

MEMO

To:	James Witham	Department:	
	Team Leader District Plan Team	District Plan Team	
From:	Lynette Morgan - Policy Planner	Department:	District Plan Team
Date:	December 2025		
Subject:	CHANGES TO CAR PARKS TO THE OPERATIVE DISTRICT PLAN AND PROPOSED DISTRICT PLAN IN ACCORDANCE WITH THE NATIONAL POLICY STATEMENT – URBAN DEVELOPMENT		

Purpose

FNDC is a tier 3 Council after the adoption of the Kerikeri-Waipapa Spatial Plan- Te-Patukurea on 18 June 2025. Policy 11(a) of the National Policy Statement for Urban Development 2020 (NPS-UD) clause 3.38 requires the removal of provisions, standards and rules that require a minimum number of car parks to be provided when undertaking development other than for accessible car parks. This memo requests authority under s55(2) and Clause 16(1) of the Resource Management Act 1991 for both the Operative and Proposed District plans respectively to remove these requirements.

Background

The NPS-UD came into force on 20 August 2020 and sets out the following requirement in Policy 11:

“The NPS-UD car parking policies have the effect of removing minimum car parking rates from the district plans of tier 1, 2 and 3 territorial authorities. The purpose of this direction is to enable more housing and commercial developments, particularly in higher density areas where people do not necessarily need to own or use a car to access jobs, services, or amenities.”¹

The car parking policy:

Policy 11 of the NPS-UD states:

Car 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:

¹ Ministry for Environment - NPS on UD 2020 Fact sheet

"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."

FNDC 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. FNDC was not required to comply with the NPS-UD - Policy 11 as it was not a tier 1,2, or 3 territorial authority as of 20 August 2020. However, on adopting the Kerikeri-Waipapa Spatial Plan- Te-Patukurea FNDC is now a tier 3 territorial authority and must comply with the NPS-UD being that the area covered by the Spatial Plan would become an 'urban environment' under the 'intended to be' test of whether the population will exceed 10,000.

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 hearings².

While 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 time limit was applicable from 20 August 2020 and required changes to be made no later than February 2022. The Policy is silent as to the requirements if a council becomes a tier 3 territorial authority after February 2022.

FNDC is currently undertaking a District Plan review, specifically the Proposed District Plan (PDP). The timeframe for council decisions on submissions is May 2026 as set out on the Council website.³ Prior to the completion of the PDP the Operative District Plan (ODP) needs to comply with the NPS-UD.

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. This means that the NPS-UD car parking provisions have and will influence resource consent decisions before the PDP has been amended to remove car parking minimums.

The removal of the parking minimum does not limit the ability of new developments to provide onsite car parking. Council will still 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.

I recommend the following approach to comply with Policy 11(a) of the NPS-UD, clause 3.38:

1. Council undertakes an amendment to the PDP pursuant to Clause 16(1) and s55 advising the parking provisions no longer have legal effect;
2. Council issues a s55 notice by way of public advertisement advising the parking provisions in the ODP no longer have legal effect within 5 days of 1 above;
3. an update is placed in the ODP with 'tracked change' information outlining the specific removals required;
4. all relevant provisions are removed from the PDP, and
5. an update and fact sheet is put in the ODP and PDP pages advising of the removal.

The statutory requirement to give public notice of the Plan change will be given effect by placing a public notice in the Northern Advocate. A Notice has been drafted and is attached as **appendix A**

Attached as **appendix B** are the proposed changes to the ODP.

² Section 55(2) and Clause 16(1) RMA 1991

³ [Proposed district plan timeline | Far North District Council](#)

Recommendation

I seek the following recommendations:

1. approval to remove parking requirements from the ODP pursuant to s55(2),
2. approval to remove the parking requirements from the PDP pursuant to s55(2) and clause 16(1); and
3. the changes set out in Appendix B are made to the FNDC ODP.

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke, positioned below the list of recommendations.

