

**BEFORE THE HEARINGS PANEL  
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN AND OPERATIVE DISTRICT PLAN**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** Accessible Parking  
Amendments

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**SECTION 42A REPORT OF TARA ISABELLE HURLEY  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

Amendments to Accessible Parking Provisions  
Plan change to the Operative District Plan and variation to the Proposed District Plan

**April 2022**

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## 1. PROFESSIONAL DETAILS

- 1.1 My full name is Tara Isabelle Hurley. I hold the position of Policy Planner at Queenstown Lakes District Council (**the Council or QLDC**). I have been in this role since March 2018.
- 1.2 I hold a Master of Urban Planning from the University of Auckland. I am an intermediate member of the New Zealand Planning Institute.
- 1.3 Prior to my current role I was a Policy Planner at Auckland Council from January 2017 – March 2018, and a Graduate Planner at Auckland Council from February 2015 – January 2017.
- 1.4 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. The Council, as my employer, has authorised that I give this evidence on its behalf.

## 2. BACKGROUND

- 2.1 The notified provisions seek to ensure that the removal of minimum parking standards required by the National Policy Statement on Urban Development 2020 (**NPS-UD**) does not alter the requirements for on-site accessible parking in the Operative and Proposed District Plans (**ODP; PDP**).
- 2.2 Policy 11(a) of the NPS-UD separates accessible parking from other car parks, stating that local authorities need not remove provisions for accessible parking from district plans.
- 2.3 Prior to the removal of parking minimums from the plans, accessible parking requirements were set as a proportion of the total number of parks to be provided

by an activity. The notified proposal amends the drafting of provisions so that accessible parking requirements are drafted as stand-alone provisions.

**2.4** The notified provisions set an absolute minimum number of accessible car parks for the land use and activities currently identified in PDP Standards 29.8.1-29.8.40 and in ODP Site Standard 14.2.4(i), and are not intended to alter the accessible parking requirements that were in place prior to implementing the NPS-UD policy 11 requirements.

### **3. INTRODUCTION**

**3.1** In this section 42A report, I provide recommendations to the Hearings Panel on the submissions received on the notified proposal. I was the author of the notified proposal and the accompanying s32 report.

**3.2** The proposal was notified on 28 October 2021 and the summary of submissions was notified on 20 January 2022. A total of four submissions were received and no further submissions were received.

**3.3** Due to the small number of submissions, I have structured my analysis by individual submission. For each submission, I summarise the relief sought, consider whether the relief sought better achieves the relevant objectives of the applicable policy documents, and evaluate the appropriateness, including costs and benefits, of the requested changes in terms of s32AA of the RMA.

**3.4** The key documents I have used, or referred to, in forming my view while preparing this section 42A report are:

- (a) Queenstown Lakes Proposed District Plan (**PDP**) Chapter 29 Transport;
- (b) Queenstown Lakes Operative District Plan (**ODP**) Section 14 Transport;
- (c) New Zealand Standard 4121:2001 (**NZS 4121**): Design for access and mobility – Buildings and associated features; and
- (d) NPS-UD.

**3.5** The changes I recommend to the notified provisions in response to submissions are included in **Appendices 1 and 2**, which contain ‘tracked’ recommended

provisions. **Appendix 3** contains the accessible parking requirements under the PDP, ODP and the New Zealand Standard 4121. My recommendations for accepting or rejecting submissions are included in **Appendix 4** alongside a summary of the relief sought. **Appendix 5** is an example of applying the previous and notified accessible parking amendments to a multi-use development, as discussed in Section 7, below.

**4. SUBMITTER 1 DUNCAN EDWARDS ON BEHALF OF AGE CONCERN SOUTHLAND: RATES OF ACCESSIBLE PARKING**

**4.1** Mr Edwards opposes the continuation of accessible parking at the current rates in both the ODP and PDP, and seeks that the notified provisions be amended to have higher requirements for accessible parking.

**4.2** The submission focusses on core services (such as residential care homes and health care facilities) for the elderly, which the submitter states is a growing population, thus has a growing need for mobility car parks. However, the submitter has not provided any evidence of what they think would be appropriate level of accessible parking provision.

