te Puke for	While MDRS developments may be physically possible on flat sites in Kawerau, such developments are unlikely to meet the needs of the local housing market.	The MDRS are not appropriate to a town the size of Kawerau. Refer to Appendix 1 for assessment of appropriate standards to achieve the development outcomes in new Objective C3.2.1.2.	DISCARD This option would not be appropriate to the Kawerau Residential Zone at this time.

Evaluation of reasonably practicable options					
Option	Relevance	Achievability	Acceptability and Reasonableness	Recommendation	
	Tauranga). At this time, the MDRS provisions are not seen as appropriate to the Kawerau urban area.				
5 - Develop other Council land in Kawerau District for residential use	The option could respond to the purpose of Plan Change 4 by making more land available for residential development in Kawerau – but only if suitable land was identified.	Kawerau District Council considered the Council Stock Pound on Fenton Mill Road (zoned Reserve in the Operative District Plan). The Stock Pound land is surrounded by reserve land and there is very little likelihood that it would ever be suitable for residential development because of its steep gradient and southerly aspect.	This option is not reasonable at this stage due to a lack of suitable land.	DISCARD This option would not achieve the purpose of Plan Change 4 due to a lack of suitable land.	
6 - Rely on private developers to progress new residential greenfield areas in Kawerau District	The option could respond to the purpose of Plan Change 4 by making more land available for residential development in Kawerau – but is dependent on sufficient greenfield land being identified.	Kawerau has limited freehold land available for future housing developments to support the anticipated demand for residential property.	This option is not reasonable at this stage due to a lack of freehold land.	DISCARD This option would not achieve new Objective C3.2.1.2 and the purpose of Plan Change 4 due to a lack of freehold land.	
7 - Rely on infill housing to provide additional housing	This option would not respond to the purpose of Plan Change 4 to make more	Kawerau District Plan already provides for infill housing. While there has	It is not reasonable to expect the future housing needs of Kawerau to be	DISCARD This option would not achieve new Objective	

Evaluation of reasonably practicable options				
Option	Relevance	Achievability	Acceptability and Reasonableness	Recommendation
	land available for residential development.	been some infill by private landowners and developers, this option doesn't guarantee housing at a scale needed in Kawerau.	fully supplied by infill housing.	C3.2.1.2 and the purpose of Plan Change 4 as it doesn't guarantee housing at the scale needed.
8 - Use a Consent notice under s221 RMA to allow for reduced yards and other variations in Stoneham Park	<p>This option would be in tandem with rezoning of Roy Stoneham Park to Residential.</p> <p>It is unlikely to achieve the purpose of Plan Change 4 to provide for smaller sections and higher density development.</p>	<p>A consent notice could be applied to a Comprehensive Development/Subdivision consent for Residential Growth Precinct. However, consent notices are largely for restrictive purposes (e.g. location of building platforms, retention of trees, etc) as a 'covenant' on a property or area. As such this is not an appropriate mechanism to achieve a more permissive approach than current District Plan Residential Zone rules.</p>	Refer to comment in the Achievability column.	<p>DISCARD</p> <p>This option would not achieve new Objective C3.2.1.2 and the purpose of Plan Change 4.</p>

5.4 Evaluation of Preferred Option – Option 2

Option 2 results in the following changes to the Kawerau District Plan:

- Add an Objective (new C3.2.1.2) and Policy (new C3.2.2.4) for Residential Growth Precincts in the Residential Zone section
- Change specific rules in the Residential Zone section 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
- Change the shape factor requirements in the Subdivision section – C7.7.6(b) to provide for narrower lot sizes in Residential Growth Precincts
- Change Plan Maps 5 and 6 to rezone Roy Stoneham Park as Residential and apply the Residential Growth Precinct to that site.

An explanation of Residential Growth Precinct changes (as per the rules listed above) is contained in Appendix 1 (District Plan Change 4 – Residential Growth Precinct Provisions, report by Veros, January 2023).

An explanation of why a Precinct approach has been applied in Plan Change 4 is provided in Appendix 2.

