



# Hearings Committee

## *Te Komiti Whakatau Waeture*

Wednesday, 27 November 2024  
*Rāapa, 27 Whiringa-ā-rangi 2024*

Room Miro and Room Kēreru, Committee Rooms  
Civic Centre, 14 Commerce Street, Whakatāne  
commencing at 9:00 am

Chief Executive: Steven Perdia  
Publication Date: 22 November 2024



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**1 Hearings Panel**

**1 Hearings Panel**

Councillor Nándor Tánczos - Chairperson

Member Carolyn Hamill

**2 Hearing Process**



# Whakatāne District Council

## HEARINGS PANEL PROCEDURE

The Hearings Panel is set up to consider a range of consenting matters that require to be heard and decided by the Council. The Hearings Panel operates under delegated authority from the Council.

The applicant and the Council officer may speak and call evidence at the Hearing, either personally or through a representative.

### What happens at the Hearing?

1. The Chairperson opens the Hearing and welcomes those in attendance. The Chairman will note the nature of the application, introduce the Hearings Panel members and Council officers, and briefly outlines the procedure.
2. The applicant presents his/her case to the Hearing Panel, either personally or through their representative. Witnesses/experts may be called as required. The Hearing Panel may ask questions.
3. A Council representative, followed by other Council officers or experts/witnesses if appropriate, present their reports. The Hearings Panel may ask questions. The Chairperson will ask the Council officers whether they have any further comments to make in the light of the evidence or submissions presented.
5. The applicant has a right of reply to any matters raised at the Hearing. New matters may not be introduced.
6. The Chairperson closes the meeting.

### What happens after the Hearing?

The Hearings Panel considers the application and evidence presented at the Hearing. If necessary, the Hearing Panel can reopen the Hearing to seek clarification or request further information.

A copy of the decision made by the Hearing Panel will be sent to the applicant and submitters. This will occur as soon as possible after the Hearing and can typically take up to 15 working days after the Hearing closes.



## Whakatāne District Council

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### **What is the formality during the Hearing?**

The Chairperson may conduct the Hearing as they consider appropriate to enable the Hearings Panel to make an informed decision.

The following general rules will usually apply:

1. The Hearing is open to the public and will be recorded. If any material is to be presented that should be withheld from the public, the Panel will decide what section of the Local Government and Official Information Meetings Act 1987 will apply to withhold the information and proceed to hear that information or evidence in public excluded.
2. The Hearings process is quasi-judicial and all conduct in a Hearing should be appropriately respectful. In saying that, a Hearing will be run to avoid unnecessary formality following Councils Standing Orders.
3. During a Hearing, evidence may be presented from expert witnesses, but this is not given on oath.
4. There is no cross examination of any party or witness. Only the Hearing Panel may ask question any party or witness.
5. If any party wishes to seek clarification of a matter raised by another party, the request for clarification can be directed to the Chairperson of the Hearings Panel, who may, if considered appropriate, pursue the matter with the other party.
6. The Hearings Panel may request or receive advice.
7. The Council officer report is only a recommendation, and the Hearing Panel may reach a different decision.
8. The use of cell phones is not permitted during a Hearing.
9. The Chairman may choose to adjourn the Hearing in order to receive additional advice or evidence or to allow the Panel to consider the matter and potentially reopen the Hearing if there are further matters to be considered with the parties.

October 2024

**3 Reports - *Ngā Pūrongo***

**3 Reports - *Ngā Pūrongo***

3.1 Section 32 Plan Change 5 Accessible Parking Report

**3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)**



Whakatāne District Council District Plan  
Section 32 Evaluation

For:

**Proposed Plan Change 5 to Operative District Plan  
Chapters 3, 5, 13**

On:

Amendments to Accessible Parking Provisions Required  
as a Consequence of Implementing the National Policy  
Statement on Urban Development 2020

31 March 2022



**3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)**



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### 3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)



## 1.0 Executive Summary

- 1.1 The National Policy Statement on Urban Development 2020 (NPS-UD) mandated that all provisions requiring a minimum number of car parks and directs be removed from District Plans. These provisions were removed from the Whakatāne District Plan (District Plan) on 1 December 2021.
- 1.2 Although the NPS-UD does not direct the removal of accessible parking, a consequence of the removal of minimum parking provisions from the District Plan is that the District Plan no longer contains any provisions requiring accessible parking. This is because these were expressed as a ratio of minimum parking standards and with the removal of minimum parking provisions, the provisions requiring accessible parking have therefore also been removed.
- 1.3 This proposal will reinstate accessible parking standards in the District Plan. The proposed requirements are the same as those that were in the District Plan prior to the mandated removal of the minimum parking standards. This proposal will enable the Council to assess during the consenting process whether is appropriate for a development to provide accessible parking.

## 2.0 Introduction

- 2.1 The National Policy Statement on Urban Development 2020 (NPS-UD) directs that all provisions requiring a minimum number of car parks be removed from the District Plan. These provisions were removed from the Whakatāne District Plan (District Plan) on 1 December 2021.
- 2.2 The NPS-UD does not direct the removal of accessible parking requirements. In recognition of the fact that accessible parking requirements were linked to minimum car parking requirements in many District Plans, the Ministry for the Environment's Car Parking factsheet<sup>1</sup> notes that (p3) *'to provide for situations where car parking is not supplied, territorial authorities should consider setting an absolute minimum of accessible car parks.'*
- 2.3 The District Plan contains no rules or requirements regarding the provision of accessible car parks but assumes that accessible parking will be provided based on minimum car parking rules. Prior to the removal of minimum parking provisions in the District Plan, these were expressed as a ratio of minimum parking standards in line with New Zealand Standard Design for Access

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<sup>1</sup> Ministry for the Environment (2020) Car parking factsheet

### 3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)



and Mobility – Buildings and Associated Facilities (NZS 4121:2001), which must be complied with under the Building Act 2004. In particular, Table 1 of the NZS 4121:2001 states:

Table 1: Number of accessible car parks required under NZS 4121:2001

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

2.4 This means that as long as more than one car park is proposed in a development, then under NZS4121:2001 and the Building Act, at least one accessible car park must also be provided even with the removal of minimum parking requirements from the District Plan. However, now that minimum car parking requirements have been removed from the District Plan, in a situation where no car parks are proposed, the Council can no longer require the provision of accessible car parks when assessing a resource consent application.

2.5 The proposed Plan Change 5:

- Identifies where accessible parking must be provided and sets an absolute minimum number of accessible car parks in those situations
- outlines eighteen minor changes to the District Plan that will enable the provision of accessible parking to be considered where appropriate during the consenting process.

2.6 The proposed changes to the District Plan are outlined in **Appendix 1**.

## 3.0 Structure of the Report

3.1 This report provides an analysis of the policy response proposed by the variation as required by section 32 of the Resource Management Act (RMA), using the following sections:

- a. A description of the **Consultation** requirements and summary of the feedback received
- b. An overview of the applicable **Statutory Policy Context**
- c. A description of the **Non-Statutory Policy Context**
- d. A description of the **Resource Management Issue** being addressed by the Proposal
- e. An assessment of the **scale and significance** of the environmental economic, social and cultural effects that are anticipated from the implementation of the proposal
- f. An **Evaluation** against s32 of the RMA, including:
  - Whether the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (Section 32(1)(a))

### 3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)



- Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives of the proposal (Section 32(1)(b), including
  - i. Identifying other reasonably practicable options for achieving the objectives;
  - ii. Assessing the efficiency and effectiveness of the provisions in achieving the objectives, including consideration of risk of acting or not acting; and
  - iii. Summarising the reasons for deciding on the provisions.

## 4.0 Consultation

### *Legislative Requirements*

- 4.1 Clause (3)(10(d) of Schedule 1 of the RMA sets out the requirements for local authorities to consult with iwi authorities during the preparation of a proposed plan.
- 4.2 Clause 3(1) also requires local authorities to consult with (a) the Minister for the Environment; and (b) those other Ministers of the Crown who may be affected by the policy statement or plan; and (c) local authorities who may be so affected; and (e) any customary marine title group in the area, that may be affected by changes made to the District Plan.
- 4.3 Clause 3(4) requires local authorities to undertake consultation in accordance with section 82 of the Local Government Act 2002, which outlines the principles of consultation. These principles have been followed during the preparation of the proposed Plan Change 5.
- 4.4 Clause 4A requires the District Council to provide a copy of a draft proposed plan to iwi authorities consulted, before notification, and have particular regard to any advice received.
- 4.5 Overall, prior to public notification of the proposal, consultation was undertaken as outlined below:
  - a. Statutory consultation under Clause 3(1) of Schedule 1;
  - b. Without undertaking discretionary consultation under Clause 3(2) of Schedule 1 of the RMA; and
  - c. Statutory consultation with iwi authorities as per Clause 4A of Schedule 1 of the RMA.
- 4.6 This section summarises the consultation feedback / advice received from Iwi regarding the proposed amendments to accessible parking provisions, and the Council's consideration of, and response to that feedback as required by Section 32(4A)(b) of the RMA.

### 3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)



#### *Pre-Notification Consultation with iwi authorities*

4.7 Te Puni Kōkiri recognises that the following iwi are connected to the Whakatāne District:

- Ngāti Awa
- Ngāti Mākino
- Ngāti Manawa
- Ngāti Rangitīhi
- Ngāti Tūwharetoa (Bay of Plenty)
- Ngāti Whare
- Tūhoe.

All iwi listed above were advised of the proposed Plan Change and information was provided regarding the reason for the proposal, along with a table outlining the specific changes that would be made to wording in the District Plan. No issues or concerns regarding the proposed Plan Change have been identified by iwi.

#### *Pre-Notification Consultation with other key stakeholders*

4.8 Other key stakeholders that have been consulted during the development of Plan Change 5 include:

- Representatives of the Business community (Eastern Bay of Plenty Chamber of Commerce, EPIC)
- Representatives of the Disability Sector (CCS, Disabilities Resource Centre)

Feedback was received from the Disabilities Resource Centre Trust who support Plan Change 5.

## 5.0 Statutory Policy Context

5.1 The relevant sections of the RMA, NPS-UD and the District Plan are discussed below.

#### *Resource Management Act*

5.2 Section 5 sets out the purpose of the RMA, which requires an integrated planning approach and direction to promote the sustainable management of natural and physical resources. Guidance as to how the overall sustainable management purpose is to be achieved is provided in the other sections, including sections 6, 7 and 8 of Part 2 of the RMA:

### 3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)



#### **5 Purpose (Emphasis added)**

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, **which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety** while –*
  - a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

5.3 The assessment contained within this report considers the proposed provisions in the context of advancing the purpose of the RMA to achieve the sustainable management of natural and physical resources.

5.4 People who are eligible for mobility parking permits require parking spaces close to businesses, services and amenities to meet their access needs. Accessible parking spaces are wider than standard parking spaces, making it easier to get in and out of a vehicle with a wheelchair or mobility aid<sup>2</sup>. The correct use of accessible parking allows permit holders to travel more freely within their community and by doing so, meet some of their **social, economic and cultural well-being needs**, which they may otherwise not be able to do so<sup>3</sup>.

#### **Other National Legislation or Policy Statements**

5.5 When preparing or making changes to district plans, district councils must give effect to any National Policy Statement (NPS) or National Environmental Standards (NES). Additionally, the National Planning Standards 2019 must also be implemented within prescribed timeframes (discussed below in more detail).

5.6 The following NPS are currently in effect:

- NPS on Urban Development 2020 (NPS-UD)
- NPS for Freshwater Management (NPS-FW)
- NPS for Renewable Electricity Generation (NPS-REG)

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<sup>2</sup> CCS Disability Action Website (a)

<sup>3</sup> CCS Disability Action Website (b)

### 3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)



- NPS on Electricity Transmission (NPS-ET)
- 5.7 Work is currently underway on the proposed NPS for Indigenous Biodiversity.
- 5.8 The National Environmental Standards (NES) that are currently in effect are:
- NES for Air Quality
  - NES for Sources of Drinking Water
  - NES for Telecommunication Facilities
  - NES for Electricity Transmission Activities
  - NEW for Assessing and Managing Contaminants in Soil to Protect Human Health
  - NEW for Plantation Forestry.
- 5.9 The proposal does not seek to change the overall policy direction of the District Plan and does not introduce provisions that would be inconsistent with any NES or NPS. The NPS-UD is discussed in detail below.

#### *National Policy Statement on Urban Development 2020 (NPS-UD)*

- 5.10 The NPS-UD is a national policy statement under the RMA which came into effect on 20 August 2020.
- 5.11 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. Under section 75(3) of the RMA, district plans are required to give effect to any national policy statement.
- 5.12 Policy 11 (and clause 3.38) of the NPS-UD prevents district plans from prescribing a minimum number of on-site car parks and encourages the use of comprehensive 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;*
  - b) *And 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.*

Subpart 8 lists what local authorities must do to give effect to Policy 11:

*Subpart 8 Car Parking*



### 3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)



#### 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 subclause (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; and*
  - (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.*

5.13 Whakatāne District Council is a Tier 3 local authority.

#### *National Planning Standards*

5.14 In April 2019, the Government released a set of National Planning Standards (planning standards) that require all regional policy statements, regional plans and district plans to have a consistent structure and format. The planning standards have been introduced to improve the efficiency and effectiveness of the planning system, rather than seeking to alter the outcomes of policy statements or plans.

5.15 The planning standards prescribe various timeframes for implementation. Whakatāne District Council is required to comply with specified planning standards by November 2024 and the definitions standard by November 2026. As the provisions being reviewed are an individual plan change proposal, rather than a full proposed district plan, the planning standards are not required to be implemented at the present time. The planning standards are silent on the matter of accessible parking.

#### *Regional Policy Statement*

5.16 Section 74 of the Act requires that a district plan prepared by a territorial authority must 'give effect to' any operative Regional Policy Statement and 'have regard to' any proposed Regional Policy Statement.

**3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)**



- 5.17 The Bay of Plenty Regional Policy Statement (RPS) was made operative in 2014. While the Regional Policy Statement does not specifically address accessibility issues, Policy UG 8B: *Implementing high quality urban design and live-work-play principles* requires territorial authorities to ‘adhere to the New Zealand Urban Design Protocol (March 2005) key urban design qualities.’ These are outlined in Appendix B - High quality urban design principles.
- 5.18 Appendix B: Principle 1 of the RPS lists the high-quality urban design qualities that must be adhered to and which demonstrate adherence to the New Zealand Urban Design Protocol (2005) Key Urban Design Qualities. These include that the design:
  - Provides a variety of connections between spaces and places, including provision for cars, cycles, buses, pedestrians and other transport modes;
  - Reflects the importance of community spaces;
  - Provides a comfortable and safe urban environment; and
  - Contributes to the well-being of people and communities.
- 5.19 Appendix B: Principle 2 emphasises the need to achieve balance within the management of growth states and promotes an approach to future development through land uses that:
  - Efficiently links by way of roads, cycle ways and walkways, housing to people’s places of work and play; and
  - Demonstrates adherence to the New Zealand Design Protocol (March 2005) Key Urban Design Qualities.
- 5.20 This proposal to amend the way that accessible parking standards are expressed in the District Plan does so in a manner that gives effect to Policy UG 8B and adheres to the urban design principles outlined in Appendix B of the RPS.

***Whakatāne District Plan***

- 5.21 The objectives and policies of the District Plan that are relevant and have been given due regard in the identification of resource management issues and evaluation are listed in Table 2 below.

*Table 2: Relevant Objectives and Policy of the District Plan*

<i>Plan Reference</i>	<i>Provisions</i>
Objective Bus4	To enable the Whakatāne Town Centre to continue to draw on its natural and cultural heritage to emphasise its relationship to the river and escarpment and to enable the Whakatāne Town Centre to continue to be a place with a strong local identity that is vibrant and highly valued by residents, businesses and visitors.

**3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)**



Policy 8	To manage the movement of people, cyclists and vehicles within the Whakatāne Town Centre by defining vehicle and pedestrian priority areas and streets.
Objective TS1	A safe, efficient, sustainable integrated land transport network.
Policy 8	To encourage an effective and efficient functioning of the transport network, ensuring that the ease of movement for pedestrians, cyclists, disabled people, the elderly, children, motor vehicles, and public transport is not unduly compromised.
Objective TS4	The safe movement of traffic and pedestrians entering, leaving and within sites.
Policy 1	To ensure sufficient and practical provision of safe on-site parking, manoeuvring areas, connectivity and access and pedestrian connectivity.

5.22 This proposal will assist with implementing the above objectives and policies.

*Iwi Management Plans*

5.23 When preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Councils must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the District.

5.24 The following Iwi Management Plans have been received by the Whakatāne District Council:

- Ngāti Rangitahi Iwi Environmental Management Plan
- Ngāti Umutahi Whenua Management Plan
- Ngāti Manawa Environmental Scoping Report
- Tawharu o Ngā Hapū o Whakatōhea Resource Management Plan
- Ngāti Awa Environmental Plan
- Te Upokorehe Iwi Management Plan
- Ngāti Tūwharetoa ki Kawerau Kiwi Management Plan
- He Mahere Putahitanga – A pan-tribal Iwi Management Plan

5.25 In accordance with Section 74(2A) of the Act, Council must take into account any relevant planning document recognised by an iwi authority that has been lodged with Council. None of the iwi/hapu management plans lodged with Council raise any issues of particular relevance to this Plan Change.

### 3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)



## 6.0 Non-Statutory Policy Context

### *Bay of Plenty Regional Public Transport Plan 2018*

- 6.1 The Regional Public Transport Plan (RPTP) outlines the current public transport situation in the Bay of Plenty region, the strategic direction and objectives for public transport in the region, and the programme of projects to achieve the objectives.
- 6.2 The RPTP contains the following Accessibility Objective and Policies:

Accessibility: Objective: Pursue improved accessibility for isolated communities and for mobility impaired person where this can be delivered at reasonable cost.	
Policy 7	Provide public transport services on Rural Connector Routes that link to Regional Strategic corridors and maintain access to essential community goods and services.
Policy 8	Support the operation of the Total Mobility Scheme (subject to Government funding) in the Bay of Plenty using a variety of transport providers that are able to meet Council requirements and demonstrate a current gap in service levels.
Policy 9	Aggressively pursue the development of Mobility-As-A-Service platform that delivers innovative transport services for small communities and for those with special transport needs.

- 6.3 The provision of mobility parking plays an important role in ensuring that the whole journey is accessible. This proposal contributes to achieving Policy 8 of the RPTP by ensuring that an appropriate level of mobility parking is provided across the district.
- 6.4 This proposal has been developed with regard to the RPTP.

## 7.0 Resource Management Issue

### *Expressing accessible parking requirements in the District Plan*

- 7.1 The resource management issue that this proposal seeks to address has arisen as a result of the requirement of the NPS-UD to remove minimum parking requirements from district plans. The issues the proposal seeks to address is how to express the requirements for accessible

### 3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)



parking the District Plan when the current baseline on which they are set is requirement to be removed from all district plans.

## 8.0 Scale and Significance Evaluation

- 8.1 The level of detailed analysis in this evaluation is **low**, to reflect the scale and significance of the effects of the implementation of the proposed provisions. The proposal seeks to ensure that an appropriate level of accessible parking is provided throughout Whakatane District. This will be undertaken by maintaining the requirement for accessible parking at current levels, now that non-accessible parking minimums have been removed from the District Plan. This change only affects how accessible parking provisions are expressed in the District Plan and does not change the number required.

## 9.0 Evaluation of Proposed Objective

- 9.1 Section 32(1)(a) requires an examination of the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act.
- 9.2 Where there are no new objectives proposed, such as in this case, an examination of the extent to which the purpose of the proposal is the most appropriate way to achieve the purpose of the Act is required (s32(6)).
- 9.3 Consistent with the resource management issue identified in Section 7 above, the purpose of the proposal is to express accessible parking requirements so as to ensure their continued administration in light of the mandated removal of non-accessible minimum parking standards, to achieve Strategic Objectives Bus1, TS1 and TS4 of the District Plan (as listed in paragraph 5.21 of this report).

## 10.0 Evaluation of the Proposed Provisions

- 10.1 Section 32(1)(b) of the Act requires an assessment of whether the proposed provisions (policies and methods) are the most appropriate way to achieve the objective or purpose of the proposal. This assessment must:
- i. Identify other reasonably practicable options for achieving the objectives (S32(1)(b)(i));
  - ii. Assess the efficiency and effectiveness of the provisions in achieving the objectives (S32(1)(b)(ii)), including:

### 3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)



- Identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions (S32(2)(a)); including opportunities for:
    - (i) economic growth that are anticipated to be provided or reduced, and
    - (ii) employment that are anticipated to be provided or reduced, and
  - If practicable quantify the benefits and costs (S32(2)(b)); and
  - Assess the risk of not acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (S32(2)(c)): and
  - iii. Summarise the reasons for deciding on the provisions (S32(1)(b)(iii)),
- 10.2 Section 32(3) requires that if the proposal is an amending proposal that will amend a plan that is already proposed, the examination under subsection (1)(b) must relate to:
- (a) The provisions and objectives of the amending proposal; and
  - (b) The objectives of the existing proposal to the extent that those objectives –
    - (i) Are relevant to the objectives of the amending proposal; and
    - (ii) Would remain if the amending proposal were to take effect.
- 10.3 The removal of non-accessible minimum parking requirements has been mandated by the NPS-UD, as discussed in paragraphs 5.10-5.12 of this report. Because the accessible parking provisions are currently set as a proportion of the total parks provided by the activity, this has necessitated a change to how accessible parking requirements are expressed in the District Plan. These provisions **cannot be used in their current format** since the mandated changes were implemented on 1 December 2021, and therefore must be able to be expressed as standalone provisions. In this instance, retaining the status quo is not an available option for retaining existing accessible parking provisions.

#### *Reasonably practicable options*

- 10.4 In this case, there are two reasonably practicable options:
- Option 1 – Undertake Plan Change 5 which will:
    - Require the provision of accessible parking in circumstances where it was required prior to the removal of minimum parking requirements as mandated in the NPS-UD; and
    - Ensure the provision of accessible parking can continue to be considered in the consenting process.
  - Option 2 – Do nothing. No plan change is required.
- 10.5 The costs, benefits, efficiency and effectiveness of the two options are evaluated in Table 3 below.

**3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)**



- 10.6 Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is considered that, in this case, the information is certain and sufficient, and there is no need to assess the risk of acting or not acting, particularly in the context of the relatively low scale and significance of the proposal.

*Reasons for deciding on the provisions*

- 10.7 The proposed amendments to the provisions are considered the most appropriate way to achieve the purpose of the proposal because:
- a. They are efficient and effective in terms of section 7(b) of the RMA while still achieving the Strategic Objectives Bus1, TS1 and TS4 of the District Plan;
  - b. They are in accordance with the functions of territorial authorities in s31 of the RMA and the sustainable management purpose of Part 2 of the RMA.

3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)




Table 3: Evaluation of options

<b>Purpose of the proposal:</b>				
To ensure that the mandated removal of the minimum parking standards does not alter requirements for accessible parking.				
<b>Option</b>	<b>Purpose of option</b>	<b>Costs</b>	<b>Benefits</b>	<b>Efficiency &amp; Effectiveness</b>
1.	<p>Will ensure that accessible parking provisions are retained in the consenting processes following the removal of non-accessible parking minimums from the District Plan as mandated by the NPS-UD. Plan Change 5 will:</p> <ul style="list-style-type: none"> <li>Reformat s13.2.9 (which previously outlined minimum parking requirements before being deleted as mandated by the NPS-UD), to specify the minimum number of accessible car parks that must be provided</li> <li>Amend eighteen rules in chapters 3, 5 and 13 to ensure the provision of accessible parking can continue to be considered in the consenting process, even when no other parking is required or being provided.</li> </ul>	<p>In cases where developers did not intend to provide accessible parking, there could be additional costs to developers who will now be required to provide it.</p> <p>There are no costs to economic activity or employment.</p> <p>The only costs are those associated with preparing the proposal and undertaking consultation under Section 1 of the RMA.</p>	<p>The proposed Plan Change 5 will ensure that the requirement to provide accessible parking is retained within the District Plan, even though the minimum parking provisions have been removed.</p> <p>The proposed amended rules will ensure that the provision of accessible parking can still be considered in the consenting process even when no other parking is required or being provided.</p>	<p>These provisions will increase development costs because accessible parking will need to be provided. However, Option 1 is considered to be efficient because the benefits to the community outweigh the costs.</p> <p>The amended provisions are considered effective because they will ensure that accessible parking continues to be provided even though minimum parking requirements have been removed.</p>
2.	Option 2 will not enable the Council to consider the provision of	There are no costs associated with this option.	This option could reduce development costs if	Option 2 means the District Plan contains no



3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)

 <p><b>WHAKATĀNE</b> District Council <i>Kia Whakatāne au i ahau</i></p>				
	<p>accessible parking during the consenting process. Option 2 will allow developers to choose whether or not to provide accessible parking and how many car parks they provide.</p> <p>Option 2 does not require a Plan Change.</p>	<p>However, doing nothing is likely to result in a reduced amount of accessible parking being provided over time.</p> <p><b>Social and Economic Costs:</b> Reducing the number of accessible car parks will provide a barrier for people who depend on accessible parking and is likely to limit their involvement in social and economic activities within the community.</p> <p>There are no costs associated with the preparation of this option.</p>	<p>developers choose not to provide accessible parking in situations where that would previously have been required.</p>	<p>requirements for developers to provide accessible parking. This could reduce development costs and lead to overall efficiencies.</p> <p>However, while Option 2 may increase economic efficiency, it is not effective in terms of delivering some social and economic outcomes. It will limit access and mobility for some members of the community and could prevent them from accessing some businesses and services.</p> <p>Overall, from a social and cohesive perspective this option is not effective because it is likely to reduce social participation by people dependent on accessible parking.</p>

### 3.1 Section 32 Plan Change 5 Accessible Parking Report(Cont.)




## 11.0 References

1. Ministry for the Environment, 2020. National Policy Statement on Urban Development. <https://environment.govt.nz/publications/national-policy-statement-on-urban-development-2020/>
2. Ministry for the Environment, 2020. 'Car Parking Factsheet.' <https://environment.govt.nz/assets/Publications/Files/car-parking-factsheet.pdf>
3. CCS Disability Action Website: Mobility Parking. 2021(a). <https://www.ccsdisabilityaction.org.nz/mobility-parking/>
4. CCS Disability Action Website: Mobility Parking. 2021(b). <https://www.ccsdisabilityaction.org.nz/assets/resource-files/Mobility-Parking-brochure-electronic.pdf>
5. Bay of Plenty Regional Council website:
  - Total Mobility. <https://www.boprc.govt.nz/living-in-the-bay/getting-around/total-mobility>
  - Regional Public Transport Plan 2019 Variation 1: <https://www.boprc.govt.nz/your-council/plans-and-policies/plans/regional-plans/regional-public-transport-plan>

**3.1.1 Appendix 1 Draft Plan Change 5 Accessible Parking Original tracked changes - April 2022**

**3.1.1 Appendix 1 Draft Plan Change 5 Accessible Parking Original tracked changes  
- April 2022**

3.1.1 Appendix 1 Draft Plan Change 5 Accessible Parking Original tracked changes - April 2022(Cont.)



## Appendix 1: Draft Plan Change 5: Accessible Parking

The District Plan currently contains no reference to accessible parking, but instead relies on NZS 4121:2001 which sets the number of accessible car parks as a ratio of the total number of car parks provided. This means that changes will need to be made to ensure accessible parking can still be required where appropriate.

