

Western Bay of Plenty District Council

Change to the District Plan – First Review

Plan Change 30 Entranceways (Rural)

Section 32 Report

Prepared by: Taunu Manihera, Senior Consents Planner

1.0 Introduction

1.1. General Introduction and Background

The purpose of this report is to consider the modification of rural entrance way Rule 4B.4.3 to ensure that new and existing entranceways to rural properties are certified as complying with the District Plan and Development Code at the time new buildings are constructed on a property. The term "complying" in the context of this report refers to the location of the entranceway and its standard of construction.

The current practice is that at the time of subdivision, a complying location for a rural entrance is required to be identified. However, the entranceway itself is not required to be built until the construction of a building. Often, a landowner does not always choose to construct the entranceway in the location identified through the subdivision. The suitability of the revised location is unknown and currently Rule 4B.4.3 does not specify a requirement for the entranceway to be certified. Accordingly, the District Plan requires amendment to ensure new entranceways are certified to avoid them being constructed in unsafe locations.

The issue is not limited to just new titles either. It also extends to existing properties in the District which may not have an existing complying entranceway. Depending on the purpose of the building, there may be further use of the existing non-complying entranceway which may exacerbate any safety issues. Accordingly, the District Plan requires amendment to address existing properties which do not have an existing complying entranceway.

2.0 Resource Management Act 1991

2.1. Section 32

Before a proposed plan change can be publically notified the Council is required under section 32 ("s.32") of the Act to carry out an evaluation of alternatives, costs and benefits of the proposed review. With regard to the Council's assessment of the proposed plan change s.32 requires the following:

- (3) An evaluation must examine-*
 - (a) the benefits to which each objective is the most appropriate way to achieve the purpose of the Act; and*
 - (b) whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.*

- (a) For the purposes of [[the examinations referred to in subsections (3) and (3A)], an evaluation must take into account-*
 - (a) The benefits and costs of policies, rules or other methods; and*
 - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.*

The benefits and costs are defined as including benefits and cost of any kind, whether monetary or not. This report must evaluate the extent to which the proposed plan change is the most appropriate way to achieve the purpose of the Act.

2.2. Section 74

In accordance with Section 74(2A) of the Act, Council must take into account any relevant planning document recognised by an iwi authority lodged with Council. None of the Iwi Management Plans that have been lodged with Council raise any issues which are of relevance to this Plan Change.

3.0 Consultation

Council engaged with the public to request input prior to the writing of this report, this was done by notices in our local newspapers and a specific information page on the Council website relating to the proposed changes.

Council also engaged with the surveying and planning community in the Western Bay of Plenty and Tauranga area via the "Surveyors Newsletter".

In response to consultation, the Council received a comment from the New Zealand Transport Agency ("NZTA") on 10 October 2012. The NZTA advised the following;

"The NZTA would like the opportunity to review the proposed new access way standards/dimensions (District Plan Rule 4B.4.3(d)) on rural roads prior to it being notified to ensure it is consistent with previous discussions regarding the content of Chapter 4B"

The above request of the NZTA relates to the final formation and location standards or dimensions for rural entranceways. The purpose of this Plan Change is not to re-visit the standards or dimensions for rural entranceways. The purpose of the Plan Change is to consider when rural entranceways are required to be constructed and certified as complying with the current standards. The request of the NZTA is not within scope of this Plan Change.

4.0 Issue 1 – Rural Entranceways being constructed in a location that has not been certified as complying with the prescribed standards under the District Plan and Development Code

As discussed under Section 1.0 of this report, there are situations where landowners are constructing entranceways in the Rural Zone which are not located in a position deemed "complying", or, the Council has no information to make this determination. If a non-complying entranceway is

constructed, there may be adverse effects on the safe and efficient operation of the Council's transportation network.

4.1 Option 1 – Status Quo

Advantages	<ul style="list-style-type: none"> There are no apparent advantages in retaining the status quo
Disadvantages	<ul style="list-style-type: none"> Landowners are not required to certify new entranceways and therefore it cannot be confirmed whether they are complying or not. Council has no process to ensure complying entrances are constructed. Adverse safety effects on the transportation network may arise. New entranceways which do not comply with the required standards may result in adverse safety effects on the transportation network. Existing non-complying vehicle entrances can be deemed unsafe and further use may exacerbate safety issues in relation to the transportation network.
Efficiency/Effectiveness	<ul style="list-style-type: none"> There are no apparent efficiencies by retaining the status quo.

4.2 Option 2 – Amend Rule 4B.4.3(d)

Advantages	<ul style="list-style-type: none"> Safe and complying entranceways to new and existing rural properties are provided. A clear process is established in terms applying for, constructing and certifying entranceways. Increases safety for users of the District's transportation network.
Disadvantages	<ul style="list-style-type: none"> There are no apparent disadvantages in amending the rule.
Efficiency/Effectiveness	<ul style="list-style-type: none"> Effective because non-complying entranceways are identified prior to their construction. Effective because non-complying entranceways are identified prior to an increase in use. Efficient because Council is not required to retrospectively identify non-complying entranceways or address these through enforcement procedures.

4.3 Preferred Option

It is preferred that option 2 be adopted. The proposal is to add additional wording under Rule 4B.4.3 in the manner shown below.

Rule 4B.4.3(d)

~~Where a building consent is issued for a building on any site that does not already have a complying entrance the owner will be required to construct an entrance to Council's current minimum standard.~~

Where a building consent is lodged with Council for the *construction of a building* on a site, details of the entranceway will be required in the following circumstances:

- Where the property does not already have an existing entrance; or
 - Where there is an existing entrance and the purpose of the *building* increases the use of the entrance; or
 - Where there is an existing complying entrance and it is intended that the *building* be served by any other entrance;
- (i) Should one or more of the above circumstances apply, the details of any existing entranceway arrangement (including information required by Rule 12.3.8(c)) and the details of a new complying entranceway or upgraded existing and complying entranceway, shall be provided for approval at the time of building consent. The entranceway shall be constructed or upgraded, and certified in accordance with the approved details and Rule 12.3.9 thereafter.
- (ii) As an alternative to (i), an application to Council for a new entrance shall be made under the 'Rural Vehicle Crossing Application' procedure or its successor.

Explanatory Note: The term "complying" in the context of the above rule refers to the location and standard of construction for the entranceway as determined by Council's Development Code.