

## 13. Item 6: Making the Accessible Parking Provisions Operative in the Operative District Plan

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### PURPOSE OF THE REPORT | TE TAKE MO TE PURONGO

The purpose of this report is to confirm that all submissions on the Accessible Parking Plan Change to the Operative District Plan have been resolved and to make the amendments operative.

### RECOMMENDATION | NGA TUTOHUNGA

That Council:

**Note** the contents of this report;

**Authorise** officers to amend the Operative District Plan to incorporate the changes made the Accessible Parking Plan Change, as set out in the Council decision on 2 June 2022; and

**Authorise** officers to make any changes of minor effect or to correct minor errors.

	Prepared by:	Reviewed and Authorised by:
Name	Alyson Hutton	Tony Avery
Position	Planning Policy Manager	GM, Planning and Development
Signature		
Date	15/11/2022	24/11/2022

### REPORT CONTENT & ATTACHMENTS | NGA TAPIRIHANGA

## Attachment 1 - Agenda Report - Making the ODP Accessible Parking Plan Change Operative - FINAL CONTEXT ONWARDS

### CONTEXT | HOROPAKI

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- 2 The Accessible Parking Plan Change set an absolute minimum of accessible car parks for the land use activities currently identified in ODP Site Standard 14.2.1(i).
- 3 On 17 March, Council appointed Robert Nixon as Independent Hearing Commissioner, to make recommendations on submissions received on the Amendments to Accessible Parking Provisions Plan Change.
- 4 At its meeting on 2 June 2022, the Council resolved to adopt the recommended 'decisions on submissions' from its appointed commissioners on the Amendments to Accessible Parking plan change. Public notice of the decision on this plan change was given on 16 June 2022.
- 5 The appeal period for decisions on the Amendments to Accessible Parking expired on 29 July 2022. Under the Resource Management Act 1991 (the RMA) changes to a district plan as a result of a plan change do not take legal effect until after all submissions are resolved and the plan change is made operative.
- 6 A variation to the Proposed District Plan was made at the same time to ensure that the parking provisions were also amended to all zones that have already been reviewed as part of the Proposed District Plan process. The Council will seek to make significant sections of the Proposed District Plan operative at a later date.

### ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 7 No appeals were received within the 30 working day appeal period set under Schedule 1 Clause 14 of the RMA. This means that all submissions to the plan change are resolved and the Council can make the plan change operative.
- 8 Notification of the date on which the Amendments to Accessible Parking will (if it is approved) become operative will be published in the week following the 15 December 2023 meeting of Council and as soon as practicable.
- 9 Council does not have any options in relation to these matters at this point in the plan change process. Making the plan change operative is a procedural matter only and Council have an obligation to avoid unreasonable delays in carrying out this statutory function.

### CONSULTATION PROCESS | HĀTEPE MATAPAKI:

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#### > SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 10 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because Accessible Parking Amendments were undertaken to ensure that the mandated removal of minimum parking standards did not alter the requirements for accessible parking, and ensured a continuation of the existing requirements.

- 11 Compliance with the decision making requirements in sections 76-78 of the Local Government Act 2002 has occurred through the public participation process of the Resource Management Act (RMA), including notifying the plan change request, calling for submissions, holding a hearing - if required, and the right of appeal.

**> MĀORI CONSULTATION | IWI RŪNANGA**

- 12 The Council has already undertaken consultation with iwi authorities as part of the preparation of this plan change.

**RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA**

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- 13 This matter relates to the Community & Wellbeing risk category. It is associated with RISK00038 Lack of Alignment Strategies and Plans within the [QLDC Risk Register](#). This risk has been assessed as having a low inherent risk rating.
- 14 The approval of the recommended option will support the Council by allowing us to retain the risk at its current level. This shall be achieved by providing for the continuation of Accessible Parking Provisions in the Operative District Plan, whilst non-accessible parking minimums have been removed.

**FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA**

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- 15 This matter can be implemented through current funding under the 10-Year Plan and Annual Plan.

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

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- 16 The following Council policies, strategies and bylaws were considered:
- QLDC Operative District Plan <https://www.qldc.govt.nz/your-council/district-plan/operative-district-plan/volume-one-operative-district-plan>
  - The QLDC Disability Policy <https://www.qldc.govt.nz/assets/Uploads/FINAL-Disability-Policy-May-2018.pdf>
- 17 The recommended option is consistent with the principles set out in the named policy/policies.

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

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- 18 Making the plan change Operative is in accordance with Clause 20 of the First Schedule of the RMA.

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

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19 The recommended option:

- Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. This Plan Change ensures the provision of accessible parking is maintained, and those who are entitled to use such spaces can continue to do so. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act
- 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**

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A	Accessible Parking Plan Change to the Operative District Plan
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