

QUEENSTOWN LAKES DISTRICT COUNCIL

DECISION: PLAN CHANGE 6

TITLE: Decision on Plan Change 6 (Access Widths), Issued by the Hearing Commissioners for the Queenstown Lakes District Council. ADOPTED 28 September 2007.

DATED: 5th September 2007

EXECUTIVE SUMMARY

This report sets out the considerations and recommendations of the Hearing Commissioners on submissions lodged to Plan Change 6 (Access Widths) to the Partially Operative District Plan.

Plan Change 6 relates to the width of accessways serving residential units. Plan Change 6 seeks to ensure that the width of accessways to residential properties is appropriately designed for current and future use.

The Hearing Commissioners heard written and verbal evidence from a range of parties between 30 April and 16 May. Based on consideration of the Plan Change and all submissions and evidence received, the Hearings Commissioners recommend the following:

- Confirmation that Plan Change 6 applies to only the Low and High Density Residential zones.
- That Access widths will generally follow NZS4404:2004, with no reference to future amendments to the Standard.
- Formed access widths of accessways serving 1 to 6 units shall be no less than 3.5 metres, with passing bays no less than 25 metres apart. The legal width shall be a minimum of 4 metres.
- Access width requirements shall be calculated on the maximum capacity of the land potentially served by the access, under the District Plan at the time of consent application.
- Introduction of assessment matters providing for calculation of maximum developable capacity and potential for alternative access.
- Insertion of an advice note relating to legal agreements.
- Rules to not apply to currently consented developments at time of subdivision.
- An assessment matter shall include regard for difficulties presented by steep topography or other environmental issues, but that regard shall not override considerations of public safety and amenity. Nor may the access width rule be overridden if fewer units can be shown to satisfy the rule.
- The rule is to be amended to provide specifically for situations where an accessway intersects with a limited access road or state highway.

- A new assessment matter is to be introduced to provide for consideration of reduced access widths as part of alternative development styles such as “new urbanism” designs.

CONTENTS

EXECUTIVE SUMMARY	1
1.0 INTRODUCTION	4
2.0 BACKGROUND	5
3.0 THE HEARING	6
4.0 REASONING AND RECOMMENDATIONS	12
Attachment 1: Recommended Amendments to District Plan.....	21
Attachment 2: Recommendations on Submission Points	24

1.0 INTRODUCTION

This report sets out the considerations and recommendations of the Hearing Commissioners on submissions lodged to Plan Change 6 (Access Widths) to the Partially Operative District Plan.

The relevant provisions in the Queenstown Lakes Partially Operative District Plan (referred to as the Plan) which are affected by the Plan Change and recommendations are:

District Plan Section	Provision
Implementation method 14.1.3(ii)	Additional implementation method
Rule 14.2.4.1 iv	Alterations to access widths
Assessment Matters 14.3.2 v	Additional assessment matters

In this report consideration of submissions has been grouped together based on issues where the content of the submissions is the same or similar.

In making recommendations the Hearing Commissioners have:

- (i) been assisted by a report prepared by consultant planners, including traffic engineering advice. This report was circulated to all submitters prior to the hearing taking place; and
- (ii) been assisted by legal advice where necessary; and
- (iii) had regard to matters raised by submitters and further submitters in their submissions and further submissions and at the Council hearing; and
- (iv) had regard to the provisions of the Resource Management Act 1991, in particular section 32.

Attachment 1 provides the revised version of the relevant provisions of the Plan, updated to have regard to the recommendations within this report. If there is any inconsistency between the provisions contained in Attachment 1 and the text contained in the body of the report, then the provisions in Attachment 1 shall take precedence.

All recommendations on submissions are detailed under the consideration of issues in Part 4.0 of this report, and full details of recommendations on submission points are contained in Attachment 2.

2.0 BACKGROUND

Plan Change 6 relates to the width of accessways serving residential units. Access to residential units is usually provided for either directly from the public road or by way of a private accessway. Over time, as the main towns within the Queenstown Lakes District have developed and increased in density, increasing demand has been placed on these private accesses.

