

NELSON CITY COUNCIL

Nelson Resource Management Plan

Proposed Plan Change 21
Parking and Related Changes

**Planning Officers Report - Addressing Submissions
on the Plan Change prior to Hearing**

Date of hearing
16 August 2011

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Related Documents

Plan Change 21: Proposed Plan Amendments

Plan Change 21: Section 32 Report, including addendum to Section 32 Report

Plan Change 21: Summary of Decisions Requested

These documents are available online at:

<http://www.nelsoncitycouncil.co.nz/proposed-plan-change-21/> or by contacting Council on 03 5460200

PART A

PROPOSED PLAN CHANGE 21 - Parking and Related Changes

1. INTRODUCTION

Reporting Officer

- 1.1. My name is Reuben Peterson. I am employed by Nelson City Council in the role of Planning Adviser. I have been with the Council for 8 years, 4 as a Consents Planner and the remainder in my current role.
- 1.2. I have a Bachelor of Resource Studies (Hons) from Lincoln University.
- 1.3. Through developing the proposed Plan Change Council has employed professional expertise from Ross Rutherford, Transport Planning Solutions Ltd; he has also contributed to the Officers Report and will be in attendance at the hearing. Mr Rutherford's report is attached as Part B, Appendix 1.
- 1.4. Also available at the hearing is Nelson City Council's Engineering Adviser, Sue McAuley, who has provided comment from the parking and transportation perspective.

Resource Management Issues

- 1.5. The proposed Plan Change does not add to or alter any issues within the Plan. Instead it relies on existing operative issues. The issues which relate to this proposed Plan Change are outlined in Chapter 4 'Resource Management Issues' of the Plan and are repeated below:

RI3 Population characteristics issue

RI3.1i Sustainable management of natural and physical resources, including financial sustainability, in the face of change in the number and characteristics of the District's population.

RI11 Efficient use of natural and physical resources

RI11.1.i Balancing the potential adverse effects of highly efficient and intensive land use on amenity and other matters against inefficient use of physical resources

RI11.1.ii How to manage and whether to influence form of future development to avoid or minimise burdening the community with inefficiently used services.

RI14 Amenity Values

RI14.1.i Loss of the environmental pleasantness and coherency (in appearance or function) of an area or streetscape such as the coastal environment, City Centre or a residential neighbourhood, through aspects of development such as signage, design and appearance, and traffic, which are insensitive or inappropriate to its existing amenity.

RI14.1.ii Compromise of the use and enjoyment of individual properties as a consequence of the adverse effects of on site and neighbouring development.

RI15 Adverse environmental effects of activities

RI15.1.iii Loss of opportunities to use or enjoy resources and values as a result of adjacent land use or activities.

RI15.1.iv Risk to public health, safety, and amenity values associated with traffic... movement, noise, and other contaminant discharges.

Overview of Proposal

- 1.6. Proposed Plan Change 21 reduces parking requirements across the district for some activities where research has shown the levels require amendment. It also introduces a new parking standard for Large Format Retail activities; and separately for motels, backpackers and other travellers' accommodation, which to date have needed resource consent for parking. A new policy is added to guide applicants and decision makers on when a reduction in parking may, or may not, be appropriate to allow by resource consent. A new rule allows the number of car parks to be reduced if cycle parks are provided instead. A change is proposed to the definition of a sign in Appendix 20 'Signs and outdoor advertising' of the Nelson Resource Management Plan (the Plan) to clarify that directional or information signs are excluded from the definition of a sign and are therefore permitted.
- 1.7. The remainder of the proposed Plan Change relates to the Inner City Zone and implements parts of the Heart of Nelson Strategy relating to parking. This includes the number, location, design and appearance of private carparking. The Plan Change proposes to treat the block bounded by Collingwood, Hardy, Harley, Malthouse Lane and Riverside as if it were City Centre for the purposes of parking requirements – ie. the provision of on site parking is not compulsory for any activity. The design and appearance of new or altered buildings in this block will be regulated through the addition of a new rule to promote an improved quality of development.
- 1.8. The aspects of the proposed Plan Change noted in section 1.7 above are the first of a series of intended Plan Changes which originate from the Heart of Nelson Strategy¹. Future Plan Change work includes a staged extension of the Inner City Zone – City Centre area (with associated no mandatory onsite parking requirement and other relevant provisions) to areas generally to the north, west and east of the current City Centre area, defining typologies (design guides / rules) for different streets in the City Centre and City Fringe area, provisions relating to the provision of indoor malls and Crime Prevention Through Environmental Design (CPTED) changes. All of these future Plan Changes are likely to have components which relate to parking provision, design and location.