The District Plan has been assessed to identify all references where an amendment would be appropriate to ensure accessible car parking can be required. Note that some of the District Plan references below will have been removed in order to meet the NPS-UD requirements. Deletions that have been made in the District Plan to meet the NPS-UD requirements are shown in column 2 (District Plan Section and Activity) in red and struck through, while new text is shown in red.

The proposed changes are shown in Column 3 (Plan Change – Accessible Parking Requirements – requires Schedule 1 process) in red for new text and in red and struck through for deletions. Table 1 below provides details of the assessment and recommendations.

Table 1: District Plan Assessment and Recommended Changes - Accessible Parking

Item No.	District Plan Section and Activity	Plan Change – Accessible Parking Requirements – requires Schedule 1 Process	Assessment criteria
	<b>3 Zone Descriptions</b>		
1	3.6.1 Urupā and cemeteries Council shall restrict its discretion to: ... 4. Transportation – including provision of adequate car parking and traffic management measures to ensure the safe and efficient operation of the surrounding road network. ...	Amend to read: '3.6.1 <b>Urupā and cemeteries</b> ' <b>Council</b> shall restrict its discretion to: ... 4. Transportation – including provision of adequate car parking <b>that includes accessible parking</b> , and traffic management measures to ensure the safe and efficient operation of the surrounding road network.' ...	Ensures the provision of accessible parking can be considered.
2	3.7.17.1 Traffic Effects Council shall have regard to: a. traffic volumes and traffic mix relative to existing and future traffic patterns, access, parking and loading on-site; ...	Amend to read: '3.7.17.1 Traffic Effects Council shall have regard to: a. traffic volumes and traffic mix relative to existing and future traffic patterns, access, parking, <b>accessible parking</b> , and loading on-site; ...	Ensures the provision of accessible car parking can be considered.


3.1.1 Appendix 1 Draft Plan Change 5 Accessible Parking Original tracked changes - April 2022(Cont.)



# Appendix 1: Draft Plan Change 5: Accessible Parking

3	<p>3.7.30.1 On-site Parking Council shall have regard to; ... <del>c. purchase of land for car-parking: i. whether an applicant has purchased land adjoining or in close proximity to the activity to provide the required car-parking spaces; and ii. whether a legally binding agreement shall be entered into to ensure the relevant Certificates of Title are amalgamated or otherwise held together.</del> ... e. modification of parking and loading standards; i. the degree of variance from the number of parking spaces proposed and whether the parking demand likely to be generated by the proposed activity can be accommodated on the site; ...</p>	<p>Amend to read: '3.7.30.1 On-site car parking Council shall have regard to: ... c. purchase of land for car-parking: i. whether an applicant has purchased land adjoining or in close proximity to the activity to provide the required accessible car-parking spaces; and ii. whether a legally binding agreement shall be entered into to ensure the relevant Records of Title are amalgamated or otherwise held together. ... e. modification of parking and loading standards; i. the degree of variance from the number of accessible parking spaces proposed and whether the parking demand likely to be generated by the proposed activity can be accommodated on the site; ...'</p>	<p>Adds a rule to enable consideration when land is adjoining or in close accessible proximity but precludes the use of existing or proposed public parking for privately required accessible parking.</p>
<b>3.7 Assessment criteria – Discretionary / non complying activities for all Zones</b>			
4	<p>3.7.32.1 Council shall have regard to; ... f. traffic movement on and off of the site including access, <del>parking and</del> loading of vehicles for attendees and for emergency and security vehicles;' ....</p>	<p>Amend to read: '3.7.32.1 Council shall have regard to; ... f. traffic movement on and off of the site including access, <b>accessible parking</b> and loading of vehicles for attendees and for emergency and security vehicles;' ...</p>	<p>Enables consideration of accessible car parking provision</p>

3.1.1 Appendix 1 Draft Plan Change 5 Accessible Parking Original tracked changes - April 2022(Cont.)



## Appendix 1: Draft Plan Change 5: Accessible Parking

5	<p>3.7.36.1 Council shall have regard to;</p> <p>a. whether the use of the community activity will be in conflict with the business activities on neighbouring sites and elsewhere in the Light Industrial or Industrial Zone. Particular regard will be given to the numbers of people to be accommodated, the intended hours of use, <del>and the level of parking proposed;</del></p> <p>...'</p>	<p>3.7.36 Community Activities in the Light Industrial and Industrial Zones</p> <p>Amend to read:</p> <p>'3.7.36.1 Council shall have regard to;</p> <p>a. whether the use of the community activity will be in conflict with the business activities on neighbouring sites and elsewhere in the Light Industrial or Industrial Zone. Particular regard will be given to the numbers of people to be accommodated, the intended hours of use, <b>and the level of accessible parking provided;</b></p>	<p>Enables consideration of accessible parking provision</p>
6	<p>3.7.44 Community Activities in the Large Format Retail Zone.</p> <p>3.7.44.1 Council shall have regard to;</p> <p>...</p> <p>d. the <b>maximum</b> level of parking proposed.'</p>	<p>Add:</p> <p>3.7.44.1 Council shall have regard to;</p> <p>...</p> <p>e. the maximum level of parking proposed, <b>including the number of accessible carparks.</b></p> <p>...</p>	<p>Enables consideration of accessible parking provision</p>
<b>5 Business (Business Centre, Commercial, Large Format Retail and Mixed Use Zones)</b>			
<b>5.3 Assessment criteria for controlled activities</b>			
7	<p>5.3.3 New buildings and additions over 400m2 in the Business Centre, Commercial and Mixed Use Zones (see Rules in 5.2.9)</p> <p>5.3.3.1 Council shall exercise its control over;</p> <p>...</p> <p>c. traffic matters - whether the;</p> <p>...</p>	<p>Amend to read:</p> <p>5.3.3.1 Council shall exercise its control over:</p> <p>...</p> <p>c. traffic matters – whether the:</p> <p>...</p> <p>'ii. development of a site includes the creation of additional car parking, <b>accessible car parking</b>, loading and unloading bays; and'</p> <p>...</p>	<p>Enables consideration of accessible parking provision in Large Format Retail Zones</p>

3.1.1 Appendix 1 Draft Plan Change 5 Accessible Parking Original tracked changes - April 2022(Cont.)



## Appendix 1: Draft Plan Change 5: Accessible Parking

	<p>ii. development of a site includes the creation of additional car parking and loading and unloading bays; and'</p> <p>...'</p>		
8	<p>5.3.5 Two or more dwellings per Lot (see Activity Status Table 3.4 Item 2)</p> <p>5.3.5.1 Council exercise its control over;</p> <p>...</p> <p>a. the <del>number</del>, location and design of access and parking space, and on-site vehicle manoeuvring to ensure the safe and efficient operation of the transport network;</p> <p>...</p>	<p>Amend to read:</p> <p>5.3.5.1 Council exercise its control over;</p> <p>...</p> <p>a. 'the <b>number of accessible car parks</b>, location and design of access and parking space, and on-site vehicle manoeuvring to ensure the safe and efficient operation of the transport network;'</p> <p>...</p>	<p>Enables consideration of accessible parking provision in Business Zones</p>
9	<p>5.3.6 Places of Assembly of 10-50 people (see Activity Status Table 3.4 Item 11b)</p> <p>5.3.6.1 Council shall exercise its control over;</p> <p>'...</p> <p>b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);</p>	<p>Amend to read:</p> <p>'5.3.6.1 Council shall exercise its control over;</p> <p>'...</p> <p>b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of <b>accessible parking</b>, bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);</p>	<p>Enables consideration of the provision of accessible parking.</p>

3.1.1 Appendix 1 Draft Plan Change 5 Accessible Parking Original tracked changes - April 2022(Cont.)




## Appendix 1: Draft Plan Change 5: Accessible Parking

10	<p>5.3.7 Educational Facilities of 10-50 people (see Activity Status Table 3.4 Item 12b)</p> <p>5.3.7.1 Council shall exercise its control over; ...</p> <p>b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);</p>	<p>Amend to read: '5.3.7.1 Council shall exercise its control over; ...</p> <p>b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of <b>accessible parking</b>, bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);</p>	<p>Enables consideration of the provision of accessible parking.</p>
	<b>13. Transportation and Services</b>		
	<b>13.2 Rules</b>		
11	<p>13.2.7 Traffic Flow Generation</p> <p>13.2.7.2 Any activity in the Business Centre, Mixed Use and Commercial Zone which provides <del>or is required to provide</del> more than 25 on-site parking spaces shall be a discretionary activity.</p>	<p>Amend to read: '13.2.7.2 Any activity in the Business Centre, Mixed Use and Commercial Zone which provides more than 25 on-site parking spaces <b>and 2 or more accessible parking spaces</b> shall be a discretionary activity.'</p>	<p>Enables consideration of accessible parking provision.</p>




3.1.1 Appendix 1 Draft Plan Change 5 Accessible Parking Original tracked changes - April 2022(Cont.)



# Appendix 1: Draft Plan Change 5: Accessible Parking

12	<p>13.2.9 On-site Parking</p> <p><del>13.2.9.1 On site parking shall be provided at the following rates: (See Table 13:7 – Onsite Parking Rates)</del></p>	<p>Include new section:</p> <p><del>‘13.2.9 Accessible parking provision</del></p> <p><del>13.2.9.1 Accessible parking is not required for dwellings where there are less than four car parks per lot, or for business activities with frontage onto pedestrian streets in the Whakatāne or Kopeopeo Business Centre Zones.</del></p> <p><del>13.2.9.2 Accessible parking requirements do not apply to permitted activities in the Rural Zones. These are identified in s3.4.1.1 (Items 31-37c) and include farming, forestry, rural processing activities and quarrying.</del></p> <p><del>13.2.9.2 Where car parking is provided, and excluding dwellings where there are less than four per lot and business activities with frontage to a pedestrian street in the Business Centre Zone, spaces for people with a disability shall be provided in accordance with the following table:</del></p> <p><del>Table 13.7 – Number of car parks:</del></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;"><del>Total number of car parks</del></th> <th style="text-align: center;"><del>Number of accessible car park spaces</del></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><del>0– 20</del></td> <td style="text-align: center;"><del>Not less than 1</del></td> </tr> <tr> <td style="text-align: center;"><del>21 – 50</del></td> <td style="text-align: center;"><del>Not less than 2</del></td> </tr> <tr> <td style="text-align: center;"><del>For every additional 50 car parks</del></td> <td style="text-align: center;"><del>Not less than 1</del></td> </tr> </tbody> </table>	<del>Total number of car parks</del>	<del>Number of accessible car park spaces</del>	<del>0– 20</del>	<del>Not less than 1</del>	<del>21 – 50</del>	<del>Not less than 2</del>	<del>For every additional 50 car parks</del>	<del>Not less than 1</del>	<p>Incorporates the Building Code requirements for accessible parking into the District Plan.</p>
<del>Total number of car parks</del>	<del>Number of accessible car park spaces</del>										
<del>0– 20</del>	<del>Not less than 1</del>										
<del>21 – 50</del>	<del>Not less than 2</del>										
<del>For every additional 50 car parks</del>	<del>Not less than 1</del>										

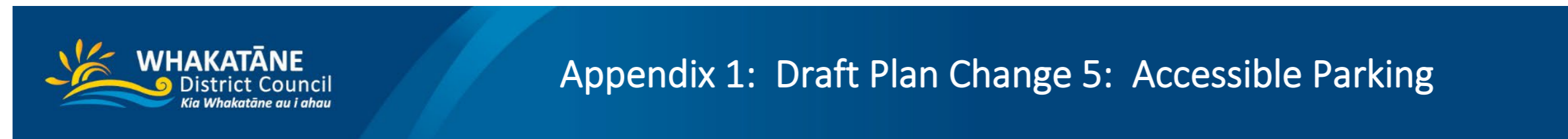
3.1.1 Appendix 1 Draft Plan Change 5 Accessible Parking Original tracked changes - April 2022(Cont.)



## Appendix 1: Draft Plan Change 5: Accessible Parking

13	<p>13.2.10. Location and Design of Parking Areas</p> <p>13.2.10. Parking spaces are to have sufficient width and depth to enable the parking of a vehicle without any part extending into a manoeuvring area, accessway, over a boundary of the lot or into a common vehicle area (right-of-way, service lane, and common area for a cross-lease). A manoeuvring area shall include any part of the site that is used by vehicles to move from the access point to any parking or loading space and includes all driveways and aisles, and may be part of an accessway. Compliance with AS/NZS 2890:1:2004 shall satisfy this rule (See Appendix 13.7.2).</p>	<p>Amend to read:</p> <p>'13.2.10. Parking spaces are to have sufficient width and depth to enable the parking of a vehicle without any part extending into a manoeuvring area, accessway, over a boundary of the lot or into a common vehicle area (right-of-way, service lane, and common area for a cross-lease). A manoeuvring area shall include any part of the site that is used by vehicles to move from the access point to any parking or loading space and includes all driveways and aisles, and may be part of an accessway. Compliance with AS/NZS 2890:1:2004 shall satisfy this rule (See Appendix 13.7.2). <b>Accessible parking spaces must comply with NZS 1421:2001.</b>'</p>	<p>Ensures that all accessible parking spaces provided comply with NZS 1421:2001 requirements.</p>
14	<p>13.2.13 Service Lane or Roads</p> <p>13.2.13.1 All parking spaces and manoeuvring areas shall be provided on-site, <b>shall be</b> exclusive of land shown to be acquired for a service lane or road.</p>	<p>Amend to read:</p> <p>'13.2.13.1 All parking spaces, <b>including for accessible parking</b>, and manoeuvring areas provided on-site, shall be exclusive of land shown to be acquired for a service lane or road.'</p>	<p>Manages location of accessible parking spaces.</p>

3.1.1 Appendix 1 Draft Plan Change 5 Accessible Parking Original tracked changes - April 2022(Cont.)



13.3 Assessment Criteria for Controlled Activities			
15	<p>13.3.1 Alternatives to On-Site Vehicle Parking (see Rules in 13.2.17). 13.3.1.1 Council shall exercise its control over; ... b. whether it will provide convenient parking for the permitted activity and whether there is appropriate access between the permitted activity and the associated vehicle parking area; and ...'</p>	<p>Amend to read: 13.3.1.1 Council shall exercise its control over: ... b. whether it will provide convenient parking, <b>including accessible parking</b>, for the permitted activity and whether there is appropriate access between the permitted activity and the associated vehicle parking area; and ...'</p>	<p>Enables consideration of the provision of accessible car parking.</p>
13.4 Assessment Criteria for Restricted Discretionary Activities			
16	<p>13.4.7 Roads and Property Access excluding State Highway (see Rules in 13.2.2), Sight Lines (see Rule 13.2.2.2 (i), Provision of Loading spaces (see Rules in 13.2.18), Restricted vehicle access Parking (see Rules in 13.2.15), Design Construction Private ways, Access Legs, Access Lots or Common Areas Utilised for Vehicle Access on a Cross or Company Lease or Unit Title (see Rules in 13.2.4), Design Construction of Vehicle Crossing Excluding State Highway (see Rules in 13.2.5) and Restricted Vehicle access to Loading spaces (13.2.21)  13.4.7.1 Council shall restrict its discretion to; a. traffic volumes and traffic mix relative to existing and future patterns, access, parking and loading on-site; ...'</p>	<p>Amend to read: 13.4.7 Roads and Property Access excluding State Highway (see Rules in 13.2.2), Sight Lines (see Rule 13.2.2.2 (i), Provision of Loading spaces (see Rules in 13.2.18), Restricted vehicle access Parking (see Rules in 13.2.15), Design Construction Private ways, Access Legs, Access Lots or Common Areas Utilised for Vehicle Access on a Cross or Company Lease or Unit Title (see Rules in 13.2.4), Design Construction of Vehicle Crossing Excluding State Highway (see Rules in 13.2.5) and Restricted Vehicle access to Loading spaces (13.2.21)  13.4.7.1 Council shall restrict its discretion to; a. traffic volumes and traffic mix relative to existing and future patterns, access, parking, <b>including accessible parking</b> and loading on-site; ...'</p>	<p>Enables consideration of the provision of accessible car parking.</p>

3.1.1 Appendix 1 Draft Plan Change 5 Accessible Parking Original tracked changes - April 2022(Cont.)



# Appendix 1: Draft Plan Change 5: Accessible Parking

17	<p>13.4.8.1 Council shall have regard to:</p> <p>a. The extent to which the following circumstances may apply, as the basis for being able to provide alternative parking provisions:</p> <p><del>i. Multiple provision on one site – two or more owners may make joint provision for off street parking so long as the total provision is no less than the sum of the requirements for each individual activity except where vehicles will regularly be attracted to the site at times that seldom coincide. A legally binding agreement shall be entered into to ensure the relevant Certificates of Title are amalgamated or otherwise held together;</del></p>	<p>Amend to read:</p> <p>13.4.8.1 Council shall have regard to:</p> <p>a. The extent to which the following circumstances may apply, as the basis for being able to provide alternative parking provisions:</p> <p>i. Multiple provision on one site – two or more owners may make joint provision for accessible car parking so long as the total provision is no more than the sum of the requirements for each individual activity except where vehicles will regularly be attracted to the site at times that seldom coincide. A legally binding agreement shall be entered into to ensure the relevant Certificates of Title are amalgamated or otherwise held together;</p>	<p>Enables consideration of provision of accessible car parking.</p>
18	<p>13.4.8.1a.</p> <p>...</p> <p><del>ii. Reduction in car parking requirements – where it is adequately shown that the full parking requirement need not be met because of such factors as;</del></p> <ul style="list-style-type: none"> <li><del>• the small number of persons likely to be attending the site;</del></li> <li><del>• the low volume of service delivery and visitor traffic likely to be generated by the site;</del></li> <li><del>• the ability of an adjoining site to provide additional parking;</del></li> <li><del>• the amount, if any, of public off street parking that is provided or is planned to be provided in the vicinity of the site;</del></li> </ul>	<p>Add new section:</p> <p>'13.4.8.1.a</p> <p>...</p> <p>'ii. Reduction in accessible car-parking requirements – where it is adequately shown that the accessible parking requirement need not be met because of such factors as;</p> <ul style="list-style-type: none"> <li>• the small number of persons likely to be attending the site;</li> <li>• the low volume of service delivery and visitor traffic likely to be generated by the site;</li> <li>• the ability of an adjoining site to provide additional accessible parking;</li> <li>• the amount, if any, of off-street accessible parking that is provided or is planned to be provided in the vicinity of the site,</li> </ul>	<p>Enables consideration of the provision of accessible car parking.</p>

3.1.1 Appendix 1 Draft Plan Change 5 Accessible Parking Original tracked changes - April 2022(Cont.)



# Appendix 1: Draft Plan Change 5: Accessible Parking

	<p><del>any physical characteristics of the site that may affect its ability to accommodate off-street parking; and ...'</del></p>	<ul style="list-style-type: none"> <li>any physical characteristics of the site that may affect its ability to accommodate off-street parking; and ...'</li> </ul>	
19	<p>13.4.8.1.a</p> <p><del>'v. Modification of parking and loading standards – The Council shall have regard to:</del></p> <ul style="list-style-type: none"> <li><del>the degree of variance from the number of parking spaces proposed and whether the parking demand likely to be generated by the proposed activity can be accommodated on the site;</del></li> </ul> <p><del>...'</del></p>	<p>Include new section:</p> <p>'v. Modification of parking and loading standards – The Council shall have regard to:</p> <ul style="list-style-type: none"> <li>the number of accessible parking spaces proposed and whether the parking demand for accessible parking likely to be generated by the proposed activity can be accommodated on the site;</li> </ul> <p>...'</p>	<p>Enables consideration of the provision of accessible car parking.</p>

**3.1.2 Appendix 2 Draft Plan Change 5 Accessible Parking Renotified tracked changes - May 2023**

**3.1.2 Appendix 2 Draft Plan Change 5 Accessible Parking Renotified tracked changes  
- May 2023**

The District Plan currently contains no reference to accessible parking, but instead relies on NZS 4121:2001 which sets the number of accessible car parks as a ratio of the total number of car parks provided. This means that changes will need to be made to ensure accessible parking can still be required where appropriate. The District Plan has been assessed to identify all references where an amendment would be appropriate to ensure accessible car parking can be required, these are identified in the table below.

This plan change was first notified in 2022 and is being re-notified for submissions on 29 May 2023. Minor corrections and alterations have been made since then (CI16(2) Sch1 RMA), these are shown in green and in the table below. The original proposed changes are shown in red for amended text, with red and struck through showing deletions. Sections of the District Plan that were removed previously to meet the NPS-UD requirements are shown in *black italic* text and have a note before them.

Minor corrections and alterations - Clause 16(2) of Schedule 1 of the Resource Management Act 1991					
Item	Change type	Change	Item	Change type	Change
3	Change numbering in proposed changes	3.7.30.1 c -> a & e -> b	13	Change numbering	13.2.10 -> 13.2.10.2
3	Change numbering in rule heading	3.7.30.1 -> 3.7.30	14	Grammatical correction	Location of 'shall be'
6	Numbering correction	e -> d	16	Correct standards number	NSZ 1421 -> NZS 4121
12	Change terminology for consistency	Spaces for people with a disability -> accessible car park spaces	19	Correct numbering in proposed changes	v -> b
General formatting					
Include section headings with all rules		For: Consistency and clarity	Remove ... indicating unacknowledged text		For: Ease of use and document size
Bold definitions		For: Consistency and clarity	Adjust how removed text is handled: Remove in proposed changes, not current text		For: Clarity
Refer to table below to review the changes in full.					

Item	Current District Plan Section and Activity	Changes to be made	Assessment
<b>Chapter 3 Zone Descriptions, Activity Status, Information Requirements and Criteria for Resource Consents</b>			
<b>3.6 Assessment Criteria – Restricted Discretionary Activities</b>			
1	<p>3.6.1 Urupā and cemeteries</p> <p><b>Council</b> shall restrict its discretion to:</p> <p>4. Transportation – including provision of adequate car parking and traffic management measures to ensure the safe and efficient operation of the surrounding road network.</p>	<p>Amend to read:</p> <p>3.6.1 Urupā and cemeteries</p> <p><b>Council</b> shall restrict its discretion to:</p> <p>4. Transportation – including provision of adequate car parking <b>that includes accessible parking</b>, and traffic management measures to ensure the safe and efficient operation of the surrounding road network.</p>	Ensures the provision of accessible parking can be considered.
<b>3.7 Assessment Criteria – Discretionary / Non Complying Activities for all Zones</b>			
2	<p><b>3.7.17 Traffic Effects</b></p> <p>3.7.17.1 <b>Council</b> shall have regard to:</p> <p>f. traffic volumes and traffic mix relative to existing and future traffic patterns, access, parking and loading on-site;</p>	<p>Amend to read:</p> <p><b>3.7.17 Traffic Effects</b></p> <p>3.7.17.1 <b>Council</b> shall have regard to;</p> <p>f. traffic volumes and traffic mix relative to existing and future traffic patterns, access, parking, <b>accessible parking</b>, and loading on-site;</p>	Ensures the provision of accessible car parking can be considered.
3	<p><i>NB: 3.7.30.1(a-d) were deleted in the NPS-UD 2021 changes.</i></p> <p>3.7.30.1 On-site car parking</p> <p><b>3.7.30.1 Council</b> shall have regard to:</p> <p>c. <i>purchase of land for car-parking:</i></p> <p>i. <i>whether an applicant has purchased land adjoining or in close proximity to the activity to provide the required car-parking spaces; and</i></p>	<p>Reinstate 3.7.30.1(c) and amend c. and e. to read:</p> <p>3.7.30.1 On-site car parking</p> <p><b>3.7.30.1 Council</b> shall have regard to:</p> <p>e. a. purchase of land for car-parking:</p> <p>i. whether an applicant has purchased land adjoining or in close proximity to the activity to provide the required <b>accessible</b> car-parking spaces; and</p>	Adds a rule to enable consideration when land is adjoining or in close accessible proximity but precludes the use of existing or proposed public



Item	Current District Plan Section and Activity	Changes to be made	Assessment
	<p><i>ii. whether a legally binding agreement shall be entered into to ensure the relevant Certificates of Title are amalgamated or otherwise held together.</i></p> <p>e. modification of parking and loading standards;</p> <p>i. the degree of variance from the number of parking spaces proposed and whether the parking demand likely to be generated by the proposed activity can be accommodated on the site;</p>	<p>ii. whether a legally binding agreement shall be entered into to ensure the relevant <b>Certificates Records</b> of Title are amalgamated or otherwise held together.</p> <p>e. b. modification of parking and loading standards;</p> <p>i. the degree of variance from the number of <b>accessible</b> parking spaces proposed and whether the parking demand likely to be generated by the proposed activity can be accommodated on the site;</p>	<p>parking for privately required accessible parking.</p>
4	<p>3.7.32 Temporary Places of Assembly (See Activity Table 3.4 Item 42)</p> <p>3.7.32.1 <b>Council</b> shall have regard to;</p> <p>f. traffic movement on and off of the site including access, parking-and loading of vehicles for attendees and for emergency and security vehicles;</p>	<p>Amend to read:</p> <p>3.7.32 Temporary Places of Assembly (See Activity Table 3.4 Item 42)</p> <p>3.7.32.1 <b>Council</b> shall have regard to;</p> <p>f. traffic movement on and off of the site including access, <b>accessible</b> parking and loading of vehicles for attendees and for emergency and security vehicles;</p>	<p>Enables consideration of accessible car parking provision.</p>
5	<p>3.7.36 Community Activities in the Light Industrial and Industrial Zones</p> <p>3.7.36.1 <b>Council</b> shall have regard to;</p> <p>a. whether the use of the community activity will be in conflict with the business activities on neighbouring sites and elsewhere in the Light Industrial or Industrial Zone. Particular regard will be given to the numbers of people to be accommodated, the intended hours of use, and the level of parking proposed;</p>	<p>Amend to read:</p> <p>3.7.36 Community Activities in the Light Industrial and Industrial Zones</p> <p>3.7.36.1 <b>Council</b> shall have regard to;</p> <p>a. whether the use of the community activity will be in conflict with the business activities on neighbouring sites and elsewhere in the Light Industrial or Industrial Zone. Particular regard will be given to the numbers of people to be accommodated, the intended hours of use, and the level of <b>accessible</b> parking provided;</p>	<p>Enables consideration of accessible parking provision.</p>