Plan Change 6 seeks to ensure that the width of accessways to residential properties is appropriately designed for current and future use. This is sought through providing new rules relating to widths of accessways according to the number of residential units located on the accessway, both at the time of subdivision and at the time land is developed.

The Plan Change was notified on 12 October 2005 with submissions closing on 9 December 2005 and further submissions closing on 26 June 2006. A total of 70 submissions and 56 further submissions were received on Plan Change 6. The list of submitters and further submitters is contained in Attachment 2.

Plan Change 6 was closely linked to Plan Changes 8 and 10 and so the hearings were heard jointly and consideration of all three Plan Changes was undertaken comprehensively.

3.0 THE HEARING

The hearing to consider submissions and further submissions to Plan Change 6 (Access Widths) commenced at 9am on Monday 30 April 2007 at the Crowne Plaza Hotel in Queenstown. The hearing continued on 1, 2, and 3 May in Queenstown, 14 and 15 May in Wanaka, and 15 and 16 May in Queenstown.

The Hearing Commissioners were Commissioner David Collins (Chairperson) and Commissioner Lou Alfeld. In attendance at the hearing at various times were Ms Nicola Rykers and Ms Stephanie Styles (Consultant Planners), Mr Tim Church (Urban Designer), Mr Nigel Williams (Traffic Engineer), Mr David Mead (Strategic Planner), Mr Scott Figenshow (Senior Policy Analyst), and Ms Jessica Dow and Ms Cathy Walker (Administrative Support).

The Commissioners had previously requested that, where possible, all expert evidence should be provided in advance of the hearing. Many submitters took up this opportunity and this enabled the Commissioners to prepare in advance of verbal submissions. The following provides a summary of the verbal and written evidence presented to the Commissioners during the proceedings of the hearing:

Neil McDonald

Mr McDonald presented verbal and written evidence relating to all aspects of Plan Change 6 and, in particular, supporting the adoption of NZS4404:2004. Special mention was also made of the particular challenges that the steep topography in the Queenstown area makes for constructing accessways, with extensive cut and fill required.

Mr McDonald discussed the need to be careful in the decision of what point should a private access become a legal road and consider implications for body corporate situations and unit titles. Also discussed was the need for careful and clear terminology e.g. carriageway vs. formed width, to avoid confusion in the application of the rules.

Mr McDonald presented a range of examples of situations where the width of an accessway has been an issue or would be under the proposed rules. This demonstrated the range of situations which occur.

Overall, Mr McDonald recommended following the New Zealand Standard.

John Burrell

Mr Burrell presented verbal evidence in support of the use of NZS4404:2004 and gave a visual presentation of a range of examples of right of way problems in the District. Essentially Mr Burrell was in support of the recommendations in the Planning report, including support for access to more than 12 units being a legal road. However, Mr Burrell suggested that there may be a need to relax the NZS requirements in the steep areas.

Mr Burrell identified maintenance as an issue and suggested that at the time of subdivision a maintenance agreement be endorsed on the title.

Preston Stevens – 2 Architecture Studio

Mr Stevens briefly commented on access widths in a discussion of the need to carefully control density. As an example he mentioned that roads are not just for the movement of motor vehicles and a 4.5m building setback would create a 29m wide road corridor.

Warwick Goldsmith

Mr Goldsmith presented extensive written and verbal submissions on behalf of a wide range of submitters.

In general Mr Goldsmith adopted the evidence of Mr McDonald and Mr Burrell as previously presented and highlighted that the provisions only apply to residential activities and not to visitor accommodation, thereby presenting the potential for inconsistency. He also commented that, as the plan change only applies to the HDRZ and LDRZ, there will be different provisions applied to the other zones that enable residential development as a permitted activity.

Gemma Pemberton

Ms Pemberton presented evidence in relation to the former Kawarau Falls Camping Ground site, explaining the development proposed (and consented) for the site and the access arrangements incorporated into the consented development plan. Ms Pemberton identified that the proposed plan change provisions would mean that the access width requirements that would apply to the land when subdivided in future would be different to those that applied at the time that land use consent was obtained. It was suggested that a clause be inserted into rule 14.2.4.1(iv) to exempt development authorised under the resource consent already obtained for the site.

