



Plan Change 8 – Huna Road

Section 32 Evaluation Report
Prepared for Whakatane District Council

29 November 2023



Document Quality Assurance

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1.0 Introduction

The main purpose of proposed Plan Change 8 is to rezone land at Huna Road to provide additional housing capacity.

The land proposed for rezoning is approximately 15ha in area, shown in Figure 1 below.



Figure 1: Land Proposed for Rezoning

Most of the land (10ha) is zoned Deferred Residential under the operative District Plan.

Part of the land (5ha) is zoned rural, but with intentions to development the land as papakāinga housing.

An assessment of demand for dwellings in the district has established that the land is now needed as part of the residential land supply.

The land to be rezoned is capable of providing 150-175 house sites.

The development of land for housing will be integrated with the housing already developed at Shaw Road (60 sites).

2.0 Outline of Proposed Plan Change

The main features of the Plan Change are to:

- Rezone the land as Residential Zone and Urban Living Zone;

- Amend the Shaw/Huna Road Structure Plan to show:
 - Revised internal road layout;
 - Medium density housing area (up to 25 dwelling units);
 - Papakāinga housing area (up to 60 dwelling units);
 - Other housing;
 - Mixed Use Centre;
 - Access controls on State Highway 30;
 - Protect Paroa Rugby and Sports Club from reverse sensitivity effects;
 - Active transport routes for cycling and walking.

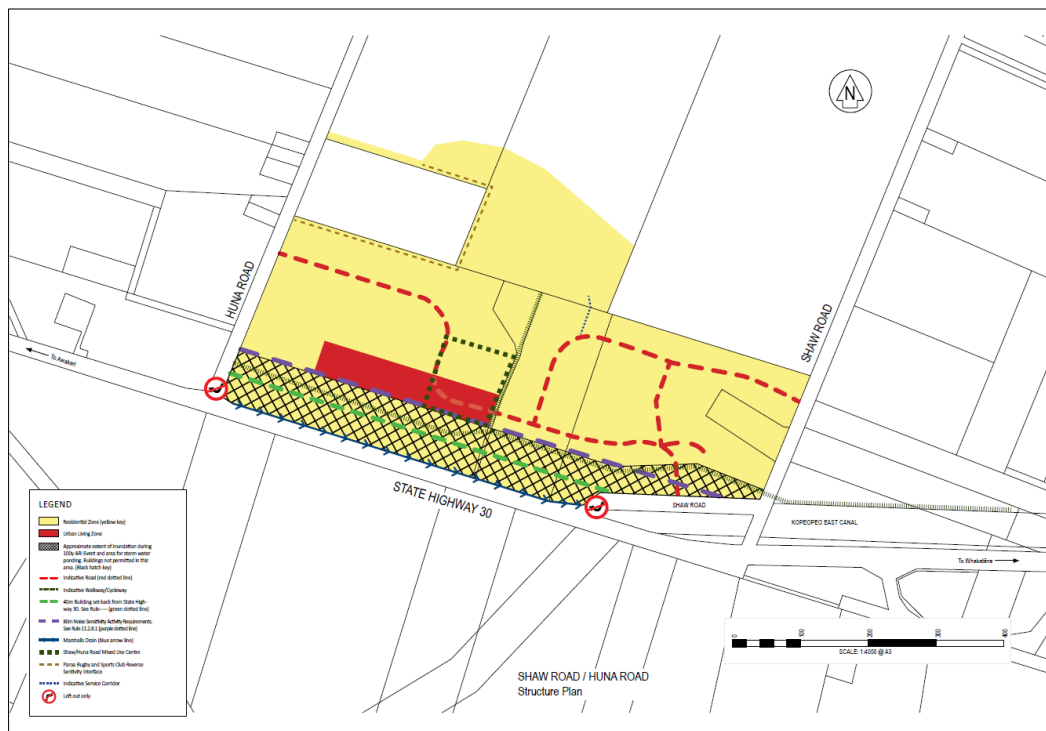


Figure 2: Proposed Structure Plan

- Retain an 80m setback from the State Highway and area for on-site stormwater management on the Shaw/Huna Road Structure Plan.
- Add a new rule to restrict development until safety improvements are provided on State Highway 30.
- Add a new rule to allow discretion over the protection of the Paroa Rugby and Sports Club from reverse sensitivity effects;
- Add new objectives, policies and assessment criteria for stormwater and land use integration using low impact design measures.
- Add a new rule to enable a Mixed Use Centre business activity of up to 100m² to be established on the site at a location defined generally on the Structure Plan.

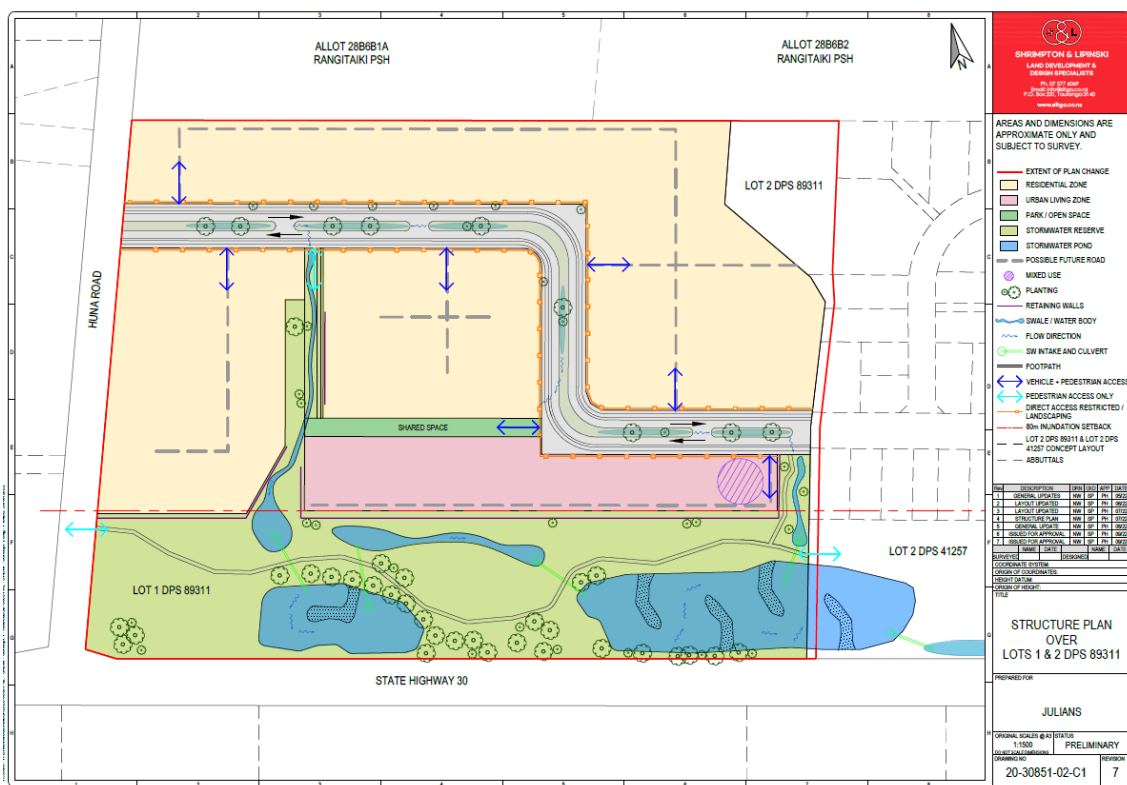
3.0 Land Parcels

3.1 12 Huna Road - Lot 1 DPS 89311 - Julians Land Co Ltd

The Julians Land Co Ltd (Julians) land consists of the Julian’s Berry Farm complex. The land area is 10.8165 ha.

The berry farm covers the majority of the land. A large main building is located on the western boundary of the site which acts as a visitor centre / shop / café and accommodates the management, ablution and storage facilities associated with the operational requirements of the farm. A large, sealed carpark with access to Huna Road is located directly outside the main building.

The outcome sought by the owners is a comprehensively designed residential subdivision that will yield approximately 100 residential units consisting of 71 standard dwellings and 29 medium density dwellings. The proposed development layout in shown in the Figure below.



Proposed Development Layout

The Julians initially requested a private plan change to rezone the land. The technical information provided with the draft rezoning request has been used to support the proposed plan change.

3.2 234A State Highway 30 –Lot 2 DPS 89311 - Dawn Parade 2012 Ltd

The land directly adjoins the eastern boundary of 12 Huna Road. The land area is 5,187m².

This property contains a dwelling at the northern end and curtilage defined by lawn areas and mature trees.

Dawn Parade Ltd also own the adjacent block (Lot 2 DPS 41257) that is zoned Residential.

The outcome sought by the owners is a residential subdivision (4 lots) alongside the existing zoned land that will create approximately 30 house lots in total. The proposed development layout is shown in the Figure below, with the existing zoned area outlined in red.



Figure Proposed Development Layout with the existing zoned area outlined in red.

The layout does not follow the operative Structure Plan which envisages an access connection between Karearea Drive and Kotare Drive.

3.3 30A Huna Road – Part of Allot 28B6B2 Rangitāiki PSH – Kawarehe Trust

The land directly adjoins the northern boundary of 12 Huna Road. The land area is approximately 5ha.

The outcome sought by the owners is a papakāinga housing development that will create up to 60 house sites.

The proposed development layout is shown in the Figure below.



Figure – Kawarehe Trust Concept Master Plan

A wastewater connection between the Trust land and Karearea Drive is also proposed, through Lot 2 DPS 89311 - Dawn Parade 2012 Ltd.

The housing will remain in Trust ownership and rented or leased to occupiers. Roads and open space will also remain in Trust ownership.

The Trust are considering whether they will retain ownership (and maintenance) of three waters infrastructure within the Trust land or vest the infrastructure with Council, including easements over all of the infrastructure.

Decisions on how best to manage infrastructure to support the papakāinga are matters that fall outside the District Plan and do not need to be addressed in the proposed Plan Change.

4.0 Evaluation Report Requirements

4.1 Overview

When the Council undertakes a plan change it is required to prepare an Evaluation Report under Section 32 of the Resource Management Act 1991 (RMA).

The Evaluation Report must examine whether the objectives of the proposal are the most appropriate way to achieve the purpose of the Act, and whether the provisions (the policies, rules and other methods) are the most appropriate way of achieving the objectives.

The Evaluation Report aims to explain to the community and decision-makers why the change is being considered, how the change fits with the wider policy framework of the Council, and the relevant policy framework of the Regional Council and Central Government, and what alternatives have been considered.

The Evaluation Report also provides a record for future reference of the background reports and assessments, consultation, and the assumptions and risks that have been taken into consideration.

Before Council publicly notifies a plan change it must have 'particular regard' to the Evaluation Report, and if changes are made to the plan change as a result of submissions a further evaluation must be made.

