

Chief Executive Memo



Chief Executive
Office

FROM: Jo Noble - Chief of Strategy and Science

TO: Nedine Thatcher Swan – Chief Executive

DATE: 18 November 2021

SUBJECT: **CHANGE TO THE TRMP TO REMOVE MINIMUM CAR PARKING REQUIREMENTS IN ACCORDANCE WITH THE NATIONAL POLICY STATEMENT – URBAN DEVELOPMENT**

1. Purpose

The purpose of this memo is to seek delegated approval to remove the provisions of the Tairāwhiti Resource Management Plan that set minimum car parking rate requirements, other than accessible car parks, to give effect to the Policy 11(a) and implementation of clause 3.38 of the National Policy Statement on Urban Development 2020.

2. Background and Discussion

The National Policy Statement on Urban Development 2020 (NPS-UD) was gazetted on 23 July 2020 and came into force on 20 August 2020.

Under the NPS-UD Gisborne District Council is a 'Tier 3' local authority. Policy 11 of the National Policy Statement on Urban Development states:

"In relation to 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; and*
- (b) 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."*

Clause 3.38 of the NPS-UD provides further direction on implementing policy 11:

"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."

Council is required to comply with Policy 11 of the NPS-UD by making the relevant changes to the district plan no later than 18 months after the commencement date of the NPS – so by February 2022. These changes are provided for by section 55 of the RMA 1991.

The NPS-UD states that the changes must be made without using an RMA schedule 1 process. This means that the relevant provisions of the district plan are to be deleted without going through the usual plan change process that involves public consultation, submissions, and hearings.

The NPS-UD allows 18 months for Council to make the necessary changes to the district plan to remove the minimum car parking requirements. This means the changes need to be made no later



than February 2022, but they can also be made at any time prior to this date. Several Councils across New Zealand have already deleted the minimum car parking requirements from their District Plans.

Under section 104(1)(b) of the RMA territorial authorities considering resource consent applications must have regard to the car parking policy in the NPS-UD from the date of commencement. This means that the NPS-UD car parking provisions have and will influence resource consent decisions before the TRMP has been amended to remove car parking minimums.

Taking into account the requirements of s104 above, the Gisborne District Council Resource Consents Team have adopted the following approach:

- Since the NPS-UD 2020 came into effect, and between now and when the minimum parking rules are removed from the district plan, the consents team will not require a resource consent if the only issue is that the minimum parking rules are not met.
- Resource consent applications for housing (excluding multi-unit development) that are required for reasons other than not meeting the onsite parking requirements will not have to include an application for not meeting minimum parking rules.
- Multi-unit developments and other proposals, such as non-residential activities, that would not be allowed as-of-right in terms of parking once the minimum parking rules are removed will still need parking effect assessments and this will not change once the minimum parking rules are removed.

The above approach is largely giving effect to the requirements of the NPS-UD now, even though the TRMP has not yet been changed to give effect to the NPS.

The removal of the parking minimums does not limit the ability of new developments to provide on-site car parking, and it is anticipated that many will continue to do so.

Council will be able to consider car parking and traffic effects for any resource consents with a discretionary or non-complying activity status, irrespective of whether the minimum car parking requirements have been removed from the district plan.

The current parking design standards and minimum loading space requirements are not impacted by the NPS-UD and will be retained in the district plan and remain applicable to new development proposals.

Under Policy 11(b) of the NPS-UD 2020, local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans. Given the changes required, the provision of car parking, particularly within the Central Commercial zone, will become an issue Council will need to manage. The review of the TRMP urban growth and development work stream will consider how and when comprehensive parking management plans will be required. However, given the now voluntary nature of on-site car parking provision, comprehensive parking management plans will not be the entire solution to parking demand and supply. Council will be required to play a significant role in influencing demand for example by increasing the use of public transport and associated reduction in the use of private motor vehicles, and by the provision of strategically located, well designed and run public car parking areas.

The statutory requirement, to give public notice of the Plan Change amendments within 5 working days of making the decision, will be fulfilled by placing a notice in the Gisborne Herald.



3. Legal and Financial Considerations

Under section 75(3) of the RMA 1991 a district plan, or in the case of the TRMP, the district provisions of the TRMP, must give effect to any national policy statement.

