



**Western
Bay of Plenty**
District Council



**Adoption of the
Seal Extension
Prioritisation Policy,
Council Maintenance
of Previously
Unmaintained Roads
Policy, and Revocation
of the Māori Roadways
Policy**

Decision story

Table of contents

Overview	3
Key decisions - Policy on Council Maintenance of Previously Unmaintained Roads	4
Key decisions - Seal Extension Prioritisation Policy (SEPP)	6
Priority list for Seal Extensions Prioritisation Policy 2022-25	9
Next Steps	10
Would you like to know more?	10

Overview

Council has been undertaking a review of its policies that guide some key decisions on when road maintenance and improvements will be undertaken.

We have completed consultation on these policies and considered your feedback through the deliberations on the final policies. This decision document sets out the key decisions made and the reasons for those decisions.

As part of reviewing its policy approach, Council decided that given that anyone has the right to use a Māori roadway as if it a public road (where there are no orders of exclusive use), there is a case for the roadway to be treated as if it were a public road in terms of maintenance and improvements. As a result, the proposed policies released for consultation included consideration of both public roads and Māori roadways, and the proposed revocation of the Māori Roadways Policy 2012.

Council undertook consultation on the proposed policies from 21 March to 21 April 2022. We notified key stakeholders of the consultation period, including people who made submissions on seal extensions through our Long Term Plan process last year. Consultation was primarily through our online Have Your Say site, where interested people could review the proposed policies, frequently asked questions, and other information about the review process. We also held a workshop with our Tangata Whenua Forums (Te Ihu o Te Waka o Te Arawa and Te Kāhui Mana Whenua o Tauranga Moana) to present the draft policies for consideration. All submitters had the opportunity to speak to their submission in Council Chambers.

Seal Extension Prioritisation Policy

Council currently has approximately 160km of unsealed roads in its roading network. It's considered cost prohibitive for all these roads to be sealed in the short term. Residents on unsealed roads often request their roads to be sealed due to issues arising from dust and safety concerns. The Seal Extension Prioritisation Policy sets out the proposed selection criteria and ranking procedures for prioritising road sections in the District for seal extensions. It applies to public roads and Māori roadways in the District.

Through the Long Term Plan 2021-31, Council increased its annual budget for seal extensions from \$1 million per year to \$2 million per year for the 10 year period of the plan. This increased budget means that more roads can be sealed, guided by the Seal Extension Prioritisation Policy.

Policy on Council Maintenance of Previously Unmaintained Roads

The District's roading network includes a significant number of unformed roads (also known as paper roads), so Council needs a clear approach to when it assumes responsibility for maintaining an unformed road. This means additional roads can be included on the maintenance programme in a managed way, which is the primary purpose of this policy. It applies to public roads and Māori roadways in the District.

Key decisions - Policy on Council Maintenance of Previously Unmaintained Roads

Council received three submissions on the proposed policy. All three submitters generally supported the proposed policy approach. Both Federated Farmers and Te Ihu o Te Waka o Te Arawa and Te Kāhui Mana Whenua o Tauranga Moana Tangata Whenua Forums supported the inclusion of Māori roadways within the policy approach, enabling Māori roadways and public roads to be treated consistently in terms of maintenance and improvements.

Federated Farmers also sought clarification as to the relationship between the proposed Policy on Council Maintenance of Previously Unmaintained Roads (CMOPUR) and Council's existing policy on Rentals for Encroachments on Council Land. Essentially, if an unformed road is to commence maintenance under CMOPUR, then the road is formed and added to Council's Road Asset Management and Maintenance (RAMM) database. It is no longer considered an unformed road. Where an adjoining landowner has a licence to occupy the unformed road, the licence to occupy would likely need to be terminated to enable to road formation. This would be considered on a case-by-case basis, and dependent on factors such as the nature of the encroachment and the width of the unformed road.

Council considered two key issues arising from community feedback, as follows:

Requirement for written request from all landowners adjoining the unformed road

Federated Farmers submitted that the draft policy requirement creates an unnecessary barrier for landowners seeking maintenance of an unformed road. They request that this requirement is reduced to a minimum of two landowners.

Council decided to continue to require landowners for all properties (whose only access to their properties is from the Unformed Road) to approach Council in writing with a request for maintenance.

Whilst acknowledging that it may take some effort for all relevant landowners to make a written request, Council decided that this was the best approach for the following reasons:

- Ensures that all relevant landowners are aware of the request and support Council commencing maintenance. Council has experienced previous situations where some landowners do not want Council to take over maintenance of a road.
- Council has a clear and enduring record of the request, in the event of any future disputes or properties changing hands.
- Reflects that the policy also applies to Māori Roadways, and landowner consent is required because Council does not own the road.
- Definition of "landowners" in the draft policy has been included to ensure an appropriate approach to Māori land ownership.

