

QLDC Council  
16 December 2021

Report for Agenda Item | Rīpoata moto e Rāraki take : 10

Department: Planning & Development

Title | Taitara: Removing parking minimums as required by 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 requires the removal of minimum parking requirements from District Plans, as soon as practicable but no later than 20 February 2022. This report informs elected members of timing of the mandated changes to remove parking minimums from the Operative District Plan (ODP) and Proposed District Plan (PDP)

EXECUTIVE SUMMARY | WHAKARĀPOPOTOTANGA MATUA

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- 2 Under the National Policy Statement Urban Development 2020 (**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 parking (other than accessible parking) but minimum numbers of parks will not be able to be required by the District Plan and by resource consent conditions for controlled and restricted discretionary activities. Council still has the ability to consider car 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.

RECOMMENDATION | NGĀ TŪTOHUNGA

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That the Council:

1. **Note** the amendments required to implement Policy 11 of the National Policy Statement of Urban Development pursuant to Section 55(2A)(a) of the Resource Management Act 1991 (RMA) whereby Council is directed to amend the District Plan to remove non-accessible minimum parking requirements without using the process in Schedule 1 of the RMA as soon as practicable and not later than 20 February 2022;
2. **Note** that the removal of the provisions in respect of minimum parking requirements from the Operative District Plan and the Proposed District Plan will

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

take effect on 17 December 2021, with public notice of the amendments to be available on the website immediately, and published in the papers on 23 December 2021, as per s55(2A)(b) of the RMA.

3. **Authorise** the Manager Planning Policy to make edits and changes to the required amendments provisions consistent with the National Policy Statement Urban Development 2020 to improve clarity and correct any errors.

Prepared by:



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17/11/2021

Reviewed and Authorised by:



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2/12/2021

## CONTEXT | HOROPAKI

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- 5 The NPS-UD is a national policy statement under the **RMA**. It 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.
- 6 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

- 7 The NPS-UD introduces new requirements for local authorities with respect to car parking. Policy 11 of the NPS-UD prevents plans from requiring a minimum number of on-site parks and encourages the use of parking management plans.

#### ***Policy 11: In relation to Car parking***

- a) *the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and*
- b) *tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.*

### **Part 3: Implementation**

#### **3.38 Car Parking**

- (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:*

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

*(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*

- 8 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 PDP and ODP.
- 9 The intent of removing minimum 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.
- 10 As an example, Chapter 29 (Transport) of the PDP currently requires all residential units to have a minimum of two on-site parking spaces and residential flats to have a single on-site parking space (with the exception of those located within the High and Medium Density Residential Zones, Business Mixed Use Zone and Jacks Point Village Activity Area which have lower parking minimums). Commercial activities are currently required to have one on-site parking space per 25 m<sup>2</sup> and office activities are required to have 1 on-site parking space per 25 m<sup>2</sup>. In all these examples developers may still choose to provide car parking, but the number of car parks will be driven by market demand.<sup>3</sup>
- 11 Some areas of the district, for example the Queenstown, Wanaka and Arrowtown Town Centre Zones, have not had any minimum on-site parking requirements, either under the ODP or PDP, and parking still exists within these zones. The absence of parking minimums does not mean that no parking will be supplied.
- 12 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 would require.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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### Implications for resource consenting

- 13 Changes required by the NPS-UD have a range of implications for Council's resource consenting functions:

<sup>3</sup> National Policy Statement on Urban Development 2020, Car Parking Factsheet, MfE, 2020

- a) Removing car parking minimums from the District Plan will enable new developments to occur without car parking spaces.
- b) Councils retain the ability to consider the effects of car parking supply and demand in resource consent applications in preparing an Assessment of Environmental Effects. For example, upon the receipt of applications for large development proposals, the nature and scale of parking demand likely to be generated and how this demand interacts with the supply of car parking is likely to be looked at. Effects permitted by the plan are not something that Council should seek to control or impose conditions on, however this information can be used to address any safety issues that arise, or support the management of displaced parking demand and transport network efficiency through other mechanisms.
- c) Where developers choose to provide on-site car parking, and resource consents are required, officers will still have the ability to manage the physical effects of car parking such as visual impacts, safety effects, screening, stormwater, and other impacts on adjacent uses. However, none of these considerations can have the effect of setting minimum car parking requirements.
- d) The NPS-UD does not affect current standards that set minimum dimensions for vehicle manoeuvring and car parking spaces (PDP Standards 29.5.3 and 29.5.8, ODP 14.2.4.1 (ix) and (x)), when a developer chooses to supply car parks, or where parking for vehicles other than cars is required such as loading bays, drop-off areas, bus, bike and other mobility parking. Likewise, rules and other standards held under other statutes and regulations, such as the Council's Code of Subdivision and Development and the Building Code, relating to access for car parks, accessible car parking and fire service vehicle access, will continue to have effect.
- e) The NPS-UD does not remove local authorities' ability to impose maximum parking requirements for developments. Currently maximums are only set for Frankton Flats Special Zone (B) and the Queenstown Town Centre Lakeview Subzone in the Operative District Plan.
- f) The NPS-UD enables District Plans to continue setting minimum on-site requirements for accessible car parks. A plan change to the ODP and variation to the PDP were notified on 28 October 2021. This proposal amends the way accessible parking standards are expressed in the Operative District Plan and Proposed District Plan to ensure that the mandated removal of the minimum parking standards does not alter the current requirements for accessible parking.