Item	Current District Plan Section and Activity	Changes to be made	Assessment
6	<p>3.7.44 Community Activities in the Large Format Retail Zone.</p> <p>3.7.44.1 <b>Council</b> shall have regard to;</p> <p>d. the level of parking proposed.</p>	<p><del>Add</del> Amend to read:</p> <p>3.7.44 Community Activities in the Large Format Retail Zone.</p> <p>3.7.44.1 <b>Council</b> shall have regard to;</p> <p>e. d. the maximum level of parking proposed, including the number of accessible carparks.</p>	<p>Enables consideration of accessible parking provision.</p>
<b>Chapter 5 Business (Business Centre, Commercial, Large Format Retail and Mixed Use Zones)</b>			
<b>5.3 Assessment Criteria for Controlled Activities</b>			
7	<p>5.3.3 New buildings and additions over 400m2 in the Business Centre, Commercial and Mixed Use Zones (see Rules in 5.2.9)</p> <p>5.3.3.1 <b>Council</b> shall exercise its control over;</p> <p>c. traffic matters - whether the;</p> <p>ii. development of a site includes the creation of additional car parking and loading and unloading bays; and</p>	<p>Amend to read:.</p> <p>5.3.3 New buildings and additions over 400m2 in the Business Centre, Commercial and Mixed Use Zones (see Rules in 5.2.9)</p> <p>5.3.3.1 <b>Council</b> shall exercise its control over:</p> <p>c. traffic matters – whether the:</p> <p>ii. development of a site includes the creation of additional car parking, accessible car parking, loading and unloading bays; and</p>	<p>Enables consideration of accessible parking provision in Large Format Retail Zones.</p>
8	<p>5.3.5 Two or more dwellings per Lot (see Activity Status Table 3.4 Item 2)</p> <p>5.3.5.1 <b>Council</b> exercise its control over;</p> <p>a. the number, location and design of access and parking space, and on-site vehicle manoeuvring to ensure the safe and efficient operation of the transport network;</p>	<p>Amend to read:</p> <p>5.3.5 Two or more dwellings per Lot (see Activity Status Table 3.4 Item 2)</p> <p>5.3.5.1 <b>Council</b> exercise its control over;</p> <p>a. the number of accessible car parks, location and design of access and parking space, and on-site vehicle manoeuvring to ensure the safe and efficient operation of the transport network;</p>	<p>Enables consideration of accessible parking provision in Business Zones.</p>

Item	Current District Plan Section and Activity	Changes to be made	Assessment
9	<p>5.3.6 Places of Assembly of 10-50 people (see Activity Status Table 3.4 Item 11b)</p> <p>5.3.6.1 <b>Council</b> shall exercise its control over;</p> <p>b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);</p>	<p>Amend to read:</p> <p>5.3.6 Places of Assembly of 10-50 people (see Activity Status Table 3.4 Item 11b)</p> <p>5.3.6.1 <b>Council</b> shall exercise its control over;</p> <p>b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of <b>accessible parking</b>, bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);</p>	<p>Enables consideration of the provision of accessible parking.</p>
10	<p>5.3.7 Educational Facilities of 10-50 people (see Activity Status Table 3.4 Item 12b)</p> <p>5.3.7.1 <b>Council</b> shall exercise its control over;</p> <p>b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);</p>	<p>Amend to read:</p> <p>5.3.7 Educational Facilities of 10-50 people (see Activity Status Table 3.4 Item 12b)</p> <p>5.3.7.1 <b>Council</b> shall exercise its control over;</p> <p>b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of <b>accessible parking</b>, bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);</p>	<p>Enables consideration of the provision of accessible parking.</p>
<b>Chapter 13 Transportation and Services</b>			
<b>13.2 Rules</b>			
11	<b>13.2.7 Traffic Flow Generation</b>	<p>Amend to read:</p> <p><b>13.2.7 Traffic Flow Generation</b></p>	<p>Enables consideration of</p>

Item	Current District Plan Section and Activity	Changes to be made	Assessment				
	13.2.7.2 Any activity in the Business Centre, Mixed Use and Commercial Zone which provides or is required to provide more than 25 <b>on-site parking spaces</b> shall be a discretionary activity.	13.2.7.2 Any activity in the Business Centre, Mixed Use and Commercial Zone which provides <del>or is required to provide</del> more than 25 <b>on-site parking spaces</b> and <b>2 or more accessible parking spaces</b> shall be a discretionary activity.	accessible parking provision.				
12	<p>13.2.9 - Deleted as per updates on 17 December 2021 - Removal of minimum parking requirements as per National Policy Statement on Urban Development 2020 (section 3.38). <del>On-site Parking</del></p> <p><del>13.2.9.1 On-site parking shall be provided at the following rates: (See Table 13:7—Onsite Parking Rates)</del></p>	<p>Include new section:</p> <p><b>13.2.9 Accessible parking provision</b></p> <p>13.2.9.1 Accessible parking is not required for <b>dwelling</b>s where there are less than four car parks per <b>lot</b>, or for <b>business activities</b> with frontage onto pedestrian streets in the Whakatāne or Kōpeōpeō Business Centre Zones.</p> <p>13.2.9.2 Accessible parking requirements do not apply to Permitted activities in the Rural Zones. These are identified in <del>s</del> Rule 3.4.1.1 (Items 31-37c) and include <b>farming</b>, forestry, <b>rural processing activities</b> and <b>quarrying</b>.</p> <p>13.2.9.3 Where car parking is provided, and excluding <b>dwelling</b>s where there are less than four per lot and <b>business activities</b> with frontage to a pedestrian street in the Business Centre Zone, <del>accessible car park spaces for people with a disability</del> shall be provided in accordance with the following table:</p> <p>Table 13.7 – Number of car parks:</p> <table border="1" data-bbox="1048 1265 1697 1422"> <thead> <tr> <th data-bbox="1048 1265 1370 1366"><b>Total number of car parks</b></th> <th data-bbox="1370 1265 1697 1366"><b>Number of accessible car park spaces</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="1048 1366 1370 1422">0 – 20</td> <td data-bbox="1370 1366 1697 1422">Not less than 1</td> </tr> </tbody> </table>	<b>Total number of car parks</b>	<b>Number of accessible car park spaces</b>	0 – 20	Not less than 1	Incorporates the Building Code requirements for accessible parking into the District Plan.
<b>Total number of car parks</b>	<b>Number of accessible car park spaces</b>						
0 – 20	Not less than 1						

Item	Current District Plan Section and Activity	Changes to be made		Assessment
		21 – 50	Not less than 2	
		For every additional 50 car parks	Not less than 1	
13	<p><b>13.2.10. Location and Design of Parking Areas</b></p> <p>13.2.10.2 Parking spaces are to have sufficient width and depth to enable the parking of a vehicle without any part extending into a manoeuvring area, <b>accessway</b>, over a boundary of the lot or into a common vehicle area (right-of-way, service lane, and common area for a cross-lease). A manoeuvring area shall include any part of the site that is used by vehicles to move from the access point to any parking or <b>loading space</b> and includes all driveways and aisles, and may be part of an <b>accessway</b>. Compliance with AS/NZS 2890:1:2004 shall satisfy this rule (See Appendix <b>Error! Reference source not found.</b>).</p>	<p>Amend to read:</p> <p><b>13.2.10. Location and Design of Parking Areas</b></p> <p>13.2.10.2 Parking spaces are to have sufficient width and depth to enable the parking of a vehicle without any part extending into a manoeuvring area, <b>accessway</b>, over a boundary of the lot or into a common vehicle area (right-of-way, service lane, and common area for a cross-lease). A manoeuvring area shall include any part of the site that is used by vehicles to move from the access point to any parking or <b>loading space</b> and includes all driveways and aisles, and may be part of an <b>accessway</b>. Compliance with AS/NZS 2890:1:2004 shall satisfy this rule (See Appendix 13.7.2). <b>Accessible parking spaces must comply with NZS 44121:2001.</b></p>		<p>Ensures that all accessible parking spaces provided comply with NZS 44121:2001 requirements.</p>
14	<p><b>13.2.13 Service Lane or Roads</b></p> <p>13.2.13.1 All parking spaces and manoeuvring areas shall be provided on-site, exclusive of land shown to be acquired for a service lane or road.</p>	<p>Amend to read:</p> <p><b>13.2.13 Service Lane or Roads</b></p> <p>13.2.13.1 All parking spaces, <b>including for accessible parking</b>, and manoeuvring areas <b>shall be</b> provided on-site, <del>shall be</del> exclusive of land shown to be acquired for a service lane or road.</p>		<p>Manages location of accessible parking spaces.</p>
<b>13.3 Assessment Criteria for Controlled Activities</b>				

Item	Current District Plan Section and Activity	Changes to be made	Assessment
15	<p><b>13.3.1 Alternatives to On-Site Vehicle Parking (see Rules in 13.2.17).</b></p> <p>13.3.1.1 Council shall exercise its control over;</p> <p>b. whether it will provide convenient parking for the permitted activity and whether there is appropriate access between the permitted activity and the associated vehicle parking area; and</p>	<p>Amend to read:</p> <p><b>13.3.1 Alternatives to On-Site Vehicle Parking (see Rules in 13.2.17).</b></p> <p>13.3.1.1 Council shall exercise its control over:</p> <p>b. whether it will provide convenient parking, <b>including accessible parking</b>, for the permitted activity and whether there is appropriate access between the permitted activity and the associated vehicle parking area; and</p>	<p>Enables consideration of the provision of accessible car parking.</p>
<b>13.4 Assessment Criteria for Restricted Discretionary Activities</b>			
16	<p><b>13.4.7 Roads and Property Access excluding State Highway (see Rules in 13.2.2), Sight Lines (see Rule 13.2.2.2 (i), Provision of Loading spaces (see Rules in 13.2.18), Restricted vehicle access Parking (see Rules in 13.2.15), Design Construction Private ways, Access Legs, Access Lots or Common Areas Utilised for Vehicle Access on a Cross or Company Lease or Unit Title (see Rules in 13.2.4), Design Construction of Vehicle Crossing Excluding State Highway (see Rules in 13.2.5) and Restricted Vehicle access to Loading spaces (13.2.21)</b></p> <p>13.4.7.1 Council shall restrict its discretion to;</p> <p>a. traffic volumes and traffic mix relative to existing and future patterns, access, parking and loading on-site;</p>	<p>Amend to read:</p> <p><b>13.4.7 Roads and Property Access excluding State Highway (see Rules in 13.2.2), Sight Lines (see Rule 13.2.2.2 (i), Provision of Loading spaces (see Rules in 13.2.18), Restricted vehicle access Parking (see Rules in 13.2.15), Design Construction Private ways, Access Legs, Access Lots or Common Areas Utilised for Vehicle Access on a Cross or Company Lease or Unit Title (see Rules in 13.2.4), Design Construction of Vehicle Crossing Excluding State Highway (see Rules in 13.2.5) and Restricted Vehicle access to Loading spaces (13.2.21)</b></p> <p>13.4.7.1 Council shall restrict its discretion to;</p> <p>a. traffic volumes and traffic mix relative to existing and future patterns, access, parking, <b>including accessible parking</b>, and loading on-site;</p>	<p>Enables consideration of the provision of accessible car parking.</p>

Item	Current District Plan Section and Activity	Changes to be made	Assessment
17	<p><i>NB: 13.4.8 was struck from the District Plan in December 2021 as result of the National Policy Statement for Urban Development (2020)</i></p> <p><i>13.4.8.1 On-site Parking (see Rules in 13.2.9)</i></p> <p><b>13.4.8.1 Council shall have regard to:</b></p> <p><i>a. The extent to which the following circumstances may apply, as the basis for being able to provide alternative parking provisions:</i></p> <p><i>i. Multiple provision on one site – two or more owners may make joint provision for off-street parking so long as the total provision is no less than the sum of the requirements for each individual activity except where vehicles will regularly be attracted to the site at times that seldom coincide. A legally binding agreement shall be entered into to ensure the relevant Certificates of Title are amalgamated or otherwise held together;</i></p>	<p>Reinstate and amend to read:</p> <p><i>13.4.8 On-site Accessible Parking (see Rules in 13.2.9)</i></p> <p><b>13.4.8.1 Council shall have regard to:</b></p> <p>a. The extent to which the following circumstances may apply, as the basis for being able to provide alternative parking provisions:</p> <p>i. Multiple provision on one site – two or more owners may make joint provision for <del>off-street accessible car</del> parking so long as the total provision is no <del>less</del> <b>more</b> than the sum of the requirements for each individual activity except where vehicles will regularly be attracted to the site at times that seldom coincide. A legally binding agreement shall be entered into to ensure the relevant Certificates of Title are amalgamated or otherwise held together;</p>	<p>Enables consideration of provision of accessible car parking.</p>
18	<p><i>NB: 13.4.8 was struck from the District Plan in December 2021 as result of the National Policy Statement for Urban Development (2020)</i></p> <p><i>13.4.8.1a. (as above)</i></p> <p><i>ii. Reduction in car-parking requirements – where it is adequately shown that the full parking requirement need not be met because of such factors as;</i></p> <ul style="list-style-type: none"> <li><i>• the small number of persons likely to be attending the site;</i></li> <li><i>• the low volume of service delivery and visitor traffic likely to be generated by the site;</i></li> </ul>	<p>Reinstate and amend section to read:</p> <p><b>13.4.8.1.a</b></p> <p>ii. Reduction in <b>accessible</b> car-parking requirements – where it is adequately shown that the <del>full</del> <b>accessible</b> parking requirement need not be met because of such factors as;</p> <ul style="list-style-type: none"> <li>• the small number of persons likely to be attending the site;</li> <li>• the low volume of service delivery and visitor traffic likely to be generated by the site;</li> <li>• the ability of an adjoining site to provide additional <b>accessible</b> parking;</li> </ul>	<p>Enables consideration of the provision of accessible car parking.</p>

Item	Current District Plan Section and Activity	Changes to be made	Assessment
	<ul style="list-style-type: none"> <li>the ability of an adjoining site to provide additional parking;</li> <li>the amount, if any, of public off-street parking that is provided or is planned to be provided in the vicinity of the site,</li> <li>any physical characteristics of the site that may affect its ability to accommodate off-street parking; and</li> </ul>	<ul style="list-style-type: none"> <li>the amount, if any, of off-street <b>accessible</b> parking that is provided or is planned to be provided in the vicinity of the site;</li> <li>any physical characteristics of the site that may affect its ability to accommodate off-street parking; and</li> </ul>	
19	<p><i>NB: 13.4.8 was struck from the District Plan in December 2021 as result of the National Policy Statement for Urban Development (2020)</i></p> <p>13.4.8.1a. (as above)</p> <p>v. Modification of parking and loading standards – The Council shall have regard to:</p> <ul style="list-style-type: none"> <li>the degree of variance from the number of parking spaces proposed and whether the parking demand likely to be generated by the proposed activity can be accommodated on the site;</li> </ul>	<p>Reinstate and amend section to read:</p> <p>13.4.8.1.a</p> <p><del>v.</del> b. Modification of parking and loading standards – The Council shall have regard to:</p> <ul style="list-style-type: none"> <li><del>the degree of variance from</del> the number of <b>accessible</b> parking spaces proposed and whether the <del>parking</del> demand <b>for accessible parking</b> likely to be generated by the proposed activity can be accommodated on the site<del>;</del>.</li> </ul>	<p>Enables consideration of the provision of accessible car parking.</p>



**3.2 Section 42A Plan Change 5 Accessible Parking Report**

3.2 Section 42A Plan Change 5 Accessible Parking Report

**3.2 Section 42A Plan Change 5 Accessible Parking Report(Cont.)**

# Whakatāne District Plan

## Plan Change 5 – Accessible Parking

### Section 42A Planners Recommendation Report

This report: analyses the submissions and further submissions and recommends and makes recommendations on them .

This is a requirement of Section 42A of the Resource Management Act 1991.

22 November 2024

[whakatane.govt.nz](http://whakatane.govt.nz)



**3.2 Section 42A Plan Change 5 Accessible Parking Report(Cont.)**

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Appendix 1: NPS format tracked changes - November 2024

Appendix 2: Tracked Changes – including s42A planner’s  
recommendations

### 3.2 Section 42A Plan Change 5 Accessible Parking Report(Cont.)

#### 1 Scope of Report

This report is prepared under the provisions of section 42A of the Resource Management Act 1991 (RMA). The purpose of this s42A report is to provide analysis and recommendations on submissions and further submissions on Proposed Plan Change 5 – Accessible Parking (PPC5) to the Whakatāne District Plan 2017 (District Plan).

#### 2 Objective of Proposed Plan Change 5: Accessible Parking

The objective of PPC5 is to reinstate accessible parking provisions in the District Plan. These changes will enable Council to require accessible parking for new developments and activities, when appropriate, during the resource consent process.

#### 3 Background of Proposed Plan Change: Accessible Parking

The aim of PPC5 is to reinstate accessible parking provision in the District Plan, after these were removed during the implementation of the National Policy Statement on Urban Development 2020 (NPS-UD) in 2021. This was an undesired consequence of the reliance of the accessible parking rules on the minimum parking rates, which were required to be removed under the NPS-UD. Further details are in section 3.1.

The objective of PPC5 is to reinstate accessible parking provision in the District Plan to ensure it can be required, where appropriate, for resource consent for a new development or activity. Appropriate management and safety of pedestrians and vehicles, including designating priority spaces, are part of the objectives and policies of the District Plan.

Transport objective TRAN-O1:

“A safe, efficient, sustainable integrated land transport network.”

Transport objective:TRAN-O4:

“The safe movement of traffic and pedestrians entering, leaving and within sites.”

Transport policy TRAN-P8:

“To encourage an effective and efficient functioning of the transport network, ensuring that the ease of movement for pedestrians, cyclists, disabled people, the elderly, children, motor *vehicles*, and public transport is not unduly compromised.”

Transport policyTRAN-P13:

“To ensure sufficient and practical provision of safe on-site parking, manoeuvring areas, connectivity and access and pedestrian connectivity.”

Whakatāne Town Centre Precinct policy TCZ-PREC1-P8:

“To manage the movement of people, cyclists and *vehicles* within the Whakatāne Town Centre Precinct by defining vehicle and pedestrian priority areas and streets.”

The key changes PPC5 is seeking are to:

- Insert provisions to ensure accessible parking can be required in appropriate circumstances, including minimum car park rates for accessible parking and a standard for construction.
- Reinstate (with amendment) assessment criteria for non-compliance with the accessible parking rules.
- To amend assessment criteria where the provision of accessible parking is appropriate:
  - Traffic
  - Parking
  - Service lanes/roads
  - A range of activities across the business and industrial zones including but not limited to urupā and cemeteries, places of assembly and educational facilities.

After notifying and receiving one submission, PPC5 was renotified in May 2023 to ensure that the notification requirements of the District Plan were fully met, in response to concerns raised by the submitter. Further details are in section 3.3.3.

### 3.2 Section 42A Plan Change 5 Accessible Parking Report(Cont.)

After PPC5 was notified and renotified the District Plan was reformatted to comply with the National Planning Standards (NPS) in early 2024. As part of this, the structure of the District Plan changed and zones, objectives, policies, rules and assessment criteria were relocated and renamed. Further details are in section 3.2.

A full copy of the proposed changes, including conversion of PPC5 to the new NPS-format District Plan, is included in Appendix 1.

#### 3.1 National Policy Statement on Urban Development 2020 (NPS-UD) & accessible parking

The NPS-UD requires the removal of minimum carparking rates from District Plans, which was implemented in 2021. A consequence of removing the minimum parking provisions from the District Plan was the removal of accessible parking provisions, as these rules were expressed as a ratio of the minimum parking provisions, relying on Section 118 of the Building Act 2004 (or previous version) and NZS 4121:2001. This means that changes to the District Plan are needed to ensure accessible parking can still be required, where appropriate, for new developments and activities during the resource consent process.

#### 3.2 National Planning Standards (NPS)

After PPC5 was notified the District Plan was reformatted to comply with the NPS (excluding definitions). This means that although the content of the District Plan has not changed, the structure and format has. This includes the names of and references to zones, objectives, policies, rules and assessment criteria.

In addition, some minor errors (eg spelling mistakes, incorrect references) were corrected during the implementation of the NPS using clause 16 of schedule 1 of the RMA.

The restructuring and minor corrections resolved several submission points raised by Submitter 1 about PPC5.

The main change to PPC5 is that each zone, Transport and Temporary Activities have their own chapters for their rules and assessment criteria. This means that some PPC5 provisions will now be located in multiple chapters simultaneously, particularly for zones which were previously grouped by type. The broad chapter changes are:

- Chapter 3: Temporary activities **to** Chapter TEMP - Temporary activities
- Chapter 3: Urupā and cemeteries, on-site parking, community activities **to** every relevant zone chapter
- Chapter 5: Business Zones **to** relevant zone chapter
  - Commercial Zone
  - Large Format Retail Zone
  - Mixed Use Zone
  - Town Centre Zone
- Chapter 13 Transportation and Services **to** Chapter TRAN – Transport

A full copy of PPC5 converted to the new, NPS-format District Plan is included in Appendix 1.

#### 3.3 Notification Process, Submissions and Further Submission

##### 3.3.1 Submissions

PPC5 was publicly notified under clause 5 of Schedule 1 of the RMA on 8 April 2022 and closed for public submission on 11 May 2022. One submission was received.

PPC5 was renotified 31 May – 7 July 2023 to ensure compliance with the notification requirements of the RMA, in response to matters raised by Submitter 1. During this, four submissions were received.

In total there are 5 submissions:

- Submitter 1 - Ross Gardiner (carried forward from the initial PPC5 notification)
- Submitter 2 - Caroline van Leeuwen

### 3.2 Section 42A Plan Change 5 Accessible Parking Report(Cont.)

- Submitter 3 - Disabilities Resource Centre
- Submitter 4 - Gina Seay
- Submitter 5 - Whakatāne Accessibility and Inclusion

#### 3.3.2 Further submissions

A summary of submissions and the option for further submissions were publicly notified under clause 7 and 8 of Schedule 1 of the RMA on 6 September 2023 and closed for further submissions on 20 September 2023. No further submissions were received.

#### 3.3.3 Renotification

Submitter 1 questioned whether the notification process for PPC5 met the requirements outlined in clause 5(1A) in Schedule 1 of the RMA. PPC5 was publicly notified through a public notice in The Beacon and Rotorua Daily Post newspapers and published on the Council's website and Facebook page.

Legal advice from Brookfield Lawyers advised that Council's notice in the Beacon and Rotorua Daily Post was not sufficient to ensure that Council's requirement for notification was met. They advised to comply with the requirements of clause 5(1A) of Schedule 1 of the RMA, Council needed to:

- a. amend the public notice to include a heading 'Public Notice under clause 5 of the First Schedule to the Resource Management Act 1991'. Additionally, any public notice should clearly signal what the proposed change is, what it is replacing, under what authority, and who may be affected by those changes; and
- b. include the full public notice, in a Council circular, to all affected persons. Brookfield's advised it was unlikely Council would be able to guarantee a subscription newspaper would reach 'all residential properties and Post Office box addresses located in the affected area' as required.

In order to ensure Council gave effect to clause 5(1A) of Schedule 1 of the RMA, Council re-notified PPC5 and added a public notice within the Council rates notice, for delivery to all ratepayers.

PPC5 was renotified and submissions opened 31 May 2023 and closed 7 July 2023. Renotification was carried out via:

- a public notice in the May 2023 rates notices;
- a public notice in The Beacon and Rotorua Daily Post on 31 May 2023; and
- publication of the public notice on the Council website.

#### 3.4 Overview of Submissions and Further Submission

Within the 5 submissions, 45 submission points on the proposed changes were identified.

Submitter 1 was generally in support of PPC5 and raised 41 submission points:

- 8 submission points were in support
- 25 submission points supported in part
- 5 submission points opposed
- 3 submission points were neutral
- 5 submission points related to minor errors.

The other 4 submissions were received in support of PPC5, did not request any changes and do not wish to be heard at hearing.

Since making submission, Submitter 1 has withdrawn 23 submission points. These submission points were either in support and not requesting changes, agreed as out of scope, or were resolved by renotification or implementation of the National Planning Standards implementation and associated minor error corrections.

### 3.2 Section 42A Plan Change 5 Accessible Parking Report(Cont.)

Following discussions with Submitter 1 regarding their other submission points, appropriate changes to PPC5 have been identified and agreed to by Submitter 1 and Council. On this basis, Submitter 1 has agreed they do not need to speak to their submission at a Hearing.

#### 3.4.1 NPS-UD – Section 55 Implementation - Submission Points 1.1 and 1.2

Through the submission process issues were raised relating to how Council amended the District Plan to give effect to the NPS-UD (Submission Points 1.1 and 1.2). Section 55(2) of the RMA directs district plans to give effect to National Policy Statements ie the NPS-UD and to do so without using schedule 1 of the RMA, which includes public submission.

When the NPS-UD changes were made they were publicly notified and no issues were raised in response at that time. As these issues were raised later in response/submission to a proposed plan change (PPC5), this matter will be handled as a submission on PPC5.

#### 4 Structure of this report

This report is structured into the following sections:

5. Submitter 1 - Withdrawn submission point
6. Submitter 1 - Analysis and recommendation
7. Additional further minor error corrections - clause 16 Schedule 1 Resource Management Act 1991

Submission points will be handled individually except when made clear they are being grouped. Submission points will be identified against the relevant PPC5 proposed item (see numbering and PPC5 proposed items in Appendix 1).

The submissions in support of PPC5 were entirely in support. Due to this they will not be analysed further in this report as they did not request changes to PPC5.

Following discussions with Submitter 1, appropriate changes to PPC5 have been identified by Submitter 1 and Council planners. On the basis of these identified changes, Submitter 1 has agreed they do not need to speak to their submission at a Hearing.