Evaluation of Preferred Option 2 - Rezone Roy Stoneham Park to Residential and amend specific provisions in the Residential Zone and Sub-division provisions (Rules) to provide for development through a precinct approach	
Costs	Benefits
<p>Environmental</p> <p>The potential adverse effects resulting from residential development of Roy Stoneham Park are listed below, along with the mechanisms that will be used to address the effects. Resource consent applications will not be lodged until decisions on Plan Change 4 have been made.</p>	<p>Residential development would make efficient use of the land within the existing Kawerau township and promotes infrastructure efficiency.</p> <p>Supports an urban form that provides best utilisation of the land.</p>

	<p><u>Site development stage</u> Effects addressed by resource consent conditions:</p> <ul style="list-style-type: none"> • Earthworks (sediment and erosion, dust, noise, vibration) • Construction of infrastructure (roadway, 3 waters infrastructure, telecommunications) • Increased stormwater from residential development (stormwater quantity and quality) <p><u>Residential development stage</u> Effects addressed by sub-division consent conditions:</p> <ul style="list-style-type: none"> • Traffic flows and generation • Crime prevention • Density of housing/section sizes 	<p>The area is located near the existing bus route (Route #135) that provides connections within the town area and to Whakatane. This provides residents with travel options and the potential to contribute to transport emission reduction.</p> <p>Site coverage will continue to be controlled through rules in the Kawerau District Plan.</p>
<p>Economic</p>	<p>Cost of residential site development, including resource consents and site development works (earthworks and infrastructure).</p>	<p>Provides for housing development capacity needed in Kawerau District.</p> <p>Employment opportunities would arise from construction activity resulting from residential development.</p> <p>Provides for more rateable properties and additional rates for the District.</p> <p>Reduced cost of maintaining Roy Stoneham Park (mowing, etc).</p> <p>The 3 waters infrastructure in the area is sufficient to accommodate the anticipated residential development (refer to Appendix 3).</p>

Social	<p>Potential effects on adjoining properties and surrounding neighbourhood from residential development.</p> <p>Potential negative impact to community from changing the use of Roy Stoneham Park.</p>	<p>Greater housing choice, including section size and opportunity to build warm, healthier, low maintenance modern homes.</p> <p>Provides housing opportunities for both housing purchasers and renters.</p> <p>Contributes to meeting the future housing needs of the Kawerau community.</p> <p>Parks and open space within the residential development are provided for in a Master Plan concept for the area that will be better targeted to the needs of the community in that area.</p> <p>Exchange of reserve land and development of Stock Pound land for recreational use.</p>
Cultural	<p>Potential effects of higher density residential development on the receiving environment, in particular from increased stormwater management.</p> <p>Potential effects on iwi owned farmland to south of the site.</p>	<p>Provides opportunity for papakāinga or other housing options for whānau within Kawerau.</p> <p>Refer to Section 4 for iwi consultation record.</p>
Economic growth provided for or reduced	<p>This option provides for the increase in housing development capacity in the District.</p> <p>Employment opportunities would arise from construction activity resulting from residential development.</p> <p>Provides for more rateable properties and additional rates for the District.</p>	
Employment opportunities	<p>Employment opportunities would arise from construction activity resulting from residential development.</p>	

Uncertain or insufficient information	There is sufficient information on the current and future housing needs of Kawerau to indicate that additional residential freehold land is required, and housing market needs for a range of section sizes and modern housing options.
Risk of acting or not acting	The risk of not acting is high. Additional residential development is necessary to supply the future housing needs of Kawerau, and to provide for greater density residential development and a variety of housing types not otherwise permitted in the District Plan.
Effectiveness	This option provides a package of provisions that is an effective means of achieving the purpose of Plan Change 4. The approach enables timely residential development of Roy Stoneham Park and provides for a range of housing types to be built on smaller sections without the need for resource consent (where such development is reasonable).
Efficiency	This option provides a package of provisions that is an efficient means of achieving the purpose of Plan Change 4. The approach provides for a range of housing types to be built on smaller sections without the need for resource consent (where such development is reasonable).
Summary	A plan change that addresses the rezoning of Roy Stoneham Park to Residential, and appropriate changes to the Residential Zone and Subdivision requirements to provide for housing development on smaller sections in a Residential Growth Precinct is the most appropriate approach to achieve the purpose of Plan Change 4.

Glossary

Consent notice - where a condition of subdivision consent is required to be complied with on an ongoing basis after the subdivision has been completed, a consent notice can be issued (under s221 of the RMA) and registered against a new property title in the subdivision. For example, a requirement to keep a planted hedge at not less than 3 metres high.

Hapori – community.

Infill housing – building on new houses within an existing site. Includes subdivision of an existing property (e.g. a new house on the rear or front of a section), or removing an existing one storey house and replacing with townhouses or flats.

Iwi Kaumātua - Refers to the Iwi Cultural Advisor for Council appointed by Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust as a statutory Te Tiriti o Te Waitangi consultation partner , Tangata Whenua and Mana Whenua.

Iwi Kaumātua Forum - The Forum includes Kaumātua representing Marae Chairs of Ngāti Tūwharetoa (Bay of Plenty) Marae including Te Tohia o te Rangi, and Hahuru, Rautahi Marae and other Kaumātua and Kuia as directed by the Iwi Cultural Advisor.