### **Implications for parking management**

- 14 QLDC is well placed to address the wider implications of removing parking minimums and other parts of Council that deal with parking are planning for how best to manage this change.
- 15 A number of Transport Strategy work streams are aimed at reducing the use of private cars and parking at the origin and destination of journeys. Masterplans and Programme Level Business Cases for Integrated Transport in Frankton, Queenstown and Wānaka have

been essentially completed, as have studies into alternative transport, including public transport and active travel. A parking strategy for Queenstown has been substantially completed<sup>4</sup> which contains objectives and principles for achieving high levels of mode shift and parking occupancy.

- 16 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'. Work on a Comprehensive Parking Management Plan has commenced, which will include a parking survey, monitoring and community consultation. This plan will allow parking strategies to be developed for each location needing one.
- 17 The ability to require assessments of travel behaviour and transport effects of developments, including the need for any agreement with regards to mitigating the demand for car parking to service the development, is retained within the District Plan.
- 18 The QLDC Land Development and Subdivision Code of Practice can still require appropriate levels and design standards for vehicle parking on any roads and streets to be vested as Council assets.
- 19 Regarding enforcement, the QLDC Traffic and Parking Bylaw 2018 already provides for residential parking permit schemes to be set up, applied where necessary, charged for and enforced if this should be required.<sup>5</sup>

## **AMENDMENTS REQUIRED TO IMPLEMENT POLICY 11 OF THE NPS-UD**

### **Removal of minimum parking requirements and consequential changes**

- 20 Approximately 99.8% of the District's land has been reviewed as part of the District Plan review process and is managed by provisions of the Proposed District Plan. However, a number of locations that have not yet been reviewed and these locations are still managed by the provisions of the Operative District Plan. The NPS-UD necessitates changes to both the Proposed District Plan and the Operative District Plan.

#### **Proposed District Plan:**

- 21 Chapter 29 (Transport) of the PDP contains the majority of the objectives, policies and rules relating to car parking. Chapter 29 minimum car parking requirements, along with any other objectives and policies which support them, are required be removed or amended. The changes are summarised as follows:

#### Removals and amendments to Chapter 29: Transport

- a) Remove:
  - **Standard 29.5.1 Minimum parking requirements**

<sup>4</sup> Queenstown Parking Strategy 2019 (Draft), Queenstown Lakes District Council, November 2019.

<sup>5</sup> QLDC Traffic and Parking Bylaw 2018, commenced 1 March 2019.

- References to the provision of electric vehicle parking spaces have been removed, but matters relating to the provision of electric vehicle changing points remain
  - Standard 29.5.2 Location and availability of parking spaces (d) remove provisions allowing for the provision of some required parking off site
- b) Amend:
- **Table 29.4 Minimum Parking Requirements** only retains coach parking provisions
  - Rule 29.4.3 now also explicitly states Parking for activities listed in Table 29.5.5 (the amended accessible parking requirements) is a permitted activity
  - Rule 29.5.3 Size of Parking Spaces and layout refers to provided parking spaces, instead of required.
  - Rule 29.5.7 Reverse manoeuvring refers to provided parking spaces, instead of required.
- c) A marked-up version of Chapter 29 detailing all amendments required to implements policy 11 of the NPS-UD is attached as **Attachment A**.
- d) Amendments to other PDP chapters are detailed in **Attachment B**.