A proposed plan change must be accompanied by an Evaluation Report at the time of public notification.

If a proposal will amend a plan that already exists (as in this case with the operative District Plan), Section 32(3) states the Evaluation Report must relate to —

- (a) the provisions and objectives of the amending proposal; and*
- (b) the objectives of the existing plan 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.*

4.2 Objectives

An objective is a statement of what is to be achieved through the resolution of an issue. Objectives clearly state what is aimed for in overcoming the issue or promoting a positive outcome, or what the community has expressed as being desirable in resolving an issue. Objectives should be clear enough to provide targets that policies should seek to achieve.

Section 32(1)(a) requires an examination of the extent to which an objective is the most appropriate way to achieve the purpose of the RMA. "Most appropriate" has been interpreted as meaning "suitable".

4.3 Provisions

"Provisions" are the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:

Section 32(1) requires that an evaluation report must:

- (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) summarising the reasons for deciding on the provisions;*

4.4 Level of Detail

Section 32(1)(c) requires that an evaluation must "*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.*"

4.5 Benefits and Costs

Section 32(2) states: “An assessment under subsection (1)(b)(ii) must:

- (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*
- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

5.0 Previous Evaluation of Urban Zoning and Structure Plan

The land at Huna Road was zoned ‘Deferred Residential’ in 2012 as part of the District Plan Review. A Section 32 Report¹ was prepared for the area which included evaluations of:

- Cultural heritage;
- Natural heritage;
- Landscape;
- Isolation/Connectivity;
- Versatile soils;
- Contaminated land;
- Land use incompatibility;
- Natural Hazards – Land stability;
- Natural Hazards - Flooding/inundation;
- Infrastructure;
- Transport.

The evaluation concluded that the rezoning for urban development was appropriate, with the following elements included:

- Residential Zoning of 10.5 ha adjacent to Keepa Road;
- Deferred Residential Zone on the balance 10.5 ha (the land subject of this Plan Change);
- Amendments to the Strategic (Urban Growth) Chapter objectives, policies and rules;

¹ Shaw Road/Huna Road Rezoning, Bloxham Burnett Olliver, 25 February 2013

- A Structure Plan showing an internally connected road layout, 80m setback from the State Highway and area for on-site stormwater management.

The operative Shaw/Huna Road Structure Plan is shown in the Figure below. The Deferred Residential Zone is shown in orange.

2.6.3 Shaw / Huna Road Structure Plan



28 August 2017

Chapter 2 - Strategic

2-16

Figure: Operative Shaw Road Structure Plan

The evaluation that follows confirms and updates the previous assessment.

6.0 Resource Management Issues

6.1 Housing Land Demand and Supply

An assessment of demand for housing and the extent to which the operative District Plan provides development opportunities that match this demand was undertaken in 2021 for the Council².

After several decades of no growth, Whakatāne District has recently transitioned into a high growth area. Strong growth in the population is expected to continue in the future and changes in demographics suggests that demand for dwellings is expected to remain high. Analysis of the

² Whakatāne District Housing Demand Economic Assessment; ME, June 2021

Whakatāne District Plan suggests that there may not be enough capacity to meet the expected demands in the medium or long term.

The market has tended to supply larger dwelling types, both recently and historically. Increases in dwelling prices may result in changes to the types of dwelling that are viable within Whakatāne and Kawerau districts. As dwelling sale prices increase the financial viability of higher density dwellings and redevelopment becomes increasingly feasible.

The market may begin to deliver increasing numbers of attached and apartments in the coming decades. Projections suggests that over the coming three decades approximately 30 new attached and apartments dwellings would be demanded per annum. This is more than double what the market has developed over the last five years.

The capacity enabled within the Operative District Plan (ODP) and the household dwelling demand preferences indicates that there will be shortages of both traditional standalone house and attached dwellings in the future. The comparison shows that in the,

- short term (2021-2024) the enabled supply of all dwelling types exceeds the demands – no unmet demand.
- medium term (2025-2031) there is unmet demand for standalone dwellings of 750 units, with demand (1,210 units) over the decade being significantly larger than enabled supply (460 units). Also, over this period there is a small unmet demand for attached dwellings (40 units).
- long term (2032-2051) the outcome is significantly worse with large amounts of unmet demand for standalone (2,590 units) and attached (560 units) dwellings.

Under the NPS UD requirements for provision of housing, Council is required to provide sufficient development capacity in its district to meet expected demand for housing in the short, medium and long term.

The Eastern Bay of Plenty is experiencing consistent annual population and economic growth and requires an integrated spatial plan to support and guide future planning and investment decisions. To enable this, the Whakatāne, Kawerau and Ōpōtiki district councils are working with several project partners comprising of mana whenua representatives, government departments and the regional council to prepare a spatial plan.

The spatial plan will provide strategic direction based on shared outcomes that recognise spatial differences, constraints and opportunities from a four wellbeing's approach (economic, social, cultural and environmental). In doing so, the Spatial Plan will enable growth and development in the Whakatāne, Kawerau and Opotiki districts.

A Spatial Plan Foundation Paper on Housing and Land³ assumes that the Huna / Shaw Rd Deferred Residential Zone will be rezoned to residential in the short term, providing an additional 110 dwellings.

The Foundation Paper identifies challenges and barriers affecting papakāinga development. Papakāinga development is viewed as a platform for increasing intergenerational home ownership. These developments show whānau that there is an affordable way to achieve quality and secure housing. The rezoning and structure plan can assist in improving certainty for development, including the provision and funding of infrastructure.

There is a strong strategic case to rezone the land at Huna Road and to enable it to be used for housing.

³ Whakatane-Kawerau Spatial Plan Foundation Paper Housing and Land May 2022

6.2 Landscape

The land is not identified as having significant landscape or amenity values.

The residential activities will consolidate residential use at this location.

Visual quality will be enhanced by the stormwater management area alongside the State Highway.

6.3 Ecology

The land is not identified as having significant ecological values.

The proposed stormwater management area alongside the State Highway will provide natural habitat and enhance ecological values for the area, extending the existing stormwater area.

6.4 Archaeology

There are no recorded archaeological sites within the property at 12 Huna Road (Julians) and no previously unrecorded sites were identified during the archaeological survey⁴.

There are five previously recorded archaeological sites in the general vicinity of the Huna Road property. Two of these sites (W15/332, 816) are located on the dune ridge in the vicinity of Mill Road 1km to the southeast of Huna Road. Identified archaeological features within these two sites include pits, terraces and shell middens associated with the traditional Māori settlement of Pupuaruhue.

Given the close proximity of several significant recorded archaeological sites associated with the pre 1900 Māori settlement of Pupuaruhue there is a possibility that unrecorded subsurface archaeological sites not identifiable by ground survey methods may be encountered during ground disturbance associated with the proposed residential subdivision development.

Heritage New Zealand (HNZ) authority to modify damage or destroy possible unrecorded archaeological sites will need to be obtained prior to the commencement of earthworks associated with the development, and discovery protocols⁵ established at resource consent stage through consultation with Tangata Whenua.

6.5 Cultural Values

Ngāti Awa have been engaged as part of the plan change process. Several concerns have been raised about the plan change and these are set out in Section 7.2 below.

Specific cultural matters are addressed below.

6.5.1 Providing for Ngāti Awa cultural values in land management planning and decision making

Kawarehe Trust has joined Plan Change 8 as a way to better enable its proposed papakāinga housing development through residential zoning and associated structure planning.

The concerns are:

⁴ Archaeological Assessment, Proposed Residential Subdivision Development, 12 Huna Road, Phillips May 2022

⁵ Ngāti Awa Discovery Protocol

- Challenges associated with the development and use of Māori freehold land is not always recognised and provided for by Council.
- PC8 does not recognise and provide for Kawarehe Trusts ongoing role in perpetuity in deciding tenancy of up to 60 homes on multiply owned Māori Freehold Land, the tenure of which is as tenants in common, by preferred classes of alienee of which the Māori Land Court currently records 236 names.

The District Plan makes specific provision for papakāinga housing in the Rural zone rules as a controlled activity. The Residential Zone does not make specific provision for papakāinga, relying on the general provisions for housing. However, papakāinga is clearly envisaged:

“4.6 Other Methods:

Council will encourage communities to develop neighbourhood plans that enable people and communities to provide for their social, economic and cultural well-being while adverse effects on the environment are managed. Plans could provide for Papakāinga housing and community gardens.”

There are also several references to papakāinga in the “Strategic” chapter that give policy context to the Residential zone provisions:

“Strategic Objective 1 Growing our District

Growth is encouraged in a carefully planned, sustainable way while minimising the impact on the environment, including existing communities; retaining the characteristics and values of the District; and managing risk by avoiding or mitigating natural hazards.

Policy 8

To provide for a wide range of housing opportunities including;

a. traditional residential development in the Whakatāne urban area and in small townships;

...

h. papakāinga development;

Strategic Objective 7 Our Special Places – Māori and Iwi

Subdivision, use and development are managed so that tangata whenua, including kaitiaki maintain and enhance their culture, traditions, economy and society.

Policy 2

To recognise marae and papakāinga as an essential focus of the retention of Māori culture, traditions, society and the development of a self-sustaining economy.

Policy 7

To recognise and provide for protected customary rights, traditional Māori uses and practices, relating to natural and physical resources such as māhinga kai, waahi tapu, papakāinga housing and taonga raranga.

The proposed Plan Change also enables “Comprehensive Residential Development”, intended to enable broad innovation in delivery of housing with a variety of typologies and tenure arrangements, beyond more conventional, mainstream forms:

Strategic Objective 6 Creating Liveable Places

Development within urban areas will contribute positively to sustainable communities and enhance the amenity and character of these areas.

Policy 3

To enable comprehensive development within Structure Plan areas where higher quality urban design and environmental outcomes will be achieved.

The existing Residential Zone provisions should effectively enable development of papakāinga under the Trusts preferred ownership structure.

6.5.2 Protecting places and relationships of cultural significance:

Managing development impacts on heritage, including through discovery protocols is an established practice through the consideration of Iwi Management Plans in the resource consent process.

For example, the Ngāti Awa Environmental Plan requires:

“Accidental Discovery Protocols as a condition to a resource consent and/or archaeological authority to damage, modify or destroy a cultural heritage site⁶.”

Interpretation of cultural sites/values is matter that can also be addressed through the consideration of Iwi Management Plans in the resource consent process. A Structure Plan can indicate specific sites for recognition and measures for protection. However, at this stage no specific sites of cultural significance are identified within the Plan Change 8 areas.

Street naming protocols are applied under the Council's Road Naming and Property Addressing Policy (Reviewed March 2019):

“Preference will be given to road names with cultural, historical or geographic significance, or in keeping with an existing theme

...

“Road names should reflect local historical, cultural or geographical significance, using the following criteria:

Cultural significance: The area/name is significant to Māori or a culture other than Māori. Supporting documentation will need to be provided.

