

SECTION 4B – TRANSPORTATION, ACCESS, PARKING AND LOADING

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INTRODUCTION

Section 4B contains provisions for transportation, access, parking and loading that apply across the District or within particular zones. The proposed changes to this Section under Plan Change 92 are the addition of references to the Medium Density Residential Zone and Natural Open Space Zone to ensure the applicability of rules regarding access to urban roads, on-site manoeuvring and formation of parking and loading areas.

TOPIC 1 – RULE 4B.3.4(A)(II) NON-COMPLYING ACTIVITY STATUS FOR VEHICLE CROSSINGS TO ŌMOKOROA ROAD

BACKGROUND

Rule 4B.3.4(a)(ii) is an existing District Plan rule. The rule applies a non-complying activity status to new activities where:

- They propose new vehicle crossings, or increase the use of existing crossings, onto Strategic Roads (including Ōmokoroa Road); and
- Written approval of the Western Bay of Plenty District Council has not been obtained.

Plan Change 92 has not proposed any changes to this rule. The submission point is therefore considered out of scope of Plan Change 92 but has been addressed to provide information to the submitter and the Panel.

SUBMISSION POINT

One submission point was received. No further submission points were received. The submission point on this topic is summarised as follows:

Jace Investments and Kiwi Green New Zealand (58.13) - opposes the rule with respect to Ōmokoroa Road with the key matters raised being:

- A change to Rule 4B.3.4(a)(ii) so that it applies a restricted discretionary activity status rather than the non-complying activity status for new vehicle crossings, or the increased use of vehicle crossings, onto Ōmokoroa Road.
- This approach would be consistent with the activity status which would apply where subdivision or development does not comply with a performance standard within Section 12 – Subdivision and Development of the District Plan. This includes Rule 12.4.4.4(c)(i) which

states that the number or potential number of dwellings or other activities gaining direct access to these roads shall not be increased.

- The relief sought is on the basis of achieving consistency with other related points made by the submitter (58.11 and 58.12) which in essence request a restricted discretionary activity status for the three new accesses from the Ōmokoroa town centre to Ōmokoroa Road and seeks to ensure Plan Change 92 is consistent with the existing town centre resource consent.

OPTIONS

Option 1 – Status quo – Retain existing District Plan Rule 4B.3.4(a)(ii).

Option 2 – Amend Rule 4B.3.4(a)(ii) to assign a restricted discretionary activity status to new crossings, or the increased use of existing crossings onto Ōmokoroa Road, from the Ōmokoroa town centre.

DISCUSSION

Rule 4B.3.4(a)(ii) relates to vehicle crossings, which provide a transition point for access from private property to strategic roads. The rule assigns a non-complying activity status where written approval from the Western Bay of Plenty District Council has not been obtained for the new vehicle crossing, or increased use of a vehicle crossing.

Where written approval has been obtained in relation to strategic roads such as Ōmokoroa Road, the new crossing becomes a controlled activity under Rule 4B.3.1, where it complies with Rule 4B.4.2. It is understood that written approval would only be withheld where the proposed vehicle crossing is inappropriate in the view of Council.

Ōmokoroa Road is the spine road that collects all traffic for the Ōmokoroa peninsula. It is important to ensure conflict points along this road are minimised to avoid congestion and inefficient operation. Maintaining an effective road network is a priority outcome for achieving a high-functioning urban environment.

Therefore, a need remains for a higher level of scrutiny for vehicle crossings to Ōmokoroa Road, which will have a detrimental impact on the operational effectiveness of Ōmokoroa Road. This includes vehicle crossings for new activities, or changes to vehicle crossings approved for the Ōmokoroa town centre.

Section 12 – Subdivision and Development is also relevant. Rule 12.4.4.4(c)(i) is a separate performance standard which refers more generally to dwellings or activities having direct access to certain strategic roads but is inherently linked to Rule 4B.3.4(a)(ii). The rule is copied below:

“The number or potential number of dwellings or other activities gaining direct access to these roads shall not be increased. On subdivision or development, Council may apply a segregation strip to the certificate of title to ensure that access is gained from elsewhere in the Zone. For Prole Road any existing accesses shall be closed and relocated.”

Should an activity not comply with this standard, a restricted discretionary activity status is assigned under Rule 12.3.4.1. The rule is copied below:

“In the case of a subdivision or land development proposal which would otherwise be a Controlled Activity, any non-compliance with an activity performance standard shall render the application a Restricted Discretionary Activity in respect of the standard concerned, provided that where the non-compliance relates to a specific structure plan or

to performance standards 12.4.1.g. or 12.4.3.3, the status of the activity shall become that of a Non-Complying Activity unless otherwise stated.”

Having regard to the above, where written approval has been obtained, a restricted discretionary activity pathway is provided for via Rule 12.4.4.4(c). This activity status is consistent with the relief sought by the submission.