**4.3** The submission also states that the proposal is not aligned with national standards.

**4.4** Regarding national standards, Table 1 below compares the New Zealand Access Standard Design for access and mobility – Buildings and associated facilities (NZS 4121), to the previous requirements for accessible parking spaces under the ODP and PDP which are given in **Appendix 3**:

Table 1 – Accessible Parking Requirements Comparison

Total number of car parks	NZS 4121	ODP	PDP
1-10	1	0	1
11-20	1	1	2
20-50	2	1	2
50-100	3	2	2
For every additional 50 spaces	1	1	1

■ Below NZS 4121     
 ■ Meets NZS 4121     
 ■ Above NZS 4121

- 4.5** As shown above, the rates in the PDP meet or exceed the National Standard, with the exception of when there would have been a shortfall of 1 accessible park between 50-100 total parks. The rates in the ODP fall short of the National Standard with the exception of when 11-20 total parks are provided.
- 4.6** The District Plan has been split into two volumes, Volume A and Volume B. Volume A consists of the PDP chapters notified in Stages 1, 2 and 3 of the plan review, and all the land that is identified in the layer 'PDP Stage 1 2 3 Decisions' of the District Plan web mapping application. All other land currently forms Volume B of the District Plan. This includes zones that have not yet been reviewed and notified, which will be addressed later in the District Plan Review. Most applications for resource consents are now assessed under the PDP, although applications in Volume B land outside of roads are assessed under the ODP, and where appeals on the PDP have yet to be resolved the provisions of the ODP continue to have weight when evaluating resource consent applications.
- 4.7** With the PDP covering 98% of the District and the ODP gradually falling away, the provisions in the PDP take precedence. NZS4142 will continue to apply to development with buildings, and will be administered through the building consent process when parking is provided. The proposed amendments to the ODP and PDP fill the policy gap when no other car parks are provided.
- 4.8** There will be an opportunity for the rate at which accessible parking provisions are set, to be revisited in the future through a more comprehensive parking plan change.
- 4.9** The Council has commenced work on a Comprehensive Parking Management Plan (**CPMP**), and will monitor the impacts of implementing policy 11 of the NPS-UD, prior to undertaking a future plan change. Any revision of the rates for accessible parking provision will need to be based on evidence regarding the changing demand for accessible parking, in conjunction with consideration of Council's strategic approach to parking (including public parking) in the CPMP.
- 4.10** I therefore recommend that the relief sought in Submission 1 is rejected.

**5. SUBMISSION 2 JONOTHAN SANDERS: ACCESSIBLE PARKING REQUIREMENTS AND RESIDENTIAL VISITOR ACCOMMODATION**

**5.1** Mr Sanders opposes the notified proposal and seeks that there be no requirement for accessible car parks for Residential Visitor Accommodation (RVA) catering for up to 12 guests in both the ODP and PDP. The reasoning given for this is that providing accessible parking for small-scale short term accommodation is not feasible, given that such development is generally not designed to cater for those with greater accessibility needs.

**5.2** Regarding the notified PDP provisions, there are no requirements for accessible parking to be provided for residential units, as stated in 29.5.5a. This includes RVA, which is not listed as an activity which needs to provide accessible parking. No change is needed to address the relief sought.

**5.3** RVA is also not an activity listed in the notified proposal for the ODP, and therefore in the notified provisions there is also no requirement to provide accessible parking for RVA. However, unlike the PDP, the ODP does not exempt residential units from providing accessible parking entirely, and a requirement to provide accessible parking starts when there are between 5-11 units on a site, dependant on the zone. Therefore, hypothetically if all of these units were used for RVA, it could be assumed that they could cater for 12 or more guests, one or more of which may have additional access needs.

**5.4** The proposed provisions in both the ODP and PDP will not require accessible parking on sites with small-scale RVA activities catering for less than 12 guests. No change is needed to either the ODP or PDP to address the relief sought.

**5.5** I therefore recommend that the relief sought in Submission 2 is rejected.

**6. SUBMITTER 3 BRIAN FITZPATRICK (REMARKABLES PARK LIMITED): ACCESSIBLE CAR PARKING AND UNSTAFFED UTILITIES**

**6.1** Mr Fitzpatrick opposes the notified proposal to the PDP and seeks that there be no requirement for accessible parking at unstaffed utilities (notified Rule 25.5.5.31).