Approved By: James Witham, Team Leader District Plan

Date: 19/12/2025

Appendix B

District Plan Overview	Table of contents	15.1 Traffic, Parking and Access
		APPENDIX 3 TRAFFIC AND PARKING C Parking Spaces Required Appendix 3C Page 1
	How to use this plan	Financial contributions may be required for land use activities where such activities will result in a more intense use of land. They may include: (a) financial contributions towards the provision of car parking associated with non-residential activities where this cannot be provided by the applicant
		FINANCIAL CONTRIBUTIONS Financial contributions may be required for subdivisions. These may include: (a) financial contributions towards the provision of car parking associated with non-residential activities where this cannot be provided by the applicant
		Part 4 – Appendices contains a number of schedules, tables and figures that are referred to throughout the Plan e.g. Schedule of Notable Trees, Schedule of Designations, Table of Parking Space Requirements
		Check FINANCIAL CONTRIBUTIONS (Chapter 14) to see if you need to make a contribution for esplanade areas or car parking associated with non-residential activities where this cannot be provided by the applicant.
Environment Provisions - Urban environment	7.5.4	Most subdivisions will require a FINANCIAL CONTRIBUTION... These could include contributions towards: • provision of car parking associated with non-residential activities where this cannot be provided by the applicant ...
		Financial contributions (Chapter 14), towards provision of car parking associated with non-residential activities and esplanade areas may be required. The amount of contribution will take account of the need for such services (Policy 7.4.3).
		That residential activities have sufficient land associated with each household unit to provide for outdoor space, planting, parking and manoeuvring.
Environment Provisions - Residential environment	7.6.4.7	That residential activities have sufficient land associated with each household unit to provide for outdoor space, planting, parking and manoeuvring.
Environment Provisions - Rural environment	8.5.3	Financial contributions (Chapter 14), towards provision of car parking associated with non-residential activities and esplanade areas may be required...
Subdivision	13.4.7	That the need for a financial contribution be considered only where the subdivision would: (a) result in increased demands on car parking associated with non-residential activities; or
	(vi) COMMERCIAL ZONE Discretionary activity status	... There is no limit for sewered lots, provided that servicing of the lot (including car parking , loading etc), can be achieved.
	(vii) INDUSTRIAL ZONE Discretionary activity status	... There is no limit for sewered lots, provided that servicing of the lot (including car parking , loading etc), can be achieved.
Financial contributions		... Apart from the retention of the esplanade areas and car parking provisions associated with non-residential activities in Chapter 14 , Council considers that it is no longer necessary to collect any other financial contribution via the District Plan
	Context	Council's Development Contributions Policy addresses situations where subdivision and land use activities: (i)