...”

At this stage, there are no specific provisions identified for inclusion in the proposed Plan Change.

6.6 Natural Hazards

A geotechnical investigation was undertaken in 2012 when the land was rezoned to Deferred Residential⁷. The investigation identified that ground improvements, earthworks or specifically designed foundations will be required for future buildings and roads.

An assessment of natural hazard risk has been undertaken for the part of the site currently zoned Deferred Residential, addressing volcanic hazards, earthquake (liquefaction and fault rupture);

⁶ Policy 9.1.5 Ngāti Awa Environmental Plan

⁷ Geotechnical Investigation for the Proposed Zonation Change, State Highway 30 Shaw and Huna Roads.

tsunami, landslip and flooding⁸. The risk assessment is supported by an updated Geotechnical Investigation Report⁹.

The risk assessment has been undertaken in accordance with the policies of the RPS Natural Hazards and Appendix L Methodology for Risk Assessment. Based on the assessment of likely natural hazards the natural hazard risk for the site is assessed as low.

A geotechnical assessment investigation and assessment of the Trust land also concludes that the site is generally suitable for residential development¹⁰. The geotechnical constraints affecting the proposed development can be addressed by undertaking suitable ground improvement measures and providing appropriate engineering designed foundations suitable for the site.

On the above basis the proposal, being greenfield development, complies with RPS Policy NH 4B which requires:

“...a Low natural hazard risk to be achieved on development sites after completion of the development (without increasing risk outside of the development site)...”.

6.7 Soil Contamination

6.7.1 Deferred Residential Land

A Detailed Site Investigation (DSI) has confirmed the area zoned “Deferred Residential” is a ‘piece of land’ in the context of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health due to elevated soil contamination levels from historical land uses¹¹.

The investigation identified the site has been potentially subjected to four separate land uses from the HAIL perspective:

- Horticultural land use at the site for berry production;
- Storage of horticultural chemicals and petroleum products at 12 Huna Road;
- Due to the age of a number of the site buildings, it is likely that asbestos products are present within other building materials;
- Potential for lead-based paint on existing buildings.

Resource consent will be required (from both district and regional council) once subdivision and development of the site occurs.

A Remedial Action Plan (RAP) and Site Management Plan (SMP) will need to be prepared to support the resource consent application. The RAP will outline remediation requirements for soil impacted by contaminants above human health and environmental discharge criteria and monitoring and management procedures for the balance of the earthworks due to the detection of contaminants above background levels and potential for encountering unidentified contamination.

⁸ Natural Hazard Assessment 12 Huna Road and 234A SH 30, Whakatane, S and L Consultants, October 2022

⁹ Geotechnical Investigation Ref 20136.000.001, ENGEO DATED 23 May 2022

¹⁰ 30a Huna Road Development Geotechnical Assessment Report, WSP, May 2023

¹¹ Combined Preliminary and Detailed Site Investigation 12 Huna Road, 234 and 234a State Highway 30, Whakatane, Bay of Plenty, ENGEO, June 2022

Following completion of site earthworks, a Site Validation Report (SVR) will be required to present the validation sampling data and confirm that site earthworks were performed in accordance with the RAP.

These consent processes will provide for the remediation of the site to ensure the human health is not compromised.

No additional provisions are needed in the District Plan.

6.7.2 Trust Land

A DSI has confirmed that concentrations of contaminants are below adopted human health guidelines (residential (10% produce)) and adopted background criteria¹².

6.8 Reverse Sensitivity

Reverse sensitivity is the vulnerability of an established land use (such as state highways, farming activities, recreational activities) to complaints from a newly establishing, more sensitive land use (such as new houses and other noise-sensitive activities). Such complaints can compromise the established land use by restricting when or how it can operate.

For the adjacent State Highway, reverse sensitivity effects may arise from:

- Noise and vibration;
- Vehicle generated emissions, especially to air;
- Lighting/glare;
- Dust;
- Non-point source pollution e.g. stormwater run-off, spray-drift and litter.

These effects will be mitigated by a proposed 80m buffer along the SH road boundary. This setback is consistent with Waka Kotahi Guidance¹³.

For the nearby rural activities, reverse sensitivity effects may arise from:

- Noise;
- Odours;
- Dust.

Through consultation, Ngāi Taiwhakaea have raised specific concerns about the rural/residential use conflict, and would prefer the area remain rural zone, or alternatively, rural residential.

Rural interface effects will be mitigated by the separation provided by Huna Road (20m) and the front boundary setback (4m).

This distance is generally consistent with the rural zone “distance to boundary rule” which requires a 25m boundary setback for dwellings. The intention of the 25m boundary setback is to ensure that land use activities that are sensitive to the effects of rural activities do not constrain the operation of these rural activities including through the use of physical separation requirements¹⁴.

¹² 30A Huna Road, Preliminary And Detailed Site Investigation Report, WSP, May 2023

¹³ Guide to the management of effects on noise sensitive land use near to the state highway network, September 2015, Version 1.0

¹⁴ Objective Rur3 T, Policy 3.

The separation function could be enhanced further by the provision of screen fencing or planting along the Huna Road interface at the time of development, to be provided by the developer or future owner.

For the adjacent Paroa Rugby and Sports Clubrooms reverse sensitivity effects may arise from:

- Noise and vibration;
- Traffic;
- Lighting/glare.

These existing effects can be mitigated, if necessary, by appropriate boundary treatment within the Structure Plan area, such as an acoustic fence and screen planting at the time of development, to be provided by the developer or future owner.

There are several Operative District Plan provisions that already address reverse sensitivity effects including:

- *ODP Rule 2.3.3 and 2.4.4 Subdivision of Residential Zoned Land at Shaw/Huna Road:*
“the means by which the interface with rural land is managed to minimise visual and noise impacts and other reverse sensitivity effects of rural activities on neighbours and integrate with the rural landscape”;
- *ODP Rule 3.5.1 General Information Requirements* includes a requirement that all applications address:
*“the proposed method of addressing any potential or actual reverse sensitivity effects that may arise as a result of the activity;”*¹⁵
- Under rule 3.7.28 *Amenity Values and Rural or Urban Character Effects*, Council must have regard to:
“the potential for reverse sensitivity effects on existing lawfully established activities”
- Under 3.7.41 *Reverse Sensitivity*, Council must have regard to
“the location of proposed dwellings on the site in relation to existing lawfully established activities where there is a potential for reverse sensitivity effects (e.g. where the existing activity may generate noise, odour, dust, vibration, traffic);”
- Under 11.2.8 *Noise sensitive activities near any of State Highways 2, 30 and 34*, any new building housing a noise sensitive activity within 80m of State Highway 30 in the Residential Zone at Shaw Road must meet an internal road-traffic design sound level of 40 dBLAeq (24h) inside all habitable rooms. An acoustics design report from a suitably qualified and experienced acoustics expert must be provided to the Council demonstrating compliance
- Under 12.7.1 *Subdivision With or Without Public Roads* Council must exercise its control over;
“adverse effects likely to arise from the subdivision, associated development or subsequent use of the land including reverse sensitivity effects;”

These provisions are generally appropriate for the protection of rural and transport activities. However, Rule 11.2.8 of the WDP should be amended to “*Residential Zone at Shaw/Huna Road*” to avoid any doubt about what area is affected by the rule.

¹⁵ Rule 3.5.1.1 f viii

For the Paroa Rugby and Sports Clubrooms, the proposed Plan Change identifies the boundary of the site with the Residential Zone as sensitive and requires any application to assess reverse sensitivity effects and to propose appropriate mitigation measures.

6.9 Transport

6.9.1 Previous Assessment

A transport assessment was undertaken in 2012 when the land was rezoned to Deferred Residential¹⁶.

Modelling of the SH30 intersection with Shaw Road for the addition of 200 lots was found to increase the volume of right turn movements and delays to a 'Level of Service F'. Although the number of vehicles queued was small, the length of delay was of safety concern with predicted growth of traffic.

The modelling showed that a 100 lot first stage could be managed in the existing environment up to 2022 with a future intersection upgrade likely be necessary after this.

6.9.2 Road Network Effects

Since the land was rezoned, significant traffic growth has occurred on the wider network.

An updated traffic assessment¹⁷ shows that that increasing demand from the proposed Structure Plan area would cause significantly more delays to the Huna Road approach, with a current peak hour delay of 139 seconds, increasing to 320 and 662 seconds when demand is added representing 90 and 150 dwellings, respectively. These large delays are likely to impact on the outcome of drivers choosing suitable gaps and may reasonably be expected to result in a decreased level of safety at the intersection.

In the last 3 years, there has also been a shift of government policy that places a much stronger emphasis on traffic safety with a strategic priority of *“Developing a transport system where no-one is killed or seriously injured”*¹⁸:

“The primary focus of this priority is to develop a transport system that advances New Zealand’s vision that no-one is killed or seriously injured while travelling. New Zealand roads will be made substantially safer.”

This provides context for the planned safety improvements to State Highway 30 along the frontage of the Huna/Shaw Road Structure Plan area.

The stretch of State Highway 30 between Awakeri and Whakatane has been identified as a high-risk rural road. Waka Kotahi/NZ Transport Agency (WK) is therefore planning to invest in safety improvements and safer speeds as part of New Zealand’s Road to Zero strategy¹⁹.

WK has undertaken a community engagement process for the safety improvements from mid-2022. This initially focused on getting feedback from iwi and hapū representatives, Whakatāne District Council staff, landowners, businesses, emergency services and other key stakeholders such as heavy haulage, cycling groups, schools and bus companies. From September 2022,

¹⁶ Proposed Residential Subdivision, Shaw Road, Huna Road Scoping Assessment, Traffic Design Group, October 2012.

¹⁷ SH30, Huna Road Whakatane subdivision intersection capacity analysis, WSP 4 July 2023

¹⁸ Strategic Direction: Government Policy Statement on Land Transport 2021/22-2030/31

¹⁹ Awakeri to Whakatāne Proposed safety improvements Information Sheet March 2023

engagement has included online information, print and radio advertising, four community open days, Council meetings, hui, and industry forms²⁰.

The proposed safety improvements include:

- Flexible median barriers to prevent head-on crashes - designed to flex when hit, slowing vehicles and absorbing the impact of the crash.
- Providing wide road shoulders at regular intervals to allow slow vehicles to pull over, so emergency vehicles can pass easily.
- Making some side roads and accessways left in and left out only, so people don't have to cross the busy highway.
- Upgrading key intersections with roundabouts, to make it safer for people to turn on and off the state highway and provide a turnaround function to support the median barrier.

Safer speed limits for SH30 have been in place since August 2023.

The proposed safety improvements are shown in the plan in the figure below.