Ray Edwards

Mr Edwards presented written and verbal evidence on behalf of Property Ventures Ltd (Five Mile). Mr Edwards emphasised that around the country there are different points at which an access changes from private to public road and this trigger may be based either on unit numbers or traffic generation levels. His preference was for this trigger to be set at 15 units, having found that this works well in Christchurch City.

Mr Edwards promoted an approach of using outline development plans to control access locations for future development – particularly in relation to how much land could potentially be developed and linked to an access over time. He also considered that District Plan requirements for access should be a controlled activity status related to subdivision and not discretionary. Also that if an outline development plan applies to a site, then applications that do not meet the outline development plan would be a discretionary activity.

He went on to provide details of his recommendations for access widths for residential developments, as follows:

Access Type	Legal Width	Formed Width
Right of Way; 1-3 units	4.0m	3.0m
Right of Way; 4-7 units	6.0m	5.0m
Right of Way; 9-15 units	7.5m	5.5-6.0m
Local Road (<2,000vpd ¹)	16.0m	8.0-9.0m
Collector Road (2,000-10,000vpd)	18.0m	10.0-12.0m
Minor Arterial Road (10,000-20,000vpd)	20.0m	14.0m
Major Arterial Road (>20,000vpd)	30.0m	Site specific design

Mr Edwards also discussed the need to be more responsive to ‘new urbanism’ approaches to design which often incorporate different and narrow access widths. ‘New urbanism’ designs could incorporate a range of road types, cul-de-sacs, reserve areas, pedestrian accesses, etc.

Mr Edwards explained that generally he agrees with Mr Burden’s analysis of external documents and agrees that access widths should be based on unit numbers and not traffic generation. He also provided commentary on the use of link strips and the width necessary for access by fire trucks.

Pru Steven

Ms Steven presented written and verbal legal submissions on behalf AQ Investments Ltd, Emma Jane Ltd, IHG Queenstown Ltd and Carter Queenstown Ltd. The submissions provided notes that reliance is also placed on the evidence of Mr Neil McDonald and Mr Ray Edwards.

Ms Steven also commented on the usefulness of the outline development plan process and considered that this should be applied to all new re-zonings of land in the District. In relation to this, Ms Steven considers the proposed assessment matter dealing with potential future development to be ambiguous as it would only apply where resource consent is sought to deviate from the required width and would not apply to all development situations.

Ms Steven also explained that where visitor accommodation appears and acts in the same way as residential accommodation, access standards should apply. The written evidence also provided clarification and support of a range of other issues within the plan change.

Jeff Brown

¹ vpd = vehicles per day

Mr Brown presented written and verbal evidence on behalf of Remarkables Park Limited. This evidence was focussed on the manner in which the Remarkables Park zone is different from all other zones in the district and noted that should the access standard be limited to the Low and High Density Residential Zones, this would generally alleviate their concerns.

Tony Penny

Mr Penny presented written and verbal evidence on behalf of Remarkables Park Limited and discussed the balance required between providing for the potential of future development without causing inefficient use of resources if there is no later development.

Mr Penny noted that NZS4404:2004 would be more appropriate than the 1981 version of the standard, but considers that in many cases the required access widths would still be too great and this would be contrary to some urban design approaches currently proposed. He suggested that an assessment matter could assist in referring to modern urban design and Smart Growth concepts and the advantages of narrower streets.

Mr Penny also expressed a preference for future development proposals to prove that they can provide adequate access, and that this should not be incorporated within the rules in the way proposed by the plan change.

He also considered that 12 units would be an appropriate level for a private access and above this it should be a public road. In this regard, he also considered that clarification of the application of the clause relating to 12 units should be provided to limit this to the Low and High Density Residential Zones.