Purpose of this Officer Report

- 1.9. This Officer's Report has been prepared under Section 42A of the Resource Management Act 1991 (RMA) to assist:
 - the Hearing Committee in making its recommendations to Nelson City Council on the submissions and further submissions to Proposed Plan Change 21 – Parking and Related Changes to the Nelson Resource Management Plan (the Plan).

¹ *Heart of Nelson – Central City Strategy*, Nelson City Council, August 2009.

- the submitters and further submitters who requested to be heard, by providing, prior to the hearing, a staff evaluation and recommendation of decisions requested in submissions.
- 1.10. The evaluations and recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submissions and further submissions. In evaluating the submissions and further submissions, the matters considered include whether a decision requested:
- falls within the functions of Nelson City Council under the RMA;
 - will enhance the ability of the Plan to achieve the purpose of the RMA;
 - will improve a policy, rule or other method so that it is more efficient and effective for achieving the relevant objectives;
 - will improve the Plan in relation to such matters as its lawfulness, clarity, accuracy, effectiveness, and coherence.
 - falls within the scope of the Proposed Plan Change.

Structure of Report

1.11. The report is divided into the following sections:

Part A

- Introduction
- Background and Consultation
- Overview of Proposed Plan Change
- Notification and Submissions
- Assessment of Issues
- Statutory Assessment
- Conclusions

Part B

- Submitter Index
- Recommendations on submissions
- Appendices

Part C

- Recommended amendments to notified Plan Change.

2. BACKGROUND AND CONSULTATION

2.1. Plan Change 21 arises out of the Heart of Nelson Strategy, and studies by transport consultants²³. The studies recommended various parking ratios for different

² *Nelson District Plan Carparking Review Report*, Traffic Design Group, May 2005 and *Nelson Parking Study 2008, Data Collection Report*, Traffic Design Group, February 2009

³ *Nelson Central City Parking Plan Change Study*, and *District Plan Car parking Ratios*, and *Nelson CBD and Fringe Public Parking Analysis* all by Transport Planning Solutions Ltd, June 2009

activities based on local parking surveys and information from other sources. The studies also investigated the supply and occupancy of parking within the Inner City.

- 2.2. The Heart of Nelson Strategy reinforced the need to review the parking requirements that apply in the Inner City Zone, and how parking is viewed generally. Local experience and anecdotal developer comments showed that the current parking provisions were creating poor design outcomes, and were limiting the ability to carry out viable redevelopment of many sites.
- 2.3. A summary of the consultation and Plan Change process up until notification is set out below:
- Nelson City Council's Infrastructure Committee resolved (9 June 2005) that the recommendations contained within the Traffic Design Group report, dated May 2005, and headed District Plan Car Parking Review Report, be used as a basis for a change to the Parking Requirements contained within Appendix 10 to the Nelson Resource Management Plan.
 - Heart of Nelson Strategy and transport consultant studies referenced on previous page identify need for plan change work relating to parking.
 - In relation to the Heart of Nelson Strategy significant levels of consultation were carried out through public meetings/workshops, hui, 7 focus group meetings (focus groups titles – Cultural, Business, Government and Institutions, Community/Social, Property Investors, Professional Groups and Investors), Council staff and Councillor meetings, Live Nelson (Council publication) invitations for submissions, a four day 'Inquiry by Design Workshop', and subsequent rounds of further consultation reporting results and releasing a draft of the strategy.
 - Council Plan Change Committee recommends draft Plan Change be developed and released for targeted consultation – 7 April 2010.
 - Consultation occurs with a number of groups: 1) Automobile Association, 2) Motel Association of New Zealand, Nelson Branch, 3) Bicycle Nelson Bays, 4) Chamber of Commerce, 5) Inner City Property Owners Association, 6) Nelson Tasman Tourism, 7) Paradiso Backpackers, 8) Wakatu Incorporation, 9) Gibbons Holdings, 10) Uniquely Nelson, 11) New Zealand Transportation Authority and 12) Iwi.
 - Plan Change Committee considers results of consultation – 11 June 2010.
 - Additional consultation and Plan Change drafting.
 - Council resolves to notify proposed Plan Change 21 – 23 July 2010.
 - Public Notification – 25 September 2010.
 - Submissions close 3 December 2010.
- 2.4. Throughout this process, other parties were consulted as required under Schedule 1 of the RMA.

3. OVERVIEW OF PROPOSED PLAN CHANGE

Locality

- 3.1. The proposed Plan change has provisions which apply district wide and more specific requirements which only apply to the Inner City Zone (both Inner City Zone – City Centre and Inner City Zone - City Fringe as shown on Maps 10, 14 and 15 of Volume 4 'Maps' of the Plan). The most area specific of the proposed Plan

provisions is the removal of the mandatory onsite parking requirements from the block bounded by Collingwood / Riverside / Malthouse / Harley and Hardy Streets. See Part B, Appendix 2 for map showing the block in question.