For the section of State Highway 30 along the frontage of the Huna/Shaw Road Structure Plan area the specific safety improvements are:

- Making Huna Road and Shaw Road left in and left out only;
- Widening road shoulders;
- Flexible (wire rope) median barriers to prevent head-on crashes;
- Upgrading the Thornton Road intersection with a roundabout;

²⁰ <https://www.nzta.govt.nz/projects/sh30-awakeri-to-whakatane-safety-improvements>

- Upgrading the Mill Road intersection with a roundabout (not shown on the figure).

The programme and funding for these improvements are subject to formal approval but the indicative programme and budget²¹ is:

- 2024/25 Construction season - Mill Road roundabout within existing road footprint, 60km speed, and seal widening (\$6M);
- 2025/2026 Construction season Year 2 - Thornton Road roundabout and wire barrier in the next construction season (\$10M)

These changes to the transport environment have implications for the Structure Plan area and the planned rezoning.

It is proposed that subdivision and development that leads to an increase in traffic can only occur safely with the planned safety improvements in place. District Plan controls on development are therefore necessary to ensure traffic safety risks are acceptable.

If the above safety improvements do not proceed as planned, interim improvement solutions to support the development could be considered by Waka Kotahi. This would require submission of a concept design and supporting traffic assessment report to be reviewed by Waka Kotahi Safety Engineers as part of any subdivision application process.

Discretionary Activity status is proposed for development proposals where the planned safety improvements are not in place given the uncertainty on what alternative improvement solutions may come forward and the wider effects these may have.

6.9.3 Possible Longer Term Road Network Development

Consideration is being given to a possible extension of Shaw Road to the east, crossing the Kōpeōpeō Canal and connecting into the planned roundabout on Mill Road/SH 30. This is shown indicatively in red on the figure below.



Figure Possible extension of Shaw Road

²¹ Verbal Advice, Waka Kotahi 6 July 2023

6.9.4 Internal Road Network

The development intention is to provide an internal future link to connect Huna Road to Shaw Road as an extension of Kotare Drive as indicated generally on the operative Structure Plan.

A wider carriageway and more robust pavement are proposed for this through-route to allow for a future bus route and heavier traffic while still indicating to motorists that they are in a confined environment to encourage slower vehicle speeds.

The internal road network of the proposed development will be designed and constructed in accordance with the Development Code including intersections.

These are design details that will be confirmed as part of the detailed design for a future subdivision consent application.

The Strategic Chapter includes the following objectives and policies:

“Strategic Objective 6

Development within urban areas will contribute positively to sustainable communities and enhance the amenity and character of these areas.

Policy 1

To require that development on deferred residential zoned land at Ōhope Maraetōtara East (Area 12) and Shaw/Huna Road implement the following design principles:

a. Roads and Accessways – the design of road treatments and private vehicle accessways within future subdivisions and developments need to provide for connectivity to the adjoining areas.

b. Pedestrian and Cycle Links and Routes – provide for pedestrian and cycle links and identify the size, location and design of those links.

Policy 2b.

The design and layout of new multi-modal transport networks, by ensuring that all new development is integrated and linked into existing development and that existing transport networks are at the time of upgrade, retrofitted with multi-modal opportunities; and

Controlled and restricted discretionary subdivision provision for the Shaw/Huna Road area includes the following criterion:

b. the means by which vehicle, cycle, pedestrian and future infrastructure connectivity is provided to the Deferred Residential land to the west;

...

i. the consistency of the development with the Structure Plan in Appendix 2.6.3.

No additional provisions are needed in the District Plan.

6.9.5 Active Transport

Footpaths and shared use paths are proposed along the main internal road and also within the stormwater reserve located between the main residential area and SH30.

With the development of the site located immediately to the east, these footpaths will then connect with the existing paths within the Shaw Road residential subdivision.

Paths within the stormwater reserve can also function as shared pedestrian and cycle paths.

A shared use path connecting Shaw Road to the Hub shopping centre, Gateway Industrial area, and the Whakatāne township is currently in planning and expected to be delivered within the 2023/24 financial year. With the proposed internal pathways this will provide a safe, continuous pathway to schools, recreation, shopping and employment, providing residents with appropriate choices for active modes of travel.

6.9.6 Public Transport

There are currently no public transport services operating or planned for the Huna Road and Shaw Road area. However, provision has been made for bus stops within the Shaw Road development and there are a number of inter-city services that operate on the adjacent SH30 corridor.

The Bay of Plenty Regional Council operates public transport services in the Whakatāne District and has indicated within the Regional Public Transport Plan 2022-32 that a bus network refresh for the Eastern Bay will be delivered in 2022 with longer term improvements planned for delivery in 2025/26. The planning of long-term improvements will provide an opportunity for bus services to be investigated and delivered to the plan change area at an appropriate time.

6.10 Water Supply

The extent of the impact on the water supply from the proposed residential development has been assessed via hydraulic modelling by the Council and is acceptable.

A new 250mmØ watermain connecting off the existing watermain at SH30/Shaw Road intersection and along SH30 up to Huna Road is required. A new 150mmØ watermain will tee off from the new 250mmØ watermain along Huna Road to the development entrances off Huna Road.

These new watermains are to ensure the required pressure distribution to supply the level of service for domestic, mixed use and firefighting reticulation.

For resilience and assistance in firefighting requirements the Julian's and the Rangitāiki PSH - Kawarehe Trust land are reliant on the adjoining property to the east being developed as interconnection to the existing watermains within Kotare and Kārearea Drives are essential (See Figure below).



WDC Existing Water Mains

The internal reticulated system will be designed as per the WDC Development Code.

These are design details that will be confirmed as part of the detailed design for a future subdivision consent application.

No additional provisions are needed in the District Plan.

6.11 Wastewater

For Dawn Parade 2012 Ltd and the Julian's land, a connection point into the existing gravity wastewater system will be provided from the existing reticulated wastewater at Kotare Drive. The existing reticulated wastewater network flows to a pump station within the Shaw Road development. The pump station connects to the WDC wastewater treatment plant via a rising main generally located along Kōpeōpeō Canal Road.

The Julian's land will require a new Pump Station and rising main to connect to suitable wastewater receiving manhole connection point from an extension of the existing network at the western end of Kotare Drive. The connection is reliant on the adjoining property to the east being developed.



WDC Wastewater

For the Trust land, disposal via connection to the council sewer is feasible and is the preferred option over on-site treatment and disposal²². This connection will require an easement across 234 State Highway 30. Connection would be at a council manhole in the Shaw Road Subdivision, either at the end of Kārearea Drive (preferred), or Kotare Drive. It may be possible to connect to council sewer without the need for sewer pump station, depending on the connection point and the development of Dawn Parade 2012 Ltd land.

The Rugby Clubrooms adjacent to the Structure Plan area is also interested in having a connection to the council sewer.

The gravity wastewater pipelines to service the individual lots within the proposed developments will be designed and constructed to the WDC code of practice.

These are design details that will be confirmed as part of the detailed design for a future subdivision consent application.

No additional provisions are needed in the District Plan.

6.12 Stormwater

6.12.1 Rangitāiki Drainage Scheme

The subject land (shown generally in area bordered red on the following figure) is within the Rangitāiki Drainage Scheme and Rating Area managed by BOPRC²³.

²² 30a Huna Road Papakāinga Three Waters Feasibility Assessment, WSP, June 2023

²³ Rangitāiki Drainage Scheme Asset Management Plan, BOPRC, 2006



Rangitāiki Drainage Scheme (Figure 1e)

The Rangitāiki Plains covers an area of 29,000 ha between Matatā and Whakatāne, extending from the coast to Kawerau and covers the lower flood plains of the Rangitāiki, Tarawera and Whakatāne Rivers.

The land is mostly used for dairying, horticulture and grain cropping. There are also small areas of wetland reserve and urban development. Prior to European settlement in 1890 the Rangitāiki Plains consisted mostly of wetlands.

The scheme has 88 km of major canals (arterial) and 240 km of drains. Excess water drains from the Plains via these assets from a network of further smaller drains into the Tarawera, Rangitāiki and Whakatane Rivers.

Drains are designed to a 20% AEP standard, of 28 mm/day. They are intended to maintain the groundwater table to a level appropriate to surrounding ground levels, for the predominant land use (currently dairy farming), without causing over drainage and therefore excessive peat shrinkage.

Drains and canals need regular maintenance to ensure that their capacity remains at design drainage standards. Maintenance of the scheme is funded by a rate struck over the area of benefit. Rates for any property are calculated on the basis of land area and benefit classification of that property.

The Flood Protection and Drainage Bylaws 2020 apply to all flood protection and drainage assets managed by, or under the control of, Bay of Plenty Regional Council.

Written approval is required for any works within 12m of the drains identified on the map in the figure below.

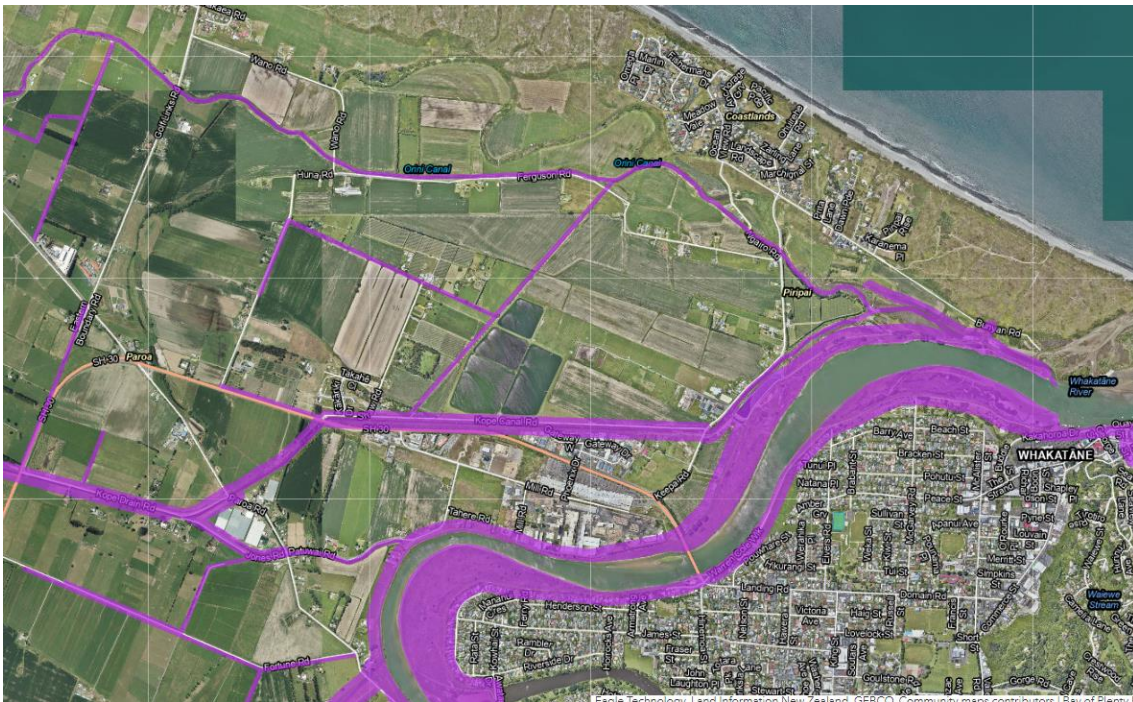


Figure: Flood Protection and Drainage Bylaw Applicable Area²⁴

6.12.2 Proposed Stormwater System

BOPRC require on-site detention to be provided to prevent an increase in volume of runoff from the site in a 72-hour 100 year including climate change event. This detention should be to a minimum standard of 80% of pre-development peak discharge in accordance with the Stormwater Management Guidelines for the Bay of Plenty region (BOPRC Guideline 2012/01). BOPRC require that the RCP 8.5 climate change scenario is considered.