Michael Parker

Mr Parker provided written and verbal legal submissions on behalf of Remarkables Park Limited, which again explained the different character expressed by the Remarkables Park zoning. Again these submissions were supported by the evidence of Mr Penny in relation to limiting the scope of the changed rules and altering the assessment matters.

Brody Lee

Mr Lee (supported by Kirsten Klitscher, Planner and Rodger Smith, Operational Planning Manager Southern Fire Region) presented written and verbal evidence on behalf of the New Zealand Fire Service.

In essence Mr Lee's evidence was in support of the amendments proposed in the Planning Report, however with the request that the carriageway width requirement for 2-4 units be increased.

Following questions from the Hearings Commissioners, it was explained that the issue of concern is more about the length of an access and the ability to ensure appropriate access for a fire hose to a fire situation, than the width per se. A fixed hose reel has a maximum length of 90 metres meaning that no part of a building should be greater than this distance from either a hydrant or a point at which the fire

appliance can reach. The suggestion was made that the width of an access should be 4m but if a cul-de-sac is less than 75m in length, then it could be narrower.

Trevor Williams

Mr Williams presented written and verbal evidence on behalf of the Wanaka Residents' Association Inc. Mr Williams spent some time explaining the nature of the differences between Wanaka and Queenstown and requesting consideration of a different set of rules for Wanaka.

Mr Williams expressed a preference for 10 units to be the upper limit for a private accessway, and clarified his view that anything that looks like a street should legally be a street. His view is that making an access a public road would resolve many issues including mail service and maintenance. He was also supportive of accesses being vested with the Council where possible and supportive of the concept of accesses being designed to provide for future development.

Graham Taylor

Mr Taylor presented written and verbal evidence also on behalf of the Wanaka Residents' Association Inc., and also commented on the differences between Wanaka and Queenstown.

Mr Taylor expressed a particular concern that access standards should be sufficient to ensure access for emergency services, maintenance contractors and delivery services. He explained that 75 metres would be the maximum distance appropriate for a fire hose and that it is important that the design of accesses allows for large vehicles as they cannot negotiate sharp corners.

Nicola Vryenhoek

Ms Vryenhoek presented written and verbal evidence on behalf of Lake House Consultants and clarified her concerns relating to safety and access issues.

Officers Reports

Mr Nigel Williams was available for questions from the Hearings Commissioners in relation to the technical report circulated. In response to questions, Mr Williams clarified:

- The key issues seem to be over some minimum widths (particularly in relation to the Fire Service), and the point at which a private access becomes a public road.
- There is the ability of the Council to address the Fire Service's concern by ensuring that fire hydrants are installed at appropriate distances, during subdivision and building consent considerations. However, there would be ability to increase the required formed access width for 1-6 units to 3.5 metres to address this concern. This increase would allow space for people to work around the fire truck but not create an access that has an ambiguous width where people obstruct the access by parking in it.

- The rule should refer to NZS4404:2004 not 1981, but it is acknowledged that this standard does not effectively recognise 'new urbanism' design concepts, particularly in respect of reduced carriageway and legal road widths for urban roads.
- There needs to be provision to consider the potential for future development to avoid under-sized access situations, including the use of structure plans and link strips.

4.0 REASONING AND RECOMMENDATIONS

4.1 Scope of the Plan Change

The Issue and Submissions

The Section 32 report referred to the Plan Change being concerned with the Low and High Density Residential zones; however the wording of the amended rules as notified had the effect of applying to all residential units without any limitation as to zone, including rural zones.

Many submissions sought that this be clarified and that the amended rules only apply to residential units in the Low and High Density Residential zones.

Consideration

The Hearing Commissioners considered that as potential submitters could easily have interpreted the Plan Change as applying only to the Residential zones, it would be unreasonable to make any changes to the rules applying in other zones. This has the unfortunate consequence that the standards will not be clarified and updated for all zones at this time, but it is considered that the main purpose of the Plan Change will still be achieved. The anomaly of having different rules applying in the Rural Zone in particular can be corrected at a convenient time through a further plan change.

Recommendation

Plan Change 6 applies only to the Low and High Density Residential zones.