- 3.2. The block noted above, and which is subject to the proposed removal of mandatory parking requirements is in the Inner City Zone – City Fringe area. It is located on the opposite side of Collingwood Street to the Inner City Zone – City Centre area. In the past this area consisted of a mixture of uses from car yards, to pubs, to retail. In more recent times development has occurred to provide for an increased number of offices and professional services.
- 3.3. Geographically the block appears essentially flat with a gentle slope toward the Maitai River. The area, in particular Bridge and Hardy Streets, accommodates regular pedestrian traffic as people move between the City Centre and destinations within, and further east of this block. Destinations include the Fresh Choice Supermarket (cnr Collingwood and Bridge Streets), the Courthouse, Nelson Marlborough Institute of Technology, Queens Gardens and nearby residential areas. The block itself has an inferior pedestrian environment compared to that experienced in the majority of the City Centre area.

Scope of the proposed Plan Change

- 3.4. The scope of the proposed Plan Change is set out in full in the Plan Change documentation as notified. This includes changes to:
 - District Wide Objectives and Policies (Chapter 5)
 - Inner City Zone (Chapter 8)
 - Residential Zone, Suburban Commercial Zone, Industrial Zone, Open Space and Recreation Zone, and Rural Zone.
 - Standards and Terms for Parking and Loading (Appendix 10)
 - Signs and Outdoor Advertising (Appendix 20)

General Approach

- 3.5. The proposed Plan Change has been developed in eight parts under the one heading of proposed Plan Change 21 – Parking and Related Changes. Each part deals with a particular component, or group of components, which as a whole contribute to managing the resource management issues identified in section 1.5 of this report. These proposed Plan Change parts are identified as follows:
- 3.6. **Plan Change 21.1 – New Policy ‘On-site parking – reductions in mandated levels’**
- 3.7. This change proposes a new policy DO10.1.6A in Chapter 5 (District wide objectives and policies) of the Plan. The new policy applies district-wide across all zones. It is intended to give more guidance on when it may be appropriate, and under what circumstances, to allow (by resource consent) a reduction in the level of parking required by the permitted rules in the Plan. The policy also indicates what the environmental ‘bottom lines’ are (when a reduction below a certain level is not appropriate, particularly regarding potential impacts on road safety and efficiency).

- 3.8. **Plan Change 21.2 – Amendments to Inner City Zone – Objective IC1 (Form & Access) and Policy IC1.6 (Parking)**
- 3.9. These amendments reflect the proposed policy direction in Plan Change 21.1, as it applies to the Inner City Zone. The change also helps give effect to the Heart of Nelson Strategy. The amendments set the policy framework and new methods for:
- regulating the location, design and appearance of private carparking areas, and the maximum size of such parks, dependant on their location within the City Centre.
 - setting maximums on the amount of parking that can be provided voluntarily with an activity in the City Centre area (parking is not mandatory within the City Centre area).
 - a non-notified restricted discretionary activity consent process for up to 10% reduction in parking where a application includes a Travel Management Plan.
- 3.10. **Plan Change 21.3 – New rule ICr.31A – private car parking – City Centre area**
- 3.11. A new rule (ICr.31A) is proposed to manage the amenity effects of new or expanded private car parks within the City Centre area.
- 3.12. **Plan Change 21.4 – Parking maximums – City Centre area**
- 3.13. This plan change amends rule ICr.31 to establish maximum levels for parking where it is provided in association with a business or activity with the City Centre. Providing parking is not mandatory for activities within the City Centre. This Plan Change proposes a maximum limit to the number of car parks on a site should any be voluntarily provided. That level is set by the ratios in Table 10.3.1 in Appendix 10 of the Plan. This approach was proposed in the Heart of Nelson Strategy. As with Plan Change 21.3, the principal purpose is to support the amenity objectives of the City Centre in the Plan and the Heart of Nelson Strategy.
- 3.14. **Plan Change 21.5 – Parking i) in area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St, and ii) reduction in other City Fringe areas by resource consent**
- 3.15. This change amends rule ICr.76.1 (parking & loading in City Fringe Area) to:
- exclude the Collingwood/Riverside/Malthouse/Harley/Hardy block from the mandatory parking provisions otherwise applying in the City Fringe area, and state that the City Centre parking provisions apply. This change is consistent with Heart of Nelson Strategy.
 - provide for applicants to apply, as a non-notified restricted discretionary activity, for up to a 10% reduction in the required parking if the application is accompanied by a Travel Management Plan. This plan is to set out, among other things, how use of public transport, cycling, walking, car-pooling etc will be encouraged for the activity on the site. This gives effect to the new method under Plan Change 21.1. This Plan Change makes similar changes to the parking & loading rule in the Suburban Commercial Zone (SCr.31), Industrial Zone (INr.35), Open Space & Recreation Zone (OSr.34) and Rural Zone (RUr.35).
- 3.16. **Plan Change 21.6 – Design and External Appearance of buildings in area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St**
- 3.17. New rule ICr.73A, regulates the design and appearance of new or altered buildings in the Collingwood/Riverside/Malthouse/Harley/ Hardy block. Without the requirement to provide parking through the Plan property owners will be able to