Kanohi ki te kanohi – face to face.

Kaumātua – elder person, a person of status within the whanau.

Kōrero – discussion, conversation.

Mana whenua – iwi or hapu customary authority over a particular area.

Medium Density Residential Standards (MDRS) – permitted housing rules that must be applied by specified district and city councils under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. Does not apply to Kawerau District. The rules allow up to three dwellings of up to three storeys to be developed on each site without the need for a resource consent. More information is available here: <https://environment.govt.nz/publications/medium-density-residential-standards-a-guide-for-territorial-authorities/>

Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust – The statutory Te Tiriti o Waitangi Tangata Whenua and Mana Whenua representing the Tūwharetoa (Bay of Plenty) iwi.

Papa Kāinga – means housing on Māori ancestral land (whenua Māori), and may include other community facilities such as marae, shared gardens and activities that provide jobs and income to those living in the papa kāinga. Development of papa kāinga on other land may also occur in some situations.

Protected customary rights – the rights to carry out an activity, use or practice in accordance with tikanga without the need for a resource consent. Relates to customary marine title under the Marine and Coastal Area (Takutai Moana) Act.

Residential Growth Precinct – for the purposes of Plan Change 4 it is a planning mechanism to apply specific rules within the Residential Zone. ‘Residential Growth Precinct’ has been used to describe how the specific

area been identified for more intensive development than other parts of the Residential Zone. Also See Appendix 2 of this report for further explanation.

Revoke / revocation – for the purposes of Plan Change 4 it means removing the reserve status from Roy Stoneham Park (i.e. cancel or withdraw).

RMA – Resource Management Act.

Rohe – district, region or territory.

Tangata whenua – the people of the land; Māori iwi or hapū local to a particular area.

Te Ao Māori – the Māori world view that acknowledges the interconnectedness and interrelationship of all living and non-living things. Includes Māori culture, te Reo Māori (Māori language) and tikanga Māori (protocols and customs).

Te Kaunihera a Rohe o Kawerau – Kawerau District Council.

Wānanga – forum, seminar, workshop (including educational seminar).

Appendix 1

District Plan Change 4 – Residential Growth Precinct Provisions, report by Veros 2023



District Plan Change 4
Residential Growth Precinct Provisions
Residential Development of Roy Stoneham Park –
Kawerau District Council

 Veros

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PREPARED FOR:



PREPARED BY:



DOCUMENT ACCEPTANCE:

Action	Name	Signed	Date
Draft approved for issue:	Mathew Gibbard		17 th January 2023
Final approved for issue:	Morgan Jones		17 th January 2023

Introduction

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

As part of deciding to progress with the project, Council has undertaken various concept designs and business cases to test and refine the best type of residential development. 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.

The objectives of altering the District Plan to support the development are:

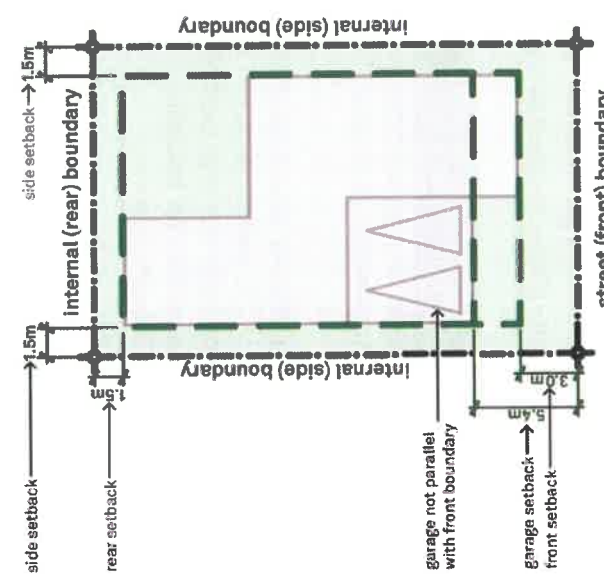
- District Plan policies and performance standards that support the optimal residential outcome for Roy Stoneham Park.
- Deliver a flexible regulatory environment whilst providing confidence to community that the development which can be undertaken will have net positive effect on Kawerau.

This report outlines recommended changes to the existing residential development provisions which could be adopted for the Plan Change 4 Residential Development of Roy Stoneham Park.

