

Form 5

Submission on notified proposal for plan change

Clause 6 of Schedule 1, Resource Management Act 1991

To: Kāpiti Coast District Council

Name of submitter: Sheffield Properties Ltd; Ngahina Developments Ltd

This is a submission on the following plan change proposed to the Operative Kāpiti Coast District Plan 2021 (the **proposal**):

- Proposed Plan Change 1A – Accessible Car Parking requirements
- Proposed Plan Change 1C – Cycle Parking Requirements

The submitter could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that the submission relates to are:

Proposed Plan Change 1A – Accessible Car Parking requirements

- Definition of ‘*accessible carpark*’
- Policy *TR-PARK – Parking*
- *TR-Table 6A: Minimum number of accessible carparks*

Proposed Plan Change 1C – Cycle Parking Requirements

- Policy *TR-Park-P8A*
- Rule *TR-PARK-R19 – Cycle parking*
- *TR-Table 6B*

I seek the following decision from the local authority:

Refer to submission attached.

I wish to be heard in support of my submission.

Signature of submitter
(or person authorised to sign
on behalf of submitter)

Date: 16 March 2022

Electronic address for service of submitter: chris@rmaexpert.co.nz

Telephone: 021 026 45108

Contact person: Chris Hansen, RMA Planning Consultant

Submission on notified Proposed Plan Change 1A - Accessible Car Parking Requirements (PPC1A)

Overview

Coastlands is a retail complex that began operating in 1969 and is located within the Paraparaumu Town Centre (PTC). The PTC is recognised in the Wellington Regional Policy Statement (RPS) as a Regionally Significant Centre (Policy 30).

Sheffield Properties Ltd owns land and buildings within the PTC, that are part of the Coastlands retail complex. It owns the land and buildings to the northern side of the Wharemaukau Stream and leases the land and buildings to the South side of the Stream.

Ngahina Development Ltd owns the land and buildings within the Coastlands retail complex on southern side of the Wharemaukau Stream.

Submission Points

Sheffield Properties Ltd and Ngahina Development Limited ('submitters') make the following submission points on PPC1A:

Submission Point #1

Neither PPC1A, or the Operative Kāpiti Coast District Plan 2021 (District Plan), include a definition of '*accessible parking*', or a cross-reference to where a definition can be found.

The National Policy Statement Urban Development (NPSUD) includes the following definition:

"accessible car park means a car park designed and marked (for instance, in accordance with the mobility car parking scheme) for use by persons with a disability or with limited mobility"

It is considered that either including a definition of *accessible carparking* in the District Plan as part of PPC1A, or including a cross-reference to where the definition can be found in the NPSUD, would provide clarity and allow the Plan user to better understand what the intent and context of the requirements included in the plan change mean.

Decision Sought

The submitters seek PPC1A be amended to either:

1. Include a definition of '*accessible carpark*' as included in the NPSUD; OR
2. Include a cross-reference to where the definition of '*accessible carpark*' can be found in the NPSUD.

Submission Point #2

The submitters note that Policy *TR-PARK – Parking* applies to all new subdivision and development, and therefore the amendments to provide for the accessible parking requirements do not apply to existing development.

Notwithstanding this, the submitters note that the term ‘*development*’ as defined in the District Plan is very broad, as follows:

“... means (except in relation to the Airport Mixed Use Precinct) the construction of, addition to or alteration of buildings; the erection of fences/walls and detached structures; network utilities; earthworks or construction of earth retaining structures; and any construction of artificial surfaces or platforms e.g. roads, decks or patios, driveways.”

Of particular relevance is the addition to or alteration of buildings, and construction of artificial surfaces or platforms e.g. decks or patios. The submitters are concerned that the broad definition of ‘*development*’ could mean existing facilities, such as the Coastlands retail complex, may be required to revisit accessible carparking (that previously complied with the old District Plan requirements) using the new requirements where existing buildings are added to or altered, or a new patio or deck is proposed.

An amendment to Policy *TR-Park-P8* would be helpful to clarify this point to avoid any interpretation issues.