develop their sites more intensively. The quid pro quo is that Council is seeking better quality development that contributes to improving the streetscape.

3.18. Plan Change 21.7 – Amendment to Appendix 10 Standards & Terms for parking and loading

3.19. This change reduces the parking requirements in Table 10.3.1 for a number of activities where Council-commissioned studies have shown the required parking levels were too high. It also replaces the current controlled activity rule for parking for Short Term Living Accommodation with a new permitted standard. New definitions have been added to section AP10.2. New provisions have been added to Table 10.3.1 to encourage provision of bicycle parking (by providing the ability to swap car parking spaces for bicycle spaces).

3.20. Some consequential amendments have also been made to AP10.15 (assessment criteria for resource consents) and AP10.16 (reasons for the rules).

3.21. Changes to other parts of Appendix 10 are proposed by Plan Change 14 (Residential Subdivision, Land Development and Comprehensive Housing). Plan Change 14 changes do not impact on the changes being proposed as part of this Plan Change 21, nor vice versa. However in some respects both proposed Plan Changes can be seen as part of a package as Plan Change 14 introduces a suite of urban design Objectives and Policies to the Plan which Plan Change 21 plays a role in giving effect to. In particular this relates to the potential impact of parking on urban design outcomes throughout the district with a particular focus on the Central City.

3.22. Plan Change 21.8 – Amendment to Appendix 20 Signs and Outdoor Advertising

3.23. This change clarifies the status of signs and panels erected by, or on behalf of, the Council on the road reserve or public land to assist with ‘wayfinding’ or to provide information to the public. Appendix 20 excludes a number of things from the definition of a sign, for example road marking and traffic control and enforcement signs, signs for public notification under the Resource Management Act, and signs for public health or safety. Some wayfinding and directional signs may fall within the road and traffic control exemptions, but others may not. This change treats such signs in a similar way to road signs.

4. NOTIFICATION, SUBMISSIONS AND FURTHER SUBMISSIONS

Notification

4.1. The Plan Change was publicly notified on 25 September 2010, with submissions closing on 3 December 2010, 18 submissions were received.

4.2. A summary of the decisions requested was notified on 26 March 2011 and closed on 8 April 2011, 3 further submissions were received.

Submissions Overview

4.3. The table below provides list of the submissions and further submissions received:

Submission Number	Submission Name	Further Submission Number	Further Submission Name
1	Gilrays No 1, Fords Creek Farm, Town Paddock Ltd & M	X1	Gibbons Holdings Limited

	McLean		
2	Levenbach Ltd	X2	Rutherford Hotel Holdings Limited
3	John Black	X3	Tasman Medical Syndicate
4	Viastrada		
5	The Free House Ltd		
6	Irving Smith Jack Architects Ltd		
7	John Graham Abbott		
8	Nelson Marlborough Institute of Technology (NMIT)		
9	Ben Winnubst		
10	Tasman Medical Syndicate		
11	Strategic Property Group Limited		
12	Gibbons Holdings Limited		
13	John Malcolm Fitchett		
14	NZ Transport Agency		
15	3 Grove Street Limited		
16	Munro Hotels Developments Ltd		
17	Progressive Enterprises Limited		
18	Jungle Payne		

4.4. The general breakdown of submissions is:

- Support (approve the Plan Change as is): 2 submitters
- Conditional support (approve with modifications): 11 submitters
- Opposition (reject the Plan Change): 4 submitters
- Neither support or oppose: 1 submitter.