Changes are shown as follows:

- Existing District Plan text in black
- PPC5 proposed changes in red
- Recommendations as a result of this Planning Report in green
- Minor error corrections under clause 16 schedule 1 of the Resource Management Act 1991 are in blue.
- ~~Strikethrough~~ indicates removal and Underlined indicates changes to proposed changes (red before)

**3.2 Section 42A Plan Change 5 Accessible Parking Report(Cont.)**

**5 Submitter 1 – Withdrawn submission points**

Subm Point	PPC5 Item	Submission Point Summary	Analysis and recommendation
1.3	3	Support in part. Assessment criteria location within District Plan.	Withdrawn - NPS implementation resolved this.
1.4	4	Support in part. Comma use.	Withdrawn - Resolved via minor error corrections (clause 16 schedule 1 RMA) at renotification.
1.5	4	Support in part. Definition clarity.	Withdrawn - NPS implementation resolved this.
1.6	4	Support in part. Assessment criteria location within District Plan.	Withdrawn - NPS implementation resolved this.
1.7	5	Support in part. Assessment criteria location within District Plan.	Withdrawn - NPS implementation resolved this.
1.8	6	Support notified PPC5. Assessment criteria location within District Plan.	Withdrawn - NPS implementation resolved this.
1.9	7	Support Item 7 of PPC5 as notified.	Withdrawn – Support as notified, no change requested.
1.10	8	Title correction	Withdrawn - NPS implementation resolved this.
1.13	9	Support notified PPC5.	Withdrawn - Resolved via minor error corrections (clause 16 schedule 1 RMA) at renotification.
1.14	10	Support notified PPC5.	Withdrawn - Resolved via minor error corrections (clause 16 schedule 1 RMA) at renotification.
1.19	12	Support in part. Numbering error.	Withdrawn - Resolved via minor error corrections (clause 16 schedule 1 RMA) at renotification.
1.23	13	Support in part. Reference error.	Withdrawn - Resolved via minor error corrections (clause 16 schedule 1 RMA) at renotification.
1.25	13	Support in part. Numbering error.	Withdrawn - Resolved via minor error corrections (clause 16 schedule 1 RMA) at renotification.
1.27	13	Hyperlink NZS 4121:2001 or provide on webpage.	Withdrawn - NPS implementation resolved this.
1.30	14	Support notified PPC5.	Withdrawn – Support as notified, no change requested.
1.31	15	Support notified PPC5.	Withdrawn – Support as notified, no change requested.
1.33	17	Add rule title.	Withdrawn - Resolved via minor error corrections (clause 16 schedule 1 RMA) at renotification.



### 3.2 Section 42A Plan Change 5 Accessible Parking Report(Cont.)

Subm Point	PPC5 Item	Submission Point Summary	Analysis and recommendation
1.34	17	Correct terminology.	Withdrawn - Resolved via minor error corrections (clause 16 schedule 1 RMA) at renotification.
1.35	18	Support notified PPC5.	Withdrawn – Support as notified, no change requested
1.36	19	Support in part. Numbering error.	Withdrawn - Resolved via minor error corrections (clause 16 schedule 1 RMA) at renotification.
1.39	Gen.	Support in part. NPS-UD implementation.	Withdrawn – Out of scope
1.40	Gen	Support in part. Variation to Plan Change 3 to include accessible parking rates as assessment criteria.	Withdrawn – Out of scope
1.41	Gen.	Notification issues.	Withdrawn - Resolved via renotification.

### 6 Submitter 1 – Analysis and recommendations

It is recommended to read this section with a copy of the tracked changes (Appendix 1).

Subm Point	PPC5 Item	Submission Point Summary	Analysis and recommendation
1.1	1	Oppose. Remove reference to carparking in urupā and cemetery assessment criteria. The wording implies parking rates are a matter of restricted discretion, contrary to the NPS-UD which requires no minimum parking rates.	<p>Consideration of what is deemed “adequate” carparking could act as a de-facto rule, by considering a certain number of car parks to be “adequate”.</p> <p>However, considerations of parking effects are more than just parking rates. Removal of parking from these assessment criteria prevents the wider parking effects of an activity being considered.</p> <p>Following discussion, Submitter 1 supports the inclusion of “(excluding parking rate)” following “adequate car parking”. This would avoid doubt by ensuring a minimum number of car parks cannot be considered when assessing general parking</p> <p>However, if “adequate car parking” is to exclude parking rates, there may be some confusion that consideration of accessible parking may not include parking rates. Consideration of accessible parking would involve consideration of parking rates as those rules are relevant.</p> <p>If the exclusion is accepted, to avoid confusion it should be specified that considerations of accessible parking does include parking rates eg “(including parking rates in TRAN-R8.5)” following “accessible parking”.</p> <p><b>Recommendation:</b></p> <p>Insert “(excluding parking rate)” following “adequate car parking, and “(including parking rates)” following “accessible parking” in GRZ-AC6.d, MDRZ-AC6.d, GRUZ-AC7.d, RPROZ-AC7.d, CZ-AC4.d, LFRZ-AC5.d, MUZ-AC9.d, TCZ-AC3.d, LIZ-AC5.d, GIZ-AC4.d, OSZ-AC1.d, FUZ-AC5.d, RCZ-AC6.d, ROZ-AC13.d.</p>

**3.2 Section 42A Plan Change 5 Accessible Parking Report(Cont.)**

Subm Point	PPC5 Item	Submission Point Summary	Analysis and recommendation
			<p><i>“d. transportation – including provision of adequate car parking (excluding parking rates) that includes accessible parking (including parking rates in TRAN-R8.5), ....”</i></p> <p><b>Note:</b> Submitter 1 supports the recommendation to exclude parking rates.</p>
1.2	2	<p>Oppose. Remove reference to carparking in traffic effects criteria TRAN-AC7.a and TRAN-AC9.a. Appears contrary to the NPS-UD which requires no minimum parking rates.</p>	<p>Considerations of parking effects are more than just parking rates. Removal of parking from these assessment criteria prevents the wider parking effects of an activity being considered.</p> <p>Following discussion, Submitter 1 supports the inclusion of “(excluding parking rate)” following “parking”. This would avoid doubt by ensuring a minimum number of car parks cannot be considered.</p> <p>However, if “parking” is to exclude parking rates, there may be some confusion that consideration of accessible parking may not include parking rates. Consideration of accessible parking would involve consideration of parking rates as those rules are relevant.</p> <p>If the exclusion is accepted, to avoid confusion it should be specified that considerations of accessible parking does include parking rates eg “(including parking rate in TRAN-R8.5)” following “accessible parking”.</p> <p><b>Recommendation:</b></p> <p>Insert “(excluding parking rate)” following “parking” and “(including parking rates)” following “accessible parking” TRAN-AC7.a &amp; TRAN-AC9.a.</p> <p><i>“...access, parking (excluding parking rates), accessible parking (including parking rates in TRAN-R8.5), and loading on-site;”</i></p> <p><b>Note:</b> Submitter 1 supports the recommendation to exclude parking rates.</p>
1.11	8a	<p>Oppose reference to number of accessible car parks in assessment criteria for two or more dwellings per lot in MUZ-AC1b.</p> <p>Oppose entire assessment criteria as redundant as Transportation rules apply if a parking space or vehicle access is provided. Unusual for private dwelling to be required to have accessible parks, if done it should be at the prescribed rate.</p>	<p>After review, the current District Plan assessment criteria includes some consideration of minimum parking rates (“the number of...access and parking space...”).</p> <p>PPC5 is proposing to amend this rule to “...number of accessible car parks...”. This change removes consideration of “number of” from general parking and applies it only to accessible parking, which do have minimum rates, therefore resolving the issue of minimum parking rates.</p> <p>Following discussion, Submitter 1 supports “number of accessible car parks” if it is clarified that the rest of the rule applies to any car park, not just accessible car parks. This clarifies for plan users that considerations of location and design apply to all types of car parks, not just accessible car parks.</p> <p><b>Recommendation:</b></p>
1.12	8b	<p>If wont remove the entire assessment criteria as in 8a, remove reference to number of accessible car parks.</p>	<p>Retain MUZ-AC1b as notified with amendment for clarification.</p> <p><i>“Council shall exercise its control over: ... b. the number of accessible car parks as in TRAN-R8.5, location and design of access and any provided parking space, and...”</i></p>

**3.2 Section 42A Plan Change 5 Accessible Parking Report(Cont.)**

Subm Point	PPC5 Item	Submission Point Summary	Analysis and recommendation
			<b>Note:</b> Submitter 1 supports this recommendation and considers the matter resolved.
1.15	11	Oppose. Amend TRAN-R5.3 to read: “any activity...which provides <del>or is required to provide</del> more than 25 on-site parking spaces including any <del>and 2 or more</del> accessible parking spaces shall be...”	The use of “and” within this rule could in an internal conflict between TRAN-R5.3 and TRAN-R8.6 due to 21-24 car parks only requiring 1 accessible car park, not 2. <b>Recommendation:</b> Accept Submission Point 1.15 and amend the wording of TRAN-R5.3. “any activity...which provides <del>or is required to provide</del> more than 25 on-site parking spaces including any <del>and 2 or more</del> accessible car parks parking spaces shall be...” <b>Note:</b> Submitter 1 supports this recommendation and considers the matter resolved.
1.16	12	Amend title of 13.2.10 (now part of TRAN-R8): “Accessible parking provision rates”	Implementation of the NPS has changed the location of rules. Rules relating to the design of parking are now integrated into TRAN-R8 as 13.2.9 and 13.2.10 were combined. This means the rule Submitter 1 submitted on now contains more than the parking rates and limiting the title to rates does not accurately reflect the contents. <b>Recommendation:</b> Reject submission. <b>Note:</b> Submitter 1 supports this recommendation and considers the matter resolved.
1.17 1.18 1.20 1.21	12	1.17: Amend TRAN-R8.5 regarding accessible parking exemptions for dwellings. <ul style="list-style-type: none"> <li>• Increase exemption from 4 car parks per lot to 6.</li> <li>• Change to <i>identified</i> pedestrian streets.</li> <li>• Apply to all Town Centre Zones, not just Whakatāne and Kōpeōpeō.</li> </ul> 1.18: Remove unnecessary references to names permitted activities in TRAN-R8.6. 1.20: Amend references to excluded activities by utilising exclusion rule reference (TRAN-R8.5). 1.21: Create an avoidance of doubt clause that states which activities are exempt from these requirements.	Following discussion with the submitter, it is agreed the rule could more appropriately meet the objectives of PPC5 by utilising Section 118 of the Building Act 2004 to cover which activities and buildings are included or excluded and when. The intention of PPC5 was for accessible parking to be able to be required when it is appropriate and in situations when general parking is not provided. PPC5 Section 32 report notes the relevance of the Building Act and NZS 4121:2004 for this and the District Plan relying on them prior to the removal of the car parking minimums under the NPS-UD. Section 118 of the Building Act 2004 states that there are activities and buildings that are required to provide accessibility for people with a disability, including parking, and includes reference to Schedule 2 as a non-exhaustive list of relevant activities and buildings. Section 119 of the Building Act states NZS 4121:2004 to be an Acceptable Solution for compliance with Section 118. NZS 4121:2004 was generated under the Building Act 1991 and due to this if it used as reference for activities/buildings included, its contents may cause confusion. It discusses and includes the Building Act 1991 section that required accessibility for people with a disability (Section 47A) which is slightly different to Section 118 of Building Act 2004. It also includes Appendix A which houses information on responsibilities under Section 47A. It includes a copy of Section 47A which includes a non-exhaustive list of activities/buildings that require accessibility. The list is also slightly different to Schedule 2 of the Building Act 2004.

3.2 Section 42A Plan Change 5 Accessible Parking Report(Cont.)

Subm Point	PPC5 Item	Submission Point Summary	Analysis and recommendation										
			<p>The intention of PPC5 was for activities and buildings required by Section 118 of the Building Act 2004 to provide accessible parking to be required to provide them under resource consent provisions, and in situations where general parking is not provided. Realigning the rule to specifically state this rather than relying on exemptions in the District Plan ensures alignment with the Building Act 2004 and that appropriate activities are captured.</p> <p><b>Recommendation:</b> Delete TRAN-R8.5, TRAN-R8.6, TRAN-R8.7</p> <p><del>“5. Accessible parking is not required for dwellings where there are less than four car parks per lot, or for business activities with frontage onto pedestrian streets in the Whakatāne or Kōpeōpeō Business Centre Zones.</del></p> <p><del>6. Accessible parking requirements do not apply to permitted activities in the Rural Zones. These are identified in the General Rural, Rural Production, Rural Ōhiwa and Rural Coastal Zone chapters and include farming, forestry, rural processing activities and quarrying.</del></p> <p><del>7. Where car parking is provided, and excluding dwellings where there are less than four per lot and business activities with frontage to a pedestrian street in the Town Centre Zone, accessible car park shall be provided in accordance with the following table TRAN-R8.5 – Table 21 Number of Car Parks:”</del></p> <p>Insert new TRAN-R8.5</p> <p><u>5. “Activities and buildings required to provided accessible car parking under Section 118 of the Building Act 2004 are required to provide accessible car parks in accordance with the car park rates in TRAN-R8.5 – Table 21.”</u></p> <table border="1" data-bbox="639 1182 1246 1424"> <thead> <tr> <th colspan="2" data-bbox="639 1182 1246 1227"><b>TRAN-R8.5 - Table 21 Number of Car Parks</b></th> </tr> <tr> <th data-bbox="639 1227 959 1294"><b>Total number of car parks</b></th> <th data-bbox="959 1227 1246 1294"><b>Number of accessible car park spaces</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="639 1294 959 1339">0 – 20</td> <td data-bbox="959 1294 1246 1339">Not less than 1</td> </tr> <tr> <td data-bbox="639 1339 959 1384">21 – 50</td> <td data-bbox="959 1339 1246 1384">Not less than 2</td> </tr> <tr> <td data-bbox="639 1384 959 1424">For every additional 50 car parks</td> <td data-bbox="959 1384 1246 1424">Not less than 1</td> </tr> </tbody> </table> <p><b>Note:</b> Submitter 1 supports this recommendation and considers the matter resolved.</p>	<b>TRAN-R8.5 - Table 21 Number of Car Parks</b>		<b>Total number of car parks</b>	<b>Number of accessible car park spaces</b>	0 – 20	Not less than 1	21 – 50	Not less than 2	For every additional 50 car parks	Not less than 1
<b>TRAN-R8.5 - Table 21 Number of Car Parks</b>													
<b>Total number of car parks</b>	<b>Number of accessible car park spaces</b>												
0 – 20	Not less than 1												
21 – 50	Not less than 2												
For every additional 50 car parks	Not less than 1												
1.22	12	Non-compliance defaults to discretionary, amend to restricted discretionary.	<p>Restricted discretionary was the intended effect but in error was not fully given effect to in PPC5. Activities default to discretionary when not otherwise stated in the District Plan rules. As the proposed rules did not state what activity status non-compliance would be, it would default to discretionary.</p> <p>PPC5 clearly intended non-compliance to be restricted discretionary. The original proposed assessment criteria 13.4.8/TRAN-AC11 (Item 17) referenced “the rules in 13.2.9” in its title. 13.2.9/TRAN-R8 is where the accessible car park rates and activity exemptions and inclusions are located. In addition, during</p>										

**3.2 Section 42A Plan Change 5 Accessible Parking Report(Cont.)**

Subm Point	PPC5 Item	Submission Point Summary	Analysis and recommendation
			<p>the NPS conversion of PPC5, non-compliance as restricted discretionary was given effect to as it was assumed by the author.</p> <p><b>“Activity Status where compliance not achieved for TRAN-R8.5, TRAN-R8.6 and TRAN-R8.7: RDIS see RDIS assessment criteria TRAN-AC11”</b></p> <p>PPC5 clearly intended non-compliance to be restricted discretionary as the assessment criteria specify, however in error a rule was not included to give effect to that.</p> <p><b>Recommendation:</b></p> <p>Accept the submission and use clause 16 of Schedule 1 of the RMA to accept the correction of the non-compliance to restricted discretionary.</p> <p><b>“Activity Status where compliance not achieved for TRAN-R8.5, TRAN-R8.6 and TRAN-R8.7: RDIS see RDIS assessment criteria TRAN-AC11”</b></p> <p>If the recommendation for Submission Points 1.17, 1.18, 1.20, 1.21 is accepted:</p> <p><b>“Activity Status where compliance not achieved for TRAN-R8.5, TRAN-R8.6 and TRAN-R8.7: RDIS see RDIS assessment criteria TRAN-AC11”</b></p> <p><b>Note:</b> Submitter 1 supports this recommendation and considers the matter resolved.</p>
1.24	13	Make the proposed addition its own rule (eg TRAN-R8.8) rather than being included in standards for non-accessible parking.	<p>The rule refers to NZS 4121:2001 as a compliance method for parking space construction and implementation, not for the purposes of the activity itself. Changing it into a standalone rule expands its scope to beyond the scope of PPC5, which is limited to accessible parking spaces. The rules current context is parking stall standards eg dimensions and location. As a standalone rule, compliance with the entirety of NZS 4121:2001 would be required, which is much more complex and onerous and relates to building interiors and accessible routes also.</p> <p><b>Recommendation:</b></p> <p>Amend the NZS 4121:2001 reference to follow on from existing sentence format.</p> <p><i>“...Compliance with AS/NZS 2890:1:2004 shall satisfy this rule. (see TRAN-APP2) and Accessible parking spaces must comply with NZS 4121:2001 (for accessible parking) shall satisfy this rule.”</i></p> <p><b>Note:</b> Submitter 1 supports this recommendation and considers the matter resolved.</p>
1.26	13	Refine compliance with NZS 4121:2001 to Section 5 as that section deals with carparks.	<p>NZS 4121:2001 encompasses more than accessible parking and is broader than the parameters of PPC5. Section 5 of NZS 4121:2001 is the section on parking.</p> <p><b>Recommendation:</b></p> <p>Accept submission and further amend (see Submission Point 1.24, purple below) to narrow to Section 5:</p>

**3.2 Section 42A Plan Change 5 Accessible Parking Report(Cont.)**

Subm Point	PPC5 Item	Submission Point Summary	Analysis and recommendation
			<p>“... Compliance with AS/NZS 2890:1:2004 shall satisfy this rule. (see TRAN-APP2) and Accessible parking spaces must comply with NZS 4121:2001 Section 5 (for accessible parking) shall satisfy this rule.”</p> <p><b>Note:</b> Submitter 1 supports this recommendation and considers the matter resolved.</p>
1.28	13	Include Figure 7 of NZS 4121:2001 (or another diagram to the same effect) in the Transportation chapter and include reference to it in rules that require accessible parks.	<p>NZS 4121:2001, including Figure 7, is copyright material and cannot be duplicated in the District Plan.</p> <p>Submitter 1 suggested creating an image as a visual aid similar to TRAN-APP2 – Figure 41 Parking Stall Dimension in the District Plan, which is based on AS 2890.1:1993 which may have similar copyright issues. However, TRAN-APP2 contains only the parking stall dimensions required by AS 2890.1:1993.</p> <p>Section 5 of NZS 4121:2001 contains requirements much wider than simple dimensions and which would not be easily understood as a figure. Section 5 of NZS 4121:2001 contains Figure 7, which shows some (not all) of the requirements of Section 5 and is likely unable to show the others due to their nature.</p> <p>Creating diagrams for the District Plan that show the requirements of Section 5 of NZS 4121:2001 are unlikely to be effective as the requirements themselves are not all able to be adequately understood via a diagram. Therefore a District Plan user who relied on the diagrams instead of checking NZS 4121:2001 may misunderstand the requirements of NZS 4121:2001.</p> <p>Retaining the provisions without diagrams will ensure users access NZS 4121:2001 and correctly identify the relevant requirements of it. This also avoids duplicating external material in the District Plan, particularly as NZS 4121:2001 is copyright material. Council will ensure a hard copy is available for public use at its offices and on request.</p> <p>In addition, the recommendation for Submission Point 1.26 includes refining reference to NZS 4121:2001 in TRAN-R8.2 to specify only the section relevant to carparking (section 5). Doing so indirectly includes Figure 7, as it is in Section 5.</p> <p>Following discussion, Submitter 1 considers this matter resolved. Refinement of TRAN-R8.2 to specify Section 5 of the NZS indirectly includes Figure 7, which further resolves the matter.</p> <p><b>Recommendation:</b></p> <p>Reject submission. Do not include Figure 7. Refinement of TRAN-R8.2 to specify Section 5 of NZS 4121:2001 ensures Figure 7 and its associated standards is captured (response to Submission Point 1.26).</p> <p><b>Note:</b> Submitter 1 considers the matter resolved.</p>
1.29	13	Support in part. RMA Schedule 1 Part 3 requires documents included by reference to be made available at notification.	<p>The public notice for PPC5 clearly stated where copies of PPC5 could be viewed and NZS 4121:2001 was available for anyone that wished to view it in person at Council offices. NZS 4121:2001 could not be made available on the website due to copyright.</p> <p>For clarity NZS 4121:2001 will continue to be available to the public at Council offices and on request.</p>

**3.2 Section 42A Plan Change 5 Accessible Parking Report(Cont.)**

Subm Point	PPC5 Item	Submission Point Summary	Analysis and recommendation
			<p><b>Recommendation:</b> Reject submission.</p> <p><b>Note:</b> Submitter 1 considers the matter resolved.</p>
1.32	16	Remove amendment proposed by PPC5. The provision accessible car parking is not relevant to the rules subject to the affected assessment criteria.	<p>The discretionary activity assessment criteria do not consider whether accessible parking is required, merely the effects of the activity on any accessible parking provided.</p> <p>The rules subject to the affected assessment criteria (TRAN-AC2) relate to the design, construction and implementation of roading related infrastructure. While these rules do not apply accessible parking, there may be an impact in the provision of these activities on any accessible parking provided for a particular site.</p> <p>The discretionary activity assessment criteria are intended to provide the ability to consider wider effects of an activity. With regard to traffic volumes and traffic mix, the effect on parking is considered to be relevant. Therefore, the effect on accessible parking is equally relevant. In addition the assessment criteria consider both access and parking. This is likely to make accessible parking relevant also.</p> <p>Following discussion, Submitter 1 supports the inclusion of “(excluding parking rate)” following “parking”. This would avoid doubt by ensuring a minimum number of car parks cannot be considered when considering parking.</p> <p>In addition, to avoid confusion, specify that consideration accessible parking does include parking rates, by inserting “(including parking rate)” following “accessible parking”.</p> <p><b>Recommendation:</b> Clarifying when parking rates do/not apply. “...parking (excluding parking rates), including accessible parking (including parking rate), and loading on-site; ...</p> <p><b>Note:</b> Submitter 1 supports this recommendation and considers the matter resolved.</p>
1.37	General	Include diagrams depicting what is required.	<p>NZS 4121:2001, including Figure 7, is copyright material and cannot be duplicated in the District Plan.</p> <p>Submitter 1 suggested creating diagrams as a visual aid similar to TRAN-APP2 – Figure 41 Parking Stall Dimension in the District Plan, which is based on AS 2890.1:1993 which may have similar copyright issues to NZS 4121:2001. However, TRAN-APP2 contains only the parking stall dimensions required by AS 2890.1:1993.</p> <p>Section 5 of NZS 4121:2001 contains requirements much wider than simple dimensions and which would not be easily understood as a figure. Section 5 of NZS 4121:2001 contains Figure 7, which shows some (not all) of the requirements of Section 5 and is likely unable to show the others due to their nature.</p> <p>Creating diagrams for the District Plan that show the requirements of Section 5 of NZS 4121:2001 are unlikely to be effective as the requirements themselves are not all able to be adequately understood via a diagram. Therefore a District Plan user who relied</p>

**3.2 Section 42A Plan Change 5 Accessible Parking Report(Cont.)**

Subm Point	PPC5 Item	Submission Point Summary	Analysis and recommendation
			<p>on the diagrams instead of checking NZS 4121:2001 may misunderstand the requirements of NZS 4121:2001.</p> <p>Retaining the provisions without diagrams will ensure users access NZS 4121:2001 and correctly identify the relevant requirements of it. This also avoids duplicating external material in the District Plan, particularly as NZS 4121:2001 is copyright material. Council will ensure a hard copy is available for public use at its offices and on request.</p> <p>Following discussion, Submitter 1 considers this matter resolved.</p> <p><b>Recommendation:</b> Reject submission.</p> <p><b>Note:</b> Submitter 1 considers the matter resolved.</p>
1.38	General	Include the NPS-UD definition of accessible car parks.	<p>The last piece of National Planning Standard (NPStd) implementation is the implementation of its definition standards. A definition for accessible parking is not included in the NPStd.</p> <p>The NPStd does allow inclusion of extra definitions when reasonable. When they are drawn from legislation they should be included without any changes and note the section of legislation they are drawn.</p> <p>This definition makes clear the intention of these car parks and avoids any potential confusion around the meaning of accessible.</p> <p><b>Recommendation:</b> Include the definition of accessible car parks from the NPS-UD and use this terminology throughout PPC5 provisions. The NPStd requires definitions from other legislation/documents to be included in full, verbatim and state where they are from.</p> <p>Include definition: <i>ACCESSIBLE CAR PARK</i> <i>“has the same meaning as NPS-UD 2020 (as below)</i> <i>means a car park designed and marked (for instance, in accordance with the mobility car parking scheme) for use by persons with a disability or with limited mobility.”</i></p> <p>Due to the number of rules this affects and the minor nature of this change, please use Appendix 2 to view the changes. The changes identify where the term “accessible car park” would replace similar terms like “accessible parking” and minor grammatical adjustments to needed to accommodate this.</p> <p><b>Note:</b> Submitter 1 supports this recommendation and considers the matter resolved.</p>



3.2 Section 42A Plan Change 5 Accessible Parking Report(Cont.)


7 Additional further minor error corrections - clause 16 Schedule 1 Resource Management Act 1991

TRAN-R8	<p>Shift TRAN-R8.3 into its own rule line as it relates to only two zones, not all zones. Under the NPS format of the District Plan, rules for zones are grouped together. Rules for some zones and not others should be identified separately.</p> <p>Note: the Operative District Plan has been used to display the change below to avoid confusions with the multiple iterations of tracked changes for this plan change.</p>			
	<table border="1"> <tr> <td data-bbox="323 555 419 745">All zones</td> <td data-bbox="427 555 954 745"> <p><b>Activity status: PER</b></p> <ol style="list-style-type: none"> <li>The layout of any parking area...</li> <li>Parking spaces are to have sufficient...</li> <li><del>In the General Residential and Medium Density Residential Zones, no car park space shall be located in the front yard.</del></li> </ol> </td> <td data-bbox="962 555 1238 745"> <p><b>Activity status where compliance: DIS</b></p> <p><i>see DIS assessment criteria TRAN-AC7 and TRAN-AC8</i></p> </td> </tr> </table>	All zones	<p><b>Activity status: PER</b></p> <ol style="list-style-type: none"> <li>The layout of any parking area...</li> <li>Parking spaces are to have sufficient...</li> <li><del>In the General Residential and Medium Density Residential Zones, no car park space shall be located in the front yard.</del></li> </ol>	<p><b>Activity status where compliance: DIS</b></p> <p><i>see DIS assessment criteria TRAN-AC7 and TRAN-AC8</i></p>
All zones	<p><b>Activity status: PER</b></p> <ol style="list-style-type: none"> <li>The layout of any parking area...</li> <li>Parking spaces are to have sufficient...</li> <li><del>In the General Residential and Medium Density Residential Zones, no car park space shall be located in the front yard.</del></li> </ol>	<p><b>Activity status where compliance: DIS</b></p> <p><i>see DIS assessment criteria TRAN-AC7 and TRAN-AC8</i></p>		
	<table border="1"> <tr> <td data-bbox="323 768 491 947">General Residential and Medium Density Residential Zones</td> <td data-bbox="499 768 954 947"> <p><b>Activity status: PER</b></p> <ol style="list-style-type: none"> <li><del>In the General Residential and Medium Density Residential Zones, no car park space shall not be located in the front yard.</del></li> </ol> </td> <td data-bbox="962 768 1238 947"> <p><b>Activity status where compliance: DIS</b></p> <p><i>see DIS assessment criteria TRAN-AC7 and TRAN-AC8</i></p> </td> </tr> </table>	General Residential and Medium Density Residential Zones	<p><b>Activity status: PER</b></p> <ol style="list-style-type: none"> <li><del>In the General Residential and Medium Density Residential Zones, no car park space shall not be located in the front yard.</del></li> </ol>	<p><b>Activity status where compliance: DIS</b></p> <p><i>see DIS assessment criteria TRAN-AC7 and TRAN-AC8</i></p>
General Residential and Medium Density Residential Zones	<p><b>Activity status: PER</b></p> <ol style="list-style-type: none"> <li><del>In the General Residential and Medium Density Residential Zones, no car park space shall not be located in the front yard.</del></li> </ol>	<p><b>Activity status where compliance: DIS</b></p> <p><i>see DIS assessment criteria TRAN-AC7 and TRAN-AC8</i></p>		
TRAN-AC11a.3	<p>Remove reference to loading as this assessment criteria now only applies to accessible parking and not wider considerations of parking and loading.</p> <p>iii. modification of parking <del>and loading</del> standards: the number of accessible car parks <del>parking</del> spaces proposed and whether the demand for accessible car parks <del>parking</del> likely to be generated by the proposed activity can be accommodated on the site.</p>			

**3.2.1 Appendix 1 Draft Plan Change 5 Accessible Parking NPS format tracked changes - November 2024**

**3.2.1 Appendix 1 Draft Plan Change 5 Accessible Parking NPS format tracked changes  
- November 2024**

3.2.1 Appendix 1 Draft Plan Change 5 Accessible Parking NPS format tracked changes - November 2024(Cont.)



## Appendix 1: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – NPS reformatting

The National Policy Statement on Urban Development 2020 (NPS-UD) requires the removal of minimum carparking rates from District Plans. This was implemented in 2021 and as a result the Whakatāne District Plan currently contains no provision for accessible parking, but instead relies on NZS 4121:2001, which sets the number of accessible car parks as a ratio of the total number of car parks provided. Changes to the District Plan are needed to ensure accessible parking can still be required when appropriate. Changes to do this were notified in 2022 as Proposed Plan Change 5 Accessible Parking (PPC5).