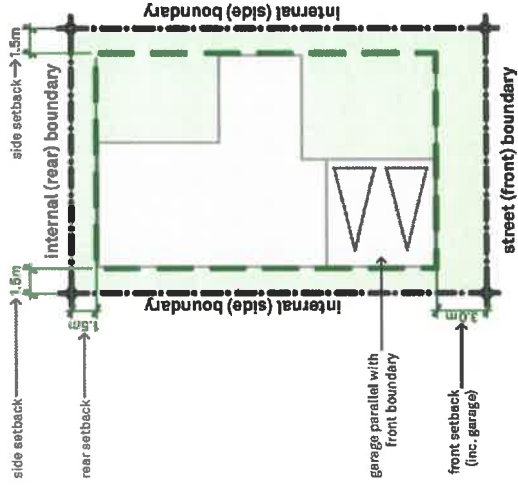
Existing District Plan Provisions and Recommended Amendments

Veros has reviewed the existing residential provisions and recommend the following changes are made as part of Plan Change 4. For clarity purposes, the proposed amendments are shown below with old provisions ~~struck-out~~ and recommended provisions in **red**. Reference images demonstrating several of the proposed changes are also provided below. The changes would only apply within a New Residential Growth Precinct which would overlay Roy Stoneham Park.

Operative Rule	Operative Rule	Proposed Rule Revision	Reason
<p>C3.4.1 Height</p>	<p>The maximum height of any building or structure in the Residential zone shall be: 8.0 metres</p> <p>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.</p> <p>Note: See definition of height.</p>	<p>The maximum height of any building or structure in the Residential zone shall be: 8.0 metres</p> <p>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.</p> <p>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 duplex.</p> <p>Note: See definition of height.</p>	<p>Enables in a Residential Growth Precinct (RGP):</p> <ul style="list-style-type: none"> - Construction of dwellings closer to boundaries with lower sun lighting restrictions - Changes that are in line with neighbouring Council's DPs providing substantiation for changes to plan - Enables construction of semi-detached houses (duplexes) - Restricts changes to RGP zones only - Adopting the MDRS rules could be perceived as too aggressive for Kawarau and could detract from the town's character

Operative Rule	Operative Rule	Proposed Rule Revision	Reason
<p>C3.4.2 Yards</p>	<p>The minimum distance between any building or structure and the front boundary of the site shall be:</p> <p>5.0 metres</p> <p>The minimum distance between any building or structure and the side or rear boundary of the site shall be:</p> <p>1.5 metres</p> <p>Note: 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.</p>	<p>The minimum distance between any building or structure and the front boundary of the site shall be:</p> <p>- 5 metres</p> <p>In a Residential Growth Precinct, the following standards apply:</p> <ol style="list-style-type: none"> 1. The minimum distance between any building or structure front façade and the front road boundary of the site shall be: <ul style="list-style-type: none"> - 3 metres 2. The minimum distance between the garage door and the road boundary of the site shall be: <ul style="list-style-type: none"> - 5.4 metres 	<p>Enables:</p> <ul style="list-style-type: none"> - Construction of dwellings closer to front boundaries, allowing housing choice - Enables construction of semi-detached houses (duplexes) - leaves space for a utility vehicle to be parked in the driveway - Changes that are in line with neighbouring Council's DPs providing substantiation for changes to plan - Restricts changes to RGP zones only

3. Garages that are positioned parallel to the front road boundary can utilise the 'front façade' setback.



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

1.5 metres

Note: 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 1.5m side boundary standard does not apply to the common wall boundary of semi-detached dwellings designed for two sites where the dwellings are constructed contemporaneously (at the same time). One side boundary of 1.5 metres must be retained on each site.

Operative Rule	Operative Rule	Proposed Rule Revision	Reason
<p>C3.4.3 Density Coverage</p>	<p>The maximum area of a site covered by all buildings shall not exceed 35%.</p> <p>There shall be a maximum density of one dwelling house or one household-unit per site.</p>	<p>The maximum area of a site covered by all buildings shall not exceed 35%.</p> <p>There shall be a maximum density of one dwelling house or one household-unit per site except in a Residential Growth Precinct.</p> <p>In a Residential Growth Precinct:</p> <ul style="list-style-type: none"> - The maximum area of a site covered by all buildings shall not exceed 50%. - One additional minor dwelling or accessory building used for habitation is allowed. The additional minor dwelling or accessory building must meet the permitted standards in section C3.4.12. 	<p>Enables:</p> <ul style="list-style-type: none"> - Construction of dwellings on smaller sections allowing housing choices - Construction of “intergenerational whānau living” dwellings or “homes and income” dwellings - Changes that are in line with neighbouring Council’s DPs providing substantiation for changes to plan - Restricts changes to RGP zones only
<p>C3.4.12 Additional minor dwelling or accessory building used for habitation in a Residential Growth Precinct</p>		<p>One additional minor dwelling or accessory building (sleep out), secondary to a principal dwelling of no less than 90m², excluding decks and garage, is allowed in a Residential Growth Precinct.</p> <p>The additional minor dwelling or accessory building used for habitation:</p> <ul style="list-style-type: none"> - Must be attached to the principal dwelling or be an integrated part of the building. - Must not exceed 65m² excluding decks and garage <p>Note: The additional dwelling or accessory building used for habitation must meet all the permitted standards in section C3.4 (including yard setback, height, and density coverage).</p>	<p>Defines standards for minor dwellings or accessory buildings in an RGP.</p>
Operative Rule	Operative Rule	Proposed revision	Reason

