

# **Western Bay of Plenty District Council**

## **Change to the District Plan – First Review**

### **Plan Change 31 Entranceways (Urban)**

### **Section 32 Report**

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## 1.0 Introduction

### 1.1. General Introduction and Background

The Operative District Plan does not include a rule which prescribes a 'maximum gradient' for urban entranceways. The purpose of this report is to consider whether or not it is appropriate to change Rule 4B.4.4 by the introduction of a 'maximum gradient' standard for urban entranceways to ensure that practical access to urban properties is available from the road carriageway to a driveway, garage or other building where vehicle access is necessary. Previous cases have arisen where property owners have developed without taking this into account and found that post construction, a vehicle crossing could not be provided which had a gradient that allowed sufficient vehicle clearance.

Rule 4B.4.4 states:

***Access to Urban Roads (Residential, Rural-Residential, Commercial, and Industrial Zones) other than Strategic Roads***

- (a) *Subdividers shall normally be required to provide only those crossings where the location is fixed at the time of subdivision, such as Privateways. In all other cases, the crossings shall be constructed at the time of building.*
- (b) *Distance from Road Intersections - No vehicular access shall be located nearer than 8m in a Residential, Rural-Residential or nearer than 25m in a Commercial, or Industrial Zone from the road intersection, measured from the intersection of the legal road boundaries or any part of a road on which the Council has resolved that no vehicle may stop in accordance with the provisions of the Transport Act and any regulations pursuant to that Act.*

## 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".

On this topic, Council received no comments.

## 4.0 Issue 1 – Introduction of a maximum gradient standard to ensure practical access to urban properties is provided.

As discussed under Section 1.0 of this report, there are situations where landowners are constructing entranceways in the Residential, Rural-Residential, Commercial, and Industrial Zones which have a gradient that does not allow practical access. Regard is therefore given to the introduction of a gradient standard which allows practical access to be facilitated.

### 4.1. Option 1 – Status Quo

<b>Advantages</b>	<ul style="list-style-type: none"> <li>▪ There are no advantages in retaining the current rules.</li> </ul>
<b>Disadvantages</b>	<ul style="list-style-type: none"> <li>▪ Landowners looking to develop their property do not take into account the practicalities of access.</li> <li>▪ Post construction issues may be experienced including building re-design, driveway reconstruction and formed driveways being located within the road carriageway, may be experienced.</li> <li>▪ Council at times can be considered responsible for remedying private issues by landowners, when the matter is not a function of the Council.</li> </ul>

<b>Efficiency/Effectiveness</b>	<ul style="list-style-type: none"> <li>▪ Not effective and there are no apparent efficiencies from retaining the status quo.</li> </ul>
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#### 4.2. Option 2 – Introduce ‘maximum gradient’ rule

<b>Advantages</b>	<ul style="list-style-type: none"> <li>▪ Persons looking to develop their property are made to take into account the practicalities of access</li> <li>▪ Council is not perceived as responsible if impractical access is provided. The onus is on the land owner or their representatives.</li> <li>▪ Setting a standard will ensure post construction issues do not arise (should the standard be met).</li> </ul>
<b>Disadvantages</b>	<ul style="list-style-type: none"> <li>▪ There are no apparent disadvantages of introducing a maximum gradient</li> </ul>
<b>Efficiency/Effectiveness</b>	<ul style="list-style-type: none"> <li>▪ Effective because landowners can plan their project with knowledge that should the gradient standard be met, then practical access will be available.</li> <li>▪ Effective and efficient because post construction issues including building re-design, driveway reconstruction and formed driveways being located within the road carriageway are avoided.</li> <li>▪ Efficient because Council is not viewed as responsible if impractical access is provided and therefore does not need to remedy the issues.</li> </ul>

#### 4.3. Preferred Option

It is preferred that option 2 be adopted. The proposal is to add additional wording under Rule 4B.4.4 in the manner shown below.

##### **Rule 4B.4.4 Access to Urban Roads (Residential, Rural-Residential, Commercial, and Industrial Zones) other than Strategic Roads**

- (a) Subdividers shall normally be required to provide only those crossings where the location is fixed at the time of subdivision, such as *Privateways*. In all other cases, the crossings shall be constructed at the time of *building*.
- (b) Distance from Road Intersections - No vehicular access shall be located nearer than 8m in a Residential, Rural-Residential or nearer than 25m in a Commercial, or Industrial Zone from the road intersection, measured from the intersection of the legal road boundaries or any part of a road on which the *Council* has resolved that no vehicle may stop in accordance with the provisions of the Transport Act and any regulations pursuant to that Act.
- (c) The maximum gradient for a private access (vehicle crossing and driveway) serving one lot shall be 1 in 4.5 (22.2%) as per Council's Development Code Standard Drawing W436.

**Explanatory Note:** This gradient has been calculated as the absolute maximum for an 85<sup>th</sup> percentile passenger car to

negotiate a vehicle crossing and driveway interface with sufficient clearance, assuming the vehicle crossing has been constructed to Council's standards. Council's maximum gradients for shared access (Privateways or Rights of Way) are as per District Plan Rule 12.4.4.2 – tables 1 & 2.