Since PPC5 was notified, there have been several changes. PPC5 was renotified to ensure notification requirements were fully met and as part of renotification minor error corrections were made to PPC5, including numbering and spelling errors. Later, the District Plan was reformatted to comply with the National Planning Standards (NPS)<sup>1</sup> and converted to an ePlan. This means that while the content of the Whakatāne District Plan hasn't changed, the structure and form has, as well as zone, objective, policy, rule and assessment criteria locations and names/numbering. In addition some generic wording, like the preface to assessment criteria, has been standardised across the plan. PPC5 has been reformatted to the current, NPS-aligned version of the District Plan (see table below).

The **Item** column is the identification number for that proposed change. These are used for tracking purposes.


The **Original District Plan Format** column show the notified proposed changes (including error corrections). **Red** is for amended/new text and **red and struck through** is for deletions. Sections of the District Plan that were previously removed to meet the NPS-UD requirements and are being reinstated are in **red italic** with a note. Where they were reinstated with amendments, the amendments are **red underlined** for additions and **strikethrough** for deletion.

The **NPS Format** column shows PPC5 in the new, NPS format of the District Plan. The **Section** column shows where the provision is now located. NPS formatting changes are in **blue** and include standardised wording and numbering. PPC5 proposed changes are in **red** with **strikethrough** for deletion.

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES			
Item	Original District Plan format	Section	NPS format
1	Amend to read:  <b>3.6.1 Urupā and cemeteries</b>  <b>Council</b> shall restrict its discretion to: 4. Transportation – including provision of adequate car parking <b>that includes accessible parking</b> , and traffic management measures to ensure the safe and efficient operation of the surrounding road network.	GRZ-AC6.d MDRZ-AC6.d GRUZ-AC7.d RPROZ-AC7.d CZ-AC4.d LFRZ-AC5.d MUZ-AC9.d TCZ-AC3.d LIZ-AC5.d GIZ-AC4.d OSZ-AC1.d FUZ-AC5.d RCZ-AC6.d	<b>Urupā and cemeteries</b> <b>Activity assessment criteria: RDIS</b>  <b>Council shall restrict its discretion to: ...</b> d. transportation – including provision of adequate car parking that includes <b>accessible parking</b> , and traffic management measures to ensure the safe and efficient operation of the surrounding <b>road</b> network. ...

<sup>1</sup> Excluding implementation of Section 14 Definitions Standard of the National Planning Standards.


3.2.1 Appendix 1 Draft Plan Change 5 Accessible Parking NPS format tracked changes - November 2024(Cont.)



## Appendix 1: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – NPS reformatting

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES			
Item	Original District Plan format	Section	NPS format
		ROZ-AC13.d	
2	<p>Amend to read:</p> <p><b>3.7.17 Traffic Effects</b></p> <p>3.7.17.1 Council shall have regard to;</p> <p>a. traffic volumes and traffic mix relative to existing and future traffic patterns, access, parking, <b>accessible parking</b>, and loading on-site;</p>	<p>TRAN-AC7.a</p> <p>TRAN-AC9.a</p>	<p><b>Traffic effects</b></p> <p>TRAN-AC7.a: <b>Activity assessment criteria: DIS</b></p> <p>TRAN-AC9.a: <b>Activity assessment criteria: NC</b></p> <p>Without limiting Council's discretion, the following criteria are a guide to the matters Council shall have regard to:</p> <p>a. traffic volumes and traffic mix relative to existing and future traffic patterns, <b>access</b>, parking, <b>accessible parking</b>, and <b>loading on-site</b>; ...</p>
3	<p><i>NB: 3.7.30.1(a-d) were deleted in the NPS-UD 2021 changes.</i></p> <p>Reinstate 3.7.30.1(c) and amend c. and e. to read:</p> <p><b>3.7.30 On-site car parking</b></p> <p>3.7.30.1 Council shall have regard to:</p> <p><del>e-a.</del> <i>purchase of land for car-parking:</i></p> <p><i>i. whether an applicant has purchased land adjoining or in close proximity to the activity to provide the required <b>accessible car-parking spaces</b>; and</i></p> <p><i>ii. whether a legally binding agreement shall be entered into to ensure the relevant <b>Certificates Records of Title</b> are amalgamated or otherwise held together.</i></p> <p><del>e-b.</del> modification of parking and loading standards;</p> <p>i. the degree of variance from the number of <b>accessible</b> parking spaces proposed and whether the parking demand likely to be generated by the proposed activity can be accommodated on the site;</p>	<p>GRZ-AC19</p> <p>MDRZ-AC19</p> <p>MUZ-AC16</p> <p>OSZ-AC7</p> <p>CCZ-AC5</p> <p>CPZ-AC5</p> <p>FUZ-AC11</p> <p>RCZ-AC17</p> <p>ROZ-AC24</p>	<p><b>On-site <del>car</del> Parking</b></p> <p><b>Activity assessment criteria: DIS</b></p> <p>Without limiting Council's discretion, the following criteria are a guide to the matters Council shall have regard to: ...</p> <p>a. modification of parking and <b>loading</b> standards:</p> <p>i. the degree of variance from the number of <b>accessible</b> parking spaces proposed and whether the parking demand likely to be generated by the proposed activity can be accommodated on the <b>site</b>; ...</p> <p>c. <i>purchase of land for car-parking:</i></p> <p><i>i. whether an applicant has purchased land adjoining or in close proximity to the activity to provide the required <b>accessible car-parking spaces</b>; and</i></p> <p><i>ii. whether a legally binding agreement shall be entered into to ensure the relevant <b>Records of Title</b> are amalgamated or otherwise held together.</i></p>
4	<p><i>NB: part of 3.7.32.1f was deleted in the NPS-UD 2021 changes</i></p> <p>Amend to read:</p> <p><b>3.7.32 Temporary Places of Assembly (See Activity Table 3.4 Item 42)</b></p> <p>3.7.32.1 Council shall have regard to;</p>	<p>TEMP-AC1</p>	<p><b>Temporary places of assembly (See Activity Table 3.4 Item 42)</b></p> <p><b>Activity assessment criteria: CON</b></p> <p>Council shall exercise its control over: ...</p>


3.2.1 Appendix 1 Draft Plan Change 5 Accessible Parking NPS format tracked changes - November 2024(Cont.)



## Appendix 1: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – NPS reformatting

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES			
Item	Original District Plan format	Section	NPS format
	f. traffic movement on and off of the site including access, <b>accessible parking, and</b> loading of vehicles for attendees and for emergency and security vehicles;		f. traffic movement on and off of the <b>site</b> including <b>access, accessible parking and loading of vehicles</b> for attendees and for emergency and security vehicles; ...
5	<p><i>NB: part of 3.7.32.1f was deleted in the NPS-UD 2021 changes</i></p> <p>Amend to read:</p> <p><b>3.7.36 Community Activities in the Light Industrial and Industrial Zones</b></p> <p>3.7.36.1 Council shall have regard to;</p> <p>a. whether the use of the community activity will be in conflict with the business activities on neighbouring sites and elsewhere in the Light Industrial or Industrial Zone. Particular regard will be given to the numbers of people to be accommodated, the intended hours of use, <b>and the level of accessible parking provided;</b></p>	LIZ-AC8	<p><b>Community activities</b></p> <p><b>Activity assessment criteria: DIS</b></p> <p>Without limiting Council's discretion, the following criteria are a guide to the matters Council shall have regard to: ...</p> <p>a. whether the use of the community activity will be in conflict with the <b>business activities</b> on neighbouring <b>sites</b> and elsewhere in the Light Industrial Zone. Particular regard will be given to the numbers of people to be accommodated, the intended hours of use, <b>and the level of accessible parking provided;</b> ...</p>
		GIZ-AC9	<p><b>Community activities</b></p> <p><b>Activity assessment criteria: DIS</b></p> <p>Without limiting Council's discretion, the following criteria are a guide to the matters Council shall have regard to: ...</p> <p>b. whether the use of the community activity will be in conflict with the <b>business activities</b> on neighbouring <b>sites</b> and elsewhere in the <b>General</b> Industrial Zone. Particular regard will be given to the numbers of people to be accommodated, the intended hours of use, <b>and the level of accessible parking provided;</b> ...</p>
6	<p><i>NB: part of 3.7.44.1d was deleted in the NPS-UD 2021 changes</i></p> <p>Amend to read:</p> <p><b>3.7.44 Community Activities in the Large Format Retail Zone.</b></p> <p>3.7.44.1 Council shall have regard to;</p> <p>d. the <b>maximum</b> level of parking proposed, <b>including the number of accessible carparks.</b></p>	LFRZ-AC10	<p><b>Community activities</b></p> <p><b>Activity assessment criteria: DIS</b></p> <p>Without limiting Council's discretion, the following criteria are a guide to the matters Council shall have regard to: ...</p> <p>e. the <b>maximum</b> level of parking proposed, <b>including the number of accessible carparks.</b></p>
7	Amend to read:	CZ-AC1	<b>New buildings and additions over 400m<sup>2</sup></b>


3.2.1 Appendix 1 Draft Plan Change 5 Accessible Parking NPS format tracked changes - November 2024(Cont.)



## Appendix 1: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – NPS reformatting

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES			
Item	Original District Plan format	Section	NPS format
	<p><b>5.3.3 New buildings and additions over 400m2 in the Business Centre, Commercial and Mixed Use Zones (see Rules in 5.2.9)</b></p> <p>5.3.3.1 Council shall exercise its control over:</p> <p>c. traffic matters – whether the:</p> <p>ii. development of a site includes the creation of additional car parking, <b>accessible car parking</b>, loading and unloading bays; and</p>	MUZ-AC4 TCZ-AC1	<p><b>Activity assessment criteria: CON</b></p> <p>Council shall exercise its control over:</p> <p>c. traffic matters – whether the:...</p> <p>ii. development of a <b>site</b> includes the creation of additional car parking, <b>accessible car parking</b>, <b>loading</b> and unloading bays; and...</p>
8	<p><i>NB: part of 5.3.5.1a was deleted in the NPS-UD 2021 changes</i></p> <p>Amend to read:</p> <p><b>5.3.5 Two or more dwellings per Lot (see Activity Status Table 3.4 Item 2)</b></p> <p>5.3.5.1 Council exercise its control over;</p> <p>a. the <b>number of accessible car parks</b>, location and design of access and parking space, and on-site vehicle manoeuvring to ensure the safe and efficient operation of the transport network;</p>	MUZ-AC1	<p><b>Two or three dwellings per lot</b></p> <p><b>Activity assessment criteria: CON</b></p> <p>Council shall exercise its control over: ...</p> <p>c. the <b>number of accessible car parks</b>, location and design of <b>access</b> and parking space, and <b>on-site vehicle</b> manoeuvring to ensure the safe and efficient operation of the transport network; ...</p>
9	<p>Amend to read:</p> <p><b>5.3.6 Places of Assembly of 10-50 people (see Activity Status Table 3.4 Item 11b)</b></p> <p>5.3.6.1 Council shall exercise its control over;</p> <p>b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of <b>accessible parking</b>, bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);</p>	MUZ-AC2	<p><b>Places of assembly of 10 to 50 people</b></p> <p><b>Activity assessment criteria: CON</b></p> <p>Council shall exercise its control over: ...</p> <p>b. traffic effects (including but not limited to <b>access</b>, <b>on-site vehicle</b> manoeuvring areas, the provision of <b>accessible parking</b>, bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and <b>vehicles</b>, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining <b>accessways</b> serving more than one <b>site</b> or lot); ...</p>
10	<p>Amend to read:</p>	MUZ-AC3	<p><b>Educational facilities of 10 to 50 people</b></p> <p><b>Activity assessment criteria: CON</b></p>

3.2.1 Appendix 1 Draft Plan Change 5 Accessible Parking NPS format tracked changes - November 2024(Cont.)



## Appendix 1: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – NPS reformatting

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES			
Item	Original District Plan format	Section	NPS format
	<p><b>5.3.7 Educational Facilities of 10-50 people (see Activity Status Table 3.4 Item 12b)</b></p> <p>5.3.7.1 Council shall exercise its control over;</p> <p>b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of <b>accessible parking</b>, bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);</p>		<p>Council shall exercise its control over: ...</p> <p>b. traffic effects (including but not limited to <b>access</b>, on-site <b>vehicle</b> manoeuvring areas, the provision of <b>accessible parking</b>, bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and <b>vehicles</b>, traffic volumes and traffic mix, parking and <b>loading</b>, pedestrian and cyclist safety, construction traffic, and the practicability of combining <b>accessways</b> serving more than one site or lot);</p>
11	<p><i>NB: part of 13.2.7.2 was deleted in the NPS-UD 2021 changes</i></p> <p>Amend to read:</p> <p><b>13.2.7 Traffic Flow Generation</b></p> <p>13.2.7.2 Any activity in the Business Centre, Mixed Use and Commercial Zone which provides <del>or is required to provide</del> more than 25 <b>on-site parking spaces</b> and 2 or more <b>accessible parking spaces</b> shall be a discretionary activity.</p>	TRAN-R5.3	<p><b>Traffic flow generation</b></p> <p><b>Activity status: DIS</b></p> <p>3. Any activity which provides more-than 25 <b>on-site parking spaces</b> and 2 or more <b>accessible parking spaces</b>.</p> <p><i>see DIS assessment criteria TRAN-AC8</i></p>
12	<p>Add new section:</p> <p><b>13.2.9 Accessible parking provision</b></p> <p>13.2.9.1 Accessible parking is not required for <b> dwellings</b> where there are less than four car parks per <b>lot</b>, or for <b>business activities</b> with frontage onto pedestrian streets in the Whakatāne or Kōpeōpeō Business Centre Zones.</p> <p>13.2.9.2 Accessible parking requirements do not apply to Permitted activities in the Rural Zones. These are identified in Rule 3.4.1.1 (Items 31-37c) and include <b>farming</b>, forestry, <b>rural processing activities</b> and <b>quarrying</b>.</p> <p>13.2.9.3 Where car parking is provided, and excluding <b>dwellings</b> where there are less than four per lot and <b>business</b></p>	TRAN-R8	<p><b>Location and design of parking, accessible parking provision, and alternatives to on-site parking</b></p> <p><b>Activity status: PER</b></p> <p>5. Accessible parking is not required for <b>dwellings</b> where there are less than four car parks per <b>lot</b>, or for <b>business activities</b> with frontage onto pedestrian streets in the Whakatāne or Kōpeōpeō <b>Town Centre Zones</b>.</p> <p>6. Accessible parking requirements do not apply to permitted activities in the Rural Zones. These are identified in <u>the General Rural, Rural Production, Rural Ōhiwa and Rural Coastal Zone chapters</u> and include farming, forestry, rural processing activities and quarrying.</p>

3.2.1 Appendix 1 Draft Plan Change 5 Accessible Parking NPS format tracked changes - November 2024(Cont.)




## Appendix 1: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – NPS reformatting

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES																			
Item	Original District Plan format	Section	NPS format																
	<p><b>activities</b> with frontage to a pedestrian street in the Business Centre Zone, accessible car park shall be provided in accordance with the following table:</p> <p>Table 13.7 – Number of car parks:</p> <table border="1"> <thead> <tr> <th>Total number of car parks</th> <th>Number of accessible car park spaces</th> </tr> </thead> <tbody> <tr> <td>0 – 20</td> <td>Not less than 1</td> </tr> <tr> <td>21 – 50</td> <td>Not less than 2</td> </tr> <tr> <td>For every additional 50 car parks</td> <td>Not less than 1</td> </tr> </tbody> </table>	Total number of car parks	Number of accessible car park spaces	0 – 20	Not less than 1	21 – 50	Not less than 2	For every additional 50 car parks	Not less than 1		<p><b>TRAN-R8.6 - Table 21 Number of Car Parks</b></p> <table border="1"> <thead> <tr> <th>Total number of car parks</th> <th>Number of accessible car park spaces</th> </tr> </thead> <tbody> <tr> <td>0 – 20</td> <td>Not less than 1</td> </tr> <tr> <td>21 – 50</td> <td>Not less than 2</td> </tr> <tr> <td>For every additional 50 car parks</td> <td>Not less than 1</td> </tr> </tbody> </table> <p>7. Where car parking is provided, and excluding <b>dwelling</b>s where there are less than four per <b>lot</b> and <b>business activities</b> with frontage to a pedestrian street in the Town Centre Zone, accessible car park spaces shall be provided in accordance with TRAN-R8.6 – Table 21 Number of car parks (below).</p> <p><b>Activity Status where compliance not achieved for TRAN-R8.5, TRAN-R8.6 and TRAN-R8.7: RDIS</b> <i>see RDIS assessment criteria TRAN-AC11</i></p>	Total number of car parks	Number of accessible car park spaces	0 – 20	Not less than 1	21 – 50	Not less than 2	For every additional 50 car parks	Not less than 1
Total number of car parks	Number of accessible car park spaces																		
0 – 20	Not less than 1																		
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21 – 50	Not less than 2																		
For every additional 50 car parks	Not less than 1																		
13	<p>Amend to read:</p> <p><b>13.2.10. Location and Design of Parking Areas</b></p> <p>13.2.10.2 Parking spaces are to have sufficient width and depth to enable the parking of a vehicle without any part extending into a manoeuvring area, <b>accessway</b>, over a boundary of the lot or into a common vehicle area (right-of-way, service lane, and common area for a cross-lease). A manoeuvring area shall include any part of the site that is used by vehicles to move from the access point to any parking or <b>loading space</b> and includes all driveways and aisles, and may be part of an <b>accessway</b>. Compliance with AS/NZS 2890:1:2004 shall satisfy this rule (See Appendix 13.7.2). <b>Accessible parking spaces must comply with NZS 4121:2001.</b></p>	TRAN-R8.2	<p><b>Location and design of parking, accessible parking provision, and alternatives to on-site parking</b> <b>Activity status: PER</b></p> <p>2. Parking spaces are to have sufficient width and depth to enable the parking of a <b>vehicle</b> without any part extending into a manoeuvring area, <b>accessway</b>, over a boundary of the <b>lot</b> or into a common <b>vehicle</b> area (<b>right-of-way, service lane</b>, and common area for a cross-lease). A manoeuvring area shall include any part of the <b>site</b> that is used by <b>vehicles</b> to move from the <b>access</b> point to any parking or <b>loading</b> space and includes all driveways and aisles, and may be part of an <b>accessway</b>. Compliance with AS/NZS 2890:1:2004 shall satisfy this rule (See TRAN-APP2). <b>Accessible parking spaces must comply with NZS 4121:2001.</b></p>																
14	<p>Amend to read:</p>	TRAN-R7	<p><b>Service lanes or roads</b> <b>Activity status: PER</b></p>																



3.2.1 Appendix 1 Draft Plan Change 5 Accessible Parking NPS format tracked changes - November 2024(Cont.)



## Appendix 1: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – NPS reformatting

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES			
Item	Original District Plan format	Section	NPS format
	<p><b>13.2.13 Service Lane or Roads</b></p> <p>13.2.13.1 All parking spaces, <b>including for accessible parking</b>, and manoeuvring areas shall be provided on-site, exclusive of land shown to be acquired for a service lane or road.</p>		<p>1. All parking spaces, <b>including for accessible parking</b>, and manoeuvring areas shall be provided on-site, shall be exclusive of land shown to be acquired for a <b>service lane or road</b>.</p>
15	<p>Amend to read:</p> <p><b>13.3.1 Alternatives to On-Site Vehicle Parking (see Rules in 13.2.17).</b></p> <p>13.3.1.1 <b>Council</b> shall exercise its control over:</p> <p>b. whether it will provide convenient parking, <b>including accessible parking</b>, for the permitted activity and whether there is appropriate access between the permitted activity and the associated vehicle parking area; and</p>	TRAN-AC1	<p><b>Alternatives to on-site vehicle parking</b></p> <p><b>Activity assessment criteria: CON</b></p> <p><b>Council</b> shall exercise its control over:</p> <p>a. whether it will provide convenient parking, <b>including accessible parking</b>, for the permitted activity and whether there is appropriate access between the permitted activity and the associated <b>vehicle</b> parking area; and...</p>
16	<p>Amend to read:</p> <p><b>13.4.7 Roads and Property Access excluding State Highway (see Rules in 13.2.2), Sight Lines (see Rule 13.2.2.2 (i), Provision of Loading spaces (see Rules in 13.2.18), Restricted vehicle access Parking (see Rules in 13.2.15), Design Construction Private ways, Access Legs, Access Lots or Common Areas Utilised for Vehicle Access on a Cross or Company Lease or Unit Title (see Rules in 13.2.4), Design Construction of Vehicle Crossing Excluding State Highway (see Rules in 13.2.5) and Restricted Vehicle access to Loading spaces (13.2.21)</b></p> <p>13.4.7.1 <b>Council</b> shall restrict its discretion to;</p> <p>a. traffic volumes and traffic mix relative to existing and future patterns, access, parking, <b>including accessible parking</b>, and loading on-site;</p>	TRAN-AC2	<ul style="list-style-type: none"> <li>- <b>Roads and property access excluding State Highway;</b></li> <li>- <b>Sight lines;</b></li> <li>- <b>Provision of loading spaces;</b></li> <li>- <b>Restricted vehicle access parking;</b></li> <li>- <b>Design construction, private ways, access legs, access lots or common areas utilised for vehicle access on a cross or company lease or unit title;</b></li> <li>- <b>Design construction of vehicle crossing excluding State Highway; and</b></li> <li>- <b>Restricted vehicle access to loading spaces.</b></li> </ul> <p><b>Activity assessment criteria: RDIS</b></p> <p>Council shall restrict its discretion to:</p> <p>a. traffic volumes and traffic mix relative to existing and future patterns, access, parking, <b>including accessible parking</b>, and loading on-site; ...</p>
17	<p><i>NB: 13.4.8 was deleted in the NPS-UD 2021 changes.</i></p> <p>Reinstate and amend to read:</p> <p><b>13.4.8 On-site Accessible Parking (see Rules in 13.2.9)</b></p>	TRAN-AC11	<p><b>NB: This tracked changes covers Items 17-19</b></p> <p><b>On-site accessible parking</b></p> <p><b>Rules(s): TRAN-R8.5 TRAN-R8.6 TRAN-R8.7</b></p>


3.2.1 Appendix 1 Draft Plan Change 5 Accessible Parking NPS format tracked changes - November 2024(Cont.)



## Appendix 1: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – NPS reformatting

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES			
Item	Original District Plan format	Section	NPS format
	<p><b>13.4.8.1 Council shall have regard to:</b></p> <p>a. the extent to which the following circumstances may apply, as the basis for being able to provide alternative parking provisions:</p> <p>i. multiple provision on one site – two or more owners may make joint provision for <del>off-street-accessible car</del> parking so long as the total provision is no <del>less</del> <u>more</u> than the sum of the requirements for each individual activity except where vehicles will regularly be attracted to the site at times that seldom coincide. A legally binding agreement shall be entered into to ensure the relevant <del>Certificates</del> <u>Records</u> of Title are amalgamated or otherwise held together;</p>		<p><b>Activity assessment criteria: RDIS</b></p> <p><b>Council shall restrict its discretion to:</b></p> <p>a. the extent to which the following circumstances may apply, as the basis for being able to provide alternative parking provisions:</p> <p>i. multiple provision on one <b>site</b> – two or more owners may make joint provision for <u>accessible car</u> parking so long as the total provision is no <u>more</u> than the sum of the requirements for each individual activity except where vehicles will regularly be attracted to the site at times that seldom coincide. A legally binding agreement shall be entered into to ensure the relevant <u>Records</u> of Title are amalgamated or otherwise held together;</p> <p>ii. reduction in <u>accessible</u> car-parking requirements – where it is adequately shown that the <u>accessible</u> parking requirement need not be met because of such factors as;</p> <p>aa. the small number of persons likely to be attending the <b>site</b>;</p> <p>ab. the low volume of service delivery and visitor traffic likely to be generated by the <b>site</b>;</p> <p>ac. the ability of an adjoining site to provide additional <u>accessible</u> parking;</p> <p>ad. the amount, if any, of off-street <u>accessible</u> parking that is provided or is planned to be provided in the vicinity of the <b>site</b>,</p> <p>ae. any physical characteristics of the site that may affect its ability to accommodate off-street parking; and</p> <p>iii. modification of parking and <b>loading</b> standards: the number of <u>accessible</u> parking spaces proposed and whether the demand <u>for accessible parking</u> likely to be generated by the proposed activity can be accommodated on the <b>site</b>.</p>
18	<p><b>NB: 13.4.8 was deleted in the NPS-UD 2021 changes.</b></p> <p>Reinstate and amend section to read:</p> <p><b>13.4.8.1.a</b></p> <p>ii. Reduction in <u>accessible</u> car-parking requirements – where it is adequately shown that the <del>full</del> <u>accessible</u> parking requirement need not be met because of such factors as;</p> <ul style="list-style-type: none"> <li>the small number of persons likely to be attending the site;</li> <li>the low volume of service delivery and visitor traffic likely to be generated by the site;</li> <li>the ability of an adjoining site to provide additional <u>accessible</u> parking;</li> <li>the amount, if any, of off-street <u>accessible</u> parking that is provided or is planned to be provided in the vicinity of the site;</li> <li>any physical characteristics of the site that may affect its ability to accommodate off-street parking; and</li> </ul>		
19	<p><b>NB: 13.4.8 was deleted in the NPS-UD 2021 changes.</b></p>		

3.2.1 Appendix 1 Draft Plan Change 5 Accessible Parking NPS format tracked changes - November 2024(Cont.)




## Appendix 1: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – NPS reformatting

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES			
Item	Original District Plan format	Section	NPS format
	Reinststate and amend section to read: <i>13.4.8.1.a</i> <del>iii. Modification of parking and loading standards; –The Council shall have regard to:</del> <ul style="list-style-type: none"> <li><del>the degree of variance from the number of accessible parking spaces proposed and whether the parking demand for accessible parking likely to be generated by the proposed activity can be accommodated on the site;</del></li> </ul>		

**3.2.2 Appendix 2 - Tracked Changes including s42A planner recommendations.pdf**

**3.2.2 Appendix 2 - Tracked Changes including s42A planner recommendations.pdf**

3.2.2 Appendix 2 - Tracked Changes including s42A planner recommendations.pdf(Cont.)



## Appendix 2: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – including s42A planner’s recommendations


The **Original District Plan Format column** show the notified proposed changes (including error corrections) **red** for amended text and **red and struck through** for deletions. Sections of the District Plan that were previously removed to meet the NPS-UD requirements and are being reinstates are in **red italic** with a note. Where they were reinstated with amendments, the amendments are **red underlined** for additions and **strikethrough** for deletion.

