

# 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

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**Appendix 1: NPS format tracked changes - November 2024**

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

## 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 reinclude 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 reinclude 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 reinclude 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 policy TRAN-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.

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

- 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:

- 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
- 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.

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)

## 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.

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>



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 (<i>“the number of...access and parking space...”</i>).</p> <p>PPC5 is proposing to amend this rule to <i>“...number of accessible car parks...”</i>. 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: ...</i>  <i>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>

Subm Point	PPC5 Item	Submission Point Summary	Analysis and recommendation
			<p><b>Note:</b> Submitter 1 supports this recommendation and considers the matter resolved.</p>
1.15	11	<p>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...”</p>	<p>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.</p> <p><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...”</p> <p><b>Note:</b> Submitter 1 supports this recommendation and considers the matter resolved.</p>
1.16	12	<p>Amend title of 13.2.10 (now part of TRAN-R8):  “Accessible parking provision rates”</p>	<p>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.</p> <p>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.</p> <p><b>Recommendation:</b>  Reject submission.</p> <p><b>Note:</b> Submitter 1 supports this recommendation and considers the matter resolved.</p>
1.17 1.18 1.20 1.21	12	<p>1.17: Amend TRAN-R8.5 regarding accessible parking exemptions for dwellings.</p> <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> <p>1.18: Remove unnecessary references to names permitted activities in TRAN-R8.6.</p> <p>1.20: Amend references to excluded activities by utilising exclusion rule reference (TRAN-R8.5).</p> <p>1.21: Create an avoidance of doubt clause that states which activities are exempt from these requirements.</p>	<p>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.</p> <p>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.</p> <p>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.</p>

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></p> <p>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="660 1285 1477 1615"> <thead> <tr> <th colspan="2" data-bbox="660 1285 1477 1346"><b>TRAN-R8.5 - Table 21 Number of Car Parks</b></th> </tr> <tr> <th data-bbox="660 1346 1086 1435"><b>Total number of car parks</b></th> <th data-bbox="1086 1346 1477 1435"><b>Number of accessible car park spaces</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="660 1435 1086 1496">0 – 20</td> <td data-bbox="1086 1435 1477 1496">Not less than 1</td> </tr> <tr> <td data-bbox="660 1496 1086 1556">21 – 50</td> <td data-bbox="1086 1496 1477 1556">Not less than 2</td> </tr> <tr> <td data-bbox="660 1556 1086 1615">For every additional 50 car parks</td> <td data-bbox="1086 1556 1477 1615">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>										

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 <del>Accessible parking spaces must comply with NZS 4121:2001 (for accessible parking) shall satisfy this rule.</del>”</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>

Subm Point	PPC5 Item	Submission Point Summary	Analysis and recommendation
			<p>“...Compliance with AS/NZS 2890:1:2004 <del>shall satisfy this rule. (see TRAN-APP2)</del> and <del>Accessible parking spaces must comply with NZS 4121:2001 Section 5 (for accessible parking) shall satisfy this rule.</del>”</p> <p><b>Note:</b> Submitter 1 supports this recommendation and considers the matter resolved.</p>
1.28	13	<p>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>	<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	<p>Support in part. RMA Schedule 1 Part 3 requires documents included by reference to be made available at notification.</p>	<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>

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			<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>

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>

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

<p>TRAN-R8</p>	<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" data-bbox="225 427 1481 958"> <tr> <td data-bbox="225 427 331 696"> <p>All zones</p> </td> <td data-bbox="331 427 1082 696"> <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 data-bbox="1082 427 1481 696"> <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 data-bbox="225 725 459 958"> <p>General Residential and Medium Density Residential Zones</p> </td> <td data-bbox="459 725 1082 958"> <p><b>Activity status: PER</b></p> <ol style="list-style-type: none"> <li>4. <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="1082 725 1481 958"> <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>	<p>All zones</p>	<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>	<p>General Residential and Medium Density Residential Zones</p>	<p><b>Activity status: PER</b></p> <ol style="list-style-type: none"> <li>4. <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>
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<p>TRAN-AC11a.3</p>	<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. <del>modification of parking and loading standards: the number of accessible car parks parking spaces proposed and whether the demand for accessible car parks parking likely to be generated by the proposed activity can be accommodated on the site.</del></p>						