

Planning & Strategy Committee
26 November 2020

Report for Agenda Item | Rīpoata moto e Rāraki take 1

Department: Planning & Development

Title | Taitara: Requirement to Remove Minimum Parking Requirements from the District Plan

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

- 1 The purpose of this report is to advise the Planning & Strategy Committee of the requirement in the National Policy Statement on Urban Development 2020 to remove minimum parking requirements from the Operative and Proposed District Plan, to explain the consequences of these changes for Council and the community, and to confirm the intended approach to timing.

EXECUTIVE SUMMARY | WHAKARĀPOPOTOTANGA MATUA

- 2 Under the National Policy Statement Urban Development 2020 (**NPS-UD**) and section 55 of the Resource Management Act 1991, local authorities are required to remove all minimum car parking requirements from their city and district plans. The proposed approach to giving effect to the NPS-UD is to make the changes without delay to minimise the uncertainty about parking requirements that has arisen since the NPS UD came into force.
- 3 Following these changes, developers and businesses can choose to provide parking (other than mobility parking) but minimum numbers of parks will not be able to be required by the district plan and by resource consent conditions. Standards can still be applied to parking that developers and businesses choose to provide and to assets proposed to be vested in the Council, and parking activity can still be controlled through parking bylaws and permit parking schemes.
- 4 The report details the minimum parking provisions in the Proposed District Plan (**PDP**), and in those sections of the Operative District Plan (**ODP**) that are still in effect, which need to be removed or reworded
- 5 The report also provides commentary on the range of alternative strategies Council has, or is considering applying, to manage the effect of displaced car parking demand that could come about if developments generating demand for parking choose not to provide on-site parking.

RECOMMENDATION | NGĀ TŪTOHUNGA

- 6 That the Planning & Strategy Committee:
 1. **Note** the contents of this report.

2. **Note** that pursuant to section 55 of the Resource Management Act 1991 (**RMA**) and the NPS-UD the Council is directed to amend the district plan to remove minimum parking requirements without using the process in Schedule 1 of the RMA as soon as practicable and not later than 20 February 2022.
3. **Note** that the amendments will take effect on 7 December 2020 and that public notice of the amendments will be given on 10 December through newspaper advertisements. Before this the Planning Policy team will provide information on the Council website and contact resource management and development practitioners, submitters on the transport chapter of the PDP and surveyors and housebuilding and design companies about the changes.
4. **Authorise** the Manager Planning Policy to make edits and changes to the amended provisions consistent with the National Policy Statement Urban Development 2020 to improve clarity and correct any errors and give public notice of the amendments in accordance with subsection 2A(b) of section 55 of the Resource Management Act 1991.

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10/11/2020

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11/11/2020

CONTEXT | HOROPAKI

- 7 The NPS-UD is a national policy statement under the **RMA**. It came into effect on 20 August 2020 and replaces the National Policy Statement on Urban Development Capacity 2016 (**NPS-UDC**). National policy statements allow central government to prescribe objectives and policies for matters of national significance relevant to achieving ‘sustainable management’ – set out as being the ‘purpose’ of the RMA within section 5. District plans are required to give effect to any national policy statement.

- 8 The overall intent of the NPS-UD, as detailed in the agenda report to the 10 September Planning & Strategy Committee, is to improve the responsiveness and competitiveness of land and development markets, and to increase the supply of housing and commercial development in urban areas. It requires local authorities to provide more development capacity, so more homes can be built in response to demand and in accessible places, “helping New Zealanders build homes in the places they want – close to jobs, community services, public transport, and other amenities our communities enjoy”.¹ The NPS-UD builds on the NPS-UDC with more specific direction on where and how development capacity should be provided and how councils should respond to development opportunities.

Possible costs and benefits

- 9 The changes to minimum parking requirements in district plans are a central government response to the fact that “free parking” whether it is an unmetered on-street parking space, a space within a shopping development, or a parking space that comes bundled with an apartment or house, all have a significant cost and that this cost is currently hidden within “council compliance costs”. Costs and benefits of this include:
 - opportunity costs (what else could have been done with that land if it were not a parking space). In Queenstown and Wānaka vacant land comes at a high cost and some developments choose to locate on steep, hilly and hard to stabilise sites to obtain views where adding parking spaces is very costly.