Decision Sought

The submitters seek PPC1A be amended to:

- Include either a *Note* or a new 5. to the end of the amended Policy *TR-PARK-P8* that reads (or similar words to retain the same intent):

“any addition to or alteration of existing buildings, and the construction of artificial surfaces or platforms, does not trigger the need for the new accessible carpark requirements to be met”

Submission Point #3

The submitters are concerned that the measurement criteria proposed in the new *TR-Table 6A: Minimum number of accessible carparks* requires a number of minimum accessible carparks for a range of matters for each individual activity, including gross floor area (GFA); staff/employee numbers; visitor/people numbers; number of units; and other requirements. Where previously GFA was used to calculate the number of car parks required, which in turn was used to calculate the number of accessible carparks required, PPC1A intends for a combination of a number of these matters.

For example, it seems likely that more accessible parks are required for some activities (including taverns/licenced premises; restaurants; cinemas; conference facilities; medical centres relevant to Coastlands) than the earlier District Plan requirements. This is because in

addition to GFA, the new provisions include requirements for staff/employees and visitors/people.

The submitters are therefore concerned the new approach to require accessible carparks for individual activities does not recognise that a multi-activity facility, such as Coastlands retail complex, already provides accessible carparking based on the number of general carparks required under the old GFA approach. There is the potential for a new ‘*development*’ (as per discussion in Submitter point #2 above) within a multi-activity facility that involves any of the individual activities listed in *Rule TR-Park-R18* to require new accessible carparking without the opportunity to consider and assess what existing accessible carparking might be available. As there appears to be no regulation regarding where the new accessible carparking is to be located in relation to any new individual activity, a multi-activity facility such as Coastlands should be given an opportunity to utilise its existing accessible carparking provisions as part of any new ‘*development*’ within its facility.

Decision Sought

The submitters seek PPC1A be amended to:

- Add a new number 5. to Policy *TR-PARK-P8* that reads (or similar words to achieve the same outcome):

“recognising that existing multi-activity facilities already provide accessible carparking and these existing accessible carparks can be considered for any new development within an existing facility.”

- Amend *TR-Table 6A: Minimum number of accessible carparks* for the following activities (or similar words to achieve the same outcome):

RETAILING

Retailing, retail activities, and retail outlets and other activities involving retailing

Measurement criteria:

“for existing multi-activity facilities, existing accessibility car parking can be utilised for a new individual retailing, retail activity and retail outlet activity within the complex, where these are appropriately located.”

Large Format Retailing

Measurement criteria:

“for existing multi-activity facilities, existing accessibility car parking can be utilised for a new individual large format retailing activity within the complex, where these are appropriately located.”

Supermarkets

Measurement criteria:

“for existing multi-activity facilities, existing accessibility car parking can be utilised for a new *supermarket* within the complex, where these are appropriately located.”

HOSPITALITY

Restaurants

Measurement criteria:

“for existing multi-activity facilities, existing accessibility car parking can be utilised for a new restaurant within the complex, where these are appropriately located.”

COMMERCIAL ACTIVITIES

Non-retail commercial activities

Measurement criteria:

“for existing multi-activity facilities, existing accessibility car parking can be utilised for a new individual *non-retail commercial activity* within the complex, where these are appropriately located.”

CHURCHES, CINEMAS, HALLS, CONFERENCE FACILITIES, FUNERAL HOMES, CREMETORIUMS AND ENTERTAINMENT ACTIVITIES

Measurement criteria:

“for existing multi-activity facilities, existing accessibility car parking can be utilised for a new individual *cinema, conference facility or entertainment activity* within the complex, where these are appropriately located.”

HEALTHCARE

Doctors; hospitals; Medical Centres/Health Specialists; and Veterinary Surgeons

Measurement criteria:

“for existing multi-activity facilities, existing accessibility car parking can be utilised for a new individual *Doctors, Medical Centres/Health Specialists activity* within the complex, where these are appropriately located.”

