

**QLDC Council**  
**16 September 2021**

**Report for Agenda Item | Rīpoata moto e Rāraki take 5**

**Department: Planning & Development**

**Title | Taitara: Amendments to Accessible Parking provisions required as a consequence of implementing the National Policy Statement on Urban Development 2020**

**PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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- 1 The National Policy Statement on Urban Development 2020 (**NPS-UD**) requires the removal of minimum parking requirements from District Plans. The purpose of this report is to seek approval from elected members to publicly notify the proposed Plan Change and Plan Variation to ensure that the mandated removal does not alter the current requirements for accessible parking.

**EXECUTIVE SUMMARY | WHAKARĀPOPOTOTANGA MATUA**

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- 2 Under the NPS-UD and section 55 of the Resource Management Act 1991, local authorities are required to remove all non-accessible minimum car parking requirements from their district plans.
- 3 Following these changes, developers and businesses can choose to provide on-site parking (other than accessible parking) but minimum numbers of parks will not be able to be required by the district plan or by resource consent conditions for controlled and restricted discretionary activities. Council still has the ability to consider parking effects of discretionary and non-complying activities<sup>1</sup>
- 4 Standards can still be applied to parking that developers and businesses choose to provide, and to assets proposed to be vested in the Council, and parking activity can still be controlled through parking bylaws and permit parking schemes.
- 5 The NPS-UD separates accessible parking from other car parks, stating that local authorities need not remove provisions for accessible parking from district plans. They are an important part of ensuring accessibility for people who have restricted mobility.
- 6 However, because accessible parking requirements are currently set in the Proposed District Plan and Operative District Plan as a proportion of the total number of parks to be provided by the activity, removal of the minimum parking requirements would affect the rate at which on-site accessible car parks are required.
- 7 The purpose of this proposal is to ensure that the mandated removal of non-accessible parking minimums does not alter the current requirements (status quo) for on-site accessible parking.

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<sup>1</sup> National Policy Statement on Urban Development 2020 – car parking factsheet

- 8 The proposal will set an absolute minimum number of accessible car parks for the land use and activities currently identified in PDP Standards 28.9.1-29.8.40 and Operative District Plan site Standard 14.2.1(i). This ensures that accessible car parks are provided for by the respective Plans, even if other on-site car parks are not provided.
- 9 The removal of non-accessible car parking minimums will be undertaken by the Council by the date mandated by the NPS-UD (February 2022). This process must occur without the need for a 1<sup>st</sup> Schedule (public RMA) plan change process.

## RECOMMENDATION | NGĀ TŪTOHUNGA

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That Council:

1. **Note** the contents of this report;
2. Having particular regard to the section 32 evaluation report, **approve** pursuant to clauses 5 and 16A of the First Schedule of the Resource Management Act 1991 the variation to the Queenstown Lakes Proposed District Plan detailed in Appendix B of this Report for notification;
3. Having particular regard to the section 32 evaluation report, **approve** pursuant to section 79(1) and clause 5 of the First Schedule of the Resource Management Act 1991 the plan change to the Queenstown Lakes Operative District Plan detailed in Appendix C of this Report for notification; and
4. **Authorise** the Planning Policy Manager to make minor edits and changes to the provisions to be varied and changed, and s32 report to improve clarity and correct errors, and to notify the variation and plan change in accordance with clause 5 of the First Schedule of the Resource Management Act 1991.

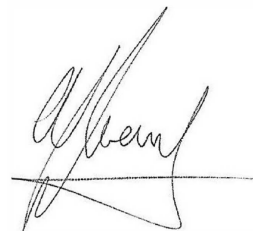
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23/8/2021

Reviewed and Authorised by:



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General Manager Planning and  
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8/9/2021

## CONTEXT | HOROPAKI

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- 10 The NPS-UD came into effect on 20 August 2020 and replaces the National Policy Statement on Urban Development Capacity 2016 (**NPS-UDC**). National policy statements allow central government to prescribe objectives and policies for matters of national significance relevant to achieving ‘sustainable management’ – set out as being the ‘purpose’ of the RMA within section 5. District plans are required to give effect to any national policy statement.
- 11 The overall intent of the NPS-UD, is to improve the responsiveness and competitiveness of land and development markets, and to increase the supply of housing and commercial development in urban areas.<sup>2</sup> The NPS-UD builds on the NPS-UDC with more specific direction on where and how development capacity should be provided and how councils should respond to development opportunities.