- 4.5. Main issues in support are:
- Plan provisions providing for a reduction in car parking requirements
 - Retain new rule for private car parks
 - Retain rule for parking maximums
 - Retain amended car parking provisions for Collingwood/Riverside/Malthouse/Harley/Hardy block
 - Retain requirement for Travel Management Plan and associated 10% reduction in parking requirement
 - Support for car parking reductions related to provision of bicycle parking
- 4.6. The main issues in opposition are:
- General wording improvements suggested
 - Delete new rule for private car parks
 - Remove mandatory parking requirements from all areas noted in Heart of Nelson Strategy
 - General objection to proposed Plan Change pages 5 – 20 (whole Plan Change aside from proposed Plan Change 21.8 ‘Amendments to Appendix 20 Signs and Outdoor Advertising’).
 - Opposition to removal of controlled activity provision for parking related to short term living accommodation
 - Remove requirement for Travel Management Plan
 - Opposition to design control rule over buildings in Collingwood/Riverside/Malthouse/Harley/Hardy block
 - Changes sought to proposed definitions
 - Amendments sought in parking table
- 4.7. There have been no submissions on proposed Plan Change 21.8 ‘Amendments to Appendix 20 Signs and Outdoor Advertising’ and this is now effectively operative.

5. STRUCTURE OF ASSESSMENT OF ISSUES (PART B)

- 5.1. In Part B to this report I address each of the submission points raised. The first grouping is submissions of a general nature which apply to the proposed Plan Change as a whole. The other submission points are ordered in accordance with the order of the notified proposed plan amendments. Within this grouping each point made by individual submitters is included along with relevant further submissions. I then discuss the submission points made and make a recommendation on each item. Recommendations for amendments, additions or

deletion to text have been made. These are generally shown with the proposed text as per Plan Change 21 shown as it appeared at notification, ie. text to be removed ~~struck through~~, and text to be added underlined. The recommended amendments as a result of submissions are shown as text to be removed ~~struck through~~, and text to be added underlined.

- 5.2. In some cases a submission point or the recommendation covers multiple topics. In these cases I provide cross references and notes to explain where further, or otherwise relevant, discussion occurs. If in doubt the full submission or further submission shall prevail.
- 5.3. For ease of reference an index of submission and further submission points is provided at the start of Part B.

6. STATUTORY CONSIDERATIONS

- 6.1. The relevant statutory considerations are set out below, with my assessment of the Plan Change.

Resource Management Act 1991, Section 74(1)

- 6.2. Section 74(1) of the RMA requires that a territorial authority prepare and change its district plan in accordance with:
- *It's functions under section 31,*
 - *Provisions of Part 2, and*
 - *A direction given under section 25A(2), and*
 - *Its duty under section 32, and any regulations.*
- 6.3. An assessment of the consistency of the Plan Change with each provision identified is carried out below in the order listed above.

Section 31

- 6.4. The Council's functions are outlined in section 31 of the RMA and relate to giving effect to the RMA in its district. More specifically Section 31 states:
- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
- (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
- (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purposes of -*
- i) *the avoidance or mitigation of natural hazards; and*
 - ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*
 - iiia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
 - iii) *the maintenance of indigenous biological diversity:*
- (c) Repealed

- (d) *the control of the emission of noise and the mitigation of the effects of noise:*
- (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
- (f) *any other functions specified in this Act.*
- (2) *The methods used to carry out any functions under subsection (1) may include the control of subdivision.*

6.5. I consider the proposed Plan Change is an appropriate response to Council's obligations under Section 31 of the Act. In particular it establishes objectives, policies and methods to achieve integrated management of the effects of the use, development, and protection of land and associated natural and physical resources throughout Nelson district, including the City Centre (Sec 31, 1) a)). Specifically the proposed Plan Change seeks to manage adverse effects of parking on efficient land use and amenity within the City Centre and throughout the district.

Part 2

6.6. Part 2 of the RMA sets out the purpose and principles of the Act. Section 5 establishes the purpose of the RMA as follows:

(1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*

(2) *In this Act, "sustainable management" means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while:*

- *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- *safeguarding the life supporting capacity of air, water, soil, and ecosystems; and*
- *avoiding, remedying or mitigating any adverse effects of activities on the environment.*

6.7. Section 7 sets out other matters that all persons exercising powers under the Act shall have particular regard to. Of particular relevance to this proposed Plan Change are:

- b) the efficient use and development of natural and physical resources,*
- c) the maintenance and enhancement of amenity values,*
- f) maintenance and enhancement of the quality of the environment,*
- g) any finite characteristics of natural and physical resources,*
- i) the effects of climate change.*

6.8. The proposed Plan Change seeks to manage adverse effects of parking on efficient land use, amenity and quality of the environment within the City Centre and

throughout the district. A key driver to the proposed Plan Change is it is more efficient, and has better amenity outcomes, to use land for development than for parking, particularly when the parking is not required and there are alternative methods available to enable people to move around. Also in my opinion, and through anecdotal information from the development community the current parking requirements were unreasonably restricting development. In some instances the amount of parking required was beyond that shown to be required by an activity or undesirable in a particular location. The provision of this parking can result in poor urban design outcomes or make development uneconomic. This effective restriction on development adversely impacts on the economic wellbeing of the landowner and ultimately the community. If a site was developed, the required parking often drove the site layout with parking at ground level or between the building and the footpath. These results adversely impact on social and cultural well being of people and the community as the quality of the environment on the street is reduced and a disconnect is created between public and private spaces.