Submission on notified Proposed Plan Change 1C - Cycle Parking Requirements (PPC1C)

Submission Points

Sheffield Properties Ltd and Ngahina Development Limited ('submitters') make the following submission points on PPC1C:

Submission Point #1

The submitters note that while the s.32 evaluation states the new cycle parking requirements only apply to new subdivision and development (similar to Policy *TR-PARK P8* in PPC1A), new Policy *TR-PARK-P8A Cycle Parking* does not make this clear, and as currently written could be interpreted to apply to all subdivision and developments (existing and future). While this may be a drafting error as it is difficult to see how the provisions could be enforced on existing individual activities listed in *TR-Table 6B*, an amendment is sought to ensure the provisions only apply to new subdivision and development as stated in the s.32 evaluation.

Decision Sought

The submitters seek PPC1C to be amended to:

- Amend new Policy *TR-Park-P8A* to read:

TR-PARK-P8A – Cycle Parking

“All new subdivision and development shall provide for safe, sufficient, and appropriately located on-site cycle parking facilities.”

Submission Point #2

The Submitters note that Permitted Activity 1. in Rule *TR-PARK-R19 – Cycle parking* states:

“Cycle parking must be located no more than 25 meters from the entrance to the destination for all activities listed in TR-PARK-6B, with exclusions.”

In particular the submitters are concerned how the 'entrance to the destination' will be determined for a multi-activity facility, such as Coastlands retail complex. Is Coastlands itself the 'destination' meaning cycle parking must be located no more 25m from each of the entrances to Coastlands, or is an individual activity within the Coastlands facility the 'destination' and therefore cycle parking needs to be located all across the facility no more than 25 metres from the entrance (which could be inside the mall) to the destination.

It is considered either of these scenarios are unworkable. Having all of the cycle parks located within 25m of each of the entrances to the Coastlands facility would mean they are likely to be some distance from some of the activities within the Coastlands complex and are

unlikely to be used. Equally, having them located no more than 25m from the entrance to a particular activity (such as within the mall) may not be physically possible.

The submitters consider that due to the difficulty of interpreting Permitted Activity Standard 1. of Rule *TR-PARK-R19* for a multi-activity facility, this activity should be excluded from the requirements listed in *TR-Table 6B*.

Decision Sought

The submitters seek PPC1C to be amended to:

- Add an additional exclusion to Permitted Activity Standard 1. of Rule *TR-PARK-R19* to read:

“g. Multi-activity facilities”

Submission Point #3

Should Council not accept the request above to exclude multi-activity facilities from the provisions on PPC1C, the submitters consider there are the same issues as addressed in Submission Point #3 to PPC1A. In particular, a multi-activity facility such as Coastlands should be given an opportunity to utilise its existing cycle parking provisions as part of any new ‘development’ within its facility.

Decision Sought

The submitters seek PPC1C be amended to:

- Amend *TR-Table 6B*: for the following activities (or similar words to achieve the same outcome):

Retailing, retail activities, and retail outlets and other activities involving retailing but excluding large format retailing and supermarkets

Measurement criteria:

“for existing multi-activity facilities, existing cycle parking can be utilised for a new individual retailing, retail activity and retail outlet activity within the complex, where these are appropriately located.”

Large Format Retailing

Measurement criteria:

“for existing multi-activity facilities, existing cycle parking can be utilised for a new individual large format retailing activity within the complex, where these are appropriately located.”

Supermarkets

Measurement criteria:

“for existing multi-activity facilities, existing cycle parking can be utilised for a new supermarket within the complex, where these are appropriately located.”

Taverns, licenced premises, Restaurants

Measurement criteria:

“for existing multi-activity facilities, existing cycle parking can be utilised for a new tavern, licenced premise or restaurant within the complex, where these are appropriately located.”

Non-retail commercial activities

Measurement criteria:

“for existing multi-activity facilities, existing cycle parking can be utilised for a new individual non-retail commercial activity within the complex, where these are appropriately located.”

Churches, cinema, halls, conference facilities, funeral homes, crematoriums and entertainment activities

Measurement criteria:

“for existing multi-activity facilities, existing cycle parking can be utilised for a new individual cinema, conference facility or entertainment activity within the complex, where these are appropriately located.”

Doctors; Hospitals; Medical Centres/Health Specialists; and Veterinary Surgeons

Measurement criteria:

“for existing multi-activity facilities, existing cycle parking can be utilised for a new individual Doctors, Medical Centres/Health Specialists activity within the complex, where these are appropriately located.”