The **Proposed Changes column** shows PPC5 in the new, NPS format (the Section column shows where the provision is now located). National Planning Standards formatting changes are in **blue** and include standardised wording and numbering. PPC5 proposed changes are in **red** with **strikethrough** for deletion. Planner’s recommendations (Section 42A Report) are shown in **green**, **strikethrough** for deletion. **Purple** is for minor error corrections (RMA schedule 1 clause 16).

For clarity, Zone names before National Planning Standards implementation and after			
Was	Now	Was	Now
Residential Zone	GRZ - General Residential Zone	Active Reserve Zone	OSZ - Open Space Zone
Urban Living Zone	MDRZ - Medium Density Residential Zone	Community and Cultural Zone	CCZ - Community and Cultural Zone
Deferred Residential	FUZ – Future Urban Zone	Commercial Zone	CZ - Commercial Zone
Rural Foothills Zone	GRUZ - General Rural Zone	Large Format Retail Zone	LFRZ - Large Format Retail Zone
Rural Plains Zone	RPROZ - Rural Production Zone	Mixed Use Zone	MUZ - Mixed Use Zone
Rural Ōhiwa Zone	ROZ - Rural Ōhiwa Zone	Business Centre Zone	TCZ - Town Centre Zone
Rural Coastal Zone	RCZ - Rural Coastal Zone	Light Industrial Zone	LIZ – Light Industrial Zone
Coastal Protection Zone	CPZ - Coastal Protection Zone	Industrial Zone	GIZ – General Industrial Zone

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format	
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations
1	Amend to read: <b>3.6.1 Urupā and cemeteries</b> <b>Council</b> shall restrict its discretion to: 4. Transportation – including provision of adequate car parking <b>that includes accessible parking</b> , and traffic management measures to ensure the safe and efficient operation of the surrounding road network.	GRZ-AC6.d MDRZ-AC6.d GRUZ-AC7.d RPROZ-AC7.d CZ-AC4.d LFRZ-AC5.d MUZ-AC9.d TCZ-AC3.d LIZ-AC5.d	<b>Urupā and cemeteries</b> <b>Activity assessment criteria: RDIS</b> <b>Council shall restrict its discretion to: ...</b> d. transportation – including provision of adequate car parking <b>(excluding parking rates)</b> that includes <b>accessible car parks (including parking rates) parking</b> , and traffic management measures to ensure the safe and efficient operation of the surrounding <b>road</b> network. ‘...

3.2.2 Appendix 2 - Tracked Changes including s42A planner recommendations.pdf(Cont.)



## Appendix 2: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – including s42A planner’s recommendations

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format	
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations
		GIZ-AC4.d OSZ-AC1.d FUZ-AC5.d RCZ-AC6.d ROZ-AC13.d	
2	Amend to read: <b>3.7.17 Traffic Effects</b> 3.7.17.1 Council shall have regard to; a. traffic volumes and traffic mix relative to existing and future traffic patterns, access, parking, <b>accessible parking</b> , and loading on-site;	TRAN-AC7.a TRAN-AC9.a	<b>Traffic effects</b> TRAN-AC7.a: <b>Activity assessment criteria: DIS</b> TRAN-AC9.a: <b>Activity assessment criteria: NC</b>  Without limiting Council’s discretion, the following criteria are a guide to the matters Council shall have regard to: a. traffic volumes and traffic mix relative to existing and future traffic patterns, <b>access</b> , parking ( <b>excluding parking rates</b> ), <b>accessible car parks parking</b> -(including parking rates), and <b>loading on-site</b> ; ...
3	<i>NB: 3.7.30.1(a-d) were deleted in the NPS-UD 2021 changes.</i> Reinstate 3.7.30.1(c) and amend c. and e. to read: <b>3.7.30 On-site car parking</b> 3.7.30.1 Council shall have regard to: <del>e.-a.</del> <i>purchase of land for car-parking:</i> <i>i. whether an applicant has purchased land adjoining or in close proximity to the activity to provide the required <u>accessible car-parking spaces</u>; and</i> <i>ii. whether a legally binding agreement shall be entered into to ensure the relevant <u>Certificates Records of Title</u> are amalgamated or otherwise held together.</i> <del>e.-b.</del> modification of parking and loading standards; i. the degree of variance from the number of <b>accessible</b> parking spaces proposed and whether the parking demand likely to be generated by the proposed activity can be accommodated on the site;	GRZ-AC19 MDRZ-AC19 MUZ-AC16 OSZ-AC7 CCZ-AC5 CPZ-AC5 FUZ-AC11 RCZ-AC17 ROZ-AC24	<b>On-site <del>car</del> Parking</b> <b>Activity assessment criteria: DIS</b>  Without limiting Council’s discretion, the following criteria are a guide to the matters Council shall have regard to: ... a. modification of parking and <b>loading</b> standards: i. the degree of variance from the number of <b>accessible car parks parking spaces</b> proposed and whether the parking demand likely to be generated by the proposed activity can be accommodated on the <b>site</b> ; ... c. <i>purchase of land for car-parking:</i> <i>i. whether an applicant has purchased land adjoining or in close proximity to the activity to provide the required <b>accessible car parks parking car-parking spaces</b>; and</i> <i>ii. whether a legally binding agreement shall be entered into to ensure the relevant <u>Records of Title</u> are amalgamated or otherwise held together.</i>

3.2.2 Appendix 2 - Tracked Changes including s42A planner recommendations.pdf(Cont.)



## Appendix 2: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – including s42A planner’s recommendations

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format	
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations
4	<p><i>NB: part of 3.7.32.1f was deleted in the NPS-UD 2021 changes</i></p> <p>Amend to read:</p> <p><b>3.7.32 Temporary Places of Assembly (See Activity Table 3.4 Item 42)</b></p> <p>3.7.32.1 Council shall have regard to;</p> <p>f. traffic movement on and off of the site including access, <b>accessible parking, and</b> loading of vehicles for attendees and for emergency and security vehicles;</p>	TEMP-AC1	<p><b>Temporary places of assembly (See Activity Table 3.4 Item 42)</b></p> <p><b>Activity assessment criteria: CON</b></p> <p><b>Council shall exercise its control over: ...</b></p> <p>f. traffic movement on and off of the site including access, <b>accessible car parks parking, and loading of vehicles</b> for attendees and for emergency and security vehicles; ...</p>
5	<p><i>NB: part of 3.7.32.1f was deleted in the NPS-UD 2021 changes</i></p> <p>Amend to read:</p> <p><b>3.7.36 Community Activities in the Light Industrial and Industrial Zones</b></p> <p>3.7.36.1 Council shall have regard to;</p> <p>a. whether the use of the community activity will be in conflict with the business activities on neighbouring sites and elsewhere in the Light Industrial or Industrial Zone. Particular regard will be given to the numbers of people to be accommodated, the intended hours of use, <b>and the level of accessible parking provided;</b></p>	LIZ-AC8	<p><b>Community activities</b></p> <p><b>Activity assessment criteria: DIS</b></p> <p>Without limiting Council’s discretion, the following criteria are a guide to the matters Council shall have regard to: ...</p> <p>a. whether the use of the community activity will be in conflict with the <b>business activities</b> on neighbouring sites and elsewhere in the Light Industrial Zone. Particular regard will be given to the numbers of people to be accommodated, the intended hours of use, <b>and the level of accessible parking provided;</b> ...</p>
		GIZ-AC9	<p><b>Community activities</b></p> <p><b>Activity assessment criteria: DIS</b></p> <p>Without limiting Council’s discretion, the following criteria are a guide to the matters Council shall have regard to: ...</p> <p>a. whether the use of the community activity will be in conflict with the <b>business activities</b> on neighbouring sites and elsewhere in the General Industrial Zone. Particular regard will be given to the numbers of people to be accommodated, the intended hours of use, <b>and the level of accessible parking provided;</b> ...</p>
6	<p><i>NB: part of 3.7.44.1d was deleted in the NPS-UD 2021 changes</i></p> <p>Amend to read:</p>	LFRZ-AC10	<p><b>Community activities</b></p> <p><b>Activity assessment criteria: DIS</b></p>

3.2.2 Appendix 2 - Tracked Changes including s42A planner recommendations.pdf(Cont.)




## Appendix 2: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – including s42A planner’s recommendations

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format	
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations
	<p><b>3.7.44 Community Activities in the Large Format Retail Zone.</b></p> <p>3.7.44.1 Council shall have regard to;</p> <p>d. the <i>maximum</i> level of parking proposed, including the number of accessible carparks.</p>		<p>Without limiting Council's discretion, the following criteria are a guide to the matters Council shall have regard to: ...</p> <p>e. the <i>maximum</i> level of parking proposed, including the number of accessible car parks.</p>
7	<p>Amend to read:</p> <p><b>5.3.3 New buildings and additions over 400m2 in the Business Centre, Commercial and Mixed Use Zones (see Rules in 5.2.9)</b></p> <p>5.3.3.1 Council shall exercise its control over:</p> <p>c. traffic matters – whether the:</p> <p>ii. development of a site includes the creation of additional car parking, accessible car parking, loading and unloading bays; and</p>	<p>CZ-AC1 MUZ-AC4 TCZ-AC1</p>	<p><b>New buildings and additions over 400m<sup>2</sup></b></p> <p><b>Activity assessment criteria: CON</b></p> <p>Council shall exercise its control over:</p> <p>c. traffic matters – whether the:...</p> <p>ii. development of a site includes the creation of additional car parking, accessible car parks parking, loading and unloading bays; and...</p>
8	<p><i>NB: part of 5.3.5.1a was deleted in the NPS-UD 2021 changes</i></p> <p>Amend to read:</p> <p><b>5.3.5 Two or more dwellings per Lot (see Activity Status Table 3.4 Item 2)</b></p> <p>5.3.5.1 Council exercise its control over;</p> <p>a. the <i>number of accessible car parks</i>, location and design of access and parking space, and on-site vehicle manoeuvring to ensure the safe and efficient operation of the transport network;</p>	<p>MUZ-AC1</p>	<p><b>Two or three dwellings per lot</b></p> <p><b>Activity assessment criteria: CON</b></p> <p>Council shall exercise its control over: ...</p> <p>a. the <i>number of accessible car parks</i>, location and design of access and parking space, and any provided on-site vehicle manoeuvring to ensure the safe and efficient operation of the transport network; ...</p>
9	<p>Amend to read:</p> <p><b>5.3.6 Places of Assembly of 10-50 people (see Activity Status Table 3.4 Item 11b)</b></p> <p>5.3.6.1 Council shall exercise its control over;</p> <p>b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of accessible</p>	<p>MUZ-AC2</p>	<p><b>Places of assembly of 10 to 50 people</b></p> <p><b>Activity assessment criteria: CON</b></p> <p>Council shall exercise its control over: ...</p> <p>j. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of accessible car parks parking, bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic</p>



3.2.2 Appendix 2 - Tracked Changes including s42A planner recommendations.pdf(Cont.)



## Appendix 2: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – including s42A planner’s recommendations

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format	
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations
	<del>parking</del> , bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);		volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining <b>accessways</b> serving more than one <b>site</b> or lot); ...
10	Amend to read: <b>5.3.7 Educational Facilities of 10-50 people (see Activity Status Table 3.4 Item 12b)</b> 5.3.7.1 Council shall exercise its control over; b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of <b>accessible parking</b> , bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);	MUZ-AC3	<b>Educational facilities of 10 to 50 people</b> <b>Activity assessment criteria: CON</b> Council shall exercise its control over: ... b. traffic effects (including but not limited to <b>access</b> , on-site <b>vehicle</b> manoeuvring areas, the provision of <b>accessible car parks parking</b> , bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and <b>vehicles</b> , traffic volumes and traffic mix, parking and <b>loading</b> , pedestrian and cyclist safety, construction traffic, and the practicability of combining <b>accessways</b> serving more than one site or lot);
11	<i>NB: part of 13.2.7.2 was deleted in the NPS-UD 2021 changes</i> Amend to read: <b>13.2.7 Traffic Flow Generation</b> 13.2.7.2 Any activity in the Business Centre, Mixed Use and Commercial Zone which provides <del>or is required to provide</del> more than 25 <b>on-site parking spaces</b> and <del>2 or more</del> <b>accessible parking spaces</b> shall be a discretionary activity.	TRAN-R5.3	<b>Traffic flow generation</b> <b>Activity status: DIS</b> 3. Any activity which provides more-than 25 <b>on-site parking spaces</b> including any <del>and 2 or more</del> <b>accessible car parks parking spaces</b> . <i>see DIS assessment criteria TRAN-AC8</i>
12	Add new section: <b>13.2.9 Accessible parking provision</b> 13.2.9.1 Accessible parking is not required for <b>dwelling</b> s where there are less than four car parks per <b>lot</b> , or for	TRAN-R8	<b>Location and design of parking, accessible parking provision, and alternatives to on-site parking</b> <b>Activity status: PER</b> <del>5. Accessible parking is not required for <b>dwelling</b>s where there are less than four car parks per <b>lot</b>, or for <b>business activities</b></del>

3.2.2 Appendix 2 - Tracked Changes including s42A planner recommendations.pdf(Cont.)



## Appendix 2: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – including s42A planner’s recommendations

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format																			
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations																		
	<p><b>business activities</b> with frontage onto pedestrian streets in the Whakatāne or Kōpeōpeō Business Centre Zones.</p> <p>13.2.9.2 Accessible parking requirements do not apply to Permitted activities in the Rural Zones. These are identified in Rule 3.4.1.1 (Items 31-37c) and include <b>farming</b>, forestry, <b>rural processing activities</b> and <b>quarrying</b>.</p> <p>13.2.9.3 Where car parking is provided, and excluding <b>dwelling</b>s where there are less than four per lot and <b>business activities</b> with frontage to a pedestrian street in the Business Centre Zone, accessible car park shall be provided in accordance with the following table:</p> <p>Table 13.7 – Number of car parks:</p> <table border="1"> <thead> <tr> <th>Total number of car parks</th> <th>Number of accessible car park spaces</th> </tr> </thead> <tbody> <tr> <td>0 – 20</td> <td>Not less than 1</td> </tr> <tr> <td>21 – 50</td> <td>Not less than 2</td> </tr> <tr> <td>For every additional 50 car parks</td> <td>Not less than 1</td> </tr> </tbody> </table>	Total number of car parks	Number of accessible car park spaces	0 – 20	Not less than 1	21 – 50	Not less than 2	For every additional 50 car parks	Not less than 1		<p><del>with frontage onto pedestrian streets in the Whakatāne or Kōpeōpeō Business Centre Zones.</del></p> <p><del>6. Accessible parking requirements do not apply to permitted activities in the Rural Zones. These are identified in the General Rural, Rural Production, Rural Ōhiwa and Rural Coastal Zone chapters and include farming, forestry, rural processing activities and quarrying.</del></p> <p><del>7. Where car parking is provided, and excluding dwellings where there are less than four per lot and business activities with frontage to a pedestrian street in the Town Centre Zone, accessible car park shall be provided in accordance with the following table TRAN-R8.5 – Table 21 Number of Car Parks:</del></p> <p>5. <u>Activities and buildings required to provided accessible car parking under Section 118 of the Building Act 2004 are required to provide accessible car parks in accordance with the car park rates in TRAN-R8.5 – Table 21.</u></p> <p><b>Activity Status where compliance not achieved for TRAN-R8.5: RDIS</b> <i>see RDIS assessment criteria TRAN-AC11</i></p> <table border="1"> <thead> <tr> <th colspan="2">TRAN-R8.5 - Table 21 Number of Car Parks</th> </tr> <tr> <th>Total number of car parks</th> <th>Number of accessible car park spaces</th> </tr> </thead> <tbody> <tr> <td>0 – 20</td> <td>Not less than 1</td> </tr> <tr> <td>21 – 50</td> <td>Not less than 2</td> </tr> <tr> <td>For every additional 50 car parks</td> <td>Not less than 1</td> </tr> </tbody> </table>	TRAN-R8.5 - Table 21 Number of Car Parks		Total number of car parks	Number of accessible car park spaces	0 – 20	Not less than 1	21 – 50	Not less than 2	For every additional 50 car parks	Not less than 1
Total number of car parks	Number of accessible car park spaces																				
0 – 20	Not less than 1																				
21 – 50	Not less than 2																				
For every additional 50 car parks	Not less than 1																				
TRAN-R8.5 - Table 21 Number of Car Parks																					
Total number of car parks	Number of accessible car park spaces																				
0 – 20	Not less than 1																				
21 – 50	Not less than 2																				
For every additional 50 car parks	Not less than 1																				
13	Amend to read:	TRAN-R8.2	<b>Location and design of parking, accessible parking provision, and alternatives to on-site parking</b>																		


3.2.2 Appendix 2 - Tracked Changes including s42A planner recommendations.pdf(Cont.)



## Appendix 2: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – including s42A planner’s recommendations

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format	
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations
	<p><b>13.2.10. Location and Design of Parking Areas</b></p> <p>13.2.10.2 Parking spaces are to have sufficient width and depth to enable the parking of a vehicle without any part extending into a manoeuvring area, <b>accessway</b>, over a boundary of the lot or into a common vehicle area (right-of-way, service lane, and common area for a cross-lease). A manoeuvring area shall include any part of the site that is used by vehicles to move from the access point to any parking or <b>loading space</b> and includes all driveways and aisles, and may be part of an <b>accessway</b>. Compliance with AS/NZS 2890:1:2004 shall satisfy this rule (See Appendix 13.7.2). <b>Accessible parking spaces must comply with NZS 4121:2001.</b></p>		<p><b>Activity status: PER</b></p> <p>2. Parking spaces are to have sufficient width and depth to enable the parking of a <b>vehicle</b> without any part extending into a manoeuvring area, <b>accessway</b>, over a boundary of the <b>lot</b> or into a common <b>vehicle</b> area (<b>right-of-way, service lane</b>, and common area for a cross-lease). A manoeuvring area shall include any part of the <b>site</b> that is used by <b>vehicles</b> to move from the <b>access</b> point to any parking or <b>loading</b> space and includes all driveways and aisles, and may be part of an <b>accessway</b>. Compliance with AS/NZS 2890:1:2004 <del>shall satisfy this rule.</del> (see TRAN-APP2) and <u>Accessible parking spaces must comply with NZS 4121:2001 Section 5 (for accessible parking) shall satisfy this rule.</u></p>
14	<p>Amend to read:</p> <p><b>13.2.13 Service Lane or Roads</b></p> <p>13.2.13.1 All parking spaces, <b>including for accessible parking</b>, and manoeuvring areas shall be provided on-site, exclusive of land shown to be acquired for a service lane or road.</p>	TRAN-R7	<p><b>Service lanes or roads</b></p> <p><b>Activity status: PER</b></p> <p>1. All parking spaces, <del>including for accessible car parks parking</del>, and manoeuvring areas shall be provided on-site, exclusive of land shown to be acquired for a <b>service lane or road</b>.</p>
15	<p>Amend to read:</p> <p><b>13.3.1 Alternatives to On-Site Vehicle Parking (see Rules in 13.2.17).</b></p> <p>13.3.1.1 <b>Council</b> shall exercise its control over:</p> <p>b. whether it will provide convenient parking, <b>including accessible parking</b>, for the permitted activity and whether there is appropriate access between the permitted activity and the associated vehicle parking area; and</p>	TRAN-AC1	<p><b>Alternatives to on-site vehicle parking</b></p> <p><b>Activity assessment criteria: CON</b></p> <p><b>Council</b> shall exercise its control over:</p> <p>a. whether it will provide convenient parking, <b>including accessible car parks parking</b>, for the permitted activity and whether there is appropriate <b>access</b> between the permitted activity and the associated <b>vehicle</b> parking area; and...</p>
16	<p>Amend to read:</p> <p><b>13.4.7 Roads and Property Access excluding State Highway (see Rules in 13.2.2), Sight Lines (see Rule 13.2.2.2 (i),</b></p>	TRAN-AC2	<ul style="list-style-type: none"> <li>- <b>Roads and property access excluding State Highway;</b></li> <li>- <b>Sight lines;</b></li> <li>- <b>Provision of loading spaces;</b></li> <li>- <b>Restricted vehicle access parking;</b></li> </ul>

3.2.2 Appendix 2 - Tracked Changes including s42A planner recommendations.pdf(Cont.)



## Appendix 2: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – including s42A planner’s recommendations

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format	
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations
	<p>Provision of Loading spaces (see Rules in 13.2.18), Restricted vehicle access Parking (see Rules in 13.2.15), Design Construction Private ways, Access Legs, Access Lots or Common Areas Utilised for Vehicle Access on a Cross or Company Lease or Unit Title (see Rules in 13.2.4), Design Construction of Vehicle Crossing Excluding State Highway (see Rules in 13.2.5) and Restricted Vehicle access to Loading spaces (13.2.21)</p> <p>13.4.7.1 Council shall restrict its discretion to;</p> <p>a. traffic volumes and traffic mix relative to existing and future patterns, access, parking, including accessible parking, and loading on-site;</p>		<ul style="list-style-type: none"> <li>- Design construction, private ways, access legs, access lots or common areas utilised for vehicle access on a cross or company lease or unit title;</li> <li>- Design construction of vehicle crossing excluding State Highway; and</li> <li>- Restricted vehicle access to loading spaces.</li> </ul> <p><b>Activity assessment criteria: RDIS</b></p> <p>Council shall restrict its discretion to:</p> <p>a. traffic volumes and traffic mix relative to existing and future patterns, access, parking (excluding parking rates), including accessible parking (including parking rates), and loading on-site; ...</p>
17	<p><i>NB: 13.4.8 was deleted in the NPS-UD 2021 changes.</i></p> <p>Reinstate and amend to read:</p> <p><b>13.4.8 On-site Accessible Parking (see Rules in 13.2.9)</b></p> <p><b>13.4.8.1 Council shall have regard to:</b></p> <p>a. the extent to which the following circumstances may apply, as the basis for being able to provide alternative parking provisions:</p> <p>i. multiple provision on one site – two or more owners may make joint provision for <del>off-street accessible car parking</del> so long as the total provision is no less more than the sum of the requirements for each individual activity except where vehicles will regularly be attracted to the site at times that seldom coincide. A legally binding agreement shall be entered into to ensure the relevant <del>Certificates</del> Records of Title are amalgamated or otherwise held together;</p>	TRAN-AC11	<p><b>NB: This tracked changes covers Items 17-19</b></p> <p><b>On-site accessible parking</b></p> <p><b>Rules(s): TRAN-R8.5</b></p> <p><b>Activity assessment criteria: RDIS</b></p> <p><b>Council shall restrict its discretion to:</b></p> <p>a. the extent to which the following circumstances may apply, as the basis for being able to provide alternative parking provisions:</p> <p>i. multiple provision on one site – two or more owners may make joint provision for accessible car parks parking so long as the total provision is no more than the sum of the requirements for each individual activity except where vehicles will regularly be attracted to the site at times that seldom coincide. A legally binding agreement shall be entered into to ensure the relevant Records of Title are amalgamated or otherwise held together;</p> <p>ii. reduction in accessible car parks <del>car-parking</del> requirements – where it is adequately shown that the</p>
18	<p><i>NB: 13.4.8 was deleted in the NPS-UD 2021 changes.</i></p>		