Council is required to comply with Policy 11 and clause 3.38 of the NPS-UD by making the relevant changes to the district plan no later than 18 months after the commencement date of the NPS – so by February 2022. These changes are provided for by section 55 of the RMA 1991.

Appendix A to this memorandum sets out the proposed changes to the TRMP that are considered necessary to give effect to the NPS-UD.

The Gisborne District Council **General Delegations to the Chief Executive and Delegation to Officers under the Resource Management Act 1991 and Local Government (Rating) Act 2002** instrument, dated 13 August 2020, *Delegates to its Chief Executive all responsibility, functions and powers to act on any matter, excluding those matters in respect of which delegation is prohibited by legislation.*

Using section 55 of the RMA 1991 to comply with Council's section 75(3) of the RMA requirements is not a matter in respect of which delegation is prohibited by legislation and is therefore a delegation made to the Chief Executive.

4. Recommendations

It is recommended that the changes set out in Appendix A are made to the Tairāwhiti Resource Management Plan now in accordance with Policy 11 and clause 3.38 of the National Policy Statement on Urban Development 2020.

Jo Noble
Chief of Strategy and Science

5. Approval under delegated authority

The changes set out in Appendix A are made to the Tairāwhiti Resource Management Plan without use of the Schedule 1 process set out in the Resource Management Act 1991. These changes are in accordance with Policy 11 and clause 3.38 of the National Policy Statement on Urban Development 2020.

23rd November 2021

Nedine Thatcher Swann
Chief Executive



Appendix A: Proposed changes

Strikethrough text is existing text to be deleted

Blue text is new text to be added

C2.1.4.3 Policies (Design and Reticulation of Infrastructure)

8. ~~To ensure the provision of car parking to the Inner Harbour is consistent with and promotes the enhancement of its economic and amenity potential by:~~

- ~~• Managing the supply of car parking that adequately meets existing and projected demand without creating unnecessary supply;~~
- ~~• Supporting adaptive reuse of land for more compact, mixed use development;~~
- ~~• Supporting alternative forms of transport including walking, cycling and public transport;~~
- ~~• Recognising the high amenity value of the Inner Harbour waterfront.~~

Principal reason for Policy C2.1.4.3

Principal reasons:

Design and reticulation of infrastructure

~~Policy 8: GDC, in partnership with the Eastland Port Company, seeks to transform the Inner Harbour into a high quality environment in line with other prime waterfront locations around New Zealand. It is considered that the Eastland Port area has a significant economic and amenity potential that can be unlocked and showcased in a more vibrant and integrated manner. Car parking is a key issue for the Inner Harbour redevelopment. The broad challenge is to ensure that car parking is provided in a way that meets most user needs while supporting the economic and amenity enhancement of the Inner Harbour.~~

C2.1.7.1 General Standards

13 Manoeuvring Areas

a) Subject to (b) with the exception of sites containing no more than one single dwelling unit, all sites shall, **where on-site car parking is provided**, provide either accessways, aisles and turning areas or parking spaces adequate to enable vehicles to enter and exit to the road in a forward direction.

Note: An adequate turning area is one that provides for the car tracking curves depicted in Figure C2.1.4.

b) Sites fronting arterial roads:

The construction, addition to, or alteration of buildings (including new dwelling units) shall not encroach on or reduce on-site manoeuvring areas beyond the point that they continue to provide the ability for vehicles to enter and exit to the road in a forward direction.



Rule C2.1.7.1 Rules for Provision of Infrastructure for Development (Works and Services)

General Standards that apply to all activities, where applicable

J1 Provision of parking and loading spaces

- a) Unless otherwise provided for in this chapter, ~~parking spaces and~~ loading bays shall be provided on site in accordance with Figure C2.11 below.
- b) When activities on the same site occur at different times during the day, then the number of parking spaces and loading bays to be provided shall be for the maximum requirement at any one time during the day or night.
- c) In Figure C2.11 GFA = gross floor area.
- d) ~~Parking spaces and~~ Loading bay requirements are as follows in Figure C2.11 below:

Rule C2.1.7.1 Rules for Provision of Infrastructure for Development (Works and Services)

