

IN THE ENVIRONMENT COURT
AT WELLINGTON

I TE KŌTI TAIAO O AOTEAROA
KI TE WHANGANUI-A-TARA

Decision No. [2021] NZEnvC 191

IN THE MATTER OF

an application for an order under s 86D
of the Resource Management Act 1991

BY

KĀPITI COAST DISTRICT
COUNCIL

(ENV-2021-WLG-000038)

Applicant

Court: Environment Judge BP Dwyer sitting alone under s 279 of the
Act
Last case event: Application lodged 27 October 2021
Date of Decision: 8 December 2021
Date of Issue: 8 December 2021

DECISION OF THE ENVIRONMENT COURT

A: The application is granted.

REASONS

Introduction

[1] The Kāpiti Coast District Council (Council) applies under s 86D of the RMA for rules in Plan Change 1A (PC1A) to the Kāpiti Coast District Plan (the Plan) to have legal effect from the date PC1A is notified. PC1A seeks to make provision for accessible car parking¹ in the Plan as existing provisions for accessible car parking

Carparks designed and marked for use by persons with a disability or with limited



RE KAPITI COAST DISTRICT COUNCIL

have been affected by the National Policy Statement on Urban Development 2020 (NPS-UD 2020).

[2] The Council explains that cl 3.38 of the NPS-UD 2020 requires the Council to remove any requirements for minimum numbers of car parks from the Plan except for accessible car parks. Removal of the car parking requirements from the Plan has a flow on consequence that the basis for calculating the required number of accessible car parks in any instance will also be removed from the Plan. PC1A is designed to address that issue.²

[3] The Council says that granting this application in relation to PC1A would give effect to the NPS-UD 2020, the Council's Long-Term Plan and be consistent with the RMA's purpose of sustainable management, having particular regard to the need to retain connectivity for those who require different transport options. The earliest that decisions could be made on submissions on PC1A is typically 9 to 12 months from the date of public notification of those proposed amendments. If appeals are lodged against any of the decisions on PC1A the operative date for the rules could be delayed by months pending resolution of the appeals.³

[4] The Council lodged an affidavit sworn by Christine Anne Foster (a resource management planning consultant) in support of its application.

Background

[5] Clause 3.38 of the NPS-UD 2020 provides:

3.38 Car parking

- (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.

mobility.

² Notice of Motion at [4].

³ Notice of Motion at [24].

- (2) Territorial authorities must make any changes required by subclause (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.

[6] The Council proposes to delete all of the car parking requirements currently in the Plan, without using the Schedule 1 process through a process called Plan Amendment 1.⁴ However the Council intends to use the Schedule 1 RMA process for PC1A because of the significant changes that will be required throughout the Plan to address accessible car parking requirements.⁵

[7] The Council must comply with the cl 3.38 direction by 20 February 2022.⁶ The Council says that it will take at least 12 months to progress PC1A through the Schedule 1 process and it would therefore not have legal effect before 20 February 2022.⁷ The Council submits that this would result in a period where all car parking requirements have been removed from the Plan and there is no requirement for a minimum number of accessible car parks.⁸

[8] The Council says that the Plan currently calculates the required number of accessible car parks in any situation based on a proportion of general car parks required.⁹ Ms Foster explains that the removal of the car parking rules from the Plan will mean that the basis for calculating required disabled persons' car parks will also be removed from the Plan (even if the accessible parking rule TR-PARK-R18 were

⁴ Notice of Motion at [8].

⁵ Notice of Motion at [5].

⁶ NPS-UD, cl 4.1.

⁷ Notice of Motion at [10].

⁸ Notice of Motion at [10].

⁹ Notice of Motion at [11].

retained). The result would be that no on-site accessible parking would be required to be provided within any future activity.¹⁰

[9] PC1A calculates the required number of accessible car parks on the basis of activities. The calculation is based on the same ratios as are currently set out in the Plan so the rate of required car parks will not increase.¹¹ PC1A also introduces accessible parking requirements for multi-unit residential developments which are not addressed in the current Plan.¹²

Discussion

[10] Section 86D provides:

86D Environment Court may order rule to have legal effect from date other than standard date

- (1) In this section, **rule** means a rule—
 - (a) in a proposed plan; and
 - (b) that is not a rule of a type described in section 86B(3)(a) to (e).
- (2) A local authority may apply before or after the proposed plan is publicly notified under clause 5 of Schedule 1 to the Environment Court for a rule to have legal effect from a date other than the date on which the decision on submissions relating to the rule is made and publicly notified under clause 10(4) of Schedule 1.
- (3) If the court grants the application, the order must specify the date from which the rule is to have legal effect, being a date no earlier than the later of—
 - (a) the date that the proposed plan is publicly notified; and
 - (b) the date of the court order.