4.2 New Zealand Standard NZS4404:2004

The Issue and Submissions

The Plan Change referred to the need to upgrade the rule reference from NZS4404:1981 to NZS4404:2004, to better reflect present traffic engineering practice. However, the text of the plan change did not reflect this intention, continuing to refer to the 1981 standard. Also the clause notified continued to include reference to amendments adopted by Council and subsequent amendments and updates of the standard.

Submissions received on the issue of the use of the New Zealand Standard were generally of the opinion that reference should be updated to NZS4404:2004 and not mention either amendments adopted by Council or future amendments and updates of the standard.

Consideration

The Hearings Commissioners considered that although the notified Plan Change differed from NZS4404:2004, they could find no compelling argument to be different and so adopt NZS4404:2004 with one exception:

- Formed access widths of accessways serving 1-6 units.

The Hearings Commissioners also acknowledged that it is not legally possible for the rule to make reference to future amendments or updates of the standard, so these references need to be removed.

Recommendation

That access widths will follow NZS4404:2004, with no reference to future amendments or updates, but with one exception:

- Formed access widths for 1-6 units shall be no less than 3.5 metres and legal width no less than 4.0 metres with passing bays no less than 25 metres apart along the length of the access way.

4.3 1-6 Unit Exception

The Issue and Submissions

The Plan Change recommended a minimum carriageway width for 2-4 units of 3 metres. The Traffic Engineers report recommended a minimum formed width of 2.75 metres of 1-6 units.

A submission received from the New Zealand Fire Service sought an increase of the minimum width for 2-4 units to 4 metres.

Consideration

The Hearings Commissioners considered that in the case of a cul-de-sac servicing 2-4 units (or 1-6 units as is appropriate to the amended provisions discussed above), fire safety and amenity considerations demonstrate that a 3 metre formed width is too narrow while considerations of efficient use of land argue against a 4 metre minimum width. A 3.5 metre formed width appears sufficiently wide for emergency vehicles while remaining narrow enough to discourage parking within the accessway. The provision of passing bays will also ensure adequate access for emergency vehicles. By increasing the formed width it is also necessary to increase the legal width.

Recommendation

Formed access widths of accessways serving 1-6 units shall be no less than 3.5 metres, with passing bays no less than 25 metres apart along the length of the access way. The legal width shall be a minimum of 4.0 metres.

4.4 Multi-Unit Exception

The Issue and Submissions

The Plan Change applies to all residential units and so would capture multi-unit residential and visitor accommodation developments that are all maintained within one ownership or have the effect of being within one site, requiring substantial land to be set aside for an access or potentially a legal road through the development.

The Section 32 report identified that the amendments were intended to apply only to residential units, however the text of the plan change only used the term 'unit' in effect applying to both residential and visitor accommodation activities.

Some of the submissions sought that the rule should not apply to situations of multi-unit residential development, others requested that it be clarified to only

apply to residential developments and not to any visitor accommodation activities.

Consideration

Large multi-unit developments that are proximate to a legal road do not provide accessways or roads within the development. Legal access arrangements, including provision for maintenance, are over defined common property and are subject to Council control at the time of unit title subdivision. It is not considered necessary to impose any further restriction. Large multi-unit developments that are not proximate to a legal road or involve a conventional subdivision will have to meet the standards for accessways and roads. **Recommendation**

No further amendment to the rules.

4.5 Development Capacity and “Downstream” Developments

The Issue and Submissions

The Plan Change identified situations where redevelopment of land or extensions of a development rely on an earlier-formed access that is inadequate for the full extent of development. To address this matter, it was proposed that the rule requiring minimum access widths relate to the greater of either the actual number of existing units serviced or the maximum number of units possible as a permitted or controlled activity. This would provide for future development.

The submissions received were split on this issue, with some submissions supporting the concept of providing for future development to avoid the potential for undersized access, while others considered this to be an excessively onerous provision and causing an inefficient use of land in the near-term.