Considering a broader range of amenities in the policy assessment criteria

Federated Farmers submitted that the draft policy does not go far enough to consider other amenities in the rural area - such as dairy sheds, yards and depots, shearers quarters, shared living facilities, community facilities (for example halls, churches, cemeteries, Marae), orchards and crops also require sufficient access, and are equally as common as dwellings within the rural area. They suggest modifications to reduce the dwelling/community facility requirements, and to also introduce a new category of 'rural amenity' that would be used in the consideration for maintenance.

Te Ihu o Te Waka o Te Arawa and Te Kāhui Mana Whenua o Tauranga Moana Tangata Whenua Forums requested Council expand the definition of "Community Facilities" under the policy to include ngahere (forest), maunga (mountains), spiritual features, waahi tapu, taonga and other sites of significance so that these can be considered when decisions about maintenance are being made.

Council decided to retain the current approach and definitions for dwellings and community facilities, as provided for in the draft policy.

Council decided that this was the best approach for the following reasons:

- Retains focus primarily on where there are dwellings that use the unformed road as their only point of access, and higher use community facilities.
- The draft policy already broadened the definition to include urupā.
- Clauses 5.1.4 and 5.1.5 provide for different types of land tenure and dwelling scenarios.
- Maintains a higher threshold for when Council maintenance will commence, noting that Council does not have unlimited funds available for road maintenance.

You can read the final policy [here](#).

Key decisions - Seal Extension Prioritisation Policy (SEPP)

Council received 13 submissions on the proposed policy. 10 submitters stated that they generally support the proposed policy approach, and one submitter did not. Two submitters did not provide feedback on the proposed policy approach but set out a case for specific road sections to be sealed.

Nine submitters used the Have Your Say site and responded to the question as to which of the policy criteria they thought were the most important, by applying a tick to as many of the criteria they thought appropriate:

Number of ticks	Proposed policy criteria
1	Low speed roads shall be excluded from consideration.
2	Māori Roadways will be included for consideration, provided there is no exclusivity of use (as determined through any Māori Land Court order). (Note, this was also specifically supported by the Tangata Whenua Forums)
5	Urban roads shall be excluded from consideration.
3	Road sections shall be ranked according to total score.
3	Priority shall be given to road sections with the highest rankings.
6	The construction of a seal extension shall result in no section of unsealed carriageway \leq 250 metres remaining on the same road i.e., if the remaining unsealed length is less than 250 metres long it shall be included in the seal extension.
1	Private funding contributions of 50% or more will elevate nominated roads to the top of the priority list.

Of the nine submitters on the Have Your Say site, six supported the proposed key scoring attributes and the weighting given (50% traffic volumes, 50% dust exposure), and three did not support these.

The following specific sections of road were requested to be prioritised for sealing through the submissions received:

- 3.2km of Rangiu Road from Clark Road intersection to existing seal at 1551 Rangiu Road (#2)
- Campbell Road (#1)
- 700m of unsealed road on Clark Road (#2)

- 1.2km from Billing Road intersection to existing seal outside 12 & 124 Hereford Park Road
- 1.9km from existing seal at 113 Hereford Park Road to existing seal at 597 Otamarakau Valley Road
- 2.2km from existing seal at 106 MacDougall Quarry Road to intersection with Hereford Park Road/ Otamarakau Valley Road
- Kaiate Falls Road
- Waitao Road

Council considered three key issues arising from community feedback, as follows:

Traffic count methodology

Federated Farmers submitted that agricultural motor vehicles such as tractors, bikes and side by sides should be counted in traffic volumes, to reflect the working nature of farms and dust generated by these movements in rural areas.

Federated Farmers also recommended that calculations on annual average daily traffic (AADT) volumes should be further refined to consider the proportion of heavy traffic movements (such as milk tankers and stock trucks), which tend to displace more dust particles than lighter vehicles (such as utes and cars).

Another submitter queried Council's approach to calculating the AADT, noting that roads have differing peak loads on them throughout the year.

Council decided to continue with the proposed approach to traffic count methodology, as provided for in the draft policy

Council decided that this was the best approach for the following reasons:

- Traffic counters already record agricultural vehicles.
- Council is not aware of any research that accurately quantifies the difference in dust generation between light and heavy vehicles.
- Council's approach to assessing traffic volumes is subject to available budget and seeks an annual average daily count across all unsealed roads for comparison.

Low speed roads

Council staff have been involved in ongoing dialogue with a member of the public who has been seeking advice on whether her road would be eligible for sealing under the proposed policy. Whilst located in a rural environment, her road is categorised as a low-speed road so despite providing access to five dwellings, would be excluded from consideration. Staff recommend that Council consider removing the low-speed policy criteria, given the exclusion of urban roads would remain in place.

Council decided to remove the low-speed exclusion criteria from its final policy

Council decided that this was the best approach for the following reasons:

- A small number of rural locations with a high concentration of dwellings, will be included for consideration.
- Exclusion of urban roads would remain in place.

