

Plan Change 95 – Pencarrow Estate

Section 42A Report
Attachment 1 –
Recommended Changes to
District Plan Provisions



**Western
Bay of Plenty**
District Council

Chapter 12 – Proposed Amendments

The below are proposed as new provisions to be added to Chapter 12 of the Western Bay of Plenty District Plan, inserted below the most recent Structure Plan introduced to the District Plan (Rule 12.4.23 – Washer Road Business Park Structure Plan). This would therefore be a new section, Rule 12.4.24 – Pencarrow Estate Pongakawa Structure Plan.

Blue highlighted text specifically relates to notified wastewater and stormwater Rules that have no proposed amendments as a result of the need for further information as identified in the Recommendations in the 42A Report.

12.4.24 Pencarrow Estate Pongakawa Structure Plan

12.4.24.1 General

- a. Any subdivision or development (including delivery of stage pre-requisites) of land zoned Residential or Commercial within the Pencarrow Estate Pongakawa Structure Plan shall be undertaken in general accordance with that structure plan as set out in Appendix 7 and in the Pencarrow Estate Pongakawa Structure Plan Stage Prerequisites below.
- b. All roofs of buildings constructed in the Pencarrow Estate Pongakawa Structure Plan Area within lots adjoining a Rural Zoned site, or above one storey in height, shall be of a finish with a reflectivity (Light Reflectance Value) of no greater than 37%, measured and determined in accordance with AS/NZ Standard 1580.

12.4.24.2 Staging Details

- a. Subdivision or development of land within the Pencarrow Estate Pongakawa Structure Plan shall occur sequentially in that Stage 1 shall be completed prior to, or at the same time, as Stages 2 and 3.
- b. Subdivision to create separate lots that reflect the boundaries of the Pencarrow Estate Pongakawa Structure Plan area (in its entirety or of individual stages), including prior to the delivery of any stage pre-requisites, is a Controlled Activity.:

Council shall exercise control over the following:

- i. The new lot(s) to be established shall be generally consistent with the boundaries of the structure plan area or individual stages.
- ii. Provision of legal and physical access to all proposed lots.

12.4.24.3 Pencarrow Estate Pongakawa Structure Plan – Stage Pre-requisites

Prerequisites to subdivision 224 certificate being granted or to land use or building consent activity being established.

The pre-requisites below in part correspond to details on Pencarrow Estate Pongakawa Structure Plan drawings, see Appendix 7, Section 13 of the District Plan.

Stage 1

Roading and Access

- Intersection of Arawa Road and State Highway 2 to be upgraded in accordance with the recommendations of the Transportation Assessment Report prepared by Harrison Transportation (reference 496 TA, Rev 3 dated August 2023), or subsequent design

~~prepared by a suitably qualified transportation professional, as approved by Waka Kotahi NZ Transport Agency and Council:~~

- ~~• Carriageway of Arawa Road widened or amended in terms of width to have a 6.5m wide carriageway following exit from the SH2/Arawa Road intersection into Arawa Road, in accordance with the Transportation Assessment Report prepared by Harrison Transportation (reference 496 TA, Rev 3 dated August 2023), or subsequent design prepared by a suitably qualified transportation professional, as approved by Council, and Arawa Road carriageway to the vehicle entrance to the plan change site, to be upgraded generally in accordance with the concept 'Pencarrow Estate – Arawa Road/SH2 Intersection Upgrade', refer to preliminary design at Appendix 7, Section 13.5 of the District Plan or alternative design approved by Waka Kotahi for the State Highway and Council for the balance of Arawa Road.~~
- ~~• Footpaths and roads formed within pedestrian access strip between Arawa Road, adjacent to road carriageways and otherwise following 'Pedestrian Connection' routes within Stage 1, in accordance with the Council's Development Code (or successor document) and as approved by Council.~~
- ~~• Footpath to frontage of Commercial Zone to be provided.~~
- ~~• Pedestrian and vehicular access to, the Bbus stop established within, the Commercial Zone meeting design requirements Council's Development Code or alternative design approved by Council (or successor document).~~

Stormwater, Wastewater and Water Infrastructure

~~Following proposed design recommendations within the Engineering Servicing Report prepared by Lysaght Consultants (reference 225216 Rev 2 dated 1/9/2022):~~

[notified rules relating to wastewater and stormwater are outlined separately below]

...