[11] The Council has listed some “procedural” matters that the Court has previously chosen to consider in respect of s 86D applications. They can loosely be described as

¹⁰ Affidavit at [14].

¹¹ Notice of Motion at [12]. Affidavit at [19].

¹² Notice of Motion at [13].

consultation and participation factors.¹³

[12] The Council has also referred to a number of cases listing substantive factors that may be considered in deciding an application under s 86D RMA. They include:¹⁴

- (a) the nature, purpose, effect and significance of the proposed changes by reference to the status quo;
- (b) the basis upon which it can be said that immediate legal effect is necessary to achieve the sustainable management purpose of the Act;
- (c) the spatial extent of the areas which are to become subject to the proposed changes and/or how many properties will potentially be affected. Site-specific rules addressing a particular issue are more likely to be granted early legal effect; and
- (d) the strategic importance of the plan change in question.

[13] In a more recent decision the Court confirmed that aspects of vulnerability (for example, pressure on and scarcity of resources) are relevant considerations.¹⁵

[14] The Council addresses the procedural and substantive matters in its grounds for the application:¹⁶

- (a) As a Tier 1 local authority, the Council must comply with the car parking requirements in the NPS-UD before 20 February 2022.¹⁷ The Council intends to give effect to this requirement through Plan Amendment 1, and as directed by the NPS-UD, does not need to go through the RMA Schedule 1 process to do so.¹⁸ PC1A is designed to directly respond to the effect that Plan Amendment 1 will have on provision for accessible parking in the Plan, and

¹³ Notice of Motion at [18] and *Re Thames-Coromandel District Council* [2013] NZEnvC 292 at [8]-[10]; *Re New Plymouth District Council* [2010] NZEnvC 427 at [32]; and *Re Tasman District Council* [2011] NZEnvC 47 at [9].

¹⁴ Notice of Motion at [19] and *Re Palmerston North City Council* [2015] NZEnvC 27 at [23]-[34]; *Re Thames-Coromandel District Council* [2013] NZEnvC 292 at [8]-[10]; and *Re New Plymouth District Council* [2010] NZEnvC 427 at [32].

¹⁵ Notice of Motion at [21] and *Re Waimakariri District Council* [2021] NZEnvC 142 at [16]-[17].

¹⁶ Notice of Motion at [23].

¹⁷ Affidavit at [11] and [12].

¹⁸ Affidavit at [13].

therefore complements Plan Amendment 1. The primary purpose of PC1A would be best achieved if it had legal effect at the same time as Plan Amendment 1.

- (b) The time period for progressing PC1A through the RMA Schedule 1 process could be 12 months.¹⁹ If PC1A is not given immediate legal effect, (and assuming Plan Amendment 1 is made at the same time as PC1A is notified, which is the Council's intention) during that period there would be no requirement to provide any accessible car parks. The Council cannot delay giving effect to Plan Amendment 1 until PC1A has gone through the Schedule 1 process because clause 4.1 of the NPS-UD directs that the Council must remove all the provisions requiring general car parking by 20 February 2022. While the Council does not anticipate that there would be a “gold rush” effect, there is a risk that any new substantial developments progressed through that period will not provide any accessible car parking.²⁰ If that were to occur, that would represent an undesirable and unfortunate outcome which does not appear to be an intended outcome of the direction in the NPS-UD 2020, and in any event would be contrary to the Plan's objectives.
- (c) The additional requirement of accessible parking for multi-unit residential developments not only fills a gap in the Plan, but responds to NPS-UD 2020 objectives of providing for intensification. Multi-unit residential development is anticipated to become a more commonplace housing typology. PC1A addresses this by ensuring accessible carparking is still provided for in the absence of on-site carparking in this type of development.²¹
- (d) Granting immediate legal effect to PC1A would ensure alignment between both national and local strategic direction. As detailed in Ms Foster's affidavit, the Plan and the Council's Long-Term Plan contain objectives and policies supporting urban growth and accessibility, in similar terms to the NPS-UD 2020.²² Therefore, immediate legal effect would simultaneously align the Plan with the requirements of the NPS-UD 2020 but also ensure that it supported the overall strategic direction of the Council's plans and the sustainable management purpose of the Act.

¹⁹ Affidavit at [53].

²⁰ Affidavit at [52].

²¹ Affidavit at [21].

²² Affidavit at [22]-[24].