Consideration

Access way widths shall be determined by counting the maximum capacity of units that could be served by the accessway under present zoning, regardless of the number of units that are initially consented. This rule eliminates the difficulties presented by the need to subsequently widen an accessway when future development occurs beyond the initial consent. An assessment matter may offer relief from this rule in unusual cases. Conditions may also be granted that permit a narrower formed width relative to the required legal width, provided that any subsequent widening of the formed width will not encounter problems imposed by terrain or vehicle access to units.

Adjoining land, regardless of present ownership, that may be developed at a future date shall be counted to ascertain the maximum capacity of units provided the land is reasonably accessible through the subject development. Relief may be granted should it be possible to construct a more reasonable and economical alternative access to the adjoining land in the future or if the future development of the adjoining land is so unlikely as to make provision for future access unreasonable.

Recommendations

- Access width requirements shall be calculated on the maximum land potentially served by the access, under the District Plan at the time of consent application.
- Introduction of assessment matters providing for calculation of maximum developable capacity and potential for alternative access.

4.6 Advice Note

The Issue and Submissions

One of the issues identified at the time that the Plan Change was initiated was complaints to Council from residents over maintenance of private accessways. The Plan Change explained the Council's responsibility toward public roads and inability to be involved in the management of private accessways.

Submissions again raised this as an issue, particularly in relation to private accessways that have the appearance of a road. Some submissions suggested that more explanation of the issues be provided by the Council or alternatively that the Council should be involved in maintenance.

Consideration

In reviewing the submissions concerning maintenance problems with private accessways, the Hearing Commissioners recommend to QLDC that such problems may be best avoided in the future by requiring all consents for multi-unit developments to incorporate a workable legal arrangement among the unit owners for the use and maintenance of private accessways. Such agreements should relieve QLDC of many complaints and should preclude QLDC from the need to accept the maintenance responsibilities for what should remain private accessways.

Recommendation

QLDC develop a standard document, to be inserted as a consent condition for all multi-unit developments, as appropriate, that clearly identifies the legal responsibilities of the owners of property for the care and maintenance of shared private access ways, with QLDC given the right to enforce such agreement in the event of non-compliance by undertaking the works themselves, should they wish to, and recovering the cost from the property owners.

4.7 Consented developments

The Issue and Submissions

The proposed rules within the District Plan would apply to any development received by the Council. This matter was identified by some submitters as an issue where a development may have gained land use consent prior to the Plan Change being notified but then would be subject to the new rules at the time of seeking subdivision consent in the future. Submissions sought that they specifically, or developments in general, be exempt from new access

way rules at a future time for something already considered at the time of consent.

Consideration

The Commissioners accept that it would be unreasonable to apply higher standards at the time of subdivision in the few instances where land use consent is currently in place.

There is also a wider issue of how the development potential of land served by existing accessways will be affected by the new minimum access width requirements. We understand there are existing accessways with widths that did not have regard to the potential number of units that could be developed under the existing or past minimum area requirements (with or without subdivision).

Such developments were short-sighted, but to avoid the need for resource consent for every residential unit in these areas, it is considered reasonable to provide an exemption, provided the total area served by the accessway could not yield more than 12 residential units. This limit of 12 will allow consideration of the merits of larger developments, where it may well be necessary to limit the number of units that can be established and/or require the accessway to be widened. The limit of 12 units also reflects the maximum permitted under NZS4404:2004 to be served before a legal road is required.

Recommendation

Rules do not apply to currently consented developments at time of subdivision.

Rules provide an exemption from the need to obtain land use consent for units because of an existing substandard accessway, provided the total potential of the land served by the accessway is no more than 12 units.

4.8 Different rules for Queenstown and Wanaka

The Issue and Submissions

The Plan Change does not differentiate between the townships of Queenstown and Wanaka but applies the same rules to all residential units. A number of submissions identified that the two townships are different both socially and topographically and sought that the rules recognise and provide for this differentiation.

Consideration

The Hearings Commissioners accepted that Queenstown and Wanaka are different, but found insufficient reasons to suggest that the accessway widths should differ between Queenstown and Wanaka.