BOPRC will require stormwater discharge consents to be obtained for respective developments.

For the Julians land, the indicative inundation area shown on the Structure Plan will be used for stormwater control²⁵, but extended in width by approximately 14m giving an overall width of 94m.. This area provides the space to incorporate the required attenuation and storage devices to mitigate downstream effects of stormwater discharge from the development into the Kōpeōpeō Canal via Marshalls Drain at predevelopment discharge rates.

The land and assets will vest to WDC following the transfer of any BOPRC stormwater discharge resource consents and the establishment and maintenance period.

The system is located adjacent to an existing drain (Marshalls Drain) that takes water from the roads and rural land to the Orini Canal and then to the Whakatāne River. The developers current design intention is to bund off the inundation area along the southern boundary fronting SH30 as well as the western and eastern boundary extents. The bund will separate the existing open drainage system of Shaw Road development and SH30, allowing these systems to operate separately with no connection or influence from the proposed development.

The gravity storm water pipelines to service the individual lots within the proposed development will be designed and constructed to the WDC code of practice.

²⁴ <https://boprc.maps.arcgis.com/apps/webappviewer/index.html?id=ef5e8a3a789c46fcaa5b4f5db4cd6880>

²⁵ Engineering Assessment Report for 12 Huna Road & 234a SH30, Whakatane, S and L, Julians Land Co., November 2023

The finished ground level and minimum height for building platforms, take into consideration the required flood level of RL3.0m with freeboard.

For the Trust land, the recommended option is onsite detention with a pond or swale providing capacity for Q100 and overdesign events, discharging to the Orini Canal Catchment²⁶.



Figure: Possible Discharge to Orini Canal Catchment

The feasibility of appropriate stormwater management for each land block has been demonstrated and there is enough space to provide appropriate on site mitigation for each parcel to be self-sufficient.

There are alternative solutions that could potentially optimise development outcomes and create additional development capacity, including by:

- Providing a single continuous wetland detention basin across all development land parcels to increase storage volume capacity;
- Piping of Marshall Drain in a similar fashion to the adjoining 'Shaw Road' development;
- Incorporation of Marshalls Drain into the inundation area to increase storage volume capacity;
- The diversion of some of the stormwater from the Julian's land through the Trust land to the Orini Canal Catchment to reduce storage volume requirements.

²⁶ 30a Huna Road Papakāinga Three Waters Feasibility Assessment, WSP, June 2023

These alternatives would require specific, detailed feasibility assessment and investigation as part of the discharge consent application process under the NRRP if they are to be pursued.

Stormwater concepts will need to be in line with appropriate industry practice including construction of wetlands and dry ponds. All stormwater concepts and delivery of infrastructure will require full operational and maintenance plans for such assets to be submitted.

These are design issues that will need to be considered in the detailed design for future subdivision consent applications and asset construction approvals, and through stormwater discharge consent applications.

6.12.3 Plan Provisions

The operative District Plan “Strategic” chapter includes the following objectives and policies for all structure plan areas:

“Strategic Objective 6

Development within urban areas will contribute positively to sustainable communities and enhance the amenity and character of these areas.

Policy 1

...

d. Stormwater Reserves – provide for low impact design stormwater methods (e.g. using principles of hydrological neutrality) and identify how those methods integrate into the public stormwater system.

...

Policy 2.

...

b. Utility systems within new development areas take into consideration the sustainability of the whole workings of the utility - e.g. stormwater runoff, storage and treatment; construction materials selection, ongoing energy and maintenance costs; renewal cycles and opportunities for retention devices on individual sites as well as actively encouraging water conservation measures on residential sites.

...”

Controlled and restricted discretionary subdivision provisions for the Shaw/Huna Road area include the following assessment criteria:

“...the means by which the stormwater ponding/attenuation area shown on the Structure Plan is integrated into the design of the subdivision.”

There is scope within the operative District Plan objectives and policies to achieve low impact/water sensitive design outcomes for development. However, the current assessment criteria focus on the attenuation area and do not explicitly address the best practice treatment train approach to ensure stormwater discharging from the structure plan area is appropriately treated. The Council Code of Practice for Development does not address low impact design methods.

Additional objectives, policies and rules for integrated stormwater management with the Huna Road Structure Plan area are therefore proposed to confirm that water sensitive design outcomes are required across the development.

Stormwater discharges will require consent from BOPRC under the RNRP which includes specific direction on the provision of appropriate stormwater systems including the use of source controls to avoid the contamination of stormwater.

6.13 Utilities

Existing overhead power supply and a ground mounted transformer is located on Huna Road. The power authority will be contacted at the detailed design stage to confirm whether this connection has the capacity from this point of supply.

Telecommunications services are available within the current urban area at the end of Shaw Road. Extensions to the existing networks will be required to service the proposed development. Confirmation of supply and network upgrades that may be required will be requested from the UFF provider at the time of detailed design.

These are matters that will be confirmed as part of the detailed design for a future subdivision consent application. No additional provisions are needed in the District Plan.

6.14 Open Space

Provision of open space for recreation is not shown on the Structure Plan and is determined through the Councils Level of Service Policy, applied at the time of subdivision.

The existing 2,493m² neighbourhood reserve and playground on Shaw Road is beyond an ideal walking distance of 400m for approximately half of the Julians land. See Figure below with 400m radius shown.



Figure: Existing neighbourhood reserve and playground on Shaw Road with walking distance of 400m

An additional pocket park neighbourhood reserve (750m²) may therefore be needed to provide accessible open space, particularly for children, elderly and others who are less mobile. The area

of neighbourhood reserve can take into account the open space benefit provided within the stormwater attenuation area with its active transport and passive recreation function. There is potential for co-location. Providing seating, paths, areas for passive recreation increases the quality of the overall neighbourhood.

The additional reserve land provision can be offset against development contributions for reserves (Up to 1% of land value).

These are matters that will be confirmed as part of the detailed design for a future subdivision consent application.

For the Trust land, the proposal includes the setting aside of private communal open space for use as recreation space for papakāinga residents.

No additional provisions are needed in the District Plan.

6.15 Construction

The Structure Plan area will be subject to earthworks and infrastructure development typical of most housing development (noise, sediment and erosion, construction traffic).

These are matters that will be confirmed as part of the detailed design for a future subdivision consent application, discharge and earthworks consent applications to BOPRC.

As noted above, Heritage New Zealand Pouhere Taonga (HNZ) authority to modify damage or destroy possible unrecorded archaeological sites will need to be obtained prior to the commencement of earthworks associated with the development, and discovery protocols established at resource consent stage.

No additional provisions are needed in the District Plan.

6.16 Development Contributions

Development will be subject to the payment of Development Contributions (DCs) under the Council Development Contributions Policy (DC Policy). This includes District Wide DCs for roading/Transport and Community Infrastructure.

Adjoining residential and deferred residential land comprising the Huna/Shaw Road Structure Plan Area is already identified as a “Project Catchment” for DCs related to “Whakatāne Water treatment and reticulation” and “Whakatāne water and wastewater treatment and reticulation”.

Units of demand for the Huna/Shaw Road Structure Plan Area are 200 HEU’s in 20 years (as per pre-development estimate in 2018).

The DC policy is currently under review as part of the LTP. The review should include an extension of the Huna/Shaw Road Structure Plan Area DC Contributions Areas to encompass the Trust Land (60 HUE) and Rugby Club (HUE to be assessed), in addition to updating the Schedule of Assets with current project scope and cost estimates.

6.17 National Planning Standards (NPStds)

The Proposed Plan change will be reformatted to comply with the NPStds at a future date as part of the District Plan.

7.0 Consultation

7.1 Summary

A record of consultation is set out in Appendix 3, summarised in the following table.

Party	Issues	Outcome
BOPRC	Stormwater Management	Stormwater inundation areas shown on Structure Plan.
Waka Kotahi	Road Safety	Traffic Safety Performance Standards included in Plan Provisions.
Landowners	Development issues	Agreed approach on zoning, rules and structure plan.

7.2 Consultation with iwi authorities

Te Runanga o Ngāti Awa (TRONA) have been engaged as part of the plan change process, including on the draft provisions under Clause 3(1)(d) and 3B of Schedule 1.

Several concerns have been raised. See TRONA input included in Appendix 4.

In summary, the principle concerns are understood to be:

- Stormwater management:
 - support for low impact design
- Traffic safety:
 - support for safety measures to be applied
 - engagement on transport solutions
- Reverse sensitivity:
 - Paroa Rugby and Sports Club
- Providing for Ngāti Awa cultural values in land management planning and decision making:
 - enabling Māori freehold land to be developed
- protecting places and relationships of cultural significance:
 - managing development impacts on heritage
 - street naming and interpretation of cultural sites/values
- the need for direct consultation with Ngāi Taiwhakaea:
 - environmental effects/impacts
 - lack of consultation with hapū, residents and Māori land block owners.

Several of these concerns have been addressed directly through the Plan Change, or otherwise as identified through other Council systems and procedures. Plan Change provisions include:

- Low impact stormwater objectives, policies and rules;
- Provision for alternative transport safety measures as a Discretionary Activity, allowing for wide consultation/engagement;
- Specific reverse sensitivity rules for Paroa Rugby and Sports Club;
- Inclusion of the papakāinga area in the Structure Plan, and associated consideration in infrastructure planning and provision.

8.0 Evaluation Method

8.1 Appropriateness of Objectives

An evaluation report must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act.

The purpose of the Act is to promote the sustainable management of natural and physical resources. The matters of National Importance, Other Matters and Treaty of Waitangi provide the principles for assessing whether the purpose of the Act is being achieved.

In this case, the Plan Change will implement operative urban objectives for the Structure Plan.

The appropriateness of the objectives for the proposed Plan Change should be assessed against the purpose and principles in Part 2 of the Act, the Regional Policy Statement, Iwi Planning documents and National Policy Statements.

8.2 Appropriateness of Provisions

8.2.1 Reasonably Practicable Options

An evaluation report must identify other reasonably practicable options for achieving the objectives.