 - congestion costs (people driving around looking for free parking make up a large percentage of traffic in congested urban areas). The Queenstown Masterplan identified evidence of this occurring in Queenstown town centre (notwithstanding that there has been no minimum parking requirements for developments in the town centre for some decades).

 - inefficiencies and price distortions (developers with their own money on the line are likely to have a better sense than council does about whether potential buyers/tenants would rather have a parking spot or a less expensive development or other amenities instead of car parks). Requiring the provision of parking strongly favours car use over other modes and usually means car dependence is built into developments making more sustainable and healthier transport modes less attractive.

¹ Page 6, National Policy Statement on Urban Development 2020, Introductory Guide, MfE, 2020

- parking shortages (when on-street or off-street parking is free in popular spots, there will always be shortages). Making lots of free parking available as the district develops will hinder and could prevent user-pays parking options, which can provide convenience and solve the problem of people hunting for parks, from being developed.

Specific Requirements of the NPS-UD

10 The NPS-UD introduces new requirements for local authorities with respect to car parking. Policy 11 of the NPS-UD prevents plans from requiring minimum parking rates and encourages the use of parking management plans. Subpart 8 lists what local authorities must do to give effect to Policy 11:

(1) If the district plan of a tier 1, 2 or 3 territorial authority contains objectives, policies, rules or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use, or activity, the territorial authority must change its district plan to remove that effect, other than in respect of accessible car parks.

(2) Territorial authorities must make any changes required by sub-clause (1) without using a process in schedule 1 of the Act.

(3) Nothing in this National Policy Statement prevents a district plan including objectives, policies, rules, or assessment criteria:

(a) requiring a minimum number of accessible car parks to be provided for any activity; or

(b) relating to parking dimensions or manoeuvring standards to apply if:

(i) a developer chooses to supply car parks; or

(ii) when accessible car parks are required

11 The effect of Policy 11 and Subpart 8 of the NPS-UD is that minimum car parking provisions must be removed from the PDP, and any sections of the ODP that are still operative.

12 The intent of removing minimum car parking provisions is to enable more housing and commercial developments, particularly in higher density areas where people do not necessarily need to own or use a car to access jobs, services, or amenities. It seeks to enable urban spaces to be used for higher value purposes other than car parking, and remove a significant cost for higher density developments.

13 As an example, Chapter 29 (Transport) of the PDP currently requires all residential units to have a minimum of two on-site parking spaces and residential flats to have a single on-site parking space (with the exception of those located within the High and Medium Density Residential Zones, Business Mixed Use Zone and Jacks Point Village Activity Area which have lower parking minimums). Commercial activities are currently required to have one on-site parking space per 25 m² and office activities are required to have 1 on-

site parking space per 25 m². In all these examples developers may still choose to provide car parking, but the number of car parks will be driven by market demand.²

- 14 The NPS-UD states that local authorities must amend their district plans to remove car parking minimums as soon as practicable, without using a public plan change process, and not more than 18 months from the date of commencement of the NPS-UD on 20 August 2020. Changes required by section 55 of the RMA such as this require a public notice but do not require consultation with interested and affected parties and do not have the usual appeal rights as a normal plan change.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

Implications for resource consenting

- 15 Changes required by the NPS-UD have a range of implications for Council's resource consenting functions:
- a) Removing car parking minimums from the district plan will permit new developments without car parking spaces. Council officers and its transport experts will no longer play a role in determining how many car parking spaces are required.
 - b) Councils retain the ability to consider the effects of car parking supply and demand in resource consent applications in preparing an Assessment of Environmental Effects. For example, upon the receipt of applications for large development proposals, the nature and scale of parking demand likely to be generated and how this demand interacts with the supply of car parking is likely to be looked at. Effects permitted by the plan are not something that Council should seek to control or impose conditions on, however this information can be used to address any safety issues that arise, or support the management of displaced parking demand and transport network efficiency through other mechanisms.
 - c) Where developers choose to provide on-site car parking, and resource consents are required, officers will still have the ability to manage the physical effects of car parking such as visual impacts, safety effects, screening, stormwater, and other impacts on adjacent uses. However, none of these considerations can have the effect of setting minimum car parking requirements.
 - d) The NPS-UD does not affect current standards that set minimum dimensions for vehicle manoeuvring and car parking spaces when a developer chooses to supply car parks, or where parking for vehicles other than cars is required such as loading bays, drop-off areas, bus, bike and other mobility parking. Likewise, rules and other standards held under other statutes and regulations, such as the Building Code, relating to access for car parks, accessible car parking and fire service vehicle access, will continue to have effect.