3.2.2 Appendix 2 - Tracked Changes including s42A planner recommendations.pdf(Cont.)



## Appendix 2: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – including s42A planner’s recommendations

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format	
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations
	<p>Reinstate and amend section to read:</p> <p><i>13.4.8.1.a</i></p> <p><i>ii. Reduction in <u>accessible</u> car-parking requirements – where it is adequately shown that the <del>full</del> <u>accessible</u> parking requirement need not be met because of such factors as;</i></p> <ul style="list-style-type: none"> <li><i>the small number of persons likely to be attending the site;</i></li> <li><i>the low volume of service delivery and visitor traffic likely to be generated by the site;</i></li> <li><i>the ability of an adjoining site to provide additional <u>accessible</u> parking;</i></li> <li><i>the amount, if any, of off-street <u>accessible</u> parking that is provided or is planned to be provided in the vicinity of the site;</i></li> <li><i>any physical characteristics of the site that may affect its ability to accommodate off-street parking; and</i></li> </ul>		<p><del>accessible car parks parking</del> requirement need not be met because of such factors as;</p> <p>aa. the small number of persons likely to be attending the <b>site</b>;</p> <p>ab. the low volume of service delivery and visitor traffic likely to be generated by the <b>site</b>;</p> <p>ac. the ability of an adjoining site to provide additional <del>accessible car parks parking</del>;</p> <p>ad. the amount, if any, of off-street <del>accessible car parks parking</del> that is provided or is planned to be provided in the vicinity of the <b>site</b>,</p> <p>ae. any physical characteristics of the site that may affect its ability to accommodate off-street parking; and</p> <p>iii. modification of parking <del>and loading</del> standards: the number of <del>accessible car parks parking</del> spaces proposed and whether the demand for <del>accessible car parks parking</del> likely to be generated by the proposed activity can be accommodated on the <b>site</b>.</p>
19	<p><i>NB: 13.4.8 was deleted in the NPS-UD 2021 changes.</i></p> <p>Reinstate and amend section to read:</p> <p><i>13.4.8.1.a</i></p> <p><del>iii. Modification of parking and loading standards: –The Council shall have regard to:</del></p> <ul style="list-style-type: none"> <li><del>the degree of variance from the number of <u>accessible</u> parking spaces proposed and whether the <del>parking</del> demand for <u>accessible</u> parking likely to be generated by the proposed activity can be accommodated on the site;</del></li> </ul>		
		Definitions	<p>Insert definition:</p> <p><b>ACCESSIBLE CAR PARK</b></p> <p>has the same meaning as NPS-UD 2020 (as below)</p>


3.2.2 Appendix 2 - Tracked Changes including s42A planner recommendations.pdf(Cont.)



## Appendix 2: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – including s42A planner’s recommendations

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format									
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations								
			<p>accessible car park means a car park designed and marked (for instance, in accordance with the mobility car parking scheme) for use by persons with a disability or with limited mobility.</p>								
		TRAN-R8	<p>Minor error correction using RMA Schedule 1 Clause 16. Shift TRAN-R8.3 into its own rule line as it relates to only two zones, not all zones.</p> <p>Note: the Operative District Plan has been used to display the change below to avoid confusions with the multiple iterations of tracked changes for this plan change.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; vertical-align: top;">All zones</td> <td style="width: 5%; background-color: #c8e6c9;"></td> <td style="width: 55%; vertical-align: top;"> <p><b>Activity status: PER</b></p> <ol style="list-style-type: none"> <li>1. The layout of any parking area...</li> <li>2. Parking spaces are to have sufficient...</li> <li>3. <del>In the General Residential and Medium Density Residential Zones, no car park space shall be located in the front yard.</del></li> </ol> </td> <td style="width: 15%; vertical-align: top;"> <p><b>Activity status where compliance: DIS</b></p> <p><i>see DIS assessment criteria TRAN-AC7 and TRAN-AC8</i></p> </td> </tr> <tr> <td style="vertical-align: top;">General Residential and Medium Density Residential Zones</td> <td style="background-color: #c8e6c9;"></td> <td style="vertical-align: top;"> <p><b>Activity status: PER</b></p> <ol style="list-style-type: none"> <li>3. <del>In the General Residential and Medium Density Residential Zones, No car park space shall not be located</del></li> </ol> </td> <td style="vertical-align: top;"> <p><b>Activity status where compliance: DIS</b></p> <p><i>see DIS assessment criteria TRAN-AC7 and TRAN-AC8</i></p> </td> </tr> </table>	All zones		<p><b>Activity status: PER</b></p> <ol style="list-style-type: none"> <li>1. The layout of any parking area...</li> <li>2. Parking spaces are to have sufficient...</li> <li>3. <del>In the General Residential and Medium Density Residential Zones, no car park space shall be located in the front yard.</del></li> </ol>	<p><b>Activity status where compliance: DIS</b></p> <p><i>see DIS assessment criteria TRAN-AC7 and TRAN-AC8</i></p>	General Residential and Medium Density Residential Zones		<p><b>Activity status: PER</b></p> <ol style="list-style-type: none"> <li>3. <del>In the General Residential and Medium Density Residential Zones, No car park space shall not be located</del></li> </ol>	<p><b>Activity status where compliance: DIS</b></p> <p><i>see DIS assessment criteria TRAN-AC7 and TRAN-AC8</i></p>
All zones		<p><b>Activity status: PER</b></p> <ol style="list-style-type: none"> <li>1. The layout of any parking area...</li> <li>2. Parking spaces are to have sufficient...</li> <li>3. <del>In the General Residential and Medium Density Residential Zones, no car park space shall be located in the front yard.</del></li> </ol>	<p><b>Activity status where compliance: DIS</b></p> <p><i>see DIS assessment criteria TRAN-AC7 and TRAN-AC8</i></p>								
General Residential and Medium Density Residential Zones		<p><b>Activity status: PER</b></p> <ol style="list-style-type: none"> <li>3. <del>In the General Residential and Medium Density Residential Zones, No car park space shall not be located</del></li> </ol>	<p><b>Activity status where compliance: DIS</b></p> <p><i>see DIS assessment criteria TRAN-AC7 and TRAN-AC8</i></p>								

3.2.2 Appendix 2 - Tracked Changes including s42A planner recommendations.pdf(Cont.)



## Appendix 2: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – including s42A planner’s recommendations

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format		
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations	
				in the front yard.

**3.3 Submissions**

3.3 Submissions



**3.3 Submissions(Cont.)**

# Whakatāne District Plan

## Proposed Plan Change 5 – Accessible Parking

### Summary of Submissions

This report is a concise summary of the decisions (eg changes) requested in submissions on Proposed Plan Change 5 (Accessible Parking) the Whakatāne District Plan.

For stage: submission

This is a requirement of Clause 7 of Schedule 1 of the Resource Management Act 1991.

4 September 2023

[whakatane.govt.nz](http://whakatane.govt.nz)



### 3.3 Submissions(Cont.)

## Proposed Plan Change 5: Accessible Parking

This report has been prepared by Whakatāne District Council as a summary of decisions requested in submissions (summary of submissions) on Proposed Plan Change 5 – Accessible Parking.

Further submissions are now sought on these submissions and decisions requested.

Further submissions close **Wednesday 20 September 2023**.

### *Description and scope of Proposed Plan Change 5*

The National Policy Statement on Urban Development 2020 (NPS-UD) mandated that all provisions requiring a minimum number of car parks are to be removed from District Plans. These provisions were removed from the Whakatāne District Plan (District Plan) on 17 December 2021.

Although the NPS-UD does not direct the removal of accessible parking, a consequence of the removal of minimum parking provisions from the District Plan is that the District Plan no longer contains any provisions requiring accessible parking. This is because these were expressed as a ratio of minimum parking standards and with the removal of minimum parking provisions, the provisions requiring accessible parking have therefore also been removed.

This proposal will reinstate accessible parking standards in the District Plan. The proposed requirements are the same as those that were in the District Plan prior to the mandated removal of the minimum parking standards. This proposal will enable Council to assess during the consenting process whether it is appropriate for a development to provide accessible parking.

Proposed Plan Change 5 was initially notified on 1 April 2022, and then renotified on 1 June 2023 under clause 5 of Schedule 1. During the notification period, five submissions were received. Since receiving submissions, one of the submitters has withdrawn sixteen of his submission points because they have already been resolved. These points have been greyed out in the attached Summary of Submissions.

### *Making further submissions to Proposed Plan Change 5*

The following persons may make a further submission:

- any person representing a relevant aspect of the public interest; and
- any person that has an interest in the proposed policy statement or plan greater than the interest that the general public has; and
- the local authority itself.

### 3.3 Submissions(Cont.)

A further submission may only express support or opposition to a matter raised in an original submission. It must not raise new points of submission. Further submissions must be in the format of Form 6 of the Resource Management (Forms, Fees and Procedure) Regulations 2003.

Further submissions close **Friday 15 September 2023**.

Further submissions can be made by:

**Post:** Glenda Spackman, Whakatāne District Council, Private Bag 1002, Whakatāne 3158

**Deliver:** Whakatāne District Council, Civic Centre, 14 Commerce Street, Whakatāne

**Email:** [DistrictPlanPolicy@whakatane.govt.nz](mailto:DistrictPlanPolicy@whakatane.govt.nz)

**Online:** [www.whakatane.govt.nz/accessible-parking](http://www.whakatane.govt.nz/accessible-parking)

Further submission forms can be found on the Whakatāne District Council webpage:

[whakatane.govt.nz/accessible-parking](http://whakatane.govt.nz/accessible-parking)

A copy of the further submission is required to also be sent to the original submitter not later than five working days after lodging the further submission with Whakatāne District Council.

Original submissions addresses for service of further submissions:

Submitter No.	Name of submitter	Email address	Wish to speak at Hearing?
1.	Ross Gardiner	rossg.submission@gmail.com	Yes
2.	Caroline van Leeuwen	whakatane.growers@xtra.co.nz	No
3.	Disabilities Resource Centre (Naomi Freeman)	Naomif@drct.co.nz	No
4.	Gina Seay	vinoveritas@xtra.co.nz	No
5.	Whakatāne Accessibility and Inclusion (Scott Saunders)	wai.whakatane@gmail.com	Yes

Once the closing date for further submissions has passed, Whakatāne District Council will convene hearings to consider submissions and further submissions that have been lodged and issue decisions on the matters raised. Anyone who has made a submission or further submission and who has indicated that they wish to be heard will have the right to attend the hearings and present their submission.

## Summary of decisions requested by submissions

Several submission points have been withdrawn by the submitter as resolved, these are marked grey.

Submitter Name	Submitter No.	Submission Point	Item No. Submitting On	Support/Support in part/ Oppose	Summary of decision requested	Reasons
Ross Gardiner	1	1	1	Oppose	Delete the reference to car parking.	The assessment criteria appear to be contrary to NPS-UD as the wording implies that adequate car parking is a matter of restricted discretion.
Ross Gardiner	1	2	2	Oppose	Delete the reference to parking.	The assessment criteria appear to be contrary to NPS-UD as the wording implies that adequate car parking is a matter of restricted discretion.
Ross Gardiner	1	3	3	Support in part	Retain as notified. Review of mechanisms that Council used to make District Plan changes.	Reinstatement of this criteria and amendment to 'accessible parks' because it includes an amendment is generally supported. However, the change proposed by item 3 relates to criteria that is used for Discretionary and Non-Complying Activities and therefore cannot be changed using the process outlined by the NPS-UD because these criteria are guidance material and not an objective, policy, rule or assessment criteria.
Ross Gardiner	1	4	4	Support in part	Include a comma after "accessible parking"	General support. The use of a comma after accessible parking clearly denotes that "accessible parking" and "loading of vehicles for attendees and for emergency and security vehicles" are separate matters to be considered.
Ross Gardiner	1	5	4	Support in part	Parking not to be listed in bold.	General support. It is not a defined term.
Ross Gardiner	1	6	4	Support in part	Reconsider placement in plan. Should be listed in Section 3.6 rather than 3.7.	General support. The rule in reference consists of Permitted, Controlled, or Prohibited Activities but is referenced under section 3.7 for Discretionary and Non-Complying Activities so should be moved to another appropriate location.

Submitter Name	Submitter No.	Submission Point	Item No. Submitting On	Support/ Support in part/ Oppose	Summary of decision requested	Reasons
Ross Gardiner	1	7	5	Support in part	Review of mechanisms that Council used to make District Plan changes.	General support for the proposed change. However, Rule 3.7.36 is guidance material for Discretionary and Non-Complying Activities, unless a controlled or restricted discretionary activity specifically references this as assessment criteria. This means that accessible car parks can be considered under the existing rule framework for discretionary Community Activities in the Light Industrial and Industrial zones.
Ross Gardiner	1	8	6	Support in part	Review of mechanisms that Council used to make District Plan changes.	General support. Rule 3.7.44 is only guidance material for Discretionary and Non-Complying Activities, unless a controlled or restricted discretionary activity specifically references this as assessment criteria. This means that accessible parks can be considered under the existing rule framework for discretionary activities Community Activities in the Large Format Retail Zone.
Ross Gardiner	1	9	7	Support	Retain as notified.	General support for the proposed change.
Ross Gardiner	1	10	8	Neutral	Amend the title of Rule 5.3.5 to “Two or <del>more</del> <u>three</u> dwellings per Lot (see Activity Status Table 3.4 Item 2)”.	To bring consistency in the way the title of this activity is worded.
Ross Gardiner	1	11	8	Neutral	Amend to read: 5.3.5.1 Council exercise its control over; <del>a. the number of accessible car parks, location and design of access and parking space, and on-site vehicle manoeuvring to ensure the safe and efficient operation of the transport network;</del>	This assessment criteria is essentially redundant. If a parking space or vehicle entrance / egress point is provided, they must comply with standards in Chapter 13 of the District Plan. If non-compliance is found, then consent is triggered under those rules.

3.3 Submissions(Cont.)

Submitter Name	Submitter No.	Submission Point	Item No. Submitting On	Support/Support in part/ Oppose	Summary of decision requested	Reasons
Ross Gardiner	1	12	8	Neutral	Amend to read 5.3.5.1 to “a. the <del>number of accessible car parks,</del> location and design of access and parking spaces (if any), and on-site vehicle manoeuvring to ensure the safe and efficient and efficient operation of the transport network;”	It is unusual that a private dwelling will be required to have an accessible park. Accessible parking rates should be implemented at the rate prescribed by the standard for two or three dwellings on one lot.  Should the same assessment criteria be intended for restricted discretionary activities, then a new section should be created under 5.4.7, rather than being bundled with the controlled assessment.
Ross Gardiner	1	13	9	Support	Retain as notified.	General support for the proposed change.
Ross Gardiner	1	14	10	Support	Retain as notified.	General support for the proposed change.
Ross Gardiner	1	15	11	Oppose	Amend to read: ‘13.2.7.2 Any activity in the Business Centre, Mixed Use and Commercial Zone which provides more than 25 on-site parking spaces, including any <del>and 2 or more</del> accessible parking space(s), shall be a discretionary activity.’	This rule makes activities that provide greater than 25 car parks as a discretionary activity. With the proposed wording, a site could feasibly provide 30 parks, 1 accessible park, and not trigger any resource consent requirement, due to the “and” clause.
Ross Gardiner	1	16	12	Support in part	Amend to read – include new section: 13.2.9 Accessible parking provision <u>rates</u>	Clarify intent of section for District Plan users.

Submitter Name	Submitter No.	Submission Point	Item No. Submitting On	Support/Support in part/Oppose	Summary of decision requested	Reasons
Ross Gardiner	1	17	12	Support in part	Amend to read: 13.2.9.1 Accessible parking is not required for dwellings where there are <del>less than four</del> <u>six or fewer</u> car parks per lot, or for business activities with frontage onto <u>any identified pedestrian street(s) in the Whakatāne or Kōpepepe</u> which fronts the Business Centre Zones.	Amendment to reflect an average of 6 parks per lot, or less. Small or moderately sized residential developments will be less likely to be impacted by this rule. However, this standard should ultimately reflect what is specified by NZS 4121:2001 in relation to the number of accessible parks required for multiple dwellings on a lot. Amendment to ensure that the Rule is catering for <i>any</i> pedestrian streets may avoid interpretation complications on pedestrian streets that aren't in Whakatāne or Kōpepepe, such as in Tāneatua, and the other associated pedestrian street rules that may be applicable, such as limitations on vehicle entrances, verandas, etc. If this change is not accepted, then for Kōpepepe to be altered to Kōpepepe.
Ross Gardiner	1	18	12	Support in part	Amend to read: 13.2.9.2 Accessible parking requirements do not apply to permitted activities in the Rural Zones. These are identified in Activity Status Table 3.4 Items 31-37c <del>s3.4.1.1 (Items 31 – 37c) and include farming, forestry, rural processing activities and quarrying.</del>	Changing the reference to the Activity Status table in Chapter 3 will be consistent with other Activity Status table references in the District Plan. The text providing descriptions of rural activities should be deleted, as it is unnecessary.
Ross Gardiner	1	19	12	Support in part	Amend numbering: <del>13.2.9.2</del> 13.2.9.3	Rule numbering error.
Ross Gardiner	1	20	12	Support in part	Amend to read: <del>13.2.9.2</del> <u>13.2.9.3</u> Where car parking is provided, and excluding <u>where accessible parks are not required by 13.2.9.1 or 13.2.9.2 dwellings where</u>	Refer back to Rules 13.2.9.1 and 13.2.9.2 rather than repeating the text of those rules within this rule. Refer to parks for disabled persons as accessibility parks, as that is consistent with the

3.3 Submissions(Cont.)

Submitter Name	Submitter No.	Submission Point	Item No. Submitting On	Support/ Support in part/ Oppose	Summary of decision requested	Reasons								
					<p>there are less than four per lot and business activities with frontage to a pedestrian street in the Business Centre Zone, accessible parking spaces for people with a disability shall be provided in accordance with the following table:</p> <p>Table 13.7 – Number of car parks:</p> <table border="1"> <thead> <tr> <th>Total number of car parks</th> <th>Number of accessible car park spaces</th> </tr> </thead> <tbody> <tr> <td>0– 20</td> <td>Not less than 1</td> </tr> <tr> <td>21 – 50</td> <td>Not less than 2</td> </tr> <tr> <td>For every additional 50 car parks</td> <td>Not less than 1</td> </tr> </tbody> </table>	Total number of car parks	Number of accessible car park spaces	0– 20	Not less than 1	21 – 50	Not less than 2	For every additional 50 car parks	Not less than 1	rest of the proposed changes being made in PPC5.
Total number of car parks	Number of accessible car park spaces													
0– 20	Not less than 1													
21 – 50	Not less than 2													
For every additional 50 car parks	Not less than 1													
Ross Gardiner	1	21	12	Support in part	Create an avoidance of doubt clause that states which activities are exempt from these requirements.	To avoid doubt as to which activities are exempt from these requirements to mirror the applicable buildings that are subject to these requirements under the Building Act.								
Ross Gardiner	1	22	12	Support in part	Change non-compliance with these rules to a restricted discretionary status rather than the default discretionary.	It is more appropriate for this to be a restricted discretionary activity. This status provides District Plan users more certainty over their proposal and the matters Council may consider.								
Ross Gardiner	1	23	13	Support in part	Amend to read: “Accessible parking spaces must comply with NZS <del>4421</del> 4121:2001.”	Incorrect reference.								



Submitter Name	Submitter No.	Submission Point	Item No. Submitting On	Support/ Support in part/ Oppose	Summary of decision requested	Reasons
Ross Gardiner	1	24	13	Support in part	Make the proposed addition its own numbered rule e.g. Rule 13.2.10.4 "Accessible parking spaces must comply with NZS <del>4424</del> 4121:2001."	This rule would have been better suited to have its own numbering rather than being added to non-accessible parking spaces standard.
Ross Gardiner	1	25	13	Support in part	Amend to read: 13.2.10.2 Parking spaces....	Correct numbering error.
Ross Gardiner	1	26	13	Support in part	Amend the new rule to: "Accessible parking spaces must comply with Section 5 – Car Parks of NZS <u>4121:2001</u> ."	Further specification in this rule to which Section of the standard it must comply with will ensure that only accessible car parks are examined and not all other accessibility points.
Ross Gardiner	1	27	13	Support in part	Include a hyperlink to NZS 4121:2001 or an associated reference page.	A hyperlink or an associated page should be created for reference to referenced documents within the District Plan.
Ross Gardiner	1	28	13	Support in part	Include Figure 7 of NZS 4121:2001 (or another diagram to the same effect) in Chapter 13 and referenced by rules that require accessible parks.	This standard is currently only referenced under Rule 22.2.3 of the District Plan.
Ross Gardiner	1	29	13	Support in part	Specify whether Part 3 of Schedule 1 to the RMA is applicable to the notification of PPC5.	It is unclear whether Part 3 of Schedule 1 (Clauses 30-35) is applicable to notification of PPC5 with NZS 4121:2001 being incorporated by reference and affecting the Plan document, rather than being referenced in the District Plan for a specific designation and requiring authority.
Ross Gardiner	1	30	14	Support	Retain as notified.	General support for the proposed change.

Submitter Name	Submitter No.	Submission Point	Item No. Submitting On	Support/Support in part/ Oppose	Summary of decision requested	Reasons
Ross Gardiner	1	31	15	Support	Retain as notified.	General support for the proposed change.
Ross Gardiner	1	32	16	Oppose	Remove amendment proposed by PPC5.	The rules that are subject to this assessment criteria do not appear to be relevant to the provision of accessible parks should those rules (13.2.2, 13.2.2.2 (i), 13.2.18, 13.2.15, 13.2.4, 13.2.5, and 13.2.21) be breached.
Ross Gardiner	1	33	17	Support in part	Amend to read: " <u>13.4.8 On-site Parking (see Rules in 13.2.9)</u> 13.4.8.1 Council shall have regard to:"	Amend rule title.
Ross Gardiner	1	34	17	Support in part	Amend to read: 13.4.8.1(a)(i)..... "A legally binding agreement shall be entered into to ensure the relevant <del>Certificates</del> <u>Record of Title</u> are amalgamated or otherwise held together;"	Align the proposed assessment criteria with legislative wording.
Ross Gardiner	1	35	18	Support	Retain as notified.	General support for the proposed change.
Ross Gardiner	1	36	19	Support in part	Amend to read: 13.4.8.1(a)( <del>viii</del> )	Amend for consistency.

**3.3 Submissions(Cont.)**

Submitter Name	Submitter No.	Submission Point	Item No. Submitting On	Support/Support in part/ Oppose	Summary of decision requested	Reasons
Ross Gardiner	1	37	General	Support in part	Include suitable diagrams and parking rates depicting what is required in Section 13 of the District Plan.	To be more user friendly.
Ross Gardiner	1	38	General	Support in part	Include the definition of accessible parks that is used within the NPS-UD 2020 into the District Plan. The NPS-UD 2020 defines accessible parks as meaning: <i>a car park designed and marked (for instance, in accordance with the mobility car parking scheme) for use by persons with a disability or with limited mobility.</i>	To align District Plan with NPS-UD 2020.
Ross Gardiner	1	39	General	Support in part	That a review of the District Plan's objectives, policies and assessment criteria in relation to minimum parking rates be undertaken, and the process prescribed by the NPS-UD 2020 be followed to make any necessary amendments to the District Plan and the changes proposed by Plan Change3.	To remove minimum parking rates from objectives, policies and assessment criteria in the District Plan and Proposed Plan Change 3.
Ross Gardiner	1	40	General	Support in part	That a variation to Plan Change 3 be undertaken to include accessible parking rates as assessment criteria.	To bring about consistency with the changes sought by PC5.
Ross Gardiner	1	41	General	Oppose	Formal notification of PPC5 as required by clause 5(1A) of Schedule, RMA.	Did not receive formal notification of Plan Change which may also mean other people who may have been more affected did not receive notification either.

Submitter Name	Submitter No.	Submission Point	Item No. Submitting On	Support/Support in part/ Oppose	Summary of decision requested	Reasons
Caroline van Leeuwen	2	1.	General	Support	No decision requested. Submission supports PC5.	No action sought.
Disabilities Resource Centre  (Naomi Freeman)	3	1.	General	Support	No decision requested. Submission supports PC5.	No action sought.
Gina Seay	4	1.	General	Support	Submission requests that Council controls how many accessible car parks are available.	No action sought.
Whakatāne Accessibility & Inclusion (Scott Saunders)	5.	1.	1, 6, 7, 10, 12, 16	Support	No decision requested. Submission supports PC5.	No action sought.

### 3.3 Submissions(Cont.)

#### Proposed Plan Change 5 submission

##### To: Whakatāne District Council

Name of submitter: Ross Gardiner

This is a submission on the following change proposed to the Whakatāne District Plan (the **proposal**):

- Proposed Plan Change 5: Accessible Parking (Te Tūhonga Panonitanga 5: Tūnga Waka Whai Huarahi)

I could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that my submission relates to are:

- I have made a submission (both in support or critique of) on each item (1-19) or proposed change that has been identified in PPC5. However, changes are sought to items: 1, 2, 4, 7, 8, 11, 12, 13, 16, 17 and 19. I have also raised matters that should be expanded upon in relation to accessible parking.

My submission is:

I'm generally supportive of the intension of PPC5 and the intents to introduce rules to require accessible parking with various developments. There are details to PPC5 that I believe need modification or are unworkable for end users or will not achieve desired environmental outcomes that are sought by PPC5.

PPC5 is being enacted in an environment where the NPS-UD 2020 removed minimum parking rates (excluding accessible parking rates) from all statutory planning documents. The WDP relied upon enforcement of the Building Act and Building Code to implement NZS 4121:2001 and for the provision of accessible parks. In a situation where no carparks are required, no accessible carparks are required under NZS 4121:2001. PPC5 seeks to remedy this situation.

In essence, this submission relates to the following core components:

- Implementation of the NPS-UD 2020 and the effect of that on the items sought to be changed;
- Typographical changes;
- Plan readability or consistency changes; and
- Changes to support ease and usability by the public.

Implementation of the NPS-UD 2020

On 17 December 2022, WDC made operative changes to the WDP which removed rules relating to minimum parking rates, in accordance with the NPS-UD 2020. For clarity, parking

### 3.3 Submissions(Cont.)

standard rules are not subject to this change (i.e., if parking is supplied, it must achieve standards specified by the Plan for dimensions, setbacks to boundaries, manoeuvrability, etc.).

Subpart 8 of the NPS-UD 2020 specifically requires that if any *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.*

The deadline for these changes to take effect was not later than 20 February 2022 (18 months after commencement date of the NPS-UD 2020). These changes were required to be undertaken without using the Schedule 1 process, but decisions are still subject to judicial review and enforcement orders, as they are a resolution of council.

The changes made on 17 December removed rules which required minimum parking rates for permitted activities, but no objectives, policies or assessment criteria were altered. Further, recommended guidance for discretionary and non-complying activities under Section 3.7 of the Plan were altered, which appears to be outside the limits of what the NPS-UD 2020 provided for, and that the Schedule 1 process may have been applicable. To note, the wording of Section 3.7 of the plan is only recommended guidance, and not a limitation, unless assessment criteria of a rule specifically references a subpart of 3.7, then it is assessment criteria via reference.