		would result in increased demands on infrastructure services (including car parking specially associated with residential subdivision or activities); or ... There are two <u>is one</u> specific matters which are not addressed by the Development Contributions Policy, namely ear parking associated with non residential activities and esplanade areas. The inclusion of financial contribution provisions which address ear parking associated with non residential activities and esplanade areas within the Plan is essential if the Council is to properly exercise its functions under the Act.
	14.2.1	The timely provision of adequate car parking associated with non residential activities.
	14.3.1	To ensure that financial contributions are for the purpose of meeting the capital expenditure necessary to meet the cost of providing non residential car parking (where this cannot be provided by the applicant) to service the proposed subdivision or land use activity.
	14.4.1	(i) the financial contribution relates to the provision of car parking associated with non residential activities and there is insufficient room on the site for adequate car parking in accordance with the other provisions of the Plan, but sufficient suitable land is available in the vicinity for the Council to provide car parking to offset the on-site deficiency;
	14.4.6	That financial contributions for ear parking associated with non residential activities or esplanade areas be for the purpose of:-(a) meeting the capital expenditure necessary to meet the cost of providing for car parking where this cannot be provided by the applicant; or (b) ...
	14.6.2	Car parking requirements for various non residential land use activities are as laid out in Appendix 3C in Part 4, except where in the opinion of Council it is not reasonable or practicable to make that provision on the site or sufficiently close to the site for constant use by vehicles in conjunction with the site, the Council may in lieu thereof accept the payment of a sum of money not exceeding the value of that area of the site that would have been required to satisfy the parking provisions in Appendix 3C. Note: Council's Development Contributions Policy addresses the demand for additional car parking resulting from residential activities.
Transport	15.1.1.1	Activities in the District generate a significant amount of traffic and create the need for associated facilities such as <u>parking</u> and loading spaces, but these facilities can create or increase adverse effects on other activities.
	15.1.1.2	Development in locations with limited space for provision of adequate car parking space can cause a significant adverse effect in popular tourist destinations, particularly in summer.
	15.1.2.1	Appropriate provision of car parking and loading facilities for all activities generating vehicle trips, particularly within business areas.
	15.1.3.2	To provide sufficient parking spaces to meet seasonal demand in tourist destinations
	15.1.3.3	To ensure that appropriate provision is made for on-site ear parking for all activities, while considering safe cycling and pedestrian access and use of the site.
	15.1.4.3	That parking spaces be provided at a location and scale which enables the efficient use of parking spaces and

		handling of traffic generation by the adjacent roading network.
15.1.4.8		That alternative options be considered to meeting parking requirements where this is deemed appropriate by the Far North District Council.
15.1.5.1		Rules in the Plan impose controls on parking and vehicle access. The Rules must be read in conjunction with Appendix 3 (3A, 3B, 3D – 3F).
15.1.5.2		... These standards and guidelines are applied to the provision of access, parking spaces and manoeuvring areas...
Commentary		... It also creates a need for parking and loading space, manoeuvring space and adequate access to and from public roads. In those areas of the District subject to seasonal tourism pressure, provision of adequate parking to meet peak demand is a challenge, particularly in settlements that have limited space available, such as Paihia. Pedestrian and bicycle traffic is generally less problematic but nevertheless also needs to be provided for, as do the needs of those with disabilities... All activities in all zones generate traffic however some locations, such as central business districts or town centres, have different requirements, particularly with regard to parking. It is therefore appropriate that objectives, policies and methods relating to parking and access are put together in one chapter but some exemptions are included to differentiate between varying requirements in specified areas.
15.1.6B.1.1 15.1.6B.1.2 15.1.6B.1.3 15.1.6B.2.1 15.1.6B.2.2 15.1.6B.3.1 15.1.6B.4		<p>ON-SITE CAR PARKING SPACES Where: (i) (ii) (iii) an activity establishes; or the nature of an activity changes; or buildings are altered to increase the number of persons provided for on the site; the minimum number of on-site car parking spaces to be provided for the users of an activity shall be determined by reference to Appendix 3C, unless an activity complies with the exemptions below.</p> <p>Exemption:</p> <p>(a) In the Commercial Zone, no additional on-site car parking spaces are required where the nature of a legally established activity changes, provided that:</p> <p>(i) the gross business area of the site is not increased; and</p> <p>(ii) activities are not identified as residential or casual accommodation in Appendix 3C.</p> <p>Note: Additional parking requirements apply in Kerikeri and Paihia in accordance with Rules 15.1.6B.1.2 and 15.1.6B.1.3 below.</p> <p>Note: Accessible car parking spaces are required for people with disabilities in accordance with Rule 15.1.6B.1.4 below. 15.1.6B.1.2</p> <p>WILLIAMS ROAD ON-SITE CAR PARKING SPACES For Lot 34 DP 11040, Lot 2 DP 477161 and Pt Lot 2 DP 83548 (known as Williams Road Car Park, Paihia) the minimum number of on-site car parking spaces to be provided in addition to those required in Rule 15.1.6B.1.1 above shall be no less than 221, with at least 158 allocated to the public. 15.1.6B.1.3</p>

