

Attachment 1 – Question 4 – Comprehensive Planning Assessment

- This assessment is based on the Operative District Plan plus PPC95. Plan Change 92 is for Omokoroa and Te Puke Enabling Housing Supply and relates to medium density zones only. PPC95 seeks a residential zoning. Not a medium density zoning.
- Without having an exact proposal to consider, this assessment broadly takes into account the expected activities that would follow if PPC95 was approved, being:
 - Earthworks
 - Infrastructure
 - Subdivision
 - Dwellings / garages
 - Commercial activities
- If PPC95 was to be approved, the main relevant Sections of the District Plan for considering subdivision / development proposals for the site would be as follows. Requirements may be triggered in other Sections depending on the circumstances.
 - Section 4A – General (including non-complying rule and earthworks)
 - Section 8 – Natural Hazards
 - Section 10 – Infrastructure, Network Utilities and Designations
 - Section 11 – Financial Contributions
 - Section 12 – Subdivision and Development
 - Section 13 – Residential
 - Section 19 – Commercial
 - Appendix 7 – Structure Plans

Section 4A – General

- 4A.4.1 – Activities not included in activity lists default to non-complying.
- 4A.5 – Earthworks – These are permitted unless listed as requiring resource consent (e.g. in floodable areas), associated with a discretionary / non-complying activity or listed as matters of control / discretion.

Section 8 – Natural Hazards

Applicability

- This section will only trigger requirements for activities proposed within natural hazards shown on the Planning Maps. In this case, a small amount of flooding is shown within the site at the north and north-eastern extents.
- However, it is important to note that any subdivision or land use activities that default to discretionary or non-complying are subject to an assessment of all relevant effects including natural hazards requirements including the use of

other hazard maps held by Council. In this case, more up-to-date flood maps held by Council show a greater extent of flooding on the site including multiple overland flowpaths. These have been accounted for in the structure plan overland flowpath provisions and through engineering caucusing (and will be required to be demonstrated at these later consenting and detailed design stages).

Objectives and Policies

- 8.2.1 – Objective 1 is most relevant. Objective 2 is for coastal environment and natural features which may or may not exist on the site.
- 8.2.2 – All Policies are relevant to consider – except Policies 6 and 8 which relate to the coastal environment.

Subdivision

- 8.3.4 (c) (i) – Activity status – Subdivision is **discretionary** in a floodable area.
- 8.5.2 (c) – Matters of discretion relating to minimum site levels and managing effects of ponding and flowpaths.

Buildings/Structures and Earthworks (over 5m³)

- 8.3.3 (c) (i) – Activity status – Buildings/structures and earthworks (over 5m³) are **restricted discretionary** in a floodable area.
- 8.5.1.3 – Matters of (restricted) discretion relating to minimum floor levels and managing effects of ponding and flowpaths.

Section 10 – Infrastructure, Network Utilities and Designations

- 10.3 – Activity status table for a wide range of infrastructure works that would be part of a subdivision / development.
- Of note, new road reserves, public roads and parking areas are a **restricted discretionary activity** in residential zones.
- Open stormwater drains and channels are **permitted** in residential zones.
- Sewerage treatment schemes / plants / facilities are **discretionary** in residential / rural zones.
- Underground pipelines conveying water, wastewater and stormwater are **permitted** in these zones.
- Stormwater pond forms part of the structure plan and would adopt the subdivision activity classification.
- Power transformers and underground power lines are **permitted**.
- Underground telecommunications – **permitted**.
- Road upgrades within the Waka Kotahi (NZTA) road designation may require an outline plan approval. NZTA approval would likely be required for the portion of the water main upgrade located within the State Highway.

- 10.4 – Performance standards that relate to all activities in 10.3.
- Note provisions of services when accompanying a subdivision is also governed by Section 12.

Section 11 – Financial Contributions

- All proposals for subdivision, more than one dwelling per lot, and commercial activities (that need resource consent), must pay financial contributions towards demand on Council infrastructure. These are paid per additional lot / dwelling / activity.
- The amount payable is based on a household equivalent (HHE). An HHE is defined in Section 3 – Definitions, determined by the formulae in Section 11, and the dollar values per HHE are shown in Council’s fees/charges.
- 11.5 – Applicable for subdivision and more than one dwelling per lot in residential zones. The proposed site is “outside urban growth areas” so would be required to pay 1 HHE per additional lot / dwelling. This is for transportation, water, wastewater, stormwater, recreation and leisure (known as open space and recreation in the fees/charges) and ecological.
- 11.6 – Applicable to subdivision and commercial activities (that need resource consent) in commercial zones. There are particular calculations for transportation, water, wastewater, stormwater and recreation and leisure depending on the scale / nature of the activity proposed.

Section 12 – Subdivision and Development

Objectives and Policies

- All Objectives relevant to consider, except Objective 8 (Omokoroa / Te Puke).
- All Policies are relevant to consider.

Subdivision and development

- 12.3 – Rules – applicable to all subdivision and development. This includes information requirements for subdivision plan and application report.
- 12.3.4 – Activity statuses for not meeting rules – various are prescribed for non-compliance with the rules based on the particular circumstances.
- 12.3.4 – Matters of discretion (again based on the circumstances).
- 12.4 – Activity performance standards – significant number of requirements. Including 12.4.9.4 – Activity status – non-compliance with a structure plan is a **Discretionary Activity**.
- Section 12.4 includes utility servicing requirements to be met as part of subdividing land. Bespoke servicing requirements as appropriate to the

location are contained within proposed Rule 12.4.24 Pencarrow Estate Structure Plan Pre-Requisites.