- (e) The Council has consulted, through Christine Foster, with relevant representatives of those who use accessible car parking. The consultation has indicated that retaining accessible parking is important to those users. PC1A's amendments to the accessible car parking provisions are necessary to ensure all members of the community have appropriate access to new developments.²³
- (f) No material unfairness or prejudice should arise from granting the application. PC1A does not contain any substantively different standards for accessible parking than those which exist in the current Plan. The introduction of accessible parking requirements for multi-residential developments responds to the direction of the NPS-UD 2020. In any event, PC1A will progress through the RMA Schedule 1 process, and therefore the public will have the opportunity to make submissions on any aspect they are interested in.²⁴

[15] The NPS-UD 2020 direction to remove requirements for general car parks from the Plan will also remove the basis for calculating accessible car parks. Ms Foster says she explored whether it is possible to delete all references in the policies and rules to general car parking requirements but retain a coherent policy and rule framework for accessible parking within Plan Amendment 1 (which will not follow the Schedule 1 process). Ms Foster concludes that is not practicable.²⁵

[16] Ms Foster explains that at the policy level, the approach in the Plan to accessible parking is framed in terms of the provision of parking generally. Simply retaining the text that refers to 'disability' parking would not establish a coherent policy basis.²⁶ As already noted, at the rule level, simply retaining the Plan's current formulae for calculating accessible car parking requirements would not result in provision of accessible parking because the Plan currently calculates the required number of accessible car parks based on the proportion of general car parks.

[17] Ms Foster considers that substantive additions and amendments are required to create a coherent Plan framework and these go further than what she considers the

²³ Affidavit at [27]-[46].

²⁴ Affidavit at [56]-[58], [61].

²⁵ Affidavit at [49].

²⁶ Affidavit at [50].

NPS-UD 2020 authorises as a non-Schedule 1 Plan amendment. Ms Foster explains that her advice to the Council is that a RMA Schedule 1 plan change is required to create a coherent replacement Plan framework for the provision of accessible parking.²⁷

[18] The Council acknowledges that the underlying principle is that the Court must have a sound basis upon which to depart from Parliament's general intent that rules do not have legal effect until they have been through the public submission and decision process.²⁸

[19] The Council must comply with the direction in NPS-UD 2020 to dispense with parking requirements in its Plan. I accept Ms Foster's explanation for the Council's decision to proceed with Plan Amendment 1 and a separate PC1A to deal with accessible parking in the Plan. I accept her evidence that simply deleting the provisions that refer to parking generally but retaining 'disability' parking provisions would lead to the risk that developments could be built (perhaps for up to 12 months) without any provision for accessible parking. I do not consider that is an intended consequence of compliance with the NPS-UD 2020.

[20] I note that the Council has consulted with various groups representing those who use accessible parking. It comes as no surprise that those users consider accessible parking provision is important, which is indisputable. It appears that the Council has not consulted with developers. I accept its evidence that the provision of accessible parking will be at a rate no higher than currently provided for in the Plan. To the extent that provisions for accessible parking requirements for multi-residential developments are new, I accept that that approach responds to the direction of the NPS-UD 2020 and that any person affected will have the opportunity to participate under Schedule 1 processes. I consider that potential prejudice to any person if the application is granted is low.

[21] Finally I observe that granting the application accords with the purpose of the

²⁷ Affidavit at [51].

²⁸ *Re Thames-Coromandel District Council* [2013] NZEnvC 292 at [8].

Act in that it enables people with disabilities and/or limited mobility to provide for their social well-being and their health and safety by requiring the provision of accessible car parking for them where appropriate.

Outcome

[22] The application is granted. The rules in PC1A (attached in Appendix 1) will have legal effect upon notification.


BP Dwyer
Environment Judge



APPENDIX 1

PROPOSED PLAN CHANGE 1A - ACCESSIBLE CAR PARKING REQUIREMENTS

In the following District Plan provisions:

1. Text that is struck through (~~example~~) is to be deleted from the District Plan.
2. Text that is underlined (example) is to be inserted into the District Plan.

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1. In Chapter TR-PARK – Parking: Amend Policy TR-PARK-P8 requiring provision for ‘accessible carparks’ and ‘accessible *carpark*’ as follows:

TR-PARK-P8	Parking
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All new *subdivision* and *development* shall provide for safe vehicular and pedestrian access and appropriate ~~vehicle parking areas~~ accessible carparks by:

1. ~~providing parking~~ accessible carpark numbers, layouts and dimensions consistent with ~~parking~~ standards that meet the needs of users;
2. supplying adequate off street ~~parking~~ accessible carparks to meet the demand of the *land* use while having regard to the following factors:
 - a. the intensity, duration location and management of the activity.
 - b. the adequacy of parking accessible carparks in the location and adjacent areas.
 - c. the classification and use of the *road* (as per transport network hierarchy in [TR-Table 7](#)), and the speed restrictions that apply.
 - d. the nature of the *subject site*, in particular its capacity to accommodate ~~parking~~ accessible carparks.
 - e. the characteristics of the previous activity ~~that utilised~~ undertaken on the *subject site*;
3. taking *effects* on neighbouring areas into account when designing the location, layout and number of ~~parking spaces (including car and cycle parks and disability car parks)~~ accessible carparks;
4. ensuring the location, layout and number of ~~disability and~~ cycle parks and accessible carparks is safe, user-friendly and appropriate, ~~and~~
5. ~~achieving a balance between encouraging mitigation of parking overflow effects (e.g. shared use of car parking), and discouraging car-based travel through the use of travel plans.~~



2. Rule TR-PARK-R18: Amend and insert the following Rule TR-PARK-R18 requirements for accessible carparks:

TR-PARK-R18 ~~Any activity requiring more than 2 carparks.~~

Accessible carparks

Measurement criteria apply to activities under this rule.

Permitted Standards
Activity

1. ~~Disabled persons~~ **Accessible carparks and bicycle parking** must be **required provided** at ~~a~~ **the rate shown in Table TR-Table 6A below of:**
- ~~a. 1 where 10 or less carpark spaces are provided;~~
 - ~~b. 2 where between 11 and 100 carpark spaces are provided, plus 1 additional park for every additional 50 carparks, or part thereof, where more than 100 carpark spaces are provided.~~

TR-Table 6A: Minimum number of accessible carparks:

<u>Activity</u>	<u>Gross floor area¹ or bar area, where stated</u>	<u>Staff/employee numbers</u>	<u>Visitor/people numbers</u>	<u>No of units</u>	<u>Other requirement</u>
<u>MEDIUM DENSITY HOUSING</u>					
<u>Multi-unit residential</u>				<u>4-5 units: 1 space</u> <u>6-25 units: 2 spaces</u> <u>Plus 1 additional space for every additional 25 units, or part thereof</u>	

¹ *Measurement Criteria:* When measuring *gross floor area*, include: covered yards and areas covered by a roof but not enclosed by walls. Exclude: uncovered stairways; floor space in terraces (open or roofed), external balconies, breezeways or porches; roof car parking, lift towers and machinery rooms on the roof having a floor area of not more than 200m²; car parking areas; and floor space of interior balconies and mezzanines not used by the public.

TEMPORARY ACCOMMODATION

<p><u>Hostels/Hotel/ Motels and Visitor Accommodation</u></p> <p><u>Minor residential units are exempt from this standard.</u></p>	<p><u>12m²-43m² of bar area:</u> <u>1 space</u></p> <p><u>44m² – 400m² of bar area:</u> <u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional 200m² of bar area, or part thereof</u></p>	<p><u>4-20 staff:</u> <u>1 space</u></p> <p><u>21-200 staff:</u> <u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional 100 staff, or part thereof</u></p>		<p><u>2-5 units:</u> <u>1 space</u></p> <p><u>6-25 units:</u> <u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional 25 units, or part thereof</u></p>	<p><u>3-10 bedrooms/ guestroom/ campsite or motorhome site:</u> <u>1 space</u></p> <p><u>11-100 bedrooms/ guestroom/ campsite or motorhome site:</u> <u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional 50 bedrooms/ guestroom/ campsite or motorhome site, or part thereof</u></p>
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INDUSTRIAL ACTIVITIES

<p><u>Manufacturing and service</u></p>	<p><u>100m² - 500m²:</u> <u>1 space</u></p> <p><u>501m² – 5000m²:</u> <u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional</u></p>				
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	<u>2500m², or part thereof</u>				
<u>Trademen's Workshops/Service Station/Motor garages</u>		<u>3 -15 employees:</u> <u>1 space</u> <u>16 – 150 employees:</u> <u>2 spaces</u> <u>Plus 1 additional space for every additional 75 employees, or part thereof</u>			<u>1 to 3 Workshop Bays:</u> <u>1 space</u> <u>4 - 25 Workshop Bays:</u> <u>2 spaces</u> <u>Plus 1 additional space for every additional 13 Workshop Bays, or part thereof</u>
<u>Warehouses (Trading)</u>	<u>100m² – 350m²:</u> <u>1 space</u> <u>351m² – 3333m²:</u> <u>2 spaces</u> <u>Plus 1 additional space for every additional 1666m², or part thereof</u>				
<u>Warehouses (Storage)</u>	<u>300m² - 1500m²:</u> <u>1 space</u>				

