

Memorandum

Date: **15 April 2021**

To: **John McSweeney, Place Planning Manager**

From: **Tim Johnstone, Principal Advisor, Place Planning**

Subject: **Changes to district plan to remove minimum car parking requirements in accordance with the National Policy Statement-Urban Development**

Purpose:

The purpose of this memo is to seek your delegated approval to remove the provisions of the district plan that set minimum car parking rate requirements, other than for accessible car parks, to give effect to Policy 11 of the National Policy Statement on Urban Development 2020 .

Background:

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 Wellington City Council is a 'Tier 1' 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 (February 2022).

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.

Discussion:

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 any time prior this date. For example, Hutt City Council have recently deleted the minimum car parking requirements from its District Plan.

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 will influence resource consent decisions before district plans have been amended to remove car parking minimums.

Taking into the requirements of s104 above, the Wellington City Council Resource Consents Team have adopted the following approach:

- Between now and when the minimum parking rules are removed from the district plan the consents team will not insist on 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 other 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 therefore largely giving effect to the requirements of the NPS-UD now even though the district plan 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.

The current district plan does not contain minimum parking requirements for the Central Area, Centres and Business Zones and therefore there is no impact from the proposed changes on development in these zones.

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 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.

Council has recently adopted a new Parking Policy to manage on and off-street parking in the city. This acknowledges the requirements of the NPS that there will be no minimum off-street parking requirements for future development in the city. The Parking Policy provides tools to be able to manage parking issues through means such as time limits, resident's parking schemes, or pricing.

Legal and financial considerations:

Under section 75(3) of the RMA 1991 a district plan must give effect to any national policy statement.

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 and without using an RMA schedule 1 process (see s55(2) RMA).

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

The Wellington City Council Terms of Reference and Delegations of Authority gives the power to the Place Planning Manager to amend the district plan to give effect to the requirements of a national policy statement.

The approval of this memorandum by the Place Planning Manager is therefore the appropriate legal mechanism to authorise the changes to the district plan that are set out in Appendix A.

In accordance with section 55(2A)(b) of the RMA Council is required to give public notice of the amendments within 5 working days after making them.

There are no financial considerations.

Recommendation:

It is considered that making changes to the district plan now to remove the minimum car parking requirements is a sound approach that gives effect to national direction, reflects what is happening in practice, and provides greater certainty and clarity for the interpretation and application of the District Plan.

It is therefore recommended that the changes set out in Appendix A are made to the district plan now in accordance with Policy 11 of the NPS-UD.

Recommendation agreed:



John McSweeney, Place Planning Manager

APPENDIX A - Proposed changes

Strikethrough text is existing text to be deleted.

Red text is new text to be added.

Policy 4.2.7.5 Facilitate a range of non-residential activities at ground floor in the Oriental Bay Height Area, provided amenity standards are maintained, and any adverse effects are appropriately avoided, remedied, or mitigated.

~~• Whether vehicular traffic generated by any activity can be accommodated without a loss of safety or residential amenity or without causing congestion. Onsite vehicle parking will be assessed with regard to the number of people employed or occupying the site and the demands of visitors and customers. Reasonable parking should be provided on site.~~

Policy 4.2.7.6 Manage the establishment of early childhood centres in Residential Areas

~~• The necessity for off-street parking: parking arrangements will be assessed with regard to the number of staff to be employed on the site and visitors. Council seeks to ensure that off-street parking is available for each staff member. Stacked parking arrangements may be considered. Consideration also needs to be given to parking arrangements made (either on-site or off-site) for the safe set down or pick up of children. This is because traffic congestion at these times may affect both the safety of children but also the efficient functioning of the road. Consideration will also be given as to the degree to which travel plans or public transport can be utilised to reduce demand for carparking. Consideration will also be given as to the degree to which travel plans or public transport can be utilised to reduce demand for carparking.~~

Policy 4.2.12.4 Require appropriate parking, loading and site access for activities in Residential Areas.

~~Street congestion occurs in certain residential neighbourhoods. To minimise or reduce street congestion, all new developments must be reasonably self-sufficient with regard to parking. Rules therefore require on-site parking appropriate to the use or activity. The parking and access conditions are aimed at maintaining access and safety on suburban streets but parking is not required for every person on a site who may own a vehicle.~~

Residential Area Standards

5.6.1.3 Vehicle Parking

- ~~• residential activities: minimum 1 space per household unit~~
- ~~• in the Inner Residential Area an existing building may be converted into two household units without provision of on-site parking, provided the existing building was constructed prior to 27 July 2000 and the development will not result in more than two household units on the site~~
- no on-site parking is required to be provided on the properties at 9, 11, 13, 15, 17 and 19 Millward Street, Newtown
- ~~• visitor parking for multi-unit developments: a minimum 1 dedicated space for every four household units for any proposal that results in 7 units or more~~
- ~~• for early childhood education centres the parking requirement shall be 1 space for each staff member that is required to operate the centre when it is at full capacity~~
- ~~• for boarding houses the parking requirement shall be 1 space per 3 bedrooms~~

- all parking must be provided and maintained in accordance with sections 1, 2, and 5 of the joint Australian and New Zealand Standard 2890.1 – 2004, Parking Facilities, Part 1: Off-Street Car Parking.