General Standards that apply to all activities, where applicable

Activity	Minimum Number of Parking Spaces	Minimum Number of Heavy Goods Vehicle Loading Bays
Industry, manufacturing and processing sites	1 space per 50m² GFA	1 plus 1 space per 1000m ² of GFA over 2000m ²
Warehouses, auction rooms and bulk storage facilities, depots	1 space per 100m² GFA	1 plus 1 space per 1000m ² of GFA over 2000m ²
Motor vehicle repairs and services	4 spaces per service bay	Nil
Service stations	4 spaces per service space plus 3 spaces per car wash	Nil
Motor vehicle sales	1 space per 2 staff members	Nil
Offices	1 space per 50m² GFA	1 per 2000m ² GFA
Retail Stores (excluding retail stores with 1500m ² or more GFA)	1 space per 40m² GFA plus 1 space per 40 m² outdoor retail area	1
Large Retail Stores (including retail stores with 1500m ² or more GFA)	1 space per 40m² GFA	1 plus 1 per 1000m ² GFA over 2000m ²
Banks	1 space per 40m² GFA	1



Activity	Minimum Number of Parking Spaces	Minimum Number of Heavy Goods Vehicle Loading Bays
Taverns, casinos, nightclubs, licensed clubrooms	1 space per 5 person design capacity plus 1 space per 2 staff members	1 plus 1 per 1000m ² GFA over 2000m ²
Restaurants, cafes, wine-bars and fast food outlets	1 space per 40m² GFA for indoor space plus 1 space per 40m² outdoor eating area	> 500m ² GFA. 1
Entertainment facilities, including cinemas, libraries, museums, theatres, gymnasiums, indoor sports facilities, indoor pools, marae, and conference centres	1 space per 5 person design capacity	> 500m ² GFA. 1
Outdoor recreation:		
Golf	2 spaces per hectare	Nil
<ul style="list-style-type: none"> Field sports 	12 spaces per hectare	Nil
<ul style="list-style-type: none"> Sealed surface sports (including club affiliated lawn tennis courts) 	20 spaces per hectare	Nil
<ul style="list-style-type: none"> Manicured lawn, sports (including bowls and croquet) 	80 spaces per hectare	Nil
<ul style="list-style-type: none"> Unlicensed club rooms 	80 spaces per hectare	Nil
Spiritual facilities	1 space per 20m² of main auditorium/ worship area, or 1 space per 20m² of accessory meeting rooms whichever is the greater	Nil
Mortuary chapels and funeral parlors	1 space per 5m² meeting rooms	Nil
Visitor accommodation. Note: Public areas assessed separately.	1 space per accommodation unit plus 1 space per 2 staff members	Nil



Activity	Minimum Number of Parking Spaces	Minimum Number of Heavy Goods Vehicle Loading Bays
Camp grounds and motor camps	1 space per site plus 1 space per 2 staff members	Nil
Hospitals	1 space per 2 patient beds plus 1 space per 2 staff members	1 per 50 beds
Residential care housing	1 space per 5 people accommodated plus 1 space per 2 staff members	Nil
Health & medical centres	4 spaces per health practitioner plus 1 space per 2 support staff	Nil
Tertiary Institutions	1 space per staff member plus 2 space per classroom equivalent	1 plus 1 per 2000m ² GFA over 2000m ²
Secondary Schools	2 spaces per classroom equivalent	1
Primary Schools	2 spaces per classroom equivalent	Nil
Child care and early learning centres	1 space per staff member plus 1 space per 10 children	Nil
Home occupations-medical and health services	(Additional to household unit requirements) 1 space for non-residents staff plus 2 spaces for public use	Nil
Home occupations: all other activities	(Additional to household unit requirements) 1 space for non-residents staff space plus 1 space for public use	Nil
Home stays	(Additional to household unit requirements) 1 space per accommodation room	Nil



Activity	Minimum Number of Parking Spaces	Minimum Number of Heavy Goods Vehicle Loading Bays
Residential dwelling unit greater than 65m ² GFA	2 spaces per unit	Nil
Residential dwelling unit 65m ² or less GFA	1 space per unit	Nil

Figure C2.11 – Standards for Parking and Loading Provisions

Rule C2.1.7.1 Rules for Provision of Infrastructure for Development (Works and Services)

General Standards that apply to all activities, where applicable

J1 Exemptions from the provision of parking and loading spaces

- a) For sites within the Port Management Zone A identified as Waterfront in Appendix H30 of this Plan, an exemption of 100% from the standards for parking shown in figure C2.11 shall apply.
- b) For sites within the Port Management Zone A identified as Inner Harbour Surrounds in Appendix H30 of this Plan, an exemption of 50% from the standards for parking shown in figure C2.11 shall apply.