Recommendation

No change to the rules on account of this issue.

4.9 Consideration of topography and environmental issues

The Issue and Submissions

The Plan Change does not specifically incorporate into the rules consideration of topography and environmental issues such as ice and snow. A number of submissions identified these issues and considered that these should in some way be incorporated into the rules.

Consideration

Mr Neil McDonald's evidence illustrated the difficulty in achieving the proposed access way widths where there is steep topography. The Commissioners acknowledge that in some circumstances it may be appropriate to permit a lower standard for at least part of an access way. The particular design needs to be assessed on a case by case basis, with reference to an assessment matter. Public safety and amenity have to be taken into account and it is considered that generally it would not be appropriate to allow a lower standard where compliance could be achieved by reducing the number of units to be served.

Recommendation

An assessment matter is added to recognise the possibility that lesser standards may be appropriate in some circumstances where topography creates difficulties and that higher standards may be appropriate where environmental conditions, such as the foreseeable presence of frost and ice, would dictate that a lower gradient, wider turning radii or such other engineering solutions would improve public safety.

4.10 Limited Access Roads / State Highways

The Issue and Submissions

The Plan Change did not specifically consider the interaction of accesses with Limited Access Roads or State Highways, or provide for any special consideration of these situations. Two submissions were received which raised concerns over the interaction of private accesses with limited access roads / state highways and in particular maintenance, the provision of carparking and the appropriate design of intersections on these key roads.

Mr Burden recommended that the rule be amended to ensure that where an accessway intersects with a limited access road or state highway, it should be wider to accommodate vehicle passing and mitigate the chances of vehicles queuing.

Consideration

The Hearings Commissioners agreed that it would be appropriate for this situation to be provided for within the rule.

Recommendation

The rule is amended to provide for situations where an accessway intersects with a limited access road or state highway.

4.11 Consideration of "New Urbanism" development

The Issue and Submissions

The Plan Change did not provide for any variation from traditional development styles in terms of considering variations to the access width requirements. A number of submissions were received and evidence heard on the need to provide for different forms of development and particularly for large scale, “new urbanism” styles of development with reduced access widths.

Consideration

The Hearing Commissioners agreed that in some situations it may be appropriate to consider reduced access widths where this is part of a structure plan development with all aspects of access and parking considered. They agreed that there are clear merits to “new urbanism” styles of development.

However they considered that for clarity this would be best addressed through the introduction of an assessment matter rather than alterations to the rule itself.

Any consideration of a proposal for a “new urbanism” style development would need to prove that it is part of a comprehensive, carefully designed structure plan, that convincingly demonstrates that a reduced standard is appropriate.

Recommendation

That a new assessment matter be introduced to provide for consideration of reduced access widths as part of alternative development styles.

4.12 Status of the activity

The Issue and Submissions

Under the Plan Change, any proposal seeking to provide access widths less than that set out in the rules has a restricted discretionary activity status. Submissions received included a range of views on activity status, including those seeking that it be changed to controlled.

Consideration

The Hearings Commissioners considered that restricted discretionary status would be appropriate as it would provide the Council with an appropriate level of control over applications.

Recommendation

That the present activity status remains without change.

4.13 Vesting of Accesses in the Council

The Issue and Submissions

Plan Change 6 introduced implementation method 14.1.3(ii)(c) “*encourage vestment (sic.) of accesses to multiple properties in the Council.*” This is opposed by some submitters on the grounds that it is not necessarily desirable for accesses to be vested in the Council.

Consideration

This assessment matter was apparently included in response to the problems such accesses have caused for the owners and the Council when there are no proper arrangements in place for maintenance, especially where accesses have the appearance of a public street.

The recommended rules address this by setting a maximum of 12 residential units to be served before a legal road is required, and by the note to be introduced in Rule 14.2.4.1 iv indicating that private accessways created by subdivision will have associated legal arrangements for maintenance.

The Commissioners accept that there is no other reason to require accessways serving up to 12 units to be vested in the Council.