### Specific Requirements of the NPS-UD

- 12 The NPS-UD introduces new requirements for local authorities with respect to car parking. Policy 11 of the NPS-UD prevents district plans from requiring minimum parking rates and encourages the use of parking management plans. Subpart 8 lists what local authorities must do to give effect to Policy 11:

*(1) If the district plan of a tier 1, 2 or 3 territorial authority contains objectives, policies, rules or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use, or activity, the territorial authority must change its district plan to remove that effect, other than in respect of accessible car parks.*

*(2) Territorial authorities must make any changes required by sub-clause (1) without using a process in schedule 1 of the Act.*

*(3) Nothing in this National Policy Statement prevents a district plan including objectives, policies, rules, or assessment criteria:*

*(a) requiring a minimum number of accessible car parks to be provided for any activity; or*

*(b) relating to parking dimensions or manoeuvring standards to apply if:*

*(i) a developer chooses to supply car parks; or*

*(ii) when accessible car parks are required*

- 13 QLDC is a tier 2 authority. The effect of Policy 11 and Subpart 8 of the NPS-UD is that minimum car parking provisions must be removed from the Proposed District Plan and Operative District Plan.

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<sup>2</sup> Page 6, National Policy Statement on Urban Development 2020, Introductory Guide, MfE, 2020

- 14 The National Policy Statement's intent for removing minimum non-accessible car parking provisions is to enable more housing and commercial developments, particularly in higher density areas where people do not necessarily need to own or use a car to access jobs, services, or amenities. It seeks to enable urban spaces to be used for higher value purposes other than car parking, and remove a significant cost for higher density developments.
- 15 In many cases (such as in conjunction with lower density or premium housing) developers may still seek to provide car parks to meet market demand.
- 16 The NPS-UD states that local authorities must amend their district plans to remove car parking minimums as soon as practicable, without using a public plan change process, and not more than 18 months from the date of commencement of the NPS-UD on 20 August 2020. Changes required by section 55 of the RMA such as this require a public notice but do not require consultation with interested and affected parties and do not have the usual appeal rights as a normal plan change. This process will be undertaken at a later date (within the timeframes of the NPS-UD) but not before this Plan Change/Variation has commenced the 1<sup>st</sup> schedule RMA process to retain accessible carparks.
- 17 Policy 11(b) of the NPS-UD 'strongly' encourages local authorities to manage the effects associated with the supply and demand of car parking through 'comprehensive parking management plans'. The development of a comprehensive parking management plan for the District is underway.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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### Implications for accessible parking

- 18 Accessible parking refers to parking spaces that are designed and reserved for the exclusive use of people whose mobility is restricted and who have a mobility permit to occupy these spaces. It may also be described as 'mobility parking', and 'disabled/disability parking'. Policy 11(a) of the NPS-UD separates accessible parking from non-accessible parking, stating that local authorities need not remove these from district plans. They are an important part of ensuring accessibility for people who have restricted mobility.
- 19 Policy 11 specifically states: *"Nothing in this National Policy Statement prevents a district plan including objectives, policies, rules or assessment criteria ... requiring a minimum number of accessible car parks to be provided for any activity"*.
- 20 Because the current requirements for accessible car parks in both the Operative and Proposed District Plans are set as proportion of total number of carparks provided, for which a minimum can no longer be required, they need to be amended.

### Updated Accessible Parking Provisions

- 21 The proposal sets an absolute minimum number of accessible car parks for the land use activities currently identified in Proposed District Plan Standards 29.8.1-29.8.40 and Operative District Plan Site Standard 14.2.4(i).

- 22 These proposed absolute minimums for accessible car parks have been set at the number of accessible car parks that would have resulted, if a land use or activity provided the minimum number of carparks required under the minimum (non-accessible) car parking standards, which are to be removed. They are effectively a translation of the existing Proposed District Plan Standard 29.5.5 'Mobility Parking Spaces' and Operative District Plan Site Standard 14.2.4.1(viii) Car Spaces for People with Disabilities' which are currently set as scaled proportions of the total number of total car parks provided, to provisions in and of themselves.
- 23 This proposal will not change the final number of accessible car parks required, but allows these requirements of both plans to be administered when requirements for a minimum number of non-accessible car parks have been removed, as per the requirement of the NPS-UD.