PPC5 seeks to alter 19 items in the WDP. Of these, various are assessment criteria which also contain wording which can be read to mean that WDC may implement conditions or considerations on the rates of carparking with an activity, contrary to the NPS-UD 2020, as the standards of any parks provided are considered under Chapter 13 of the WDP. See PPC5 items 1, 7, 8, 9, and 10.

Further, PPC5 items 1, 7, 8, 9, and 10, seeks to add accessible parks as a matter of control or restricted discretion to various activities, when it may be more appropriate for those activities to have accessible parks considered under the permitted activity criteria provided for by PPC5 item 12. However, this will require consequential changes to PPC5 item 12 that correlates rates of accessible parks to various activities, such as urupā, places of assembly, etc. As this change is more in depth and will require technical knowledge, if this is accepted by WDC, it would be more appropriate for WDC to undertake the analysis.

#### Changes sought

For usability of this submission, the text of the “Amend to Read” column of Appendix 1 to the Section 32 report has been used and additional points have been underlined for additional text, or ~~strikethrough~~ for deleted text. Each of the 19 items in this PPC5 has been listed with reasons for the changes sought identified below.

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### 3.3 Submissions(Cont.)

Item 1:

Amend to read: '3.6.1 Urupā and cemeteries 'Council shall restrict its discretion to: ... 4. Transportation – including provision of adequate ~~car parking that includes~~ accessible parking, and traffic management measures to ensure the safe and efficient operation of the surrounding road network.

Reason for proposed change to Item 1:

The reasons for this change are elaborated on under the section "Implementation of the NPS-UD 2020" of this submission. Therefore, this assessment criteria appears to be contrary to the NPS-UD 2020 as the proposed wording implies that carparking rates are a matter of restricted discretion. A variation to PPC5 and the ODP may be required to rectify this, as the NPS-UD 2020 prescribes a process to remove the text without using the Schedule 1 process.

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Item 2:

Amend to read: '3.7.17.1 Traffic Effects Council shall have regard to: a. traffic volumes and traffic mix relative to existing and future traffic patterns, access, ~~parking,~~ accessible parking, and loading on-site;

Reason for proposed change to Item 2:

The reasons for this change are elaborated on under the section "Implementation of the NPS-UD 2020" of this submission. Therefore, this assessment criteria appears to be contrary to the NPS-UD 2020 as the proposed wording implies that carparking rates are a matter of restricted discretion. A variation to PPC5 and the ODP may be required to rectify this, as the NPS-UD 2020 prescribes a process to remove the text without using the Schedule 1 process.

---

Item 3:

Rule 3.7.30 is only guidance material for discretionary and non-complying activities, unless a controlled or restricted discretionary activity specifically references this as assessment criteria. This means that accessible parks can be considered under the existing rule framework for discretionary and non-complying activities.

The Plans states: *"3.7 ASSESSMENT CRITERIA—DISCRETIONARY ACTIVITIES / NONCOMPLYING ACTIVITIES The following Criteria are a guide to the matters the Council can have regard to when assessing an application. This does not restrict the Council's discretionary powers under section 104(1)(a) of the RMA to consider any actual or potential effects on the environment of allowing the activity."*

**3.3 Submissions(Cont.)**

Further 3.3.6.2 of the Plan states “Section 3.7 sets out the criteria that the Council will have regard to when considering an application for a Discretionary activity. The Criteria do not limit the Council’s discretion.”

As this criteria is only guidance material for discretionary and non-complying activities, and not an objective, policy, rule or assessment criteria (as specified by the NPS-UD 2020), it is unclear whether the mechanisms Council followed to make changes to the WDP were appropriate. This is also elaborated on under the section “Implementation of the NPS-UD 2020” of this submission.

However, the reinstatement of this text and amended to be for accessible parks is generally supported.

Item 4:

General support, subject to the proposed change: Amend to read: ‘3.7.32.1 Council shall have regard to; ... f. traffic movement on and off of the site including access, accessible parking, and loading of vehicles for attendees and for emergency and security vehicles;’

42.	<b>Places of assembly</b> for a maximum of four consecutive days excluding jet-boat or personal watercraft events.	Festivals, carnivals, fairs, bazaars, conventions, concerts, public meetings	C	C	C	P	P	P	P	P	P	C or P <sup>2</sup>	P	C	C	C	C	NA
-----	--	--	---	---	---	---	---	---	---	---	---	---------------------	---	---	---	---	---	----

Reason for proposed change to Item 4:

The use of a comma after accessible parking clearly denotes that “accessible parking” and “loading of vehicles for attendees and for emergency and security vehicles” are separate matters to be consider. In addition, for parking not to be listed in **bold** as it is not a defined term.

Further, the rule that this is in reference to only consists of Permitted, Controlled, or Prohibited activities – so it’s placement in the Plan should be reconsidered (i.e., under Section 3.6 ‘Assessment Criteria – Restricted Discretionary Activities’, and another appropriate location for multizonal matters of control), rather than being listed under 3.7 – discretionary and non-complying activities.

Item 5:

General support for the proposed change. However, like Item 3 of PPC5, Rule 3.7.36 is only guidance material for discretionary and non-complying activities, unless a controlled or restricted discretionary activity specifically references this as assessment criteria. This means that accessible parks can be considered under the existing rule framework for discretionary Community Activities in the Light Industrial and Industrial Zones.



### 3.3 Submissions(Cont.)

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Item 6:

General support. However, like Item 3 of PPC5, Rule 3.7.44 is only guidance material for discretionary and non-complying activities, unless a controlled or restricted discretionary activity specifically references this as assessment criteria. This means that accessible parks can be considered under the existing rule framework for discretionary activities Community Activities in the Large Format Retail Zone.

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Item 7:

General support for the proposed change.

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Item 8:

Generally neutral to this proposed change.

Activity Status Table 3.4 Item 2 only lists “Two or three dwellings per lot” as a Controlled Activity within the Mixed Use Zone. Therefore, the title of 5.3.5 should be amended to reflect this and read as **Two or ~~more~~ three dwellings per Lot (see Activity Status Table 3.4 Item 2).**

Amend to read: 5.3.5.1 Council exercise its control over; ... a. ~~‘the number of accessible car parks, location and design of access and parking space, and on-site vehicle manoeuvring to ensure the safe and efficient operation of the transport network;’~~

Alternatively, should the change listed above not be accepted, then the following change to be requested: Amend to read: 5.3.5 Two or more dwellings per Lot (see Activity Status Table 3.4 Item 2) 5.3.5.1 Council exercise its control over; ... a. ~~the number of accessible car parks,~~ location and design of access and parking spaces (if any), and on-site vehicle manoeuvring to ensure the safe and efficient operation of the transport network;

Reason for proposed changes to Item 8:

This assessment criteria is essentially redundant, as if parking spaces or a vehicle entrance / egress point is provided, they must comply with standards listed in Chapter 13 (this is unaffected by the NPS-UD 2020). If non-compliance is found, then consent is triggered under those rules.

It seems unusual that a private dwelling will be required to have an accessible park associated with it – as it is not a location that is frequently visited by members of the public, and the property owner or occupier will typically have private parking to suit the needs of the individual. However, accessible parking rates should be implemented at the rate prescribed by the standard for two to three dwellings on one lot.

### 3.3 Submissions(Cont.)

Should the same assessment criteria be intended for restricted discretionary activities (as provided by Activity Status Table Item 3), then a new section should be created under 5.4.7 of the WDP, rather than being bundled with the controlled assessment criteria for two to 3 dwellings. Should this not be done, a Plan user may interpret that there is no relevant assessment criteria or that the activity is ultra vires. To note, this change mirrors the change that is being sought to Item 1 of [Proposed Plan Change 3](#) (PPC3) to the WDP. Further, accessible parking is not listed as assessment criteria in Item 1 of PPC3 (traffic safety and safe access to and egress from the site are), and no decisions have been issued on PPC3. It is unusual for controlled assessment criteria to be more stringent than restricted discretionary activity criteria, which is why should Option A to delete this section in its entirety be selected, Option B to reject the inclusion of accessible parking (with minor changes to wording) should be accepted.

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Item 9:

General support of this proposed change.

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Item 10:

General support of this proposed change.

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Item 11:

Oppose, unless modified as below. This rule makes activities that provide greater than 25 car parks as a discretionary activity. With the proposed wording, a site could feasibly provide 30 parks, 1 accessible park, and not trigger any resource consent requirement, due to the "and" clause.

Amend to read: '13.2.7.2 Any activity in the Business Centre, Mixed Use and Commercial Zone which provides more than 25 on-site parking spaces, including any and 2 or more accessible parking space(s), shall be a discretionary activity.'

---

Item 12:

General support, subject to the proposed changes.

Include new section: '13.2.9 Accessible parking provision rates 13.2.9.1 Accessible parking is not required for dwellings where there are less than four six or fewer car parks per lot, or for business activities with frontage onto any identified pedestrian streets street(s) in the Whakatāne or Kōpēpepe which fronts the Business Centre Zone Zones.

### 3.3 Submissions(Cont.)

~~13.2.9.2~~ Accessible parking requirements do not apply to permitted activities in the Rural Zones. These are identified in ~~Activity Status Table 3.4 Items 31-37c~~ ~~3.4.1.1 (Items 31 – 37c)~~ and include farming, forestry, rural processing activities and quarrying.

~~13.2.9.2~~ 13.2.9.3 Where car parking is provided, and excluding where accessible parks are not required by 13.2.9.1 or 13.2.9.2 dwellings where there are less than four per lot and business activities with frontage to a pedestrian street in the Business Centre Zone, accessible parking spaces for people with a disability shall be provided in accordance with the following table:

Table 13.7 – Number of car parks:

Total number of car parks	Number of accessible car park spaces
0– 20	Not less than 1
21 – 50	Not less than 2
For every additional 50 car parks	Not less than 1

Reasons for changes to Item 12:

There is a rule numbering error, so consequential changes should be made to accept this.

Changes to reflect an average of 6 parks per lot, or less. Small or moderately sized residential developments will be less likely to be impacted by this rule. However, this standard should ultimately reflect what is specified by NZS 4121:2001 in relation to the number of accessible parks required for multiple dwellings on a lot.

Changes to ensure that the Rule is catering for *any* pedestrian streets may avoid interpretation complications on pedestrian streets that aren't in Whakatāne or Kōpeōpeō, such as in Tāneatua, and the other associated pedestrian street rules that may be applicable, such as limitations on vehicle entrances, verandas, etc. If this change is not accepted, then for Kōpeōpeō to be altered to Kōpeōpeō.

Under 13.2.9.2, changing the reference to the Activity Status table in Chapter 3 to be consistent with other references in the Plan text. The text providing descriptions of rural activities should be deleted, as it is superfluous.

Under ~~13.2.9.3~~ to refer back to the previous rules, rather than repeating the text of those rules within this rule, and to refer to parks for disabled persons as accessibility parks, as that is consistent with the rest of the proposed changes being made in PPC5.

It may be helpful for Plan users to create an avoidance of doubt clause to express what activities are exempt from these requirements to mirror the applicable buildings that are subject to these requirements under the Building Act.

### 3.3 Submissions(Cont.)

Further, should non-compliance be found with these rules, the activity will default to discretionary activity status (as per 3.3.2.4 of the Plan), which will grant the territorial authority broad review powers when there is a particularly specific rule or standard breached. It is much more appropriate for this to be a restricted discretionary activity. This will provide Plan users certainty over their proposal and what Council may review, rather than the entire development being liable. Further, it is sought that Council crafts an appropriate list of matters of restricted discretion in accordance with their objectives and policies on this matter (see item 17 of PPC5 for further detail).

---

#### Item 13:

The text to be included should be amended to state: *Accessible parking spaces must comply with NZS ~~4421~~ 4121:2001.*

Further, this rule has been tacked onto the specifics about non-accessible parking spaces standards, so it would be better suited to have its own numbered rule (i.e., Rule 13.2.10.4).

To note, this item may have a typographical error where it lists the rule as 13.2.10, when it appears to be 13.2.10.2.

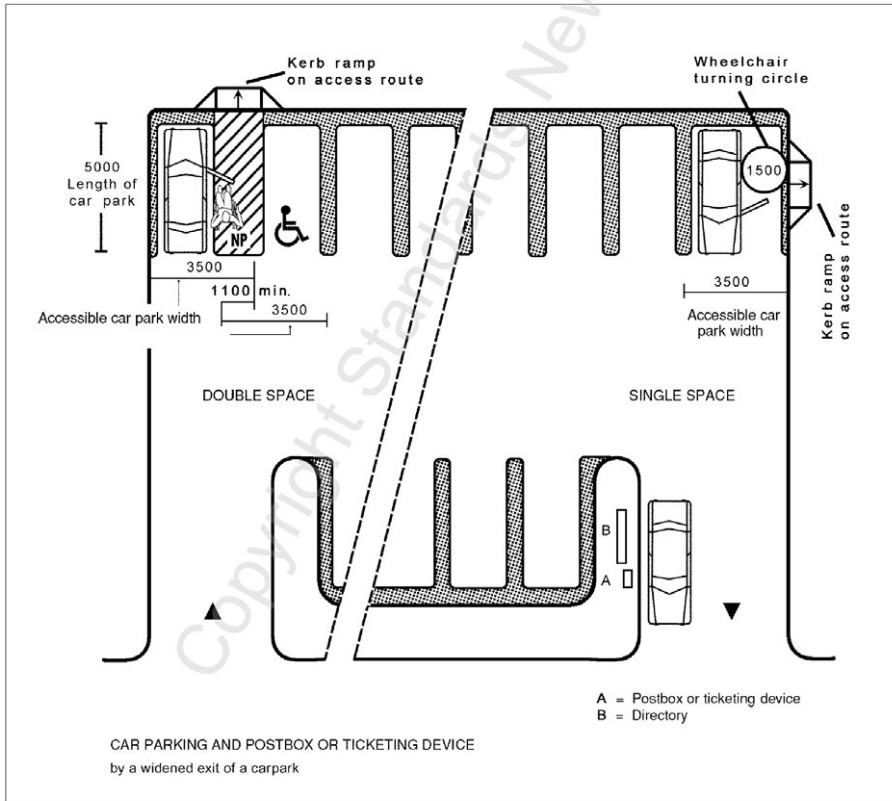
In my opinion, this proposed rule is seemingly broad and should be further specified to state that: *Accessible parking spaces must comply with Section 5 – Car Parks of NZS 4121:2001.* This will ensure that only the accessible car parks are examined, and not all other accessibility points, including access to the carpark via ramps or the like, which minor or technical non-compliance with will trigger resource consent, when an acceptable solution may be found during processing of the relevant building consent.

This also streamlines internal work and processes, as typically building consent applications are reviewed by a planner for compliance with the district plan standards, when access for persons with disabilities are also reviewed by the Building Control Authority, as per Section 118 of the Building Act 2004 (previously Section 47A of the Building Act 1991 – thus reducing the double-up of reviewing the ‘nuts and bolts’ of the proposal.

In addition to this, where NZS 4121:2001 is mentioned in the Plan document, a hyperlink to the document should be provided or an associated page with reference to referenced documents in the Plan to be provided.

Further, Figure 7 of NZS 4121:2001 (or another diagram to the same effect) should be included within Chapter 13 and referenced by rules (13.2.9) that require accessible parks.

**3.3 Submissions(Cont.)**



**Figure 7 – Car parking**

his standard is currently only referenced under Rule 22.2.3 of the Plan, which relates to a specific designation. It is unclear whether Part 3 of Schedule 1 (Clauses 30-35) is applicable to notification of PPC5 with NZS 4121:2001 being incorporated by reference and affecting the Plan document, rather than for a specific designation and requiring authority.

---

Item 14:

General support of this proposed change.

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Item 15:

General support of this proposed change.

---

### 3.3 Submissions(Cont.)

Item 16:

General opposition of this proposed change.

The rules that are subject to this assessment criteria do not appear to be relevant to the provision of accessible parks should those rules (13.2.2, 13.2.2.2 (i), 13.2.18, 13.2.15, 13.2.4, 13.2.5, and 13.2.21) be breached.

---

Item 17:

General support of this proposed change.

Amend to read: 13.4.8 On-site Parking (see Rules in 13.2.9) 13.4.8.1 Council shall have regard to: a. The extent to which the following circumstances may apply, as the basis for being able to provide alternative parking provisions: i. Multiple provision on one site – two or more owners may make joint provision for accessible car parking so long as the total provision is no more than the sum of the requirements for each individual activity except where vehicles will regularly be attracted to the site at times that seldom coincide. A legally binding agreement shall be entered into to ensure the relevant ~~Certificates~~ Record of Title are amalgamated or otherwise held together;

Reason for proposed change to Item 17:

This will align the proposed assessment criteria with legislative wording.

---

Item 18:

General support of this proposed change.

---

Item 19:

General support of this proposed change. However, this should be amended to be listed as 13.4.8.1(a)(iii) rather than ~~13.4.8.1(a)(v)~~ for consistency.

---

### 3.3 Submissions(Cont.)

#### Additional commentary

While I have general support for this PPC5, it would likely be more appropriate or user friendly to have a single point in Section 13 with suitable diagrams depicting what is required, when, and at what minimum rates. Further, for an appropriate definition for accessible parks to be included.

The NPS-UD 2020 defines accessible parks as meaning: *a car park designed and marked (for instance, in accordance with the mobility car parking scheme) for use by persons with a disability or with limited mobility.*

Copying this definition is appropriate.

I am unsure whether I received formal notification of this Proposed Plan Change as per the requirements of Section 5(1A) of Schedule 1 of the RMA. If it is the case that I did not receive notification of PPC5, it may mean other persons in the district who may be more affected by PPC5 did not receive formal notification either, sidestepping parliament's intention for public involvement in the Plan making process.

---

I seek the following decision from the local authority:

- That this submission is received and taken fully into account.
- That a review of the WDP's objectives, policies and assessment criteria in relation to minimum parking rates be undertaken, and the processes prescribed by the NPS-UD 2020 be followed to make any necessary amendments to the Plan and PPC3 (if required).
- That a variation to PPC3 be undertaken to include accessible parking rates as assessment criteria to be consistent with the changes sought by PPC5.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter:  
(or person authorised to sign on behalf of submitter)

Ross Gardiner

Date: 11 May 2022

(A signature is not required if you make your submission by electronic means.)

**3.3 Submissions(Cont.)**

[REDACTED]



### 3.3 Submissions(Cont.)

A new Re notification of Proposed Plan Change 5: Accessible Parking Submission has been submitted, please see the details below:

**Name**

Caroline van Leeuwen

---

**I could gain advantage in trade competition through this submission**

No

---

**I am directly affected by an effect of the subject matter of the submission that: a. adversely affects the environment; and b. does not relate to trade competition or the effects of trade competition**

No

---

**The specific provisions of the proposal that my submission relates to are:**

To enable the Council to consider during the consenting process whether the provision of accessible parking would be appropriate.

---

**My submission is:**

To support the Proposed Plan Change 5: Accessible Parking

---

**I seek the following decision from the local authority:**

To implement Plan Change 5. If Council doesn't implement the proposed Plan Change 5, access and mobility would be limited for some members of the community. Accessibility is a basic human right & we as a community should be doing more on this matter, we should be doing more than just the minimum requirements.

---

**Presenting your submission**

I do not wish to speak to my submission

**3.3 Submissions(Cont.)**

Ref: CEO3708/BF/NF

22 June 2023

Whakatane District Council  
Private Bag 1002  
WHAKATANE 3158



Tēnā koe,

**SUBMISSION TO WHAKATANE DISTRICT COUNCIL ON THE PROPOSED AMENDMENTS TO ACCESSIBLE PARKING**

The Disabilities Resource Centre is devoted to providing an accessible and responsive service for people with disabilities and the elderly. We aim to encourage and support them to exercise their right to live with dignity and maximum independence in the community of their choice.

Our Strategic Vision is to assist people with disabilities to achieve their goals through leading health and disability services.

We conduct business under the organisational values of Care, Responsiveness, Respect, Accountability, Integrity and Good Employer. We achieve these values by providing the following services:

- Information and Advisory Services
- Home Care Services
- Community Services

The Disabilities Resource Centre does not request the opportunity to speak in support of this submission to the Whakatane District Council.

Yours faithfully

Bronwen Foxx  
**CHIEF EXECUTIVE OFFICER**

141-143 King Street, PO Box 528, Whakatane 3158, New Zealand  
**t:** 07 307 1447 **f:** 07 307 0229 **e:** drct@drct.co.nz [www.drct.co.nz](http://www.drct.co.nz)  
Charities Commission: CC22840

**ONE CALL • COUNTLESS RESOURCES • ENDLESS OPPORTUNITIES**



### 3.3 Submissions(Cont.)



The Disabilities Resource Centre Trust would like to thank the Whakatane District Council for the opportunity of commenting on the Proposed Plan Change 5 to Operative District Plan Chapters 3, 5, 13 on Amendments to Accessible Parking Provisions Required as a Consequence of Implementing the National Policy Statement on Urban Development 2020.

Disabled and older people continue to remain our most vulnerable community members and it is the responsibility of the community to keep them safe and protected while giving them the ability to remain productive members of our community by providing them with a safe and accessible environment so they can live the life they choose.

The National Policy Statement on Urban Development 2020 (NPS-UD) mandated that a minimum number of carparks were removed from the Whakatane District Plan in December 2021. And although the NPS-UD does not direct the removal of accessible parking, a consequence of this is that the District Plan no longer contains any provisions requiring accessible parking.

Accessible carparks are important for an inclusive environment:

- 1) It enables people with mobility limitations, health conditions, or other challenges to access their community, businesses and services.
- 2) The provision of mobility parking plays an important role in ensuring that the whole journey is accessible as outlined in the Bay of Plenty Regional Transport Plan (RTP).
- 3) Accessible parking spaces allow greater room for a disabled person to move around their vehicle and/or assemble and disassemble their wheelchair, walking aid, or any other mobility equipment they may have with them.

We support the proposal that will reinstate accessible parking standards in the District Plan. We believe equitable access to infrastructure such as accessible parking is crucial to a truly inclusive society.

141-143 King Street, PO Box 528, Whakatane 3158, New Zealand  
t: 07 307 1447 f: 07 307 0229 e: [drct@drct.co.nz](mailto:drct@drct.co.nz) [www.drct.co.nz](http://www.drct.co.nz)  
Charities Commission: CC22840

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**3.3 Submissions(Cont.)**

A new Re notification of Proposed Plan Change 5: Accessible Parking Submission has been submitted, please see the details below:

**Name**

Gina Seay

---

**I could gain advantage in trade competition through this submission**

No

---

**I am directly affected by an effect of the subject matter of the submission that: a. adversely affects the environment; and b. does not relate to trade competition or the effects of trade competition**

No

---

**The specific provisions of the proposal that my submission relates to are:**

I have no idea what to put here.

---

**My submission is:**

I want Council to have some control over how many accessible car parks are available in the district, so vote to make this happen please.

---

**I seek the following decision from the local authority:**

See above. You know what to do.

---

**Presenting your submission**

I do not wish to speak to my submission

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3.3 Submissions(Cont.)

# WHAKATĀNE DISTRICT PLAN 2017 MAHERE Ā-ROHE O WHAKATĀNE 2017

**Form 5 Submission on re-notified proposal for policy statement or plan, change or variation**  
Clause 6 of Schedule 1, Resource Management Act 1991

**THIS IS A SUBMISSION ON THE FOLLOWING CHANGE PROPOSED TO THE PLAN:**  
Whakatāne District Plan 2017 - Proposed Plan Change 5: Accessible Parking

**SUBMISSIONS MUST BE  
RECEIVED NO LATER THAN  
5PM FRIDAY, 7 JULY 2022**

**Post to:** Chief Executive  
Whakatāne District Council  
Private Bag 1002  
Whakatāne 3158

**OR;**

**Deliver to:** Whakatāne Civic Centre  
Commerce St, Whakatāne

MURUPARA Service Centre  
Pine St, Murupara

OR download this submission from our website  
[whakatane.govt.nz/accessible-parking](http://whakatane.govt.nz/accessible-parking)  
and return by email to:  
[DistrictPlanPolicy@whakatane.govt.nz](mailto:DistrictPlanPolicy@whakatane.govt.nz)

SUBMITTER DETAILS:	
CONTACT NAME; OR	Scott Saunders, chair
ORGANISATION	Whakatane Accessibility and Inclusion
ADDRESS FOR SERVICE	Not Applicable
POST CODE	
TELE	
MOBILE	

**TRADE COMPETITION**

I could gain advantage in trade competition through this submission; and  Yes  No

I am directly affected by an effect of the subject matter of the submission that:  Yes  No

a. adversely affects the environment; and

b. does not relate to trade competition or the effects of trade competition.

*If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.*

*Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):*

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Signature: Scott Saunders Date: 6 July 2023

Person making the submission, or authorised to sign on behalf of an organisation making the submission. Note: A signature is not required if you make your submission by electronic means.

**HEARING SUBMISSIONS**

I wish  do not wish\* to be heard  
in support of my submission.  
[\*Select one]

If others make a similar submission,  
I will/will not\* consider presenting  
a joint case with them at a hearing.  
[\*Select one]

**COUNCIL OFFICE USE ONLY**

Privacy Act 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to have this by the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process.

**3.3 Submissions(Cont.)**



The specific provisions of the proposal that my submission relates to are *[give details]*:

clause 3.6.1: ensure accessible parking at urupa

clause 3.7.44 and clause 5.3.3.1: accessible carparks in public places and large format retail zones

clause 5.6.3.1: ensure accessible carparks in places of assembly

clause 13.4.7.1: accessible carparks have to be included in new housing developments

clause 5.3.7.1: accessible carparks have to be included in new education facilities

clause: 13.2.9.2 and 13.7.2: Accessible parking spaces must comply with NZS4121:2001

**My submission is** *[include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]*:

Whakatāne Accessible and Inclusion is a community group run by tāngata whaikaha/disabled people

and pākeke/seniors. Our aim is to address issues around inclusion for all within the Eastern Bay of

Plenty. As a group, we seek to support the proposed changes in Plan 5 as we strongly believe it can

improve some of the mobility issues that people who use accessible parking face when trying to

access local services and business'. The 18 changes set out in Plan 5 offer a more inclusive social

and structural environment for all. As such, these changes are supported by our group's members.

Disabled people need to access all parts of our communities, including visiting friends in new

housing developments, so please ensure that developers keep to the proposals in the plan.

I seek the following decision from the local authority *[give precise details]*:

That the Whakatāne Council will implement Plan Change 5 which enables them to give consent

on new and current car parking lots in within the district, that is based on the requirements set

out in the Proposed Plan Change 5.

We are very pleased to see the Council taking a proactive stance to ensure accessibility.

In future please directly notify us of plan changes that may impinge on accessibility. We now have

a draft MoU with the Council about how we will work together to ensure our communities are

accessible.