- Vesting is addressed in various rules. 12.4.4.1 (b) requires any vesting of road to be designed to ensure safe and efficient movement of traffic. 12.4.9.2 requires local purpose reserves to be vested at time of subdivision. 12.4.10.8 requires stormwater management reserves to be vested. 12.3.10 states that consent conditions may require submission of drawings, calculations and costs etc relating to work to be vested.
- 12.4.24 – Pencarrow Estate Pongakawa Structure Plan – these are specific requirements including pre-requisites to subdivision 224 certificate being granted or to land use or building consent activity being established. Failure to meet the pre-requisites would be non-compliance with the structure plan and therefore a non-complying activity.
- 12.4.24.2 (b) – A specific subdivision rule allowing controlled subdivision to subdivide stage boundaries at any time so these can be on sold individually.

Section 13 – Residential

Objectives and policies

- 13.2.1 – All Objectives are relevant to consider – except Objective 3 (as the term “urban growth areas” is to be removed from the Regional Policy Statement) and Objective 6 (relating to coastal settlements).
- 13.2.2 – All Policies are relevant to consider – except Policy 1 (as the land would be “residential expansion” if PPC95 was approved) and Policy 4 (relating to coastal settlements).

Subdivision

- 13.3.2 (e) – Activity status – Subdivision is **Controlled** subject to meeting the performance standards in 13.4.2. This includes, in Density A, the minimum lot size of 350m² and maximum average of 400m² and, in Density B, the minimum lot size of 500m². Also, subdivision is to provide stormwater management reserves and access thereto, roading and road widening, walkways/cycleways, green buffer areas and water and sewage mains in the general locations shown on the Structure Plan and/or Planning Maps.
- 4A.1.4 – Activity status – For subdivision that does not meet the performance standards in 13.4.2, this will default to non-complying because there is no specific activity status provided for subdivision failing to comply with these.
- 13.5.1 – Matters of Control – all could be relevant depending on the proposal for a controlled activity. If a non-complying activity, all relevant effects can be assessed as part of the gateway test.

Dwellings (one dwelling per lot)

- Applicable if subdivision occurs first e.g. to create all required smaller lots.

- 13.3.1 (a) – Activity status – One dwelling per lot is permitted subject to meeting all relevant performance standards in 13.4.1.
- 13.4.1 – Activity status – One dwelling per lot failing to comply with these performance standards will be restricted discretionary for the particular non-compliance.
- 13.6 – Matters of (restricted) discretion for not meeting performance standards.

Dwellings (more than one dwelling per lot)

- Applicable if a large housing development is proposed before subdivision. Or where a landowner may wish to add a second dwelling to their smaller lot.
- 13.3.2 – Activity status – More than one dwelling per lot is controlled subject to meeting the density requirements in the activity status itself. This includes, in Density A, the minimum area of 350m² per dwelling and maximum average of 400m² and, in Density B, the minimum area of 500m² per dwelling. More than one dwelling per lot is also subject to relevant performance standards in 13.4.1.
- 4A.1.4 – Activity status – For more than one dwelling per lot that does not meet the density requirements in the activity status itself, this will default to non-complying because there is no specific activity status provided for subdivision failing to comply with these requirements.
- 13.5.1 – Matters of Control – all could be relevant depending on the proposal for a controlled activity. If a non-complying activity, all relevant effects can be assessed as part of the gateway test.

Garages

- 13.3.1 (f) – Activity status – “Buildings accessory to the foregoing” (i.e. accessory to one dwelling per lot) are permitted, also subject to the relevant performance standards in 13.4.1.

Section 19 – Commercial

Objectives and policies

- 19.2.1 – All Objectives are relevant to consider.
- 19.2.2 – All Policies are relevant to consider, except 15 (Omokoroa).

Subdivision

- 19.3.2 – Activity status – **Controlled**. (but likely to change due to minor flooding overlays)
- 19.6.2 – Matters of control.

Commercial activities

- PPC95 has not specified what exact commercial activities will follow if the land is zoned commercial. Therefore, any permitted activities are possible.
- There is no definition that captures all “commercial” activities in the District Plan. There are various commercial activities with their own definitions.
- 19.3.1 – Activity status – there are a range of permitted activities – intending to provide for most “commercial” uses expected in a commercial zone. This is subject to meeting the relevant performance standards in 19.4.
- 19.3.2-4. Activity status – there are other activities provided for as controlled, restricted discretionary and discretionary.
- 19.7 – Matters of discretion.

Appendix 7 – Structure Plans

- Pencarrow Estate – four structure plan drawings proposed with one additional structure plan drawing recommended to be added.
- Proposals for subdivision and development must be in general accordance with these plans e.g. provide the stages / features shown and meet any other requirements specified. Failure to do so is non-complying activity (as per the requirements of Section 12 – Subdivision and Development).

Concluding Comment – Realisation of Development

Under the Western BOP District Plan, adjusted with the proposed rules for PC95, It is likely that the activity classification for the subdivision and associated works will be a discretionary activity due to part of the site (PC area) being identified as an overland flow path subject to the provisions of Section 8 of the District Plan. On its own, if future subdivision complied with minimum and average lot size requirements and delivered all stated pre-requisites applicable to the stage of subdivision, the subdivision would be a **Controlled Activity** (pursuant to Rule 13.3.2(e)). When inherently bundled with overland flowpath works, the higher activity status of **Discretionary** will apply (Rule 8.3.4(c)). The establishment of the on-site wastewater scheme is also classified as a **Discretionary** activity.

The structure plan provisions seek to ensure the intent of objectives and policies that would apply, would be met by future development.

Resource consent would also be required from the Regional Council (under the BOPRC RNRP) for large scale earthworks, stormwater attenuation and discharge, works adjacent and in a watercourse, and in respect of the wastewater servicing via On-Site Effluent Treatment (under the BOPRC OSET Plan).