	<p><u>1501m² – 15000m²:</u> <u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional 7500m², or part thereof</u></p>				
<u>RETAILING</u>					
<p><u>Retailing, retail activities and retail outlets and other activities involving retailing.</u></p> <p><u>Measurement criteria:</u></p> <p><u>gross floor area or display area, where applicable, whichever is greater.</u></p>	<p><u>100m² – 350m²:</u> <u>1 space</u></p> <p><u>351m² – 3333m²:</u> <u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional 1666m², or part thereof</u></p>				
<p><u>Roadside stalls on strategic arterial routes</u></p>	<p><u>Up to 30m²:</u> <u>1 space</u></p>				
<p><u>Large Format Retailing</u></p>	<p><u>500m² – 2000m²:</u> <u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional 1000m², or part thereof</u></p>				

<u>Supermarkets</u>	<u>500m² – 2000m²: 2 spaces</u> <u>Plus 1 additional space for every additional 1000m², or part thereof</u>				
HOSPITALITY					
<u>Taverns / licenced premises (excluding restaurants)</u> <u>Measurement criteria:</u> 1. <u>Measured by gross floor area served by the bar (excluding restaurants).</u> 2. <u>When measuring gross floor area, include:</u> <ul style="list-style-type: none"> • <u>covered yards and areas covered by a roof but not enclosed by walls</u> <u>Exclude:</u> <ul style="list-style-type: none"> • <u>uncovered stairways;</u> • <u>floor space in terraces (open or roofed), external balconies,</u> 	<u>12m² – 40m²: 1 space</u> <u>41m²- 400m²: 2 spaces</u> <u>Plus 1 additional space for every additional 200m², or part thereof</u>	<u>5 – 20 staff: 1 space</u> <u>21-200 staff: 2 spaces</u> <u>Plus 1 additional space for every additional 100 staff, or part thereof</u>			

<p><u>breezeways or porches;</u></p> <ul style="list-style-type: none"> • <u>roof car parking, lift towers and machinery rooms on the roof having a floor area of not more than 200m²;</u> • <u>car parking areas; and</u> • <u>floor space of interior balconies and mezzanines not used by the public.</u> 					
<p><u>Restaurants</u></p>		<p><u>5-20 staff:</u> <u>1 space</u></p> <p><u>21 -50 staff:</u> <u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional 25 staff, or part thereof</u></p>	<p><u>15 – 50 people:</u> <u>1 space</u></p> <p><u>51 – 500 people:</u> <u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional 250 people, or part thereof</u></p>		
COMMERCIAL ACTIVITIES					
<p><u>Non-retail commercial activities</u></p> <p><u>Measurement criteria:</u></p>	<p><u>100m² – 350m²:</u> <u>1 space</u></p> <p><u>351m² – 3333m²:</u> <u>2 spaces</u></p>				

<p>1. <u>Measured by gross floor area or display area, where applicable, whichever is greater.</u></p> <p>2. <u>When measuring gross floor area, include:</u></p> <ul style="list-style-type: none"> • <u>covered yards and areas covered by a roof but not enclosed by walls</u> <p><u>Exclude:</u></p> <ul style="list-style-type: none"> • <u>uncovered stairways;</u> • <u>floor space in terraces (open or roofed), external balconies, breezeways or porches;</u> • <u>roof car parking, lift towers and machinery rooms on the roof having a floor area of not more than 200m²;</u> • <u>car parking areas; and</u> • <u>floor space of interior balconies and mezzanines not used by the public.</u> 	<p><u>Plus 1 additional space for every additional 1666m², or part thereof</u></p>				
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RECREATION ACTIVITIES					
<p><u>Sports Fields (including lawn bowls)</u></p>					<p><u>1-4 sports field: 2 spaces</u></p> <p><u>Plus 1 additional space for every 2 additional sports fields, or part thereof</u></p>
<p><u>Court Sports (including bowling alleys); Clubrooms; and Grandstands.</u></p> <p><u>Measurement criteria:</u></p> <p><u>1. Measured by the number of courts or gross floor area, whichever is greater).</u></p> <p><u>2. When measuring gross floor area, include:</u></p> <ul style="list-style-type: none"> • <u>covered yards and areas covered by a roof but not enclosed by walls</u> <p><u>Exclude:</u></p> <ul style="list-style-type: none"> • <u>uncovered stairways;</u> • <u>floor space in terraces (open or roofed), external balconies,</u> 	<p><u>15m²-50m²: 1 space</u></p> <p><u>51m²-500m²: 2 spaces</u></p> <p><u>Plus 1 additional space for every additional 100m², or part thereof</u></p>				<p><u>1-3 Courts: 1 space</u></p> <p><u>4-25 Courts: 2 spaces</u></p> <p><u>Plus 1 additional space for every 13 additional Courts, or part thereof</u></p>