**6.2** PDP Chapter 2- Definitions provides the following definition of utility:

*Means the systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community including:*

- a. substations, transformers, lines and necessary and incidental structures and equipment for the transmissions and distribution of electricity;*
- b. pipes and necessary incidental structures and equipment for transmitting and distributing gas;*
- c. storage facilities, pipes and necessary incidental structures and equipment for the supply and drainage of water or sewage;*
- d. water and irrigation races, drains, channels, pipes and necessary incidental structures and equipment (excluding water tanks);*
- e. structures, facilities, plant and equipment for the treatment of water;*
- f. structures, facilities, plant, equipment and associated works for receiving and transmitting telecommunications and radio communications;*
- g. structures, facilities, plant, equipment and associated works for monitoring and observation of meteorological activities and natural hazards;*
- h. structures, facilities, plant, equipment and associated works for the protection of the community from natural hazards;*
- i. structures, facilities, plant and equipment necessary for navigation by water or air;*
- j. waste management facilities;*
- k. flood protection works; and*
- l. anything described as a network utility operation in s166 of the Resource Management act 1991.*

*Utility does not include structures or facilities used for electricity generation, the manufacture and storage of gas, or the treatment of sewage.*

There are no appeals on this definition, and it is treated as operative.



**6.3** Before the removal of minimum parking requirements from the PDP, the minimum parking requirements for unstaffed utilities was:

	Minimum Parking Requirement	Resident/Visitor	Staff/Guest
<b>29.8.39</b>	Unstaffed utility	0	1 for any unstaffed utility which includes a building or structure with a GFA of over 25m <sup>2</sup>

**6.4** This resulted in the translation below for accessible parking requirements in the notified proposal:

	Minimum Parking Requirement	Resident/Visitor	Staff/Guest
29.5.5.31	Unstaffed utility	0	<p>1 – 10 unstaffed utilities = 1 space            11 – 100 unstaffed utilities = 2 spaces            &gt;100 unstaffed utilities = 2 spaces plus 1 additional space for every 50 unstaffed utilities</p> <p>Note: applies to any unstaffed utility which includes a building or structure with a GFA of over 25 m<sup>2</sup></p>

**6.5** In my view the submitter has raised a valid issue which stems from the previous requirement to provide, at minimum, one parking space for *staff* at an *unstaffed* utility. Additionally, it is unlikely that utilities, such as those defined above, would give rise to any guests. The requirement for accessible parking in the notified provision above is in my view onerous and unnecessary.

**6.6** I therefore recommend that the relief sought by submitter 3 is accepted, being that there should be no requirement for accessible parking for unstaffed utilities and that Rule 25.5.5.31 is removed from the PDP.

**7. SUBMITTER 4 EMMA TURNER (PATTERSON PITTS): ACCESSIBLE PARKING AND MULTI-USE SITES**

**7.1** Ms Turner supports the retention of accessible parking, determined by activity, in the Operative and Proposed District Plans.

**7.2** Their submission also seeks that the notified PDP provisions are reconsidered against the status quo so that there is no unintended increase to the number of accessible parks required when there is more than one activity on a site.

**7.3** The submitter correctly points out in paragraph 1.2.4 that “*where more than one activity is proposed for the site the amendments result in more accessible parks than what was required prior to the plan change/variation*” [emphasis added]. This was not the intention of the amendments, or in the scope of the plan change and variation, which intended provide for the continuation of the previous requirements for the provision of accessible parking.

**7.4** Because the notified PDP provisions are based on a rate for each activity – rather than a ratio of the total number of car parks provided – each activity results in a requirement for one or more carpark. This has the unintended consequence of requiring future developments with a mix of uses - to require significantly more accessible parking than what is required under the previous rates which were based on the total number of carparks provided for the development, whether it had a mix of uses or not.

**7.5** An example has been provided in **Appendix 4** of how many accessible car parks would have resulted if the previous minimum parking requirements had been met, and how many would be required under the notified provisions.