<p>C7.7.6 Subdivision Design b) Shape Factor</p>	<p>All lots intended to be used for residential dwellings shall be of a shape which would contain a 15m diameter circle as minimum requirement.</p>	<p>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.</p> <p>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 minimum requirement.</p>	<p>Enables:</p> <ul style="list-style-type: none"> - Construction of dwellings on smaller sections, allowing housing choices - Changes that are in line with neighbouring Council's DPs providing substantiation for changes to plan - Restricts changes to RGP zones only - Good design outcomes can be achieved on 10m shape
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Reasons for Recommended Changes

The fundamental reason these changes are recommended is because the existing residential provisions of the District Plan were adopted in May 2012 and do not support the residential outcomes which the Roy Stoneham Park development is seeking to achieve. At this point, it is proposed that the recommended changes only relate to the Residential Growth Precinct but could be applied to other urban growth areas in Kawerau in future Plan Changes.

In the last 10 years there have been significant advances the type of subdivision and housing being delivered across provincial New Zealand. The changes have mainly been driven with the objective of using land and infrastructure more efficiently whilst still delivering positive urban outcomes and residential amenity.

Central government and local authorities have led much of this strategic change and District Plans around New Zealand have been modified to suit. A comparison residential provisions of Council's surrounding Kawerau is provided on the following page. The provisions generally enable for intensive housing which leads to better utilisation of existing public infrastructure such as roads, three-water assets and reserves and open spaces. In addition, enabling more intensive subdivision and housing supports the viability of public transport as well existing commercial and community areas.

In this instance, the proposed changes support a variety of types and sizes of houses which meet the needs of a wide sector of the Kawerau community whilst preserving residential amenity. This not only leads to the efficiencies and benefits as outlined above, but also enables more housing choices to be delivered whilst ensuring it is still designed well which is a key objective of the project.

Comparison with Nearby Councils

Several local authorities have made changes of this nature to their District Plan over recent years and already have Operative District Plan rules similar or the same to those being recommended.

The table below provides a comparison of the proposed provisions under Plan Change 4 and the existing provisions in District Plans of nearby Councils and those of similar nature. The proposed changes generally align with the rules of these surrounding Council's.

Provision	Kawerau District Council Proposed Changes	Whakatāne District Council Residential Zone	Rotorua District Plan Residential Zoning *	Ōpātikī District Plan Residential Zone	Western Bay of Plenty Residential Zone *	South Waikato District Council Tokoroa Residential Zone
Front yard setback from building	3m	4m	5m	4.5m	4m	3m
Garage set back	5.4m	5.5m	Practicable parking space in front of garage	Silent	5m	Silent
Side yard	1.5m	1.5m	2.5m	1.5m	1.5m	1.5m
Height	8m	10m	8m	9m	8m	8m
Light	45 degrees from 2.7m	45 degrees from 2.7m	45 degrees from 3m	45 degrees from 2.7m	45 degrees from 2m	45 degrees from 3m
Site coverage	50%	50%	40%	40%	40-50% (controlled)	40%
Shape factor	10m	N/A	N/A	N/A	N/A	N/A
Minimum site		400m ²	350m ²	400m ²	350m ² to 800m ²	450m ²

Provision	Kawerau District Council Proposed Changes	Whakatane District Council Residential Zone	Rotorua District Plan Residential Zoning *	Opatiki District Plan Residential Zone	Western Bay of Plenty Residential Zone *	South Waikato District Council Tokona Residential Zone
Minor Dwellings & Accessory Buildings	Attached or integrated Minor dwelling or accessory building (sleep out) of 65m ² allowed if primary dwelling is 90m ² or larger	One accessory building per lot in conjunction with primary dwelling No accessory building for habitation shall exceed 65m ² in GFA.	Accessory units permitted For sites that exceed a net site area of 600m ² , there may be one minor household unit with a net floor area not exceeding 72m ² (excluding garaging).	Accessory buildings permitted	Accessory buildings permitted Minor Dwellings are controlled activity	Maximum two dwellings per property Accessory accommodation permitted
Semi-Detached Dwellings	1.5m side boundary standard does not apply to the common wall boundary of semi-detached dwellings designed for two sites where the dwellings are constructed contemporaneously (at the same time). One side boundary of 1.5 metres must be retained on each site.	Side or rear boundary can be removed subject to the written approval of any affected adjoining neighbour having been obtained, and that written approval having been lodged with the Council, dwellings and accessory buildings (for habitation or otherwise) may be constructed.	Consent required	Consent required	A building/structure may be located within a side or rear yard and up to a side or rear boundary where the written approval of the owner(s) of the immediately adjoining property to a specified lesser distance is obtained.	Subject to the written consent of adjoining owners any building setback other than a front setback may be reduced to whatever level is acceptable to the parties