- ~~• Water mains and reservoirs (if necessary) of sufficient pressure and capacity to service all lots within Stage 1 inclusive of firefighting requirements. This requires upgrading the 100mm ID main connecting the Arawa Road development to Maniatutu Road (a 2.1km long length of watermain) to a 250mm OD MDPE main.~~

Landscaping and Reserves

- ~~• Landscaping mitigation measures within and at the boundary of Stage 1, including in Reserve to Vest, established in general accordance with the structure plan landscaping plan.~~
- ~~• There shall be no building or structures within the 6m Riparian Reserve and 4m Landscape Buffer, inclusive of proposed trees. Tree planting to adhere to minimum applicable requirements specified within Pencarrow Estate Structure Plan Drawing No. 004 – Tree Planting.~~

Reverse sensitivity

~~Prior to Stage 1 being completed, all effluent pond and storage infrastructure within the Pencarrow Estate Pongakawa Structure Plan area shall be relocated so as to be west of~~

the north-western boundary of the structure plan area, and north of the existing milking shed and stock pad.

Commercial Land

The commercially zoned land shall be established and available for future commercial and community service activities.

Stage 2

Roading and Access

- New roads and footpaths within Stage 2 constructed, in accordance with the Council's Development Code (or successor document) and as approved by Council.
- Footpath connection between Arawa Road to internal roads through to 'Village Green' Stage 2 Road and Stage 1 Road to complete the established connection to the stormwater pond reserve detailed in the structure plan.
- Footpaths following 'Pedestrian Connection' structure plan requirements within Stage 2.

Stormwater, Wastewater and Water Infrastructure

Following proposed design recommendations within the Engineering Servicing Report prepared by Lysaght Consultants (reference 225216 Rev 2 dated 1/9/2022):

[notified rules relating to wastewater and stormwater are outlined separately below]

...

- Water mains and reservoirs (if necessary) of sufficient pressure and capacity to service all lots within Stage 1 inclusive of firefighting requirements. This requires upgrading the 100mm ID main connecting the Arawa Road development to Maniatutu Road (a 2.1km long length of watermain) to a 250mm OD MDPE main.

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Landscaping and Reserves

- Formation of reserve around stormwater attenuation pond treatment wetland and adjacent overland flowpath, including 'Village Green' seating area.
- Landscaping mitigation, including planting in Reserve to Vest, within Stage 2 boundaries established in general accordance with the structure plan landscaping plan.
- There shall be no building or structures within the 6m Riparian Reserve and 4m Landscape Buffer.

Landscaping

Landscaping mitigation measures within and at the boundary of Stage 2 in general accordance with the structure plan. Tree planting to adhere to minimum applicable requirements specified within Pencarrow Estate Structure Plan Drawing No. 004 – Tree Planting.

Reverse sensitivity

Dairy cow milking shall cease to occur at the existing milking shed.

Stage 3

Roading and Access

- New roads or private ways within Stage 3 constructed, in accordance with the Council's Development Code (or successor document) and as approved by Council.
- ~~Footpaths following 'Pedestrian Connection' structure plan requirements within Stage 3.~~

Stormwater, Wastewater and Water Infrastructure

~~Following proposed design recommendations within the Engineering Servicing Report prepared by Lysaght Consultants (reference 225216 Rev 2 dated 1/9/2022):~~

[notified rules relating to wastewater and stormwater are outlined separately below]

...

- Water mains and reservoirs (if necessary) of sufficient pressure and capacity to service all lots within Stage 1 inclusive of firefighting requirements. This requires upgrading the 100mm ID main connecting the Arawa Road development to Maniatutu Road (a 2.1km long length of watermain) to a 250mm OD MDPE main.

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Landscaping and Reserves

- Formation of the private playground reserve within the Commercial Area as shown on the structure plan.
- Landscaping within Stage 3 boundaries established in general accordance with the structure plan landscaping plan.

Landscaping

~~Landscaping mitigation measures within and at the boundary of Stage 3 in general accordance with the structure plan. Tree planting to adhere to minimum applicable requirements specified within Pencarrow Estate Structure Plan Drawing No. 004 – Tree Planting.~~

Chapter 12 – Notified Stormwater and Wastewater Rules

The below shows the notified rules which relate to stormwater and wastewater. No changes are recommended to the rules due to the need for further information. Changes to these rules may be required should the Hearing Commissioners determine the Plan Change be accepted. The location of these rules in regard to Chapter 12 is shown in the blue highlight above.

Stage 1

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Stormwater, Wastewater and Water Infrastructure

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- Stormwater pond identified location.
- Construction of Overland Flow Path 2.
- Roadside swales to all roads within Stage 1.
- Stormwater infrastructure planted to follow recommendations at section 11.3 of Wildland's Consultants' report no. 6334 Assessment of Ecological Effects for the Proposed Pencarrow Structure Plan Area at Pongakawa.
- Preparation of wastewater disposal field and infrastructure of adequate size to service the number of lots within Stage 1.