<p><u>breezeways or porches;</u></p> <ul style="list-style-type: none"> • <u>roof car parking, lift towers and machinery rooms on the roof having a floor area of not more than 200m²;</u> • <u>car parking areas;</u> and • <u>floor space of interior balconies and mezzanines not used by the public.</u> 					
<p><u>CHURCHES, CINEMAS, HALLS, CONFERENCE FACILITIES, FUNERAL HOMES, CREMATORIUMS AND ENTERTAINMENT ACTIVITIES</u></p>					
<p><u>Churches, cinemas, hall, conference facilities, funeral homes, crematoriums and entertainment activities</u></p> <p><u>Measurement criteria:</u></p> <p>1. <u>measured by either gross floor area or no. of seats/patrons (whichever is greater)</u></p> <p>2. <u>When measuring gross floor area, include:</u></p>	<p><u>30m² – 100m²:</u> <u>1 space</u></p> <p><u>101m² – 1000m²:</u> <u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional 500m², or part thereof</u></p>		<p><u>18 – 60 seats/patrons:</u> <u>1 space</u></p> <p><u>61 – 600 seats/patrons:</u> <u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional 300 seats/patrons, or part thereof</u></p>		

<ul style="list-style-type: none"> • <u>covered yards and areas covered by a roof but not enclosed by walls</u> <p><u>Exclude:</u></p> <ul style="list-style-type: none"> • <u>uncovered stairways;</u> • <u>floor space in terraces (open or roofed), external balconies, breezeways or porches;</u> • <u>roof car parking, lift towers and machinery rooms on the roof having a floor area of not more than 200m²;</u> • <u>car parking areas; and</u> • <u>floor space of interior balconies and mezzanines not used by the public.</u> 					
<u>HEALTHCARE</u>					
<p><u>Doctors;</u> <u>Hospitals;</u> <u>Medical Centres/ Health Specialists; and</u> <u>Veterinary Surgeons</u></p>		<p><u>1-3 full time equivalent specialist (doctor, vet etc):</u> <u>1 space</u></p> <p><u>4-25 full time equivalent specialists:</u></p>	<p><u>3 – 15 residents/ patient beds:</u> <u>1 space</u></p> <p><u>16 – 143 residents/ patient beds:</u> <u>2 spaces</u></p>		

		<u>2 spaces</u> <u>Plus 1 additional space for every additional 12.5 full time equivalent specialists, or part thereof</u>	<u>Plus 1 additional space for every additional 72 residents/patient beds, or part thereof</u>		
		<u>5- 20 full time equivalent non specialist staff:</u> <u>1 space</u> <u>21-200 full time equivalent non specialist staff:</u> <u>2 spaces</u> <u>Plus 1 additional space for every additional 100 full time equivalent non specialist staff, or part thereof</u>			
<u>EDUCATIONAL FACILITIES</u>					
<u>Kindergartens/ day care centres/ nurseries; Primary/</u>		<u>5-20 staff:</u> <u>1 space</u> <u>21-200 staff:</u>			

<p><u>Secondary schools; Work skills training centres.</u></p>		<p><u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional 100 staff, or part thereof</u></p>			
<p><u>Tertiary establishments</u></p> <p><u>Measurement criteria:</u></p> <p><u>The number of full-time students is based on the maximum number of students on-site at any one time.</u></p>		<p><u>5-20 staff:</u> <u>1 space</u></p> <p><u>21-200 staff:</u> <u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional 100 staff, or part thereof</u></p>	<p><u>11-50 full time students:</u> <u>1 space</u></p> <p><u>51-500 full time students:</u> <u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional 250 full time students, or part thereof</u></p>		
<u>SUPPORTED LIVING ACCOMMODATION</u>					
<p><u>Supported living accommodation</u></p>		<p><u>5-20 staff members:</u> <u>1 space</u></p> <p><u>21-200 staff members:</u> <u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional</u></p>			<p><u>9-40 beds:</u> <u>1 space</u></p> <p><u>41 – 400 beds:</u> <u>2 spaces</u></p> <p><u>Plus 1 additional space for every additional 200 beds, or part thereof</u></p>

		<u>100 staff members on the subject site, or part thereof</u>			
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3. In MUZ-P1 Outer Business Centre Zone: Insert the following requirements for on-site vehicle loading and accessible carparking:

MUZ-P1	Outer Business Centre Zone
	<p>1. <i>Subdivision, use and development</i> in the Mixed Use Zone will provide for high amenity commercial development in a manner which:</p> <ul style="list-style-type: none"> a. remains compatible with the role and function of <i>Metropolitan Centre Zone Precinct A</i> as the primary retail and commercial core of the <i>Paraparaumu Sub-Regional Centre</i>; b. is appropriate along an arterial <i>road environment</i>; and c. is compatible with adjoining residential areas. <p>2. <i>Subdivision, use and development</i> in the Mixed Use Zone will be undertaken in the following manner:</p> <ul style="list-style-type: none"> a. adverse <i>effects</i> that would otherwise decrease the efficiency and effectiveness of Kāpiti Road as a transport corridor, including for public transport, will be managed; b. apartment living and <i>medium density housing</i> developments will be encouraged east of Moana Road to consolidate residential densities within close proximity to <i>Metropolitan Centre Zone Precinct A</i> and the rail interchange; c. <i>retail activities</i> will be provided for in a manner which minimises adverse <i>effects</i> on the role, function and vitality of the Metropolitan Centre Zone and ensures the safe, efficient function of the District's <i>transport network</i> and hierarchy by: <ul style="list-style-type: none"> i. managing the scale of <i>retail activities</i> in the Ihakara Street East and Ihakara Street West Precincts; ii. limiting the type and scale of <i>retail activities</i> in Kāpiti Road; and iii. limiting the type and scale of <i>retail activities</i> in Paraparaumu North Gateway Precinct (as outlined in MUZ-P2); and

- d. *amenity values* of Kāpiti Road will be maintained or enhanced;
- e. **accessible carparks and vehicle manoeuvring will be provided for on-site;**

4. In GIZ-P11 Land Use and Built Form: Insert the following requirements for on-site accessible carparks:

GIZ-P1	<i>Land Use and Built Form in the General Industrial Zone</i>
<p>A range of <i>industrial activities</i> within the <i>General Industrial Zone</i> will be provided for in a manner which avoids or mitigates impacts on adjoining <i>sensitive activities</i> and areas.</p> <p>The location, type, scale and built form of <i>subdivision</i>, use and <i>development</i> in the <i>General Industrial Zone</i> will be managed to mitigate adverse <i>effects</i>, whilst meeting the District’s economic needs.</p> <p><i>Subdivision</i>, use and <i>development</i> in the <i>General Industrial Zone</i> will be undertaken in the following manner:</p> <ol style="list-style-type: none"> 1. <i>building</i> entrances will be obvious from the street through <i>landscaping</i> design or the form of the <i>building</i>; 2. sufficient on-site service areas, <u>including accessible carparks,</u> will be provided; 3. service areas will be screened and planting and <i>landscaping</i> will be provided for visual interest; 	

5. In DEV1-P14 Non-Residential Activities: Insert the following requirements for accessible carparking:

DEV1-P14	<i>Non-Residential Activities</i>
<ol style="list-style-type: none"> 1. <i>Non-residential activities</i> other than activities managed under the Community Facilities chapter will be allowed in the <i>Residential Zones</i> only if the activities are compatible with <i>residential activities</i> and the <i>amenity values</i> of residential areas, and if they provide a function which: <ol style="list-style-type: none"> a. minimises the need to travel for daily goods and services; b. supports the resilience of the local neighbourhood; c. provides a service or function to the local neighbourhood; and d. does not detract from the vitality of <i>centres</i> and other <i>Working Zones</i>. 2. In determining whether or not the scale of <i>effects</i> of <i>non-residential activities</i> is appropriate, particular regard shall be given to: 	

- a. the appropriateness of the scale, size and intensity of the proposed *buildings* and activities and visual or landscape mitigation proposed;
- b. the *effects* generated by the *buildings* and activities on the safety and efficiency of the local *transport network*, including the extent to which the activities make efficient use of the *transport network* by minimising the need to travel;
- c. the appropriateness – in the design and amount – of proposed access and **accessible carparks** for staff, customers, **and visitors** **and the location of access and loading for** service/delivery vehicles;
- d. the hours of operation, including the timing and frequency of delivery/service vehicles;
- e. the *effects* on residential character and *amenity values* of the surrounding *environment* generated by the proposed *building* or activity;
- f. *nuisance effects* (including *noise*, odour, light, glare, smoke and *dust*) produced on-site;
- g. whether or not any proposed signage on the *subject site* is associated with the activity, visually distracting to motorists or dominating or detracting from the amenity of the surrounding *environment*;
- h. whether the activities adversely affect the vitality of *centres*;
- i. whether the activity provides goods and services to meet the daily needs of the local neighbourhood; and
- j. any cumulative *effects*.