### **Recommendation**

- 24 That a public plan change process be undertaken to ensure the continued provision of on-site accessible parking in the Operative District Plan and Proposed District Plan. It is recommended that elected members approve the proposed amendments to accessible parking provisions to be publicly notified for a period of 20 working days, pursuant to Schedule 1 of the Resource Management Act.

### **CONSULTATION PROCESS | HĀTEPE MATAPAKI:**

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#### **SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA**

- 25 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy.
- 26 This determination is based on recognition that this district has an improved but still developing public transport service and the community currently have a high level of dependency on private vehicle transport corresponding to high levels of expectation concerning the availability of on-site accessible car parking spaces. The proposal would ensure that the number on-site non-accessible car parks provided in conjunction with development is not left to the market.
- 27 The risks of the proposal are low as what is being proposed is very limited in scope and does not seek to change the level of accessible parking provided, but rather ensure its continued provision past the removal of non-accessible parking minimums. It does not seek to change the amount of accessible parking that result from the application of the existing Operative District Plan and Proposed District Plan rules. As previously mentioned, the removal of non-accessible parking minimums is mandated by the NPS-UD, and is outside of the scope of this proposal.

#### **MĀORI CONSULTATION | IWI RŪNANGA**

- 28 Aukaha and Te Ao Mārama Incorporated were consulted with on the proposed amendments to the accessible parking provisions between 8 July and 22 July 2021

inclusive. Aukaha responded that they had no issue with the proposed approach and Te Ao Mārama Incorporated did not provide any specific comment.

### **RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA**

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29 This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK00031 Ineffective management and governance over legislative compliance within the QLDC Risk Register. This risk has been assessed as having a moderate inherent risk rating.

30 The approval of the recommended option will support the Council by allowing the risk to be avoided. This shall be achieved by achieving compliance with legislation in a timely manner.

31 This matter has been presented to elected members for advice. The proposed amendments to the Proposed District Plan and the Operative District Plan are required so QLDC can meet its obligation to give effect to the NPS-UD.

### **FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA**

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32 Proposed District Plan and Operative District Plan amendments required by the NPS-UD can be funded from within the existing district plan budget. Any other actions necessary to manage displaced parking and overall traffic demand management will not require changes to the Annual Plan or Ten Year Plan and can be funded from existing budgets.

### **COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA**

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33 The following Council policies, strategies and bylaws were considered:

- Queenstown Parking Strategy 2019 (Draft), November 2019
- Queenstown Lakes District Council Land Development and Subdivision Code of Practice, September 2020
- QLDC Traffic and Parking Bylaw 2018

34 The amendments required by the NPS-UD have been considered against the vision statements contained within Council's 'Vision Beyond 2050' documents. The overall intent of the NPS-UD and its effect on minimum parking requirements was discussed in section 8 of this report. This intent will assist the Council in making progress towards the following vision statements:

- Thriving people - Whakapuāwai Hapori
- Opportunities for all - He ōhaka taurikura
- Zero carbon communities - Parakore hapori

35 The proposed actions are consistent with the principles set out in the named policy/policies.



36 This matter is included in the Ten Year Plan/Annual Plan as part of the provision for development of the district plan.

**LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHA KA WAETURE**

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37 The proposed amendments are necessary to give effect to the NPS-UD, whilst ensuring that the mandated removal of minimum parking standards does not alter the current requirements for accessible parking. These amendments are detailed in **Appendices B and C**.

**LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA**

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38 As outlined above, the options for elected members to consider are limited by the fact that these amendments are a consequence of implementing the NPS-UD.

39 The option of not acting would result in the removal of all car parking standards (including accessible parks) which would result in poor outcomes for those who rely on accessible parking.

40 Accordingly, the elected members are being asked to approve the proposal for public notification.

41 The recommended option (to approve the proposed plan change and plan variation for public notification):

- will help meet the current needs of communities with regards to accessible parking;
- can be implemented through current funding under the Ten Year Plan and Annual Plan;
- is consistent with the Council's plans and policies; and
- would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

**APPENDICES | NGĀ TĀPIRIHANGA**

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A	Section 32 Evaluation
B	Proposed variation to the Proposed District Plan Accessible Parking Requirements
C	Proposed plan change to the Operative District Plan Accessible Parking Requirements

**REFERENCES |**

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Ministry for the Environment (2020) National Policy Statement on Urban Development 2020: Introductory Guide.

<https://environment.govt.nz/assets/Publications/Files/Introductory-Guide-to-the-National-Policy-Statement-on-Urban-Development-2020.pdf>