Where written approval is not obtained, Rule 4B.3.4(a)(ii) would take effect and assign a non-complying activity status. This is considered appropriate given the importance of Ōmokoroa Road to the realisation of the urban development capacity for the peninsula. Changes to Rule 4B.3.4(a)(ii), to reduce the activity status to restricted discretionary, could lead to inappropriate vehicle crossings, conflicts, and reduce efficiency of Ōmokoroa Road.

Option 1 is therefore preferred.

RECOMMENDATION

That Option 1 be accepted.

Status quo – Retain existing District Plan Rule 4B.3.4(a)(ii).

The following submissions are therefore:

REJECTED

Submission	Point Number	Name
58	13	Jace Investments and Kiwi Green New Zealand

SECTION 32AA ANALYSIS

As no changes are proposed, no s32AA evaluation is necessary.

TOPIC 2 – RULE 4B.4.6 – ON-SITE MANOEUVRING

BACKGROUND

Rule 4B.4.6 is an existing rule which requires activities to allow space for vehicles to manoeuvre and exit the site without reversing onto a road. The rule however provides an exception to dwellings in the Residential Zone with direct access off a District Road.

A consequential update is proposed, so that the exception also applies to dwellings in the Medium Density Residential Zone. The rule is copied below, with the Plan Change 92 changes underlined:

All activities shall provide manoeuvring space onsite so that all vehicles can enter and exit without reversing on to or off the road. Such manoeuvring shall be able to be executed in no more than a three-point turn.

Except that:

Dwellings in the Residential and Medium Density Residential Zone with direct access off a District Road are not required to provide for onsite manoeuvring.

Where a non-compliance occurs with the above rule, resource consent for a restricted discretionary activity would be required. The District Plan includes matters of discretion under Rule 4B.6.2, and submission points on the matters of discretion have been received.

Plan Change 92 does not include any changes to the matters of discretion under Rule 4B.6.2. The submission points are therefore considered out of scope of Plan Change 92 but have been addressed to provide information to the submitters and the Panel.

SUBMISSION POINTS

Two submission points were received. One further submission point was received. The submission points on this topic are summarised as follows:

Fire and Emergency New Zealand (18.2) supports Rule 4B.4.6 insofar that the exception in the Medium Density Residential Zone applies only where there is direct access off a road. No change to the rule is sought and submission point (18.1) supports Rule 4B.4.4.

Fire and Emergency New Zealand (18.3) opposes the matters of discretion in Rule 4B.6.2 on the basis that they do not allow consideration of manoeuvring for emergency service vehicles. The relief sought is the inclusion of a new matter of discretion relating to on-site manoeuvring for emergency service vehicles as follows:

h. the ability for emergency vehicles to manoeuvre on-site effectively and safely.

The North Twelve Limited Partnership (FS 78.18) opposes submission point 18.3. The submitter considers that it is impractical to provide onsite manoeuvring for fire appliances on residential properties given their size. Access and emergency services considerations including distances to fire hydrants as part of a development is a more appropriate consideration.

OPTIONS

Option 1 – Retain proposed changes to District Plan Rule 4B.4.6 which exempt dwellings in Medium Density Residential Zones from on-site maneuvering requirements.

Option 2 – Amend Rule 4B.6.2 to include an additional matter of discretion relating to on-site manoeuvring for emergency service vehicles.

DISCUSSION

It is acknowledged that emergency responders are a much-needed resource for a community and facilitating emergency vehicle access into communities is important. However, the on-site manoeuvring rule is not the correct rule for addressing the access needs of emergency vehicles. There are other requirements in place for this, already in the planning framework and Development Code.

Access to dwellings is made up of public roads, private roads, and private accessways.

The current planning framework (and Development Code) provides minimum design standards for the road network (whether public or private) and requires access for fire appliances to be provided. Should an alternative design standard for the road be proposed, the Development Code (standard 4.2.2) requires the applicant (amongst other things) to demonstrate fire appliance access is provided for. The existing subdivision and development process supports access for fire appliances.

Dwellings which are served via privateways are likely to be rear lots. The provision of on-site manoeuvring for emergency vehicles is not considered practical in those circumstances. This would be space consuming, could result in an inefficient use of land, and lead to outcomes which are contrary to Plan Change 92 (enabling housing). Fire safety in such circumstances requires a different approach, including distances to hydrants, and widths of privateways. Fire and Emergency New Zealand have made submission points on these matters, these are discussed in Report 13 - Section 12 - Subdivision and Development.

RECOMMENDATION

That Option 1 be accepted.

Retain proposed changes to District Plan Rule 4B.4.6 which exempt dwellings in Medium Density Residential Zones from on-site maneuvering requirements.

The following submissions are therefore:

ACCEPTED

Submission	Point Number	Name
18	1	Fire and Emergency New Zealand
FS 78	18	The North Twelve Limited Partnership

ACCEPTED IN PART

Submission	Point Number	Name
18	2	Fire and Emergency New Zealand

REJECTED

Submission	Point Number	Name
18	3	Fire and Emergency New Zealand

SECTION 32AA ANALYSIS

As no changes are proposed, no s32AA evaluation is necessary.