*The information provided for Rotorua Lakes and Western Bay of Plenty District Council District Plans exclude areas where the Councils have to apply Medium Density Residential Standards (MDRS) through respective plan changes.

Parking and Rooding Provisions

The District Plan’s current rooding and parking provisions are considered adequate to enable the development.

Architectural Testing References

The following diagrams are a series of architectural testing concepts developed to demonstrate in practice how the proposed changes will work.

The diagrams shown are a variety of bulk and location designs to ensure that draft provisions are workable.

The diagrams below show the architectural testing of building setbacks. By providing a 5.4m setback from the front of the garage, so shown, there will be the opportunity to stack park vehicles on the property.

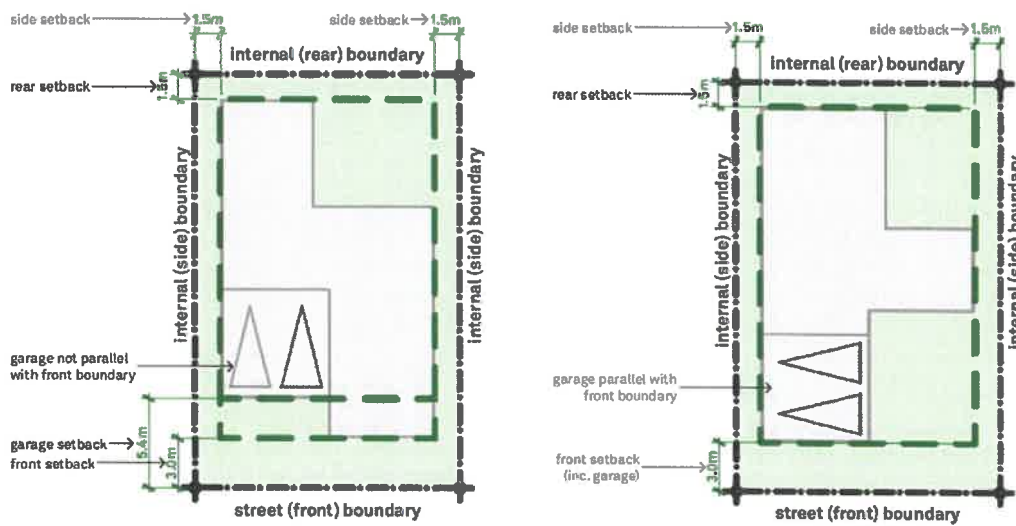


Figure 1. bulk in location diagrams of the boundary setbacks

The image below shows architectural testing of daylight control and building height.