In this case, the reasonably practicable options range from leaving the land in rural use, to alternative types of urbanisation at lower or higher levels of intensity.

8.2.2 Evaluating Effectiveness

Effectiveness generally means consideration of the extent to which the intended objectives will be achieved by an option.

An option should be evaluated as reasonably effective and not fatally flawed before its efficiency is considered.

8.2.3 Evaluating Efficiency

The most efficient option will be the one that can achieve the outcome at least overall or net cost, taking into account all costs and benefits arising from the intervention²⁷.

The obligation under section 32(b)(ii) is to give effect to the objective in the least restrictive manner possible or at the least cost possible.

Hence the efficiency of the options can be evaluated and compared by assessing the following:

- Costs and benefits of establishing the provisions;
- Costs and benefits of compliance with the provisions.

8.2.4 Economic Growth and Employment

Under section 32(2)(a) an evaluation must:

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;*

8.2.5 Risk of Acting or Not Acting

An evaluation must assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (section 32(2)(c)).

8.2.6 Scale and Significance

An evaluation must 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.

Appropriate assessments of environmental effects have been undertaken as described above which provide sufficient detail to undertake an evaluation.

9.0 Appropriateness of Objectives

9.1 Operative District Plan Objectives

The overarching objective of the Plan Change is to provide an improved supply of land for housing, aligned with the Council's Urban Growth Strategy.

The Plan Change seeks to implement operative District Plan objectives for the Structure Plan area.

²⁷ Royal Forest & Bird Protection Society Inc v Whakatāne District Council [2017] NZEnvC 051 (Royal Forest & Bird). at paragraph [59]:

9.2 Purpose and Principles

Section 5 sets out the purpose of the RMA, which is to “*promote the sustainable management of natural and physical resources*”.

Sustainable management ‘*means managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while -*

- *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- *avoiding, remedying, or mitigating any adverse effects of activities on the environment’.*

In achieving this purpose, councils also need to recognise and provide for the matters of national importance identified in section 6, have particular regard to other matters referred to in section 7 and take into account the principles of the Treaty of Waitangi under section 8.

The proposed Plan Change objectives will appropriately recognise and provide for relevant matters of national importance as set out below.

Matter	Evaluation
<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>	The Development Area is not in the coastal environment.
<i>(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:</i>	The Structure Plan area does not include any outstanding natural features and landscapes.
<i>(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:</i>	The Structure Plan area does not contain areas of significant indigenous vegetation and significant habitats of indigenous fauna. Downstream waterways provide habitats for indigenous fauna. Stormwater management systems will ensure that adverse effects are avoided.
<i>(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:</i>	The Structure Plan area is not adjacent to the coastal marine area, lakes, and rivers.
<i>(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:</i>	Development will have acceptable effects subject to koiwi and artefact discovery protocols being established for development. Appropriate development of Whenua Māori will be enabled.

Matter	Evaluation
<i>(f) the protection of historic heritage from inappropriate subdivision, use, and development:</i>	The Structure Plan area contains sand ridge that may have been a place of historic occupation.
<i>(g) the protection of protected customary rights:</i>	The Structure Plan area is a place that has no areas of protected customary rights.
<i>(h) the management of significant risks from natural hazards.</i>	The Structure Plan area is assessed as being susceptible to potential land instability and rainfall related flood hazards. However, site development and management controls can ensure that associated risks are maintained at a low level.

The proposed Plan Change objectives are appropriate regard to other relevant 'other matters' as set out below.

Matter	Evaluation
<i>(a) kaitiakitanga:</i>	Provision for ongoing engagement with Iwi/hapu through the content and development phases.
<i>(aa) the ethic of stewardship</i>	Stewardship is an ethic that embodies the responsible planning and management of resources. The plan change assessment has identified all relevant resource issues and identified new objectives to address place specific outcomes.
<i>(b) the efficient use and development of natural and physical resources</i>	The proposed Plan Change promotes efficient use and development of resources through the proposed Structure Plan. The Structure Plan provides for the integration of land use and infrastructure. The spatial layout optimises land use capacity for development whilst protecting natural and physical resource values.
<i>(b) the efficiency of the end use of energy:</i>	The Structure Plan area is located adjacent to existing infrastructure and services in the urban area, providing for efficient use of existing resources, including energy use. Access to local centres by active transport modes will reduce the need for car travel for some goods and services.
<i>(c) the maintenance and enhancement of amenity values:</i>	Amenity standards will meet accepted District Plan standards for neighbourhoods and sites.
<i>(d) intrinsic values of ecosystems:</i>	The Structure Plan area does not have significant ecosystem values, having been used for farming and horticulture for many years.
<i>(e) [Repealed]</i>	

Matter	Evaluation
(f) <i>maintenance and enhancement of the quality of the environment:</i>	The proposed plan change will result in a change from a rural to an urban environment, but this change will result in a quality environment.
(g) <i>any finite characteristics of natural and physical resources:</i>	The value of the land for rural production will be foregone with urbanisation. This is an inevitable outcome of land use change, and an acceptable trade off having regard to the district's overall land use strategy and enhanced community wellbeing associated with improved housing supply.
(h) <i>the protection of the habitat of trout and salmon:</i>	The Structure Plan area does not contain habitat of trout and salmon.
(i) <i>the effects of climate change:</i>	The primary direct response to climate change effect will be in the design of the stormwater management system. The system design will include rainfall projections that incorporate appropriately conservative climate change predictions.
(j) <i>the benefits to be derived from the use and development of renewable energy</i>	The proposed Plan Change has no direct relationship to the use and development of renewable energy. However, new homes will be thermally efficient, and increasingly incorporate new technology for on-site power generation using renewable energy.

The principles of the Treaty of Waitangi (Te Tiriti o Waitangi) have been taken into account in the proposed Plan Change as set out below.

Matter	Evaluation
(a) Partnership	<p>This requires the partners to act reasonably and to make informed decisions.</p> <p>The Council has identified and undertaken consultation with relevant mana whenua interests.</p> <p>Through consultation, the Council and hapu identified the need to have ongoing engagement as planning and development proceeds.</p>
(c) Active Protection	Development will have acceptable effects subject to koiwi and artefact discovery protocols being established for development, and recognition of cultural values through place naming and other measures that express cultural identity.

9.3 Regional Policy Statement

The District Plan must give effect to the provisions of the Regional Policy Statement (RPS).

The RPS includes objectives and policies that focus on achieving a compact, well designed and sustainable urban form, including implementing high quality urban design and live-work-play principles, and co-ordinating new development with infrastructure provision. The RPS promotes the integration of land use and transport planning.

There is a focus on promoting energy efficiency, considering the cumulative effects of new activities, taking into account the principles of the Treaty of Waitangi, and avoiding and mitigating natural hazard risks.

The Urban and Rural Growth Management Chapter focuses on the quality of urban development and ensuring that development is co-ordinated with the provision of infrastructure. The primary tool to achieve this is the use of structure plans.

The RPS includes High Quality Urban Design Principles as drivers of sustainable management; and 'the live-work-play policy approach to future development'. The live-work-play approach includes 'providing the opportunity for people to meet most of their daily needs within their own community and community cohesion and more harmonious lifestyles. It gives opportunity for people to remain active through all stages of life, in a healthy and safe environment'.

The objectives and policies also address productive potential of rural land, ensuring there is adequate infrastructure, quality and mauri of water and avoiding or mitigating natural hazards. Specific policies address minimising the effects of land and soil disturbance, recognition of kaitiakitanga and taking into account the principles of the Treaty of Waitangi.

The proposed Plan Change objectives will give effect to relevant RPS objectives and policies.

9.4 Regional Land Transport Plan 2021-2031

The region has identified five key priorities – which align with the RLTP objectives – and are necessary to progress towards the RLTP vision.

These are:

- 1) Reducing road deaths and serious injuries;
- 2) Improving environmental sustainability;
- 3) Improving multimodal access and choice;
- 4) Supporting regional growth; and
- 5) Improving resilience within the transport system.

The proposed Plan Change is consistent with these priorities:

- Safety Improvements on SH 30 are a prerequisite to development occurring. The improvements are a Prioritised Activity programmed to occur over the estimated time period 2021/22–2024/25.²⁸.
- The Structure Plan requires provision for multimodal transport with connection into the Whakatāne off-road Cycle Trails to support commuter, recreational, and tourism access throughout the district²⁹.
- The rezoning will provide needed residential development capacity;
- By providing multi-modal options and routes, system resilience will improve. The Structure Plan requires a full connection through the growth cell, increasing route choice within the network.

²⁸ RLPT Table 7: Road to zero activities

²⁹ RLTP Appendix 4 – Regional Programme / Hōtaka ā-rohe, #41

9.5 Te Mahere Whakarite Matatiki Taiao Ō Ngāti Awa (Ngāti Awa Environmental Plan)

The Structure Plan area is within the area over which Ngāti Awa exercises kaitiakitanga.

9.5.1 Culturally Significant Waterways.

The Environmental Plan identifies Culturally Significant Waterways. Three rivers are subject to statutory acknowledgements within the Ngāti Awa Settlement. These are the Whakatāne, Rangitāiki and Tarawera rivers including their tributaries.

The Whakatāne River was valued by Ngāti Awa as a source of food including eels, kākahi (freshwater mussels), oysters, fish, and whitebait. It was also used by Ngāti Awa to transport goods to and from the inland settlements of the iwi.

The Structure Plan area discharges stormwater to drains that reach the Whakatāne River. The stormwater management system will apply low impact design principles, including dry basins and wetlands, that recognise and provide for Te Mana o te Wai.

9.5.2 Cultural Heritage, Practices and Identity

The objective and policies identify the importance of protecting cultural heritage from land use and development.

Whilst there have been no specific issues raised through consultation with Ngāti Awa the archaeological report completed as part of the proposal identifies the potential for unrecorded archaeological to be discovered.

The physical site works associated with the subdivision and development of land provide the mechanism for consents and authorities and further engagement with Ngāti Awa to ensure archaeology and associated cultural values are appropriately managed.

9.5.3 Kaitiakitanga

The practice of kaitiakitanga in contemporary times involves active involvement in resource management processes (e.g. plan changes and resource consent process); restoration and enhancement projects; as well as monitoring the environmental and cultural impacts of activities.

Kaitiakitanga can be given expression beyond the Plan Change through engagement in consenting under District and Regional Plans and other authorisation processes to ensure that appropriate environmental outcomes are achieved, consistent with the Environmental Plan.

9.6 National Policy Statement - Urban Development 2020

The National Policy Statement on Urban Development (NPS-UD) aims to ensure that New Zealand's towns and cities are well-functioning urban environments that meet the changing and diverse needs of communities.