You can read the final policy [here](#).

Additional policy criteria to assess priority of unsealed roads

Five submitters raised issues of dust affecting a wider range of rural amenities, such as dairy sheds, yards and depots, shearers quarters, shared living facilities, community facilities such as halls or Marae, orchards and crops, and water sources for people and stock. Federated Farmers requested that a wider range of amenities are considered beyond dwellings and provided an example of the criteria used by Kaipara District Council in its Seal Extension Policy.

Two submitters sought more consideration of safety within the policy criteria, citing school bus routes, reported accidents, and known boy racer hot spots as key safety issues.

Four submitters raised concerns about the impact on earnings arising from dust and recognition of productive land, such as kiwifruit orchards. These operations also generate increased traffic movements (including heavy vehicles) that contribute to dust levels.

One submitter sought consideration of the improved resilience of a sealed road during heavy rainfall events and noted that there has been significant damage to the road surface in recent rainfall events.

Two submitters sought consideration of roads that are regularly used as State Highway detour routes (examples were Maniatutu Road and Rangiuuru Road), which experience higher traffic volumes when bypasses are in place.

Council decided to retain the criteria set out in the proposed policy to determine the Priority List for seal extensions

Council decided that this was the best approach for the following reasons:

- Retains focus on improving public health outcomes, where there is likely to be the broadest degree of benefit.
- Council holds records of reported accidents on all roads across the District from Waka Kotahi and use this to inform a range of other safety interventions, regardless of whether the road is sealed or not.
- There are dust mitigation options for private property owners, such as shelterbelts.
- As acknowledged by Federated Farmers in its submission, the effects of dust on crops and pastoral land are not well understood.
- Recognises that it is the property owner's responsibility to ensure that private potable water supplies are not exposed to the environment to avoid contamination.
- Council undertakes levels of service maintenance of stormwater assets to minimise the impact of extreme weather events on both sealed and unsealed roads.
- Resident can raise service requests where there is damage to the road that needs attention.
- The remaining unsealed road traffic volumes are very low with less than 115 vehicle movements per day.
- WestLink advises that there are only a couple of sections of unsealed roads that are noted for light vehicle detour only. Neither Rangiuuru Road nor unsealed sections of Maniatutu Road (which cross into the Rotorua Lakes District) are a formal state highway detour. It is noted that some people may take these routes by choice.

Priority list for Seal Extensions Prioritisation Policy 2022-25

At its meeting on 5 July 2022, the Performance and Monitoring Committee adopted the Priority List of roads selected for seal extensions in 2022-25.

The actual order of seal extension construction over the next 3 years will be determined by influencing factors including:

- Grouping of sites
- Landowner agreements
- Extent of earthworks
- Maximising the investment

Seal Extension Prioritisation List 2022-2025

Road	Start (m)	End (m)	Length (m)
1307 TE PUKE HIGHWAY (MAORI ROADWAY)	0	104	104
KYBER PASS	16	82	66
GOODALL ROAD (MAORI ROADWAY)	0	506	506
THORN ROAD	175	679	504
JESS ROAD	1154	1260	106
MCMEEKING ROAD (MAORI ROADWAY)	20	506	486
OTAMARAKAU VALLEY ROAD	6210	7088	878
STRANG ROAD (MAORI ROADWAY)	525	1092	567
KUMIKUMI ROAD	0	1000	1000
KUMIKUMI ROAD	1000	2245	1245
WORK ROAD	6915	7894	979
WORK ROAD	7894	8873	979
JOHNSON ROAD	745	1622	877
ROTOEHU ROAD	12,539	14,539	1000
NO 3 ROAD	11,813	13,813	1000
TAUMATA ROAD	10,016	11,013	997
TE PUKE QUARRY ROAD	4305	5225	920
			12,214

Next Steps

Council staff will be in contact with the landowners for the respective road sections as the programme progresses over the coming three years

Council will consider the next round of the Priority list following the adoption of the next Long Term Plan in 2024, or sooner if the above list is completed earlier.

Would you like to know more?

For full copies of the policies, you can visit one of our libraries and service centres:

- Waihi Beach Library & Service Centre, 106 Beach Road, Waihi Beach;
- Katikati Library & Service Centre, The Centre - Pātuki Manawa, 21 Main Road, Katikati;
- Ōmokoroa Library & Service Centre, 28 Western Avenue, Ōmokoroa;
- Te Puke Library & Service Centre, 130 Jellicoe Street, Te Puke;
- Council's Main Office, Barks Corner, 1484 Cameron Road, Greerton, Tauranga;
- or visit our website at: westernbay.govt.nz/bylaws

Full copies of the reports are also available on our website as part of the Policy Committee and Council meeting agendas at: westernbay.govt.nz/agendas-and-minutes - refer to the Policy Committee agenda and/or minutes for the meeting on 14 June 2022.



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