- 6.9. By making the changes proposed in this Plan Change people and communities will be more able to provide for their social, economic and cultural wellbeing. Parking as a development restriction would be removed, buildings and activities can relate positively to the street and overall parking requirement for a number of activities will be set at a more realistic level. The proposed Plan Change also promotes the use of travel modes other than private cars through encouraging cycling, reducing parking requirements and through the use of Travel Management Plans. As a result this proposed Plan Change helps address climate change impacts by reducing the community's dependence on fossil fuels and on travelling independently in vehicles.

Section 25A(2)

- 6.10. Section 25A(2) provides for a Minister to direct a regional council or territorial authority to prepare a Plan, a Plan Change or a variation. No direction has been given by a Minister and therefore this provision is not relevant to this proposed Plan Change.

Section 32

- 6.11. Before adopting for public notification any objective, policy, rule or other method promoted through this proposed Plan Change, Section 32 of the RMA imposes upon the Council a duty to consider alternatives, and assess their benefits and costs.
- 6.12. A Section 32 assessment was prepared and made available as part of the public notification process of this proposed Plan Change. This assessment is carried out through considering the benefits, costs, effectiveness and efficiency, and risk of acting or not acting is there is uncertainty or insufficient information for each of the eight parts of the proposed Plan Change.

Section 74(2), (2A) and (3)

- 6.13. Section 74(2), (2A) and (3) sets out the matters that a territorial authority shall have regard to when changing its Plan. The relevant matters for this hearing are:
- Nga Taonga Tuku Iho Ki Whakatu Management Plan, June 2004, being the planning document recognised by an Iwi authority and lodged with Council. This is discussed further in Section 6.24 – 6.25.
 - Council has not had any regard to trade competition or the effects of trade competition when developing this proposed Plan Change.

Section 75

6.14. Section 75 specifies the contents of a district plan, and sections 75(3) and 75(4) set out the following mandatory obligations:

(3) A district plan must “give effect to”:

- *any national policy statement;*
- *any New Zealand coastal policy statement; and*
- *any regional policy statement*

(4) A district plan must not be inconsistent with:

- *a water conservation order, or*
- *a regional plan for any matter specified in section 30(1).*

6.15. The New Zealand Coastal Policy Statement, nor any National Policy Statements are relevant to this proposed Plan Change. For discussion on the Regional Policy Statement see the following sections of this report.

Regional Policy Statement

6.16. The Nelson RPS became operative in 1997. It contains a number of objectives and policies relevant to the Plan Change which are contained in:

- Chapter 6 Development and Hazards; and
- Chapter 11 Discharges to Air, and Chapter 12 Energy; and
- Chapter 14 Infrastructure.

These provisions are outlined in greater detail in (i) to (iii) below.

(i) Chapter 6 Development and Hazards

6.17. DH1.2 Objective DH1.2.1. *To avoid, remedy, or mitigate any adverse effects of urban expansion on the sustainable management of natural and physical resources including rural land uses.*

6.18. The more efficient use of commercial land (through reduced need to use land for parking) reduces any possible pressure from commercial expansion into land suitable for residential use. This reduced pressure to expand outwards allows for a more efficient and sustainable use of resources, particularly land.

(ii) Chapter 11 Discharges to Air, and Chapter 12 Energy

6.19. DA1.2 Objective DA1.2.1. *Improvement in Nelson’s ambient air quality*

DA1.3 Polices DA1.3.7. *To seek to minimise vehicle emissions from motor vehicles...*

6.20. EN1.2 Objectives EN1.2.2. *Greenhouse gas emissions being stabilised at or below their 1990 levels by the year 2000 and their adverse effects being remedied or mitigated.*

EN1.3 Policies EN1.3.3 *To encourage energy conservation and efficiency in transportation.*

- 6.21. These objectives and policies are not a primary driver of the proposed Plan Change however the promotion of travel modes other than private cars helps with reducing the community's dependence on fossil fuels and on travelling independently in vehicles. This helps to improve Nelson's ambient air quality and reduces the communities overall Greenhouse gas emissions.