## 22 Operative District Plan:

- a) Section 14 (Transport) of the ODP contains objectives, policies and rules relating to car parking. Minimum car parking requirements alongside associated objectives, policies and assessment matters, will need to be removed or amended. The changes are summarised as follows:
- b) Objectives and Policies to be amended (Section 14)
- Objective 1: Implementation method (i)(c) to refer to parking where provided
  - Policy 9.4: remove reference to “considering reductions in parking requirements where travel plans are proposed.”
- c) Policies to be removed (Section 14):
- **Policy 5.1: minimum parking requirements.**
  - Explanation to be removed: *“Through setting minimum parking requirements the Council will seek to maintain the traffic function and safety of the road network and the amenity of residential streets and the town centres.”*
- d) Standards to be removed (Section 14):
- **14.2.4.1(i). Minimum Parking Space Numbers.**
  - Minimum parking space requirements in Tables 1, 1A, 1B, 1C and 1D are to be deleted, as are the corresponding advice notes.

- e) A marked-up version of ODP Section 14 detailing all non-schedule 1 amendments required is attached as **Attachments C and D**.

## RECOMMENDATION

### Amendments required to implement Policy 11 of the NPS-UD

- 23 The **amendments to the Operative and Proposed District Plans**, detailed in the **Attachments A-D**, fulfil the requirements of the NPS-UD. These changes must occur by 20 February 2022 (18 months from the date of commencement of the NPS-UD on 20 August 2020).
- 24 These amendments are to be made live on **17 December 2021**, with public notice of the amendments to be available on the website immediately, and published in the papers on 23 December 2021, as per s55(2A)(b) of the RMA.
- 25 It is therefore recommended that elected members note the contents of this report, in particular the proposed approach with respect to removing minimum parking requirements from the ODP and PDP and the consequential amendments to other relevant sections.
- 26 The proposed approach is within scope of the direction set out within Policy 11 and Subpart 8 of the NPS-UD.

## CONSULTATION PROCESS | HĀTEPE MATAPAKI:

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

- 27 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy.
- 28 This determination is based on recognition that parking is not going to rapidly disappear from urban areas as a result of these changes, but that in the future, developments are likely to be consented and built with inconsistent numbers of car parks depending on developer, business and land owner preferences and assessments of their desirability. It also reflects that the removal of minimum parking requirements from the ODP and the PDP will impact development and built form outcomes, and ultimately change the way communities need to interact with their local transport networks. Such an impact is likely to have a high level of community interest. 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 car parking spaces, be they on-site or otherwise.

### MĀORI CONSULTATION | IWI RŪNANGA

- 29 The Council is not required to consult with Maori on this particular matter, however other NPS UD requirements around producing a Future Development Strategy, enabling intensification of urban environments, and creating well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural

wellbeing, and for their health and safety will all be of significant interest to Iwi in their role as Mana Whenua and as entities with significant commercial interest in this district.

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

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- 30 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.
- 31 The risk of not making the required amendments to implement Policy 11 of the NPS-UD, is that Council will fail to meet its statutory obligations under the Resource Management Act.
- 32 The approval of the recommended option will support the Council by allowing us to avoid the risk. This shall be achieved by achieving compliance with legislation in a timely manner.
- 33 This matter has been presented to elected members for information purposes. The proposed amendments to the PDP and the ODP are required so QLDC can meet its statutory obligation to give effect to the NPS-UD.

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

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- 34 PDP and ODP amendments required by the NPS-UD can be funded from within the existing District Plan budget.

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

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- 35 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
- 36 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

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

38 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 TAKOHAKA WAETURE**

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### **Non-schedule 1 Amendments (Removal of non-accessible parking minimums)**

39 Council is directed to amend the District Plan to remove non-accessible minimum parking requirements as soon as practicable. There is no ability to defer this.

### **Legal Advice**

40 Legal advice has been obtained and followed with respect to the scope of amendments proposed to the PDP and ODP, both the non-schedule 1 changes as required by the NPS-UD.

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

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41 As outlined above, the options for elected members to consider the Non-schedule 1 changes, are limited by the fact that these amendments are mandated and must be undertaken in accordance with s55 of the RMA by 20 February 2022 (not more than 18 months from the date of commencement of the NPS-UD on 20 August 2020).

## **ATTACHMENTS | NGĀ TĀPIRIHANGA**

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A	Non-schedule 1 Proposed District Plan Chapter 29 Transport Amendments
B	Non-schedule 1 Proposed District Plan Amendments to other Chapters
C	Non-schedule 1 Operative District Plan Section 14 Transport (Objectives and Policies) Amendments
D	Non-schedule 1 Operative District Plan Section 14 Transport (Rules) Amendments

**NOTE: The attachments are circulated separately from the main agenda document.**

## **REFERENCES |**

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Ministry for the Environment (2020) National Policy Statement on Urban Development 2020: Car Parking Factsheet.

<https://environment.govt.nz/assets/Publications/Files/car-parking-factsheet.pdf>

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>