

SUBMISSION - PROPOSED DISTRICT PLAN CHANGE 80

Section 32 Report 3.1 2 is a clarification and correction for Residential Rule 5.3.3

3.1.2 Early Childhood Centres (Residential Rule 5.3.4) - Car parking provision

This amendment is to include the parking Standard 5.6.1.3 in the list of standards that must be met.

This does not address the current situation that there is no parking standards applying to childcare centres in residential areas of over 30 children.

It seems ludicrous that there must be 1 vehicle park for every staff member of childcare centre for under 30 children but if there is more than 30 there is no minimum compulsory vehicle parking standard, instead approval is on a case by case with the interpretation of any parking standard applied, dependent on which particular Council planning officer is involved.

Recent interpretation of the District Plan for this rule for a childcare of over 30 children had three Council staff including 2 from the planning department and 1 from transport planning stating 5.6.1.3 also applies to childcare centre of over 30, another planner plus a Commissioner says it does not apply

We now have a situation in my suburb where the parents and staff of the existing childcare centre approved for 56 children currently use up any available parking in an area already at saturation point for parks during the day. Last year a resource consent for expansion to 110 children and 20 staff into a residential area was approved with no parking requirements as apparently rule 5.6.1.3 does not apply. This is as recent as May 2015 with the actual building not yet completed nor the increase in child numbers approved by the Ministry of Education.

The activity status of a childcare centre in a residential area of up to 30 children is assessed under Rule 5.3. Discretionary Restricted and specified under Rule 5.3.3. Plan Change 80 seeks to clarify the vehicle parking requirement contained in Standard 5.6.1 by adding this existing standard to the list of standards that must be met by early childcare centres under 5.3.3.6.

Currently the establishment/expansion of a childcare centre in a residential area of more than 30 children is assessed under Rule 5.4. Discretionary Unrestricted and then comes under 5.4.1 Non Residential activities not specifically provided for as Permitted, Controlled or Discretionary Restricted.

The Residential area Standards 5.6 clearly states under 5.6.1 Activity Standards that 5.6.1.3 Vehicle Parking applies to all activities in Residential Areas.

Submitters against this Resource consent before a submissions was lodged received confirmation from a Council Planning officer saying 5.6.1 and 5.6.1.3 applies to all childcare centres in residential area. During the hearing Council's Transport Engineer also stated this rule applies and this was stated by submitters objecting to the expansion. In correspondence after the hearing the Commissioner stated that submitters were wrong, Vehicle parking standard 5.6.1.3 does not apply to non residential activities and only applies to residential activities permitted under Rule 5.1.1 that are assessed under Rule 5.4.1. Importantly they do not apply to early childhood centres that require consent under Rule 5.4.1. As the applicants proposal is not permitted under Rule 5.1.1 therefore parking standards Rule 5.6.1 does not apply. The Commissioner asked council to confirm her interpretation of this rule and this was confirmed by a senior Council consent planning officer.

Last week when preparing a submission for Plan change 80 I was told by a Council planning Officer that it was not really necessary as Vehicle Parking for Childcare centres of over 30 is cover by standard 5.6.1.3.

Council must clarify the application of this rule, it is time consuming and totally disheartening for residents to take so much time to understand the District plan and make a submission only to be told conflicting interpretation of Rules by council staff.

Therefore my submission is Standard 5.6.1.3 applies to all childcare centres in Residential areas regardless of the number of children.

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