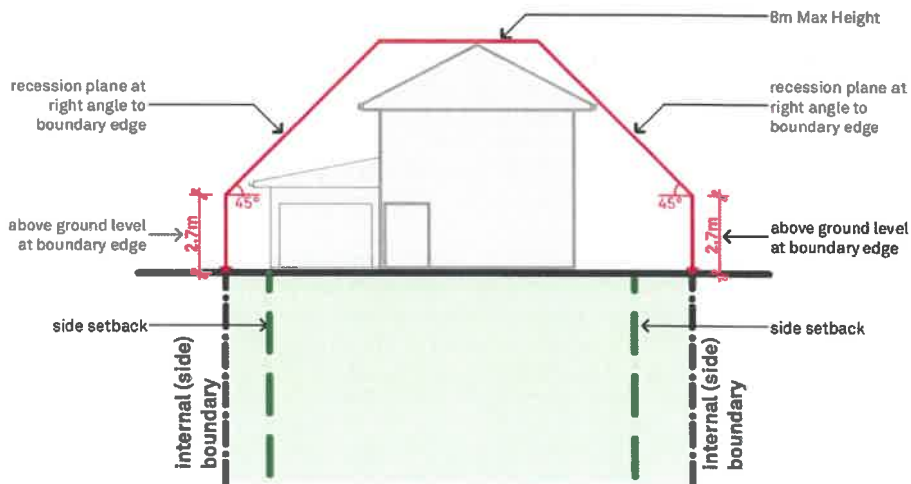


Figure 2. bulk in location diagram of the height and daylight control

Hamilton

25 Ward Street, Hamilton 3204

PO Box 112, Hamilton 3240

07 838 2887

Tauranga

78 Second Avenue, Tauranga 3110

PO Box 324, Tauranga 3144

07 579 9747

Rotorua

1072 Haupapa Street, Rotorua 3010

PO Box 1027, Rotorua 3040

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Appendix 2

Use of 'Residential Growth Precinct' in District Plan

The use of a 'precinct' in the District Plan to apply to the Roy Stoneham Park site is consistent with the National Planning Standards and the straight-forward nature of the Kawerau District Plan. The use of planning spatial layers is discussed in National Planning Standards guidance and summarised in the table below in relation to Plan Change 4.

Planning spatial layer	National Planning Standards guidance on use of spatial layer	Applicability to Plan Change 4
Overlay	<ul style="list-style-type: none"> Used to apply <u>more restrictive</u> provisions than the underlying zoning (e.g. natural hazards overlay). 	Not applicable to Plan Change 4 as less restrictive provisions are sought for the Roy Stoneham Park site.
Precinct	<ul style="list-style-type: none"> Used to apply additional place-based provisions to modify or refine aspects of the underlying zoning Dependant on the underlying zone provisions May be <u>less or more restrictive</u> than the zone rules 	Applicable to Plan Change 4 as residential development of Roy Stoneham Park site is intended to comply with many of the existing Residential Zone provisions. Specific exceptions are sought to provide for a range of section sizes and housing types.
Development area	<ul style="list-style-type: none"> Must include a concept plan/structure plan/master plan or similar The 'area' is removed once the development is completed May need a new chapter to cover the area and provisions 	Not an efficient process as would require an additional plan change in future to remove the area. Not considered further.
Special purpose zone	<ul style="list-style-type: none"> Requires a specific chapter and provisions (objectives, policies and rules) in the District Plan 	Not applicable to Plan Change 4 as residential development of Roy Stoneham Park site is intended to comply with many of the existing Residential Zone provisions. A special purpose zone is not necessary.

Appendix 3

Stoneham Park Residential – Three Waters Statement 18 October 2022



Ranfurlly Court, Private Bag
Kawerau 3169
Bay of Plenty
New Zealand

Ph: 07 306 9009
Fax: 07 323 8072
Web: www.kaweraudc.govt.nz

MEMORANDUM

Re: Stoneham Park Residential Development
From: Azalea Palma, Three Waters Engineer, Kawerau District Council
Date: 18 October 2022

Kawerau District Council has an exciting opportunity to continue with its leadership in providing more build-ready residential section to be located in Roy Stoneham Park.

Even with the addition of 82 homes, KDC has the capacity to provide and maintain Three Waters Services to the whole district.

Currently, the minimum and maximum drinking water demand is 4,000 and 14,000 cubic metres per day respectively. The maximum capacity of the Kawerau Water Treatment Plant is 725 cubic metres per hour, considerably more than the maximum consumption. KDC also has three reservoirs that can hold 11,250 cubic metres of storage. These are maintained at least 75% full at all times to allow for unexpected stoppages at the pump station and reduce fluctuation in pressure to residents.

The Kawerau Waste Water Treatment Plant consists of several processes that remove solids from the wastewater. Approximately 30 tonnes of solids per week are disposed of through vermiculture with approximately 2,000 cubic metres of treated wastewater per day disposed by infiltration into the ground. The treatment plant can cater to a population 30% higher than is currently the case with the existing network having the capacity to cope with any reasonable increase in demand.

The stormwater network capacity is adequate to handle the current stormwater inflows, which occur from time to time. There are no available calculations as to the maximum capacity of the stormwater network. However, since the addition of strategically located stormwater detention basins in 2020, the system has managed to accommodate heavy rainfalls with minimal flooding – typically caused by cesspit blockages rather than insufficient capacity.

Attached is the draft development layout, which shows highlighted the designated stormwater area.

Further assessment concerning Three Waters Planning is still in the works.

The Three Waters Staff are committed to providing secure, safe, and reliable Three Waters Services to the district.

Appendix 4

Kawerau District Council Intention to Notify the Public via Newspaper, Council Website and Council Offices

DRAFT

Public Notice

24 February 2023

Resource Management Act 1991

Kawerau District Council

Proposed Plan Change 4 to the Kawerau District Plan to enable Stoneham Park Residential Development

Kawerau District Council has prepared Proposed Plan Change 4 to the Operative Kawerau District Plan to enable the Stoneham Park Residential Development, which is now open for submissions.