**7.6** In my view the submitter has identified an unintended issue with the drafting of the notified PDP provisions. In my view there are 3 possible methods to address this issue, either:

- (a) Amend the provisions to insert an exemption which states: “where two or more activities are located on one site the activity with the greater mobility

parking requirement is the number of mobility parks which are required”;  
or

- (b) Amend the provisions to include an advice note stating the above; or
- (c) Reassess all accessible car parking requirements to be based either on floor area or persons using the facility; or any other planning approach which achieves the same outcome.

**7.7** In this instance, I consider that (a) above is the most appropriate option to address the issue. Option (b) is less appropriate because an advice note could potentially be overlooked when applying the provisions and has uncertain legal status. Option (c) is less appropriate as further reworking of the requirements/introducing new metrics, which plan users would not be familiar with and would add unnecessary complexity to the provisions. Also with the removal of other parking minimums from the ODP and PDP, option (a) is a practicable solution that corrects an unintended issue. At this stage in time, I do not believe (c) is a viable option, because there is no current national (or applicable international) evidence or guidance that links appropriate accessible parking rates with such metrics, an option that I disregarded when conducting research for the s32 report that accompanied the amendments.

**7.8** I consider an exemption to Rule 29.5.5 in the Proposed District Plan and to Rule 14.2.4.1(viii) in the Operative District Plan that to be the best method to ensure the provision of accessible parking at a rate that caters for the activity with the greatest accessible parking requirements, but does not result in a large, unintended increase in requirements.

**7.9** I therefore recommend that the relief sought by submitter 4 is accepted and that an exemption is added to Rule 29.5.5 in the PDP and to Rule 14.2.4.1(viii) in the ODP that states: where two or more activities are located on one site, the activity with the greater mobility parking requirement is the number of mobility parks required.

## 8. CONCLUSION

**8.1** On the basis of the analysis set out in this report, I recommend that the revised provisions shown in **Appendices 1 and 2**, be accepted by the Hearing Panel, and that submission points are accepted or rejected as set out in **Appendix 3**.

**8.2** In my view, the recommended provisions in Appendices 1 and 2:

- provide greater clarity,
- will give better effect to the national and regional planning framework than the notified version,
- take better account of the relevant statutory and non-statutory documents than the notified version, and
- are considered to be more appropriate than the notified provisions.



**Tara Hurley**

**5/04/2022**

## APPENDIX 1

### Recommended changes to the variation to the Proposed District Plan

#### 29.5.5 Mobility Parking spaces

b. Where two or more activities are located on one site, the activity with the greater mobility parking requirement is the number of mobility parks required.

	Minimum Parking Requirement	Resident/Visitor	Staff/Guest
29.5.5.31	Unstaffed utility	0	1 – 10 unstaffed utilities = 1 space 11 – 100 unstaffed utilities = 2 spaces >100 unstaffed utilities = 2 spaces plus 1 additional space for every 50 unstaffed utilities  Note: applies to any unstaffed utility which includes a building or structure with a GFA of over 25 m <sup>2</sup>

## APPENDIX 2

### Recommended changes to the Plan Change to the Operative District Plan

#### 14.2.4.1(viii) Car Spaces for People with Disabilities

(b) Where two or more activities are located on one site, the activity with the greater mobility parking requirement is the number of mobility parks required.

### APPENDIX 3

## Accessible Parking Requirements and New Zealand Standard 4121

### NZS 4121:2001 Car parks and the New Zealand access standard

Total number of car parks	Number of accessible spaces
1-20	Not less than 1
21-50	Not less than 2
For every additional 50 parks	Not less than 1

### Proposed District Plan

#### Rule 29.5.5 Mobility Parking Spaces

Total number of parks to be provided by the activity or activities on the site	Minimum number of mobility parking spaces required
1 to 10 spaces:	1 space
11 to 100 spaces:	2 spaces
More than 100 spaces	2 spaces plus 1 space for every additional 50 parking spaces provided

### Operative District Plan

#### 14.2.4.1(viii) Car Spaces for People with Disabilities

- (a) Car parking areas shall include accessible parking spaces provided at the rate specified below:
- 1 to 10 spaces: no requirement
  - 11 to 50 spaces: 1 disabled person's space
  - up to 100 spaces: 2 disabled persons' spaces plus 1 more for every additional 50 spaces.