Recommendation

That implementation method 14.1.3(ii)(c) "*encourage vestment (sic.) of accesses to multiple properties in the Council*" introduced by Plan Change 6 is deleted.

ATTACHMENT 1: RECOMMENDED AMMENDMENTS TO DISTRICT PLAN

Rules

Amend the District Plan provisions to read as follows:

Rule 14.2.4.1 iv

iv Parking area and Access Design:

All vehicular access to fee simple title lots, cross lease, unit title or leased premises shall be in accordance with standards contained in NZS4404:2004, and

All shared vehicular access serving residential and/or visitor accommodation units in the High and Low Density Residential Zones shall be in accordance with the standards set out in NZS4404:2004 except for developments identified in the table below:

<i>The Greater of the Actual Number of Units Serviced or; the Potential Number of Units served by the Access as a Permitted or Controlled Activity.</i>	<i>Formed Width (m)</i>	<i>Legal Width (m)</i>
<i>1 to 6</i>	<i>3.5</i>	<i>4</i>
<i>7 to 12</i>	<i>5</i>	<i>6</i>

Where the shared vehicle access adjoins a local distributor or higher road in the hierarchy, including a State Highway, it shall have a 5m formed width and a 6m legal width for a minimum length of 6m as measured from the legal road boundary.

No private way or private vehicle access or shared access shall serve sites with a potential to accommodate more than 12 units on the site and adjoining sites.

Private shared vehicle access shall have legally enforceable arrangements for maintenance put in place at the time they are created.

Formed access widths for 1 to 6 units shall provide passing bays at intervals no greater than 25 metres (end of one passing bay to the beginning of the next) along the length of the access way. Passing bays shall be at least 8 metres long and at least 2.5 metres wide, plus any tapers desired.

The access width rules provided above do not apply at the time of subdivision to developments authorised and implemented under existing and live resource consents at the time of adoption of these rules.

The access width rules provided above do not apply to existing private shared vehicle accessways for the purpose of controlling the number of units that may be built using the accessways, unless the total land served by the accessway could provide for more than 12 units.

Note:

- Calculation of maximum developable capacity shall require, where necessary, creation of sections to serve as future accessway extensions to link to other sites beyond the immediate development.*

Assessment Matters

Retain the assessment matters introduced in the Plan Change as follows:

- (m) *The extent to which the limited width of an access is mitigated by sufficient on-site manoeuvring.*
- (n) *The likelihood of future development which could result in increased traffic generation.*
- (o) *The extent to which the reduced width of an access is mitigated by the provision of passing areas and/or turning heads.*

Add the following assessment matters to 14.3.2v:

- (p) *The extent to which the proposed development:*
 - *Is in accordance with an approved structure plan or overall development plan for the area,*
 - *Can prove that the site will contain fewer units, to be controlled by subdivision covenants, vesting of land as reserve, or other appropriate measures, and*
 - *Can prove that any adjoining land may be more reasonably and economically accessed by an alternative route or that the development of adjoining land is so unlikely as to make provision for future access unreasonable.*
- (q) *Whether the reduced access width avoids turns requiring such methods as mirrors or signalling devices, where the removal, vandalism or malfunctioning of such methods may lessen public safety and convenience.*
- (r) *Where the anticipated use of accessways is to a multi-unit residential or visitor accommodation development, where reduced access widths may be considered because the development includes ready access to parking and building entry points.*
- (s) *Whether there is the possibility of redesign of the development to avoid or mitigate reasons advanced for creation of narrower accessways than required, even though such redesign may result in fewer units.*
- (t) *The extent to which the reduced access widths form part of a structure plan development adopting the “new urbanism” design style, where it is appropriate to provide for lesser access widths in order to enhance urban amenity values.*

Implementation Methods

Delete implementation method 14.1.3 (ii) (c) “*encourage vestment of accesses to multiple properties in the Council*”.

ATTACHMENT 2: RECOMMENDATIONS ON SUBMISSION POINTS

The recommendations on whether individual submissions should be allowed, disallowed, or allowed in part are available on CD.