Work from Home Activities

~~5.6.1.5.5 One on-site parking space shall be provided for each person working on the site, excluding people resident on the site in accordance with sections 1, 2, and 5 of the joint Australian and New Zealand Standard 2890.1 – 2004, Parking Facilities, Part 1: Off-Street Car Parking.~~

Replace with: 5.6.1.5.5 **Any** on site parking space **that is** shall be provided for each person working on the site, excluding people resident on the site, **shall be** in accordance with sections 1, 2, and 5 of the joint Australian and New Zealand Standard 2890.1 – 2004, Parking Facilities, Part 1: Off-Street Car Parking.

Subdivision

~~5.6.4.4 Every allotment must have drive on~~ **Where** vehicle access and parking **is provided it must be** constructed in accordance with standards 5.6.1.3 and 5.6.1.4.

7.6.5 CHURTON PARK DISTRICT CENTRE STANDARDS These standards apply to all development in the Churton Park District Centre Concept Plan (See Appendix 1)

7.6.5.1 General requirements

~~7.6.5.1.11 Car parking for medium density residential housing shall be provided at a ratio of 1 car park / unit plus a minimum of 1 visitor car park per 4 units (this provision is the same as that for infill housing requirements in the outer residential area). If fractions result, additional parking is required where the fraction is 0.6 or higher.~~

Centres Appendices

4.12 Car parking, public transport, pedestrian and cycle access

Carparking

~~Carparking shall be provided to meet the demands for carparking associated with uses within the site.~~

Carparking areas should in the main not be visible from public spaces including public roads and through-site links.

The majority of carparking should be located in underground carparks, in undercrofts, garages or in carparking building(s).

Institutional Precincts Rules and Standards

9.2.1.4 Vehicle Parking

~~9.2.1.4.1 Whether parking should be provided for the proposal under consideration. Individual developments may not have a specific parking provision but Council seeks to ensure that the following parking requirements for the precinct will eventually be met:~~

Victoria University	780 spaces
Hospital	1135 spaces
Mt Cook Precinct	
Massey University (staff and students)	1:14 full time equivalent
Wellington High School	100 spaces

~~9.2.1.4.2 The extent to which the standards for parking can be varied without endangering traffic or people.~~

11A Airport Precinct Rules

11.1.1.4 Vehicle parking

11.1.1.4.1 Parking must be provided at the following rates:

Activity	Minimum Parking Requirement
Passenger terminals	-
Public areas	1 : 27m ² per gross floor area (g.f.a.)
Staff areas	1 : 100m ² g.f.a.
Freight terminals	1 : 220m ² g.f.a.
Maintenance facilities	1 : 120m ² g.f.a.
Recreation activities	1 : 4 people that the facility is designed to accommodate
Other activities	-
Retail	1 : 50m ² g.f.a.
Hotel	1 : 15 people the building is designed to accommodate
Restaurant	1 : per 3 seats

11.1.1.4.2 All parking shall be provided and maintained in accordance with the standards set out in Appendix 2.

11B Golf Course Recreation Area Rules

11.5.1.3 Vehicle parking

11.5.1.3.1 Parking spaces must be provided at the following rates:

Activity ——— *Minimum Parking Requirement*

Recreation

Golf Course ——— 6 : per hole

~~*Other* ——— 1 : 4 people that facility is designed to accommodate~~

11.5.1.3.2 All parking shall be provided and maintained in accordance with the standards set out in Appendix 2.

Chapter 36: Curtis Street Business Area Rules and Standards

(l) Vehicle Parking, Servicing and Site Access Vehicle parking

Vehicle parking

i. All required parking shall be provided within the Curtis Street Business Area.

~~*ii. For any residential activity a minimum of 1 car park space per household unit must be provided. In addition, for any multiunit development, visitor parking must be provided at a rate of 1 dedicated space for every four household units that results in 7 units or more.*~~

iii. All parking shall be provided and maintained in accordance with sections 1, 2 and 5 of the joint Australian and New Zealand 2890.1-2004, Parking Facilities, Part 1: Off-Street Car Parking.

iv. Where car parking is located within a building, a minimum height clearance of no less than 2.2 metres is required.

v. The gradient for car parking circulation routes shall not be more than 1 in 8