Principal objectives are:

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

Related policies are:

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.*

Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

Council is required to provide at least sufficient development capacity in its region or district to meet expected demand for housing:

- a) in existing and new urban areas; and
- b) for both standalone dwellings and attached dwellings; and
- c) in the short term, medium term, and long term.

In order to be sufficient to meet expected demand for housing, the development capacity must be:

- a) plan-enabled (i.e. appropriately zoned with housing a permitted, controlled, or restricted discretionary activity); and
- b) infrastructure-ready (i.e. there is adequate existing development infrastructure to support the development of the land, or funding for adequate development infrastructure to support development of the land is identified in a long term plan); and
- c) feasible and reasonably expected to be realised (i.e. based on consideration of past development trends and future landowner and developer intentions).

The NPS-UD directs councils to remove overly restrictive planning rules that make it more difficult to build homes. It requires councils to respond to changes in demand by enabling denser housing in walkable distances to areas such as around city centres and rapid transit stops.

Where planned urban built form involves significant changes to an area, the NPS recognises that these changes may detract from amenity values appreciated by some people but improve amenity

values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and are not, of themselves, an adverse effect.

The proposed plan change objectives are consistent with the NPS-UD.

9.7 National Policy Statement on Freshwater

Te Mana o te Wai is the fundamental concept of the NPS-FM and is a new approach to the management of activities that affect freshwater for local authorities and developers.

No freshwater ecosystems, including wetlands will be adversely affected by the proposed Plan Change.

The stormwater management system will apply low impact design principles, including dry basins and wetlands, that recognise and provide for Te Mana o te Wai. Additional objectives, policies and rules for the integration of land use and stormwater management will promote this outcome.

9.8 National Policy Statement for Highly Productive Land 2022

The purpose of the policy is to direct new housing development away from highly productive land, where possible. Preventing inappropriate subdivision, use and development will ensure the availability of highly productive land for food and fibre production.

The transitional definition of HPL applies to all LUC class 1, 2, and 3 land in general rural and rural production zones.

The Julians land is LUC Class 2. However, because the site is currently identified as Deferred Residential / Residential Zone under the operative District Plan the NPS-HPL does not apply. Land that councils have already identified for future urban development is not treated as highly productive land under the NPS HPL.

The Trust land is not HPL, being LUC Class 4.

9.9 National Policy Statement on Indigenous Biodiversity 2023

The purpose of the policy is to direct councils on their roles and responsibilities for identifying, protecting and maintaining indigenous biodiversity under the Resource Management Act 1991.

The land is not identified as having significant ecological values or areas of indigenous biodiversity.

The proposed stormwater management area alongside the State Highway will provide natural habitat and enhance ecological values for the area, extending the existing stormwater area. The proposed concept for the papakāinga includes areas of native planting: Pa Harakeke.

Overall, the development will result in an increase of cover by indigenous vegetation in the urban area, consistent with the restoration objectives of the NPS IB

- *Policy 13: Restoration of indigenous biodiversity is promoted and provided for.*
- *Policy 14: Increased indigenous vegetation cover is promoted in both urban and non-urban environments.*

9.10 Conclusion

The objectives of the proposal are the most appropriate way to achieve the purpose of the Act having regard to the purpose and principles of the Act and key policy instruments that give expression to the purpose and principles.

10.0 Appropriateness of Provisions

10.1 Reasonably Practicable Options

Practicable options for the Structure Plan area provisions are identified as:

- Deferred Residential Zone and Rural Zone (No Change).
- Residential Zone – rezone Structure Plan area to standard Residential Zone, with updated Structure Plan.
- Mixed Residential Zone and Urban Living Zone – rezone Structure Plan area to standard Residential Zone, coupled with an Urban Living Zone over a defined area to promote medium density development, with updated Structure Plan.

The Deferred Residential Zone is a rural zone that avoids activities within the Deferred Residential Zone that may compromise the future use of rural land for residential purposes. Residential development is a discretionary activity, with resultant subdivision a controlled activity.

The Residential Zone enables a density of 1 dwelling / 350m²; with a 9 metre building height limit; outdoor living areas; privacy, coverage and permeability restrictions. Higher density or larger scale development is a discretionary activity.

The Urban Living Zone enables a density of 1 dwelling / 200m² (for attached dwellings), with a 10 metre building height limit; outdoor living areas; privacy, coverage and permeability restrictions.

10.2 Excluded Options

Several options are excluded because they are not practicable:

- Rural Plains Zone: rezoning the Deferred Residential land to Rural Plains or retaining Rural Plains zoning over the Trust land would not address the shortage of housing land in the District. Residential use of the land has been signalled for over ten years and infrastructure has been committed in planning and funding, including through development contributions.
- Medium Density Residential Zone/Standards (MDRS): rezoning consistent with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 could reduce restrictive planning rules that make it more difficult to build homes. However, having a unique set of plan objectives, policies and rules for such a small area would be overly complex to implement and is not practicable, nor necessary. This option would be more appropriately addressed through a review of the District Plan, or District wide plan change. The provision for a Comprehensive Development Consent under Chapter 2 also provides a consent pathway for innovative delivery of housing, consistent with the MDRS.
- Industrial Zone: the site is adjacent to a zoned residential area and generally unsuitable for industrial use. There is no demonstrated need for further industrial zoned land at this location.

10.3 Evaluation

Practicable options are evaluated below against criteria for effectiveness and efficiency.

Colour coding of the table cells provide a qualitative rating of how well an option will meet the evaluation criteria:

- Green - High
- Orange – Moderate
- Red – Low/Critical

Evaluation Criteria		Options			
		Deferred Residential Zone	Residential Zone	Mixed Residential and Urban Living Zone	
Effectiveness					
Urban Accommodation	Growth	Sufficient land area suited for future urban and economic development that provides residents a range of lifestyle and development choices.	Will not actively contribute to urban land supply additional residential development capacity and housing choice in the short term. Does not meet NPS UD for "plan enabled" capacity. Maintains a future option for urbanisation provided that no interim subdivision or development occurred that would compromise this outcome.	Provides a reasonable degree of choice	Provides a higher degree of choice
Environment		Subdivision and development completed in a structured and integrated pattern, with the environmental qualities of the land fully identified and sustainably managed, including the restoration of indigenous biodiversity.	Presents a greater risk that urban development may occur on a piecemeal basis with variable or poor long-term outcomes.	Outcomes defined and implemented in an integrated way.	Outcomes defined and implemented in an integrated way.
Infrastructure		Efficient and safe operation of the transport network and adjoining rural activities. Efficient and effective provision of water, wastewater and stormwater.	Presents a greater risk that urban development may occur on a piecemeal basis with variable or poor long-term outcomes.	Outcomes defined and implemented in an integrated way.	Outcomes defined and implemented in an integrated way.
Natural Hazards		Low hazard risk following development.	All options must comply with RPS risk policy	All options must comply with RPS risk policy	All options must comply with RPS risk policy
Cultural Landscape		Identified sites, areas and resources of cultural significance identified and protected, including Te Mana o te Wai.	Presents a greater risk that urban development may occur on a piecemeal basis with variable or poor long-term outcomes.	Outcomes defined and implemented in an integrated way.	Outcomes defined and implemented in an integrated way.
Efficiency					
Costs and benefits of establishing the provisions.		Cost of plan changes and other related policy development	No costs.	Costs of Plan Change	Costs of Plan Change
Costs and benefits of implementing the provisions.		Consenting costs	Uncertainty and high consenting costs as a discretionary activity.	Reasonable consenting costs, although more complex for medium density due to discretionary activity status.	Lower consenting costs.
Economic Growth and Employment			No benefits.	Development provides for improved land supply for housing. Construction sector gains.	Development provides for improved land supply for housing. Construction sector gains.
Risks of acting or Not acting			Risk of reduced housing land supply leading to scarcity and cost increases.	No significant risks	No significant risks

10.4 Preferred Option

The Mixed Residential and Urban Living Zone option is the preferred option.

This option best achieves the desired outcomes with the lowest implementation costs.

11.0 Conclusion

The main purpose of proposed Plan Change 8 is to rezone land at Huna Road to provide additional housing capacity.

The land to be rezoned is capable of providing 150-175 additional house sites.

An assessment of demand for dwellings in the district has established that the land is needed as part of the residential land supply.

Key resource management issues for development that need to be addressed through the Plan Change primarily concern the provision of safe access to and from SH30 to the Structure Plan area. Other place specific issues can be addressed through amendments to the Structure Plan.

The operative District Plan provisions do not explicitly address the treatment train best practice approach to ensure stormwater discharging from the structure plan area is appropriately treated. Additional objectives, policies and rules for integrated stormwater management are proposed.

All other matters can be addressed appropriately through operative District Plan provisions, resource consents including those under the Regional Natural Resource Plan, and the implementation of other Council policies.

The overarching objective of the Plan Change is to provide an improved supply of land for housing, aligned with the Council's Urban Growth Strategy. The objectives of the proposal are an appropriate way to achieve the purpose of the Act having regard to the purpose and principles, and national, regional and district level policy instruments that give expression to the purpose and principles.

The preferred provisions to achieve the objectives are a Mixed Residential Zone and Urban Living Zone – rezone Structure Plan area to standard Residential Zone, coupled with an Urban Living Zone over a defined area to promote medium density development, with updated Structure Plan. This option best achieves the desired outcomes with the lowest implementation costs.

Appendix 1: Proposed Plan Change 8 Provisions

CHAPTER 2 STRATEGIC

Changes to Objectives And Policies

Amend the objectives and policies as follows:

Strategic Objective 1 Growing our District

Policy 1 Urban development shall be enabled through the:

- a. rezoning from Deferred Residential to Residential the following sites:
 - i. Maraetōtara East (Area 12) (see Figure 2.1); and
 - ~~ii. Rezoning Shaw/Huna Road (approximately 10ha to Residential and 12ha to Deferred Residential(see Figure 2.2).~~

Delete Policy 3

Delete Figure 2.2 Shaw / Huna Road / State Highway 30

Strategic Objective 6 Creating Liveable Places

Policy 1 To require that development on deferred residential zoned land at Ōhope and Maraetōtara East (Area 12) and ~~Shaw/Huna Road~~ implement the following design principles:

Add the following new objectives and policies:

Shaw/Huna Road Structure Plan - Integration of Land Use and Stormwater Management

Strategic Objective 9:

The environmental quality, character, amenity and cultural values of the Shaw /Huna Road Structure Plan area are developed, and then maintained and enhanced through the integrated management of land use and stormwater.

Policy 1:

Stormwater generated within the Shaw/Huna Road Structure Plan is managed through the application of low impact design principles with the development of a “treatment train”, using measures that distribute stormwater management across the site, including:

- a. Source control – individual lot level stormwater management approaches such as soak holes for capturing roof runoff, rain gardens, water harvesting;
- b. Site control – collecting and conveying runoff from a collection of lots through to smaller stormwater management facilities such as dry attenuation zones, swales, through to;
- c. Larger dedicated catchment facilities, such as detention basins and treatment wetlands.