(iii) Chapter 14 Infrastructure

- 6.22. IN2.2 Objective IN2.2.1. *A safe and efficient land transport system that promotes the use of sustainable resources, whilst avoiding, remedying or mitigating its adverse effects on human health and safety, and on natural and physical resources.*

IN2.3 Policies IN2.3.5. *To encourage walking and cycling as alternatives to the use of private motorcars.*

- 6.23. The proposed Plan Change promotes the use of travel modes other than private cars through encouraging cycling, reducing parking requirements and through the use of Travel Management Plans. This encourages the use of sustainable options for travelling and the use of walking and cycling as a means of transport. This method of providing for land transport also assists in the sustainable use of resources by allow for land to be used more efficiently,

Iwi Planning Documents

- 6.24. The Iwi Planning Document that has been registered with the Council is the Nga Taonga Tuku Iho Ki Whakatu Management Plan. This sets out the iwi perspective of five manawhenua iwi in Te Tau Ihu (top of the South Island). The plan is structured around the spiritual dimensions of wind and air (discharge of contaminants), the people, trees and birds, water and cultivated foods.
- 6.25. The provisions of the Iwi Management Plan are not directly relevant to this proposed Plan Change. Of note however is the desired outcome stated in section 5.3.1 that there is a good working relationship between tangata whenua and Nelson City Councillors and staff. As part of the legal requirements, but also with a desire to retain a good relationship and respect Iwi have been consulted on this Plan Change. No issues in relation to the Iwi Management Plan have been raised.

Any other relevant planning documents

- 6.26. Heart of Nelson – Central City Strategy, Nelson City Council, August 2009 was adopted by Council at its meeting of 3 September 2009. The Heart of Nelson Strategy was developed to manage growth in a co-ordinated manner and to maintain and enhance the successfulness of the City Centre. It paints a 'word picture' of what the Central City aspires to be (the Vision) and sets out guiding Values, and Objectives, as well as more specific Visions for the precincts with the Central City. The strategy contains a number of actions to help achieve this Vision. The key aspect of the Vision is that *'the Central City will be a vibrant, attractive place in which people can live, work and play, and in which businesses operate'*.
- 6.27. Actions which this proposed Plan Change either implements or assists in implementing are;
- C20: *Develop a Central City way finding/signage 'theme' allowing people to clearly identify where they are and how far between key CBD locations. Locate at key intersections.* Proposed Plan Change 21.8 allows for the required signage to be installed as a permitted activity.

- C38: *Extend the City Centre Zone via an NRMP Plan Change to include the adjacent commercial areas, removing minimum required parking standards. Include as part of CBD special rate area.* In partially achieving the goal of this action proposed Plan Change 21.5 seeks to remove the mandatory onsite parking requirement from a specific area of the City Fringe Zone. This is in line with the stated intent of the Heart of Nelson Strategy to carry out the expansion of the City Centre Zone in a controlled way ‘...to avoid dispersing and dissipating the ‘energy of the currently successful City Centre’. Note, as outlined in Section 1.8 of this report, further staged Plan Changes are intended to ensure this action is carried out but to allow for monitoring of the impact of each stage to be undertaken.
 - C39: *Amend the City Centre Zone rules to introduce maximum parking standards for new developments and changes of use.* Proposed Plan Change 21.4 introduces maximum levels for parking where it is provided in association with a business or activity with the City Centre Zone.
 - C40: *Review the Nelson Resource Management Plan parking requirements applying to the City Fringe Zone.* Proposed Plan Change 21.5 specifically deals with the parking requirements in a particular area of the City Fringe Zone by removing the requirement for mandatory on site parking provision. Proposed Plan Change 21.7 amends or adds parking requirements for a number of activities city wide; these provisions apply to areas of the City Fringe Zone not affected by proposed Plan Change 21.5.
- 6.28. Regional Land Transport Strategy, Nelson City Council, June 2009 (RLTS) sets the overall direction for the development of the land transport system in Nelson. The vision for the Nelson land transport network is ‘a sustainable transport future for Nelson’. The mission for Nelson is stated as, ‘to have a land transport system which is safe, efficient, integrated and responsive, and that meets the needs of current and future generations in ways that are environmentally, socially and economically sustainable’. The proposed Plan Change deals predominantly with parking which has an acknowledged effect on transport choices. Excessive and unmanaged parking does not encourage a reduction in private vehicle use which in turn impacts on the land transportation network. Additionally the proposed Plan Change introduces the use of Transport Management Plans to justify a reduction in onsite parking, and sets out a new policy which gives more guidance on when it may be appropriate, and under what circumstances, to allow (by resource consent) a reduction in parking levels stipulated with the Plan.
- 6.29. The RLTS also includes a Passenger Transport Network Plan which was to provide an overarching framework for the development of the Nelson region’s passenger transport network for the 2009 to 2019 period. This has subsequently become the Regional Public Transport Plan (RPTP) which is being developed and is expected to be completed by the end of this year. The purpose of the RPTP is to specify how the Council intends to give effect to the public transport service components of the Regional Land Transport Strategy. Items within the proposed Plan Change, as noted in section 6.28 above, can help public transport considerations to be factored into decisions on parking provision and relevant consent applications. Therefore I consider that the proposed Plan Change will assist in achieving the goals of the RPTP currently under development.