Deviation from these requirements shall be in accordance with an engineering design report prepared by a suitably qualified chartered civil engineer and as approved by Council.

Stage 2

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Stormwater

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- Roadside swales to all roads within Stage 2, planted to follow recommendations at section 11.3 of Wildlands Consultants' report no. 6334. Assessment of Ecological Effects for the Proposed Pencarrow Structure Plan Area at Pongakawa.
- Preparation of wastewater disposal field and supporting infrastructure of adequate size to service the number of lots within Stage 2.

Deviation from these requirements shall be in accordance with an engineering design report prepared by a suitably qualified chartered civil engineer and as approved by Council.

Stage 3

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Stormwater, Wastewater and Water Infrastructure

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- Roadside swales to all roads within Stage 3, planted to follow recommendations at section 11.3 of Wildlands Consultants' report no. 6334. Assessment of Ecological Effects for the Proposed Pencarrow Structure Plan Area at Pongakawa.
- Preparation of wastewater disposal field and supporting infrastructure of adequate size to service the number of lots within Stage 3.

Chapter 13 – Proposed Amendments

The below are proposed amendments to the provisions of Chapter 13 in the Western Bay of Plenty District Plan.

13.3.2 Controlled Activities

- a. More than one *dwelling* per *lot* subject to performance standard 13.4.1.i.

Conventional Residential Areas	Minimum <i>Lot</i> Size
Katikati and Waihi Beach (including Athenree, Bowentown and Pios Beach) and Pencarrow Estate Structure Plan (Density B).	350m ²
<u>Pencarrow Estate Pongakawa Structure Plan (Density A).</u>	<u>350m²</u> <u>Maximum average 400m²</u>
<u>Pencarrow Estate Pongakawa Structure Plan (Density B).</u>	<u>500m²</u>
Athenree <i>Structure Plan</i> area adjoining the Tauranga Harbour or esplanade reserve.	2,000m ²
Maketu – greenfield areas connected to a reticulated wastewater supply with a minimum parent <i>lot</i> size of 3000m ²	Minimum 350m ² Average 600m ²
All other residential areas	800m ² subject to compliance with Rule 12.4.6 and 12.4.7.

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13.4 Activity Performance Standards

13.4.1 General

- a. Height of buildings/structures
The maximum *height* shall be 8m and retain a maximum two storey character.

Except that:

- i. The maximum *height* shall be 6m in the Pencarrow Estate Residential Height Restriction Area and retain a maximum one-storey character.

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- c. Yards

- i. Front *Yards* shall be no less than the following:
Residential *Dwellings* (not including garages) 4m
Other *buildings/structures* including all garages 5m
- ii. Rear and Side *Yards* shall be no less than the following:
All *buildings/structures* 1.5m

Except that:

Dwellings and garages on land adjoining the Pencarrow Estate Residential Rear *Yard* Boundary shall be setback ~~5m~~ 8m from the specified boundary as shown

in that Structure Plan. Accessory buildings are permitted within this yard provided that the maximum height shall be 2m and the maximum gross floor area shall be 10m².

(Also see (c)(iv) for lots along Two Mile Creek)

Provided that:

A building/structure may be located within a side or rear yard and up to a side or rear boundary where the written approval of the owner(s) of the immediately adjoining property to a specified lesser distance is obtained.

A dwelling/garage may only be located within the Pencarrow Estate Residential Rear Yard and up to the specified boundary as shown in that structure plan, and an accessory building may exceed the maximum height or gross floor area permitted within this yard, where the written approval of the owner(s) of the immediately adjoining property is obtained.

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13.4.2 Subdivision and Development (See also Section 12)

a. Minimum net lot size:

Conventional Residential Areas	Minimum Lot Size
Katikati and Waihi Beach (including Athenree, Bowentown and Pios Beach) and Pencarrow Estate Structure Plan (Density B).	350m ²
<u>Pencarrow Estate Pongakawa Structure Plan (Density A).</u>	<u>350m²</u> <u>Maximum average 400m²</u>
<u>Pencarrow Estate Pongakawa Structure Plan (Density B).</u>	<u>500m²</u>
Athenree Structure Plan area adjoining the Tauranga Harbour or esplanade reserve.	2,000m ²
Maketu – greenfield areas connected to a reticulated wastewater supply with a minimum parent lot size of 3000m ²	Minimum 350m ² Average 600m ²
All other residential areas	800m ² subject to compliance with Rule 12.4.6 and 12.4.7.