

Planning Report

Plan Change 30 – Entrancesways (Rural)

1.0 Introduction

- 1.1** The purpose of this report is to provide recommendations on submissions to Plan Change 30 – Entrancesways (Rural).
- 1.2** The reason for the Plan Change, taken from the Section 32 report is as follows.

"The purpose of this report is to consider the modification of rural entrance way Rule 4B.4.3 to ensure that new and existing entrancesways 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 entrancesways 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.

- 1.3** For a full background to the Plan Change and the proposed provisions please refer to the Section 32 Report. For a list of the proposed provisions only, please refer to the document titled 'Summary of Recommendations – All Section 32 Reports'.
- 1.4** Any recommended amendments to rules in this report will be shown as follows; existing District Plan text in **black**, proposed changes as included in the Section 32 Report in **red**, and recommendations as a result of this Planning Report in **blue**.

2.0 Topic 1: Rule 4B.4.3(d)

2.1 Background

The change to Rule 4B.4.3(d) as notified is as follows:

~~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.

2.2 Submission Points

No submission points in support of Plan Change 30 were received. One submission point from Federated Farmers of New Zealand was in opposition. The submission point is as follows:

2.2.1 Landowners will be required to get Council approval for every step of every project, even if approval has been provided. Evidence of a compliant entranceway is to be provided at time of subdivision, and now further evidence is required for the same entranceway at time of construction. Landowners are expected to provide more and more detailed evidence about their activity, which slows down process and needs increased time and resource in order to satisfy the Council.

2.2.2 Federated Farmers is also concerned that this may unfairly capture farming activities, for example, when a hay shed is upgraded. An entranceway which was previously accepted may require upgrading by Council as the shed is able to store more hay and therefore may be accessed more. The costs of shifting an entranceway could make a building project un-economic.

2.3 Option 1 – As Proposed - Preferred option from Section 32

Advantages	<ul style="list-style-type: none"> ▪ Safe and complying entranceway locations to new and existing rural properties are provided. ▪ A clear process is established in terms of 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 with amending the rule as proposed

2.4 Option 2 – Status Quo – Retain Rule 4B.4.3(d) in its current form

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 the construction standard of 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 location 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.

2.5 Option 3 – Federated Famers - Amend Rule to exclude farm buildings

Advantages	<ul style="list-style-type: none"> ▪ The requested amendment would provide some clarity around the intent of the rule.
Disadvantages	<ul style="list-style-type: none"> ▪ The term “building for farming purposes” excludes other buildings which should not be excluded (for example pack houses, dairy sheds, home enterprises, rural contractor depots, stalls etc). Potential safety issues on the transportation network may arise. ▪ The requested change does not take into account other buildings which should be excluded from the rule, including those ancillary to permitted forestry

	<p>activities and residential activities. The amended rule needs to be fair across the board, not limited to one user group.</p> <ul style="list-style-type: none"> ▪ The requested change does not take into account structures which require a building consent, but don't necessarily increase traffic activity (decks, balcony's, pergolas or the like). The amended rule needs to be fair across the board, not limited to one user group.
--	--

2.6 Option 4 – Federated Famers – Exclude properties where an entrance is to be built in a previously approved location

Advantages	<ul style="list-style-type: none"> ▪ There are no apparent advantages in amending the proposed rule change in this manner.
Disadvantages	<ul style="list-style-type: none"> ▪ The requested change does not take into account the standard of construction and does not provide Council the ability to enforce the entranceway construction standards prescribed by the Development Code. ▪ The requested rule amendment does not allow Council to revisit any changes in the environment or legislation between the time a subdivision consent was approved and the construction of a building or vehicle entrance to a property. ▪ Environmental changes (such as increased road speeds or vegetation growth) and legislation changes may result in a previously approved location being non-complying and un-safe. ▪ Potential adverse safety effects on the transportation network may arise as a result of substandard construction and un-safe entranceway locations.

2.7 Discussion

The one submission in opposition to the proposed plan change has been received which seeks the following relief:

1. Retain the status quo; or
2. Specifically exclude buildings for farm purposes; and
3. Exclude entranceways that are located in positions approved through a subdivision.

In turning to the purpose of the plan change (as outlined in section 1.2 of this report), the current wording of Rule 4B.4.3(d) is inadequate to address safety issues around the location of a vehicle entranceway and their standard of construction in the rural zone. Due to the potential safety issues, retaining the current rule is not a viable solution.

The intent of the plan change is to address both the location and construction standard of vehicle entranceways at building consent stage. However, an assessment is only required where there is no existing entranceway, or, where a new entrance way is proposed, or, where the activity to be accommodated within a proposed building would increase the use of any existing entrance through additional traffic.

Where retaining the status quo is not accepted, the submission seeks that the rule excludes buildings for farming purposes. This relief does somewhat align with the intent of the plan change, however there are several buildings associated with permitted "farming purposes" which should be captured. For example home enterprises, rural contractor depots, stalls and the like.

Notwithstanding this, it is agreed that further clarification is required in respect of buildings which should be excluded from the rule. Accordingly it is proposed to amend Rule 4B.4.3(d) to include the following [blue](#) words:

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. This rule excludes buildings which are a permitted activity under Rule 18.3.1\(e\).](#)

For a building to be permitted under Rule 18.3.1(e), it needs to be ancillary to Farming, Production Forestry, Conservation Forestry or Residential Dwellings. Using the example within the received submission, Rule 4B.4.3(d) would not apply to a hay shed, implement shed, or any other building to store farming equipment.

In addition, the submission seeks that the rule does not apply to new entranceways which are built in a position that was previously approved through a subdivision. This submission point is not supported for two reasons:

1. The intent of the plan change is to ensure the "location" and "construction standard" of a rural vehicle entranceway is compliant with the Operative District Plan 2012 and the Development Code. Although a complying vehicle entrance location is required to be identified at subdivision stage, its construction is not always mandatory. The relief sought would inhibit Council from confirming that the construction standard of the vehicle entranceway is compliant.
2. It is very common for a subdivision to be completed over a number of years (maximum of 8 years). Following completion of the subdivision, there is no guarantee that construction of buildings will be immediate. Although a compliant location was identified when a subdivision consent was issued, changes to the environment may have occurred by the time a property is ready to be built on. Critical changes may include traffic speeds, roading upgrades, vegetation

growth. Due to this, a previously approved vehicle location may require re-assessment.

2.8 Recommendation

That the explanatory note in Rule 4B.4.3(d) be amended as follows;

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. This rule excludes buildings which are a permitted activity under Rule 18.3.1(e).

The following submission is therefore:

Accepted in Part

Submission	Point Number	Name
21	2	Federated Farmers of New Zealand

2.9 Reason

It is accepted that clarification around the intent of the rule is required insofar as it relates to buildings ancillary to particular uses. Retention of Rule 4B.4.3(d) does not have positive outcomes in terms of Council's responsibility for managing a safe and efficient road environment. Further, excluding new vehicle entranceways located in a position approved through a previous subdivision does not confirm that the entranceway location is always safe at the time of building. Accordingly the submission as accepted in part.

3.0 Plan Change 30 - Recommended Changes to the District Plan First Review

3.1 The purpose of this part of the report is to show the Proposed Plan Change in full including any recommended changes in response to the submissions and further submissions.

3.2 Recommended changes to the District Plan First Review are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.

3.3 That Rule 4B.4.3(d) is amended as follows;

~~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. This rule excludes buildings which are a permitted activity under Rule 18.3.1(e).