² National Policy Statement on Urban Development 2020, Car Parking Factsheet, MfE, 2020

- e) The district plan does not currently have any maximum parking limits but the NPS-UD does not remove local authorities' ability to impose maximum parking requirements for developments.
- f) The NPS-UD enables district plans to continue setting minimum on-site requirements for mobility or accessible car parks for people with mobility impairments.
- g) The direction set out in the NPS-UD creates a high level of uncertainty about applying existing parking minimum rules in the district plan. These rules remain in effect until they are removed. However, territorial authorities considering resource consents must, under section 104(1)(b) of the RMA, already have regard to the car parking policies in the NPS-UD which requires them to be removed. Removing the rules and making the related changes without delay will remove this current uncertainty.

Implications for parking management

- 16 QLDC is well placed to address the wider implications of removing parking minimums and other parts of Council that deal with parking are planning for how best to manage this change.
- 17 A number of recent and current Transport Strategy work streams are aimed at reducing the use of private cars and parking at the origin and destination of journeys. Masterplans and Programme Level Business Cases for Integrated Transport in Frankton, Queenstown and Wānaka have been essentially completed, as have studies into alternative transport, including public transport and active travel. A parking strategy for Queenstown has been substantially completed³ which contains objectives and principles for achieving high levels of mode shift and parking occupancy and “carrot and stick” initiatives to achieve these that are portable across the District. As part of this strategy a Parking Implementation Plan will soon be started, again, originally intended for Queenstown only, but this can be expanded to include other parts of the District, subject to available budget.
- 18 Transport Strategy feedback has stressed the importance of ensuring that as part of an Assessment of Environmental Effects for resource consent applications (and to the extent that this is possible given that the effects of parking demand are permitted by the district plan) developers should provide assessments of the travel behaviour and transport effects of the development including the need for any agreement with regards to mitigating the demand for car parking to service the development.
- 19 Feedback from Councils Resource Management Engineering team has noted that the QLDC Land Development and Subdivision Code of Practice can still require appropriate levels and design standards for vehicle parking on any roads and streets to be vested as Council assets.

³ Queenstown Parking Strategy 2019 (Draft), Queenstown Lakes District Council, November 2019.

- 20 Regarding enforcement, the QLDC Traffic and Parking Bylaw 2018 already provides for residential parking permit schemes to be set up, applied where necessary, charged for and enforced if this should be required.⁴
- 21 A key understanding from other parts of Council's business is that any increased demand for on-street parking resulting from less provision of on-site parking will not be addressed by increasing the supply of parking on public roads or other Council owned land.
- 22 It is the intention that parking will be addressed as part of Assessments of Environmental Effects, through town, or district wide management, as the promotion of alternative transport options is preferred and will form part of Travel Demand Management / Mode Shift Plan work streams.
- 23 Policy 11(b) of the NPS-UD 'strongly' encourages local authorities to manage the effects associated with the supply and demand of car parking through 'comprehensive parking management plans'. Waka Kotahi New Zealand Transport Agency is producing further guidance on how to produce comprehensive parking management plans.

Implications for accessible parking

- 24 Accessible parking refers to parking spaces that is designed and reserved for the exclusive use of people whose mobility is restricted and who have a mobility permit to occupy these spaces. It may also be described as 'mobility parking', 'accessible parking' and 'disabled/disability parking'. Policy 11(a) of the NPS-UD separates accessible parking from traditional parking, stating that local authorities need not remove these from district plans. They are an important part of ensuring accessibility for people who have restricted mobility. Because they are based on a proportion of minimum parking requirements they need to be amended.