To realise the residential development of Stoneham Park (the former soccer club grounds), Council needs to carry out two statutory processes:

- Revoke the reserve status of Roy Stoneham Park in accordance with the Reserves Act (the reserve revocation process is being progressed in tandem with Plan Change 4).
- Rezone Roy Stoneham Park from Reserve to Residential through a change to the Kawerau District Plan (a 'Plan Change') in accordance with Schedule 1 of the Resource Management Act 1991.

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

- Rezone Roy Stoneham Park from Reserve to Residential.
 - Amend maps 5 and 6 to rezone the area and apply 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.
- All other provisions in the Kawerau District Plan remain unchanged.

Further Information

Under Section 32 of the Resource Management Act 1991 (RMA), a Proposed Plan Change must be accompanied by an evaluation report at the time of public notification.

Council advises that the Section 32 Report – Proposed Plan Change 4 and Proposed Plan Change 4 (Residential Development of Roy Stoneham Park) Kawerau District Plan documents are available for

www.veros.co.nz

inspection during office hours from the Council Office and the Kawerau District Library, both in Ranfurly Court, Kawerau.

Proposed Plan Change 4 and its Section 32 report is also available online via the Council Website kaweraudc.govt.nz

For more information, or to request a copy of the documents sent by email, please email kaweraudc@kaweraudc.govt.nz or phone Council on 073069009.

Any person can make a submission. Submissions must be in writing.

Online submissions are available via the Council Website kaweraudc.govt.nz

A written submission can be sent to any of the following :

Email to submissions@kaweraudc.govt.nz

Post to The Chief Executive
 Kawerau District Council
 Private Bag 1004
 Kawerau 3169

Submissions must be received no later than 5pm on Friday 24 March 2022.

After the submission closing date of 24 March 2023, Kawerau District Council will publicly notify the availability of a summary of submissions and further submissions that support or oppose those submissions will be called for. Those who make submissions will have the opportunity to be heard.

For more information, please visit kaweraudc.govt.nz or view the advert on page XY



RB George

CHIEF EXECUTIVE OFFICER

24 February 2023



**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.

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.

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.

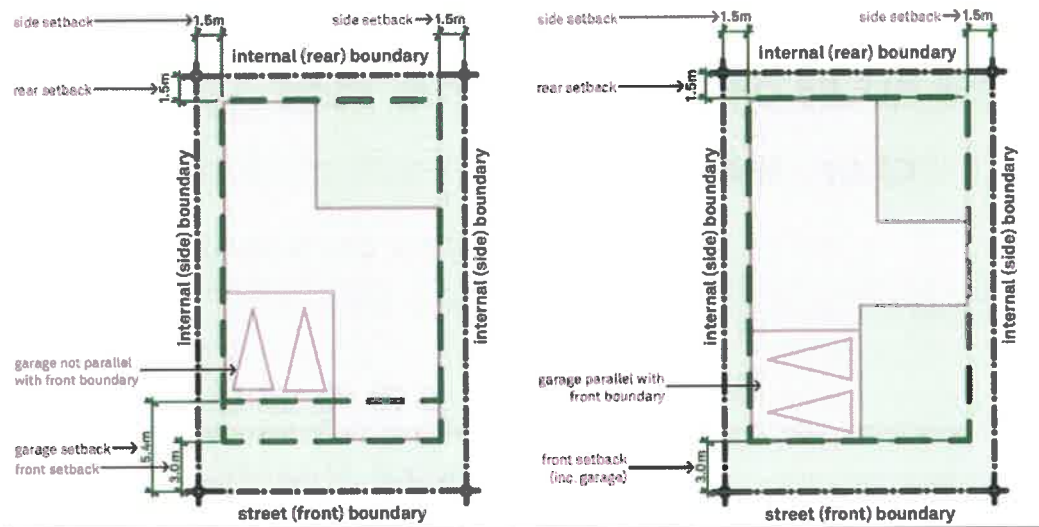


Diagram C3.4.2 – Positions of garage that comply with front yard setback in Residential Growth Precinct

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).

C3.5 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.

e) Access to Rear Sites

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

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.

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.



V1 Pit

V115/517
Pit/Terrace

V16/189
Pit/Terrace

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Pit/Terrace

V16/208
Pit/Terrace

V16/54
Pit/Terrace

V16/209
Pit/Terrace

V16/213
Pit/Terrace

V16/55
Pit/Terrace

V16/56
Pit/Terrace

V16/216
Pit/Terrace

V16/172
Pit/Terrace

V16/217
Pit/Terrace

Mawake Taupō Road

Tūwharetoa Road

112
118
120
124
125
127

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