Policy 2

The design of stormwater infiltration measures is based on a geotechnical assessment to achieve and maintain a low level of natural hazard risk within the Structure Plan area without increasing risk elsewhere;

Policy 3

The formed width of roads is minimised to reduce stormwater run-off while ensuring that road function and safety is maintained;

Policy 4

Open space is used for stormwater management and recreation including the provision and protection of adequate space to safely accommodate detention ponds and overland flow paths; and

Policy 5

The treatment wetland that discharges to Marshalls Drain is designed as a single, continuous wetland, not a pond, and is planted and maintained with appropriate native wetland species.

Policy 6

All new buildings within the structure plan area are constructed from inert building materials (for example no unpainted zinc or copper products are used).

Changes to Rules

Delete existing rules as follows:

2.2.4 Incompatible Activities

2.2.4.1 Delete reference to Shaw/Huna Road Deferred Residential Zones

Add new rules as follows:

2.2.2.3 Comprehensive Residential Development

2.2.2.3 Add reference to Shaw/Huna Road Structure Plan

2.2.5 Shaw/Huna Road Transport Management

2.2.5.1 Any subdivision and development within the Shaw Road/Huna Road Structure Plan area shall not commence until the following safety improvements on State Highway 30 are operational:

- a. Huna Road and Shaw Road intersections are left in and left out only;
- b. Roundabout at Thornton Road;
- c. Median Barrier between Thornton Road and Shaw Road.

2.2.5.2 Non-compliance with Rule 2.2.5.1 shall be a Discretionary Activity.

2.2.6 Shaw/Huna Road Mixed Use Centre

2.2.6.1 A business activity may be established and operated as a permitted activity within the area at Shaw/Huna Road shown in Figure 2.2 subject to the following:

- a. The location is within the mixed use centre area shown on the Structure Plan;
- b. The activity is a retail activity;

- c. The GFA of the activity does not exceed 100m²;
- d. Siting and height of buildings comply with the rules of the applicable zone;
- e. Noise complies with Rule 11.2.6;
- f. Lighting and glare comply with Rule 11.2.16;
- g. Signage complies with Rule 11.2.19.

2.2.6.2 Non-compliance with Rule 2.2.6.1 shall be a Restricted Discretionary Activity.

Changes To Assessment Criteria For Controlled Activities

Amend the criteria as follows:

Subdivision of Residential Zoned Land at Shaw/Huna Road

2.3.3.1 Council shall exercise control over:

- d. the criteria listed in 12.7.1; 13.2.26; 13.2.27; 13.2.28 and 13.2.29 with particular regard to 13.2.28.8.
- e. the means by which vehicle, cycle, pedestrian and future infrastructure connectivity is provided to the Residential and Urban Living-zoned land to the west and north;
- f. the means by which the interface with rural land is managed to minimise visual and noise impacts and other reverse sensitivity effects of rural activities on neighbours and integrate with the rural landscape;
- g. the means by which the interface with the Paroa Rugby and Sports Club is managed to minimise visual, light, noise, and vibration reverse sensitivity effects of club activities on residential activities;
- ~~h. the means by which traffic impacts on Shaw Road and the Shaw Road/State Highway 30 intersection are mitigated;~~
- i. the means by which ~~the stormwater ponding/attenuation area shown on the Structure Plan~~ management is integrated into the design of the subdivision;
- j. the means by which the building platforms comply with Rule 18.2.3.2;
- k. the means by which direct access from the residential zone to State Highway 30 is avoided;
- l. the means by which the subdivision design ensures that dwellings are not built within 40m of State Highway 30 (see Rule 11.2.8.2) and that dwellings within 80m of State Highway 30 address reverse sensitivity effects of traffic noise; and

Changes to 2.4 Assessment Criteria for Restricted Discretionary Activities

Amend the criteria as follows:

Subdivision of Residential Zoned Land at Shaw/Huna Road

2.4.4.1 Council shall restrict its discretion over matters listed below;

- a. the criteria listed in 12.7.1; 13.2.26; 13.2.27; 13.2.28 and 13.2.29 with particular regard to 13.2.28.8.

- b. the means by which vehicle, cycle, pedestrian and future infrastructure connectivity is provided to the Deferred Residential land to the west;
- c. the means by which the interface with rural land is managed to minimise visual and noise impacts and other reverse sensitivity effects of rural activities on neighbours and integrate with the rural landscape;
- d. the means by which the interface with the Paroa Rugby and Sports Club is managed to minimise visual, light, noise, and vibration reverse sensitivity effects of club activities on residential activities;
- ~~e. the means by which traffic impacts on Shaw Road and the Shaw Road/State Highway 30 intersection are mitigated;~~
- f. the means by which ~~the stormwater ponding/attenuation area shown on the Structure Plan~~ management is integrated into the design of the subdivision;
- g. the means by which the building platforms comply with Rule 18.2.3.2;
- h. the means by which direct access from the residential zone to State Highway 30 is avoided;
- i. the means by which the subdivision design ensures that dwellings are not built within 40m of State Highway 30 and that dwellings within 80m of State Highway 30 address reverse sensitivity effects of traffic noise; and
- j. the consistency of the development with the Structure Plan in Appendix 2.6.1.

2.4.5 Shaw/Huna Road Mixed Use Centre

The Council shall restrict its discretion to:

- a. Traffic effects of an increased greater scale of operation on the adjacent streets and surrounding road network;
- b. Amenity effects of any non-compliances on surrounding residential activities.

Changes to 2.6 Appendices

Delete and Replace Shaw/Huna Road Structure Plan with the following:



Appendix 1: Proposed Plan Change 8 Provisions

CHAPTER 3 ZONE DESCRIPTIONS, ACTIVITY STATUS, INFORMATION REQUIREMENTS AND CRITERIA FOR RESOURCE CONSENTS.

Amend the Zone Description for Urban Living Zone as follows:

3.1.7 Urban Living Zone

3.1.7.1 The Urban Living Zone applies to the urban residential area in Kōpeōpeō and part of the Shaw/Huna Road Structure Plan. It is similar to the Residential Zone except that it provides for higher residential density rates and more on-site intensive design matters. Yards and height controls differ from the Residential Zone.

CHAPTER 11 GENERAL PROVISIONS

Amend Rule 11.2.8 Noise sensitive activities near any of State Highways 2, 30 and 34 as follows:

11.2.8.1 Within 80m in a Rural Zone and the Residential Zone at Shaw/Huna Road, or 40m in any other Residential zone from any of State Highway 2, 30 and 34 (measured from the nearest painted edge of the carriageway):

- a. any new building housing a noise sensitive activity shall meet an internal road-traffic design sound level of 40 dBLAeq(24h) inside all habitable rooms, teaching spaces or general office areas; and
- b. any addition, extension or alteration to an existing building housing a noise sensitive activity which exceeds 25% of the existing GFA shall be designed and constructed to achieve a maximum internal road-traffic design sound level of 40 dBLAeq (24h) inside all habitable rooms, teaching spaces or general office areas.

Appendix 2: Record of Consultation

Party	Meetings	Key Matters Raised	Outcome
Paul and Monica Julian	Various meetings with landowners and their consultants since 2021.	The Julian's engaged development consultants in 2021 to commence preparation of a plan change to rezone their property to enable residential development. This included preparation of supporting technical reports.	Agreed approach on zoning, rules and structure plan.
Kawarehe Trust	Various meetings since 2022	The Kawarehe Trust requested to have a portion of their land be included within the proposed plan change to support a Papakāinga development.	The area identified has been included in the proposed plan change. Agreed approach on zoning, rules and structure plan.
Martin Van Der Aa	Various meetings since 2022	Development issues	Agreed approach on zoning, rules and structure plan.
BOPRC	Various meetings since 2022	Stormwater Management	Stormwater inundation areas shown on Structure Plan
Waka Kotahi	Summary sent early 2023, ongoing discussions since then	Road Safety, particularly around access from Huna Road onto State Highway 30.	Traffic Safety Performance Standards included in Plan Provisions.
Te Rūnanga o Ngāti Awa	Various email communications since 2022	Impact on water and stormwater capacity constraints for future developments elsewhere.	On-site stormwater mitigation measures in accordance with BOPRC requirements and low impact design.
Paroa Rugby and Sports Club	Meeting 14 March 2023	Reverse sensitivity of development, particularly on activities at the club rooms.	Proposed zoning changes will not change noise limits or existing use. New provisions proposed to address reverse sensitivity.

Party	Meetings	Key Matters Raised	Outcome
			Opportunity for wastewater connection.
Ngāi Taiwhakaea	17 November 2023	Prefer the land remains rural or, if it is to be developed, would prefer to see it as lifestyle blocks given the surrounding rural land use and a concern that rezoning will increase the rates of the existing properties.	Additional commentary on residential development setback from the Rural zoned land. Advised to consider making a submission on the plan change when it is publicly notified.

Appendix 3: Referenced Technical Reports

Scope	Title	Author and Date
Planning	Shaw Road/Huna Road Rezoning	Bloxham Burnet Olliver, 25 February 2013
Economic	Whakatāne District Housing Demand Economic Assessment	ME, June 2021
Economic	Whakatane-Kawerau Spatial Plan Foundation Paper Housing and Land	May 2022
Archaeological	Archaeological Assessment, Proposed Residential Subdivision Development, 12 Huna Road	Phillips May 2022
Geotechnical	Geotechnical Investigation for the Proposed Zonation Change, State Highway 30 Shaw and Huna Roads	Coffey November 2012
Natural Hazards	Natural Hazard Assessment 12 Huna Road and 234A SH 30, Whakatane	S and L Consultants, October 2022
Geotechnical	Geotechnical Investigation Ref 20136.000.001	ENGEO DATED 23 May 2022
Geotechnical	30a Huna Road Development Geotechnical Assessment Report	WSP, May 2023
Soil Contamination	Combined Preliminary and Detailed Site Investigation 12 Huna Road, 234 and 234a State Highway 30, Whakatane, Bay of Plenty	ENGEO, June 2022
Soil Contamination	30A Huna Road, Preliminary And Detailed Site Investigation Report	WSP, May 2023
Reverse Sensitivity	Guide to the management of effects on noise sensitive land use near to the state highway network, September 2015, Version 1.0	Waka Kotahi
Transport	Proposed Residential Subdivision, Shaw Road, Huna Road Scoping Assessment	Traffic Design Group, October 2012
Transport	SH30, Huna Road Whakatane subdivision intersection capacity analysis	WSP, 4 July 2023
Three Waters	30a Huna Road Papakāinga Three Waters Feasibility Assessment	WSP, June 2023
Three Waters	Engineering Assessment Report for 12 Huna Road & 234a SH30, Whakatane	S and L, November 2023

Appendix 4: Te Runanga o Ngāti Awa Consultation