Removal of minimum parking requirements and consequential changes

- 25 Approximately 99.8% of the District's land has been reviewed as part of the district plan review process and is managed by provisions of the PDP. However, a number of locations that have not yet been reviewed and these locations are still managed by the provisions of the ODP. The NPS-UD necessitates changes to both the PDP and the ODP.
- 26 Proposed District Plan:
 - a) Chapter 29 (Transport) of the PDP contains the majority of the objectives, policies and rules relating to car parking⁵. Chapter 29 minimum car parking requirements, along with any other objectives and policies which support them, will need to be removed or amended.
 - b) Zone chapters that relate to specific areas of land that contain objectives, policies and matters of control or discretion that have the effect of requiring a minimum number of car parks will need to be removed or amended.

⁴ QLDC Traffic and Parking Bylaw 2018, commencing 1 March 2019,

⁵ Note that this is limited to those parts of the District that have been notified in the current plan review.

- c) Removals and amendments to Chapter 29: Transport
- The word “number” has been removed from Policy 29.2.2.1 in regard to managing parking spaces
 - Policies regarding the amount of accessory parking, parking required for residential and visitor accommodation (29.2.2.2, 29.2.2.3)
 - Policies regarding minimum parking being provided off site (29.2.2.4)
 - Policies regarding reducing the minimum number of car parks provided (29.2.2.5)
 - Non-accessory parking (29.2.2.6)
- d) Remove:
- Standard 29.5.1 Minimum parking requirements
 - Standard 29.5.2 Location and availability of parking spaces
- e) Amend:
- Standard 29.5.4 Gradient of parking spaces and parking areas to apply only when car parks are provided.
- f) Table 29.8 Minimum parking requirements is to be deleted, along with associated advice notes and cross references.
- g) A marked-up version of Chapter 29 detailing all amendments required see **Attachment A**.
- h) Matters of control and discretion currently referencing ‘parking’ throughout the PDP zone chapters are also amended. The amendments ensure that when car parks are provided on-site, plan users are directed to consider matters relating to safety and manoeuvring of vehicles, as well as the location and screening of parking. This will ensure the provisions do not provide scope to specify minimum number of car parking spaces and that other matters in relation to the management of parking are retained.
- i) Consequential changes to objectives, policies, matters of control and matters of discretion with respect to the provision of parking in PDP zone chapters are set out in **Attachment B**.

27 Operative District Plan:

- a) Section 14 (Transport) of the ODP contains objectives, policies and rules relating to car parking⁶. Minimum car parking requirements alongside associated objectives, policies and assessment matters, will need to be removed or amended.
- b) A number of ODP zones have not been reviewed as part of the current plan review to date. Any objectives, policies, rules and assessment matters that have the effect

⁶ Note that this is limited to those parts of the District that have not already been notified as part of the current plan review ie they are still managed by ODP zones.

of requiring a minimum number of car parks in these zones will also need to be removed.

c) Policies to be removed:

- 5.1 minimum parking requirements.
- 5.6 areas to be set aside for staff car parking

d) Standards to be removed:

- 14.2.4.1(i). Minimum Parking Space Numbers.
- Tables 1, 1A, 1B, 1C and 1D are to be deleted, as are the corresponding advice notes.

e) A marked-up version of Section 14 detailing all amendments is attached as **Attachment C**.

f) Zones in the ODP containing rules requiring minimum parking rates needing amendment are the Townships Zone, Frankton Flats Special Zone, Frankton Flats (B) zone, Kingston Village Special Zone, and Ballantyne Road Mixed Use Zone.

28 Consequential changes to objectives, policies, matters of control and matters of discretion with respect to the provision of parking in these chapters are set out in **Attachment D**.

Recommendation

29 Council have been specifically directed by Central Government to make these changes and as such there are limited options for elected members to consider other than to implement them without delay (as recommended), or within 12 months' time, possibly following implementation of other parking management approaches.

30 It is noted that a range of initiatives and work streams are already underway addressing parking issues in the district and it is recommended that the benefits of reducing uncertainty in the planning system outweigh any potential benefits of a 12 month delay.