6. In Rule DEV1-R5 Home Businesses and Home Craft Occupations: Insert in the note the following reference to accessible carparking:

DEV1-R5	<i>Home businesses and home craft occupations</i>
	<i>Qualifying criteria</i> apply to activities under this rule.
Permitted Activity	Standards
	<ol style="list-style-type: none"> 1. <i>Home businesses and home craft occupations</i> must: <ol style="list-style-type: none"> a. be carried out within a lawfully established <i>residential building</i> or an associated <i>accessory building</i> (excluding <i>minor buildings</i>) that meets the <i>permitted activity</i> standards in DEV1-R4; b. not involve the use of any source of motive power other than electric motors of not more than 0.56kw; c. be limited to one <i>home business and home craft occupations</i> per site, excluding home offices;

- d. not have more than one non-resident person working on the *site* at any one time; and
 - e. not have any deliveries related to the activity made to or from the *site* between the hours of 7pm and 7am.
2. The total floor area used for *home businesses* and *home craft occupations* must not exceed 40m².
 3. In addition to Standards (1) and (2) above, for any *home business*:
 - a. any *retailing* must be an *ancillary activity* to the *home business*;
 - b. no goods on display shall be visible from outside the *building* in which the *home business* is undertaken; and
 - c. the maximum *retail floor space* or sales area must not exceed 10m².

Qualifying Criteria:

Home businesses and *home craft occupations* are performed entirely within a *residential building* or *accessory building*. *Home businesses* and *home craft occupations* shall not include any activity involving any panel beating, spray painting, motor vehicle repairs, fibre glassing, *heavy trade vehicles*, sheet metal work, wrecking of motor vehicles, bottle or scrap metal storage, rubbish collection service (except that empty, clean drums may be stored in a suitably screened area), wrought iron work or manufacture, motor body building, fish processing, breeding or boarding of dogs or cats, *visitor accommodation* or any process which involves repetitive use of power tools, drills or hammering or any *business activity*, trade, craft or profession which creates a *nuisance effect* at or beyond the *boundary* of the *property* on which the activity is occurring, and does not include *temporary residential rental accommodation*

Notes:

- For **on-site accessible carparks and transport** requirements ~~for deliveries~~ refer to the rules and standards in the Transport chapter.
- For requirements in respect of *signs* and *noise*, refer to the rules and standards in the [Signs](#) and [Noise chapters](#)

7. DEV2-P14 Non-Residential Activities: Insert the following text encouraging the provision of carparking:

DEV2-P14	Non-Residential Activities
1. <i>Non-residential activities</i> other than activities managed under the Community Facilities chapter will be allowed in the <i>Residential Zones</i> only if the activities are compatible	

with *residential activities* and the *amenity values* of residential areas, and if they provide a function which:

- a. minimises the need to travel for daily goods and services;
 - b. supports the resilience of the local neighbourhood;
 - c. provides a service or function to the local neighbourhood; and
 - d. does not detract from the vitality of *centres* and other *Working Zones*.
2. In determining whether or not the scale of *effects of non-residential activities* is appropriate, particular regard shall be given to:
- a. the appropriateness of the scale, size and intensity of the proposed *buildings* and activities and visual or landscape mitigation proposed;
 - b. the *effects* generated by the *buildings* and activities on the safety and efficiency of the local *transport network*, including the extent to which the activities make efficient use of the *transport network* by minimising the need to travel;
 - c. the appropriateness – in the design and amount – of proposed access and **accessible carparks** for staff, customers, **and** visitors **and the location of access and loading for** service/delivery vehicles;

8. In APP2 – Medium Density Housing Design Guide: Insert the following text encouraging the provision of accessible carparks:

Access, **Accessible Parking**, Cycling and Pedestrians

IMPORTANT TO ENSURE:

- **creation of environments that are safe, interesting and easy to walk and cycle around;**
- **maintaining the amenity of primary pedestrian and cycle routes;**
- **safety, legibility and comfort for pedestrians and cyclists.**

Accessible carparks should be located at a convenient distance from main entry doors with safe accessible routes between the parking area and for users.

Units fronting a street provide their own pedestrian access. Rear units to have a delineated pedestrian path (different material or colour) along any carriageways to the street frontage.

It is important to provide safe vehicle, cycling and pedestrian access **and accessible carparks** to developments whilst minimising the disruption of street frontages. Opportunities for cycling should be maximised including provision of parking and storage to encourage use of cycles.

Attached and multi-unit housing

For attached dwellings, if garaging is provided to each unit directly off the street, it should be recessed from the frontage by at least 1m. Where parking is provided via a rear lane, care should be taken to maintain the amenity of the laneway, by including planting, variations of paving treatment, and variations of rear building facades.

