

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

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 Since receiving submissions, one of the submitters has withdrawn sixteen of his submission points because they have already been resolved.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.

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

Online: www.whakatane.govt.nz/accessible-parking

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

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	whakatāne.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 more <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; 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;'	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.

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Ross Gardiner	1	12	8	Neutral	Amend to read 5.3.5.1 to “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 and efficient operation of the transport network;”	<p>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.</p> <p>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.</p>
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 and 2 or more 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 less than four <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 Kōpeopeo</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 Kōpeopeo, 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 Kōpeopeo to be altered to Kōpeōpeō.
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 s3.4.1.1 (Items 31-37c) and include farming, forestry, rural processing activities and quarrying.	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: 13.2.9.2 13.2.9.3	Rule numbering error.
Ross Gardiner	1	20	12	Support in part	Amend to read: 13.2.9.2 13.2.9.3 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

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 1421 4121:2001.”	Incorrect reference.								

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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 1421 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 <u>Section 5 – Car Parks of NZS 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 <u>Certificates Record</u> of Title 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)(viii)	Amend for consistency.

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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.