31 It is therefore recommended that elected members note the contents of this report, in particular the proposed approach with respect to removing minimum parking requirements from the ODP and PDP and the consequential amendments to other relevant sections of the two plans.

32 The proposed approach is within scope of the direction set out within Policy 11 and Subpart 8 of the NPS-UD and no public plan change process (schedule 1 of the RMA) is to be undertaken in this instance.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

33 This matter is of [medium] significance, as determined by reference to the Council's Significance and Engagement Policy.

- 34 This determination is based on recognition that parking is not going to rapidly disappear from urban areas as a result of these changes, but that in the future, developments are likely to be consented and built with inconsistent numbers of car parks depending on developer, business and land owner preferences and assessments of their desirability. It also reflects that the removal of minimum parking requirements from the ODP and the PDP will impact development and built form outcomes, and ultimately change the way communities need to interact with their local transport networks. Such an impact is likely to have a high level of community interest. This district has an improved but still developing public transport service and the community currently have a high level of dependency on private vehicle transport corresponding to high levels of expectation concerning the availability of car parking spaces, be they on-site or otherwise.
- 35 Ultimately, the direction set out within the NPS-UD requires that QLDC undertake the required amendments to the PDP and the ODP without specific public consultation processes.

> MĀORI CONSULTATION | IWI RŪNANGA

- 36 The Council is not required to consult with Maori on this particular matter, however other NPS UD requirements around producing a Future Development Strategy, enabling intensification of urban environments, and creating well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety will all be of significant interest to Iwi in their role as Mana Whenua and as entities with significant commercial interest in this district.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 37 This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK00031 Ineffective management and governance over legislative compliance within the [QLDC Risk Register](#). This risk has been assessed as having a moderate inherent risk rating.
- 38 The approval of the recommended option will support the Council by allowing us to avoid the risk. This shall be achieved by achieving compliance with legislation in a timely manner.
- 39 This matter has been presented to elected members for advice. The proposed amendments to the PDP and the ODP are required so QLDC can meet its obligation to give effect to the NPS-UD.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

- 40 PDP and ODP amendments required by the NPS-UD can be funded from within the existing district plan budget. Any other actions necessary to manage displaced parking and overall traffic demand management will not require changes to the Annual Plan or Ten Year Plan and can be funded from existing budgets.

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

41 The following Council policies, strategies and bylaws were considered:

- Queenstown Parking Strategy 2019 (Draft), November 2019
- Queenstown Lakes District Council Land Development and Subdivision Code of Practice, September 2020
- QLDC Traffic and Parking Bylaw 2018

42 The amendments required by the NPS-UD have been considered against the vision statements contained within Council's 'Vision Beyond 2050' documents. The overall intent of the NPS-UD and its effect on minimum parking requirements was discussed in section 8 of this report. This intent will assist the Council in making progress towards the following vision statements:

- Thriving people - Whakapuāwai Hapori
- Opportunities for all - He ōhaka taurikura
- Zero carbon communities - Parakore hapori

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

44 This matter is included in the Ten Year Plan/Annual Plan as part of the provision for development of the district plan.

LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE

45 The proposed amendments are necessary to give effect to the NPS-UD. QLDC is required to amend its planning documents to give effect to the NPS-UD in accordance with s55 of the RMA. In addition, s75(3)(a) of the RMA requires that district plans 'give effect' to any national policy statement.

46 Legal advice has been obtained with respect to the scope of amendments proposed to the PDP and ODP required by the NPS-UD.

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATUTURE 2002 O TE KĀWANATAKA Ā-KĀIKA

47 As outlined above, the options for elected members to consider in this report are limited by the fact that these amendments must be undertaken in accordance with s55 of the RMA and as soon as practicable.

48 The recommended option (to implement the changes without delay):

- will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is cost-effective for households and businesses;

- can be implemented through current funding under the Ten Year Plan and Annual Plan;
- is consistent with the Council's plans and policies; and
- would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

ATTACHMENTS | NGĀ TĀPIRIHANGA

A	Marked up changes to Chapter 29 PDP
B	Marked up consequential PDP changes
C	Marked up changes to Section 14 ODP
D	Marked up consequential ODP changes