Rule C2.1.7.1 Rules for Provision of Infrastructure for Development (Works and Services)

General Standards that apply to all activities, where applicable

J3 Assessment of number of spaces

- a) The required number of disabled parking spaces and loading bays shall be:
 - i. Calculated in respect of each activity undertaken on the site.
 - ii. Re-calculated in the event of a change in activity.
 - iii. Re-calculated in the event of a change in the scale or intensity of land use.

Rule C2.1.7.1 Rules for Provision of Infrastructure for Development (Works and Services)

General Standards that apply to all activities, where applicable

J4 Sharing of parking and loading spaces

- a) Parking spaces and loading bays may be shared between different activities that occupy the same site.

provided that:

- 1. The occupier requiring the parking spaces or loading bay is located adjacent to the occupier who provides the parking spaces or loading bay.



2. The total number of ~~required~~ parking spaces **required by J6, and** or loading bays calculated from Figure C2.11 for the site is still provided.
3. The written agreement of the occupier providing the parking or loading bay is obtained and a copy of the agreement is lodged with Gisborne District Council prior to the commencement of the activity

Rule C2.1.7.1 Rules for Provision of Infrastructure for Development (Works and Services)

General Standards that apply to all activities, where applicable

J6 Provision of Parking Spaces for the Disabled

- a) Parking spaces for disabled persons shall be provided in accordance with New Zealand Standard NZS 4121:1985: Design for Access and Use of Buildings and Facilities by Disabled Persons.
- ~~b) The number of parking spaces for the disabled required by with New Zealand Standard NZS 4121:1985 is inclusive of the parking requirements specified in Figure C2.11.~~

C2.2.6 Rules for Papakainga and Marae Settlements

C2.2.6.1 General Standards

D. Roads, Accessways and Parking

- a) Roads, accessways and parking, **when provided**, shall be provided in accordance with the rules specified in C2.1.6 and C2.1.7 (Infrastructure, Works and Services):
provided that parking, loading and manoeuvring areas may be located communally within the papakainga complex.

Note: For the purposes of clarity, parking for individual dwelling units need not be provided within the land exclusively attached to the dwelling unit, but may instead be located in another part of the complex, provided that the parking space is kept for the exclusive use of the occupants of the dwelling unit.

DD2.6.1 Rules for Commercial zones

Landscaping for Carparks

- a) Landscaping shall be installed in the relevant yard in accordance with Figure DD2.3 when 6 or more car parking spaces are ~~required to be~~ provided.

DD2.6.1A- Inner Commercial Zone

Rule DD2.6.1A(12) Indoor entertainment activities

- c) On-sites having frontage marked as "continuous street façade" on the urban planning maps, the design capacity of the activity shall not exceed that of retail activities when calculated in terms of the parking requirements set out in ~~C8~~ **Figure C2.11**.

DD3.6.1- Rules for Industrial zones



DD3.6.1.1 General Standard

K Landscaping of car parks – General Industrial zone

- a) Landscaping shall be installed in the relevant yard in accordance with the table below where 10 or more car parking spaces are ~~required to be~~ provided for use by the public or where they are able to be viewed from the road:

DD4.4 Policies

DD4.4.1 All Rural Zones Policies

2. To manage the effects of land use in rural zones which may not be of a rural nature by ensuring that the amenity values of the rural environment and surrounding properties are maintained with particular regard to:
 - a) traffic generation whereby:
 - i. the level of traffic generated by the activity must be able to be accommodated without compromising the safety of traffic and residents on the district's roads;
 - ii. given the nature of adjacent roads that all entry, exit and manoeuvring of vehicles onto a public road can be conducted safely;
 - iii. adequate on-site ~~vehicle parking and~~ manoeuvring areas are provided, **where on-site vehicle parking is provided**, for all developments.

Rule DD4.6.1A(5) Sale of farm produce

Permitted - All Rural zones

- a) The selling point is to be set back a minimum of 20m from any road frontage with access provided thereto by means of one joint entry and exit lane with a minimum width of 6m.
- ~~b) On-site parking shall be provided in accordance with the retail ratio specified in C2.~~