## APPENDIX 4

### Summary of submissions and recommended decisions

Submission No	Provision	Position	Submission Summary	Planner Recommendation
1.1	Proposed Change to Rule 14.2.4.1(viii) - Car Spaces for People with Disabilities (Operative District Plan Section 14 - Transport)	Oppose	That the proposal is drafted with higher accessible parking requirements.	Reject
1.2	Proposed variation to Rule 29.5.5 - Mobility Parking spaces (Proposed District Plan Chapter 29 - Transport)	Oppose	That the proposal is drafted with higher accessible parking requirements.	Reject
2.1	Proposed Change to Rule 14.2.4.1(viii) - Car Spaces for People with Disabilities (Operative District Plan Section 14 - Transport)	Oppose	That there be no requirement to provide an accessible car park for Residential Visitor Accommodation with less than 12 guests.	Reject
2.2	Proposed variation to Rule 29.5.5 - Mobility Parking spaces (Proposed District Plan Chapter 29 - Transport)	Oppose	That there be no requirement to provide an accessible car park for Residential Visitor Accommodation with less than 12 guests.	Reject
3.1	Proposed variation to Rule 29.5.5 - Mobility Parking spaces (Proposed District Plan Chapter 29 - Transport) > 29.5 Rules - Standards for activities outside roads > 29.5.5. Mobility Parking Spaces > 29.5.5.31	Oppose	That the requirement for accessible car parks for unstaffed utilities be zero, or that Rule 29.5.5.31 is deleted.	Accept
4.1	Proposed Change to Rule 14.2.4.1(viii) - Car Spaces for People with Disabilities (Operative District Plan Section 14 - Transport)	Support	That accessible parking provision is retained in the Operative District Plan	Accept
4.2	Proposed variation to Rule 29.5.5 - Mobility Parking spaces (Proposed District Plan Chapter 29 - Transport)	Support	That accessible parking provision is retained in the Proposed District Plan.	Accept
4.3	Proposed Change to Rule 14.2.4.1(viii) - Car Spaces for People with Disabilities (Operative District Plan Section 14 - Transport)	Support	That accessible parking provision is determined by activity.	Accept
4.4	Proposed variation to Rule 29.5.5 - Mobility Parking spaces (Proposed District Plan Chapter 29 - Transport)	Support	That accessible parking provision is determined by activity.	Accept
4.5	Proposed Change to Rule 14.2.4.1(viii) - Car Spaces for People with Disabilities (Operative District Plan Section 14 - Transport)	Oppose	That the variation is reconsidered against the status quo so that there is no significant increase in the parking requirements as a result of the variation.	Accept
4.6	Proposed variation to Rule 29.5.5 - Mobility Parking spaces (Proposed District Plan Chapter 29 - Transport)	Oppose	That the variation is reconsidered against the status quo so that there is no significant increase in the parking requirements as a result of the variation.	Accept



## APPENDIX 5

### Accessible parking and multi-use developments - example

If a site was to be developed with three different activities such as unit style visitor accommodation (11 units), a commercial recreation activity (28 people) as well as a restaurant (over 250m<sup>2</sup>) each of these activities will be considered separately and require a set number of accessible car parks.

Under the PDP rules prior to the variation, the total number car parks required would be 39.

As Rule 29.5.5 prior to the variation allows for “activity or activities” this allows the mobility parking to be grouped together, the mobility car parks required are therefore considered under the ratio of non-accessible spaces to mobility spaces and for 11-100 non-accessible spaces, 2 mobility spaces would be required.

However, when separated out per activity:

- The VA component is 11 units (other zones 29.5.5.6) requiring 2 spaces for 11-200 units resident/guest and as over 10 requires 1 staff/visitor = 3 mobility spaces.
- Commercial rec (28 persons) requires 1 mobility space.
- Restaurant (over 250m<sup>2</sup>) requires 2 resident/guest and 1 staff visitor = 3 mobility parks

For this example, the total mobility car parks required under the variation is seven spaces rather than the two required when calculated as a ratio of standard car parks because of the three activities being considered separately by the varied rule rather than grouped together as per the current rule. This results in a significant increase in the mobility parking requirements.