		<p>KERIKERI ROAD ON-SITE CAR PARKING SPACES Where:</p> <ul style="list-style-type: none">(i) — an activity establishes; (ii)(ii) — or the nature of an activity changes; or(iii) — (iii) buildings are altered on a site with a road frontage with Kerikeri Road between its intersection with SH10 and Cannon Drive, none of the required public on-site car parking spaces shall be located within that part of the site between the Kerikeri Road boundary and a parallel line 2m therefrom. Note: This rule does not apply to minor additions or alterations of existing buildings; provided that these additions or alterations do not in themselves result in a requirement for additional car parking spaces. This rule only applies to new commercial and industrial activities, or extensions to existing commercial and industrial activities, established after 6 September 2001 <p>In the Commercial Zone where permanent on-site cycling facilities are provided in lieu of car parking spaces as required by Rule</p> <p>15.1.6B.1.1(a), the application will be assessed as a restricted discretionary activity where: (a) A maximum of 50% of the car parking spaces required by Appendix 3C are substituted by bicycle parking; and (b) Each car parking space is substituted by adequate space to park at least two bicycles. In assessing an application under this provision, the Council will restrict the exercise of its discretion to:</p> <ul style="list-style-type: none">(i) (ii) The extent to which the cycling facilities are located so that the entrance is clearly visible and accessible from a public space; The provision of signage to identify the cycling facilities entrance, the hours of operation and availability of the facilities to the public; (iii) The level of security provided for the entrance of the cycling facilities, including lighting, passive surveillance or CCTV coverage, and the ability for personal bicycle locks to be used; (iv) The extent to which the bicycle parking design presents a hazard to pedestrians and allows for bicycle manoeuvring; (v) The degree to which dimensions of cycle parking is in accordance with Annexure 9 — Austroads Guide to Traffic Engineering Practice Part 14: Bicycles; (vi) Whether the cycle facilities will adequately mitigate the effects of a reduced number of car parking spaces provided on-site; (vii) The accessibility of the site from cycle lanes or trails; (viii) The provision of changing rooms with toilet and shower facilities; (ix) The extent to which the proposed cycling facilities adequately cater to the number of cycle parks provided; and (x) Whether an encumbrance on the title is appropriate to ensure the effectiveness of the mitigation measure. <p>15.1.6B.2.2 GREEN SPACE In the Commercial Zone where green space is provided in lieu of car parking spaces as required by Rule</p>
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		15.1.6B.1.1(a), the application will be assessed as a restricted discretionary activity where: (a) A maximum of 50% of the car parking spaces required by Appendix 3C are substituted by green space; and (b) Each car parking space is substituted by 12m ² of green space; and
	15.1.6B.1.5	(b) Stacked parking will be permitted for one of two spaces associated with a specific residential unit. In determining the extent of area required for manoeuvring space, the Council will be guided by the Tracking Curve diagrams as shown in Appendix 3E.
Designations and Utility Services	17.2.5.3	Financial contributions will be required at the time of subdivision or development towards the provision of car parking associated with non residential activities and esplanade areas, commensurate with the effects of such subdivision or development on the environment.
Special Areas		
	18.9.6.2.10	ON SITE ACCESS, _PARKING & LOADING The access, internal roading, _parking and loading provisions in Part 3 and Appendix 3 of the Plan - District Wide Provisions shall apply to the site, except in respect of the following matters... (c) Parking Care facilities—1 space for every 2 beds Clubhouse—1 space for every 2 staff Serviced apartments—1 space per unit Plans and specifications of the internal site access and parking shall be provided to the Council and the work completed before the residential units in each stage are occupied. Plans and specifications of the service lane shall be provided to the Council and the work completed before the Stage 2 residential units are occupied.
Appendix 3		
	APPENDIX 3C	Delete
Appendix 5 Designations		Conditions continue to apply