7. CONCLUSION

- 7.1. This report provides a statutory and effects based assessment of proposed Plan Change 21 ‘Parking and Related Changes’. I have described the general approach and the background and consultation leading the development of this proposed Plan

Change. I have also assessed it against the statutory requirements under the RMA and have concluded that it meets all the relevant matters.

- 7.2. I acknowledged the various concerns, and suggestions for improvement, outlined in the submissions and further submissions, and have commented on those and made specific recommendations in Part B of this Report.
- 7.3. With those amendments, and with any other changes that may be required following presentations by the submitters, I am of the opinion that the package of measures embodied in proposed Plan Change 21 will provide a workable and realistic planning response to the identified resource management issues in Nelson (see section 1.5 of this report for the identification of issues).

Author: Reuben Peterson

Signed: 

Date: 2/8/11

Peer Reviewed: Matt Heale

Signed: 

Date: 2/8/11

PART B

SUBMITTER INDEX

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RECOMMENDATIONS ON SUBMISSIONS

As stated in section 5.1 of Part A of this report recommendations for amendments, additions or deletion to the notified text have been made in relation to some of the submission points. These are generally shown in the following sections with the proposed text as per Plan Change 21 shown as it appeared at notification, ie. text to be removed ~~struck through~~, and text to be added underlined. My recommended amendments as a result of submissions are shown as text to be removed ~~struck through~~, and text to be added underlined.

PC21 General

Submitter 4: Viastrada

Support

Submission Point #4.2: Support the entire plan change relating to reduced parking requirements. The plan change remedies the current over-provision of parking and implements expert reports.

Decision Sought: Retain the reduced parking standards.

Oppose

Submission Point #4.6: The plan change does not address parking requirements on the Western Fringe. The Heart of Nelson Strategy and several parking and traffic studies that formed the basis of this plan change included recommendations to remove the on-site parking requirements for the Western Fringe and the plan change has not incorporated these. The plan change includes objectives and policies regarding the ability for parking reductions of 10% and allows specified sites on the Eastern Fringe to provide no on-site parking. To give effect to these recommendations an additional policy should be included in the plan.

Decision Sought: Incorporate a specific policy for the consideration of the exemption of parking requirements as recommended in the Heart of Nelson Strategy. Make all necessary consequential changes to give effect to this submission.

PLANNING OFFICER COMMENT #1

Viastrada

Submission point #4.2

The submitter supports proposed Plan Change 21 relating to reducing parking requirements. The proposed reductions in parking requirements of the Nelson Resource Management Plan are based on the findings of the Nelson District Plan Carparking Review Report (Traffic Design Group 2005) and the report titled District Plan Car Parking Ratios (Transport Planning Solutions Ltd, June 2009). The second report builds on the findings of the first and provides the recommendations of the parking requirements.

On the basis that the standards supported by the submitter are considered to be an appropriate (and preferred) resource management response to the issues identified in Section 1.5 of Part A of this report, and that these aspects of the proposed Plan Change are not otherwise recommended to be removed, I recommend accepting this supporting submission.

RECOMMENDATION

Submission Point #4.2: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submission point #4.6

The submitter seeks a specific policy be included in the proposed Plan Change for the consideration of the exemption of parking requirements as recommended in the Heart of Nelson Strategy. In the reasons

for their submission the submitter makes specific reference to the parking requirements for properties on the western City Fringe area. The Plan Change as proposed removes the mandatory on-site parking requirements from a specified block of land in the eastern City Fringe area only (see map Part B, Appendix 2).

It would theoretically be possible to have included a policy, and potentially an objective, within the proposed Plan Change which supports the achievement of the vision of the Heart of Nelson Strategy in so far as it applies to the Nelson Resource Management Plan (the Plan). Should this have been undertaken the objective would have been a clear statement of what would be sought to be achieved through the Plan in relation to the vision of the Heart of Nelson Strategy. The associated policies would set the course of action to achieve or implement the objective. In relation to the submitter's point of Heart of Nelson recommending to remove the on-site parking requirements from the western Fringe it would have stated that this should be carried out in a controlled manner as stated in the Heart of Nelson Strategy. See Section 6.27, item C38 of Part A of this report for discussion on this aspect of the Strategy.

The option of including a policy, and potentially an objective, directly in relation to the Heart of Nelson Strategy as outlined above has not been included as part of this proposed Plan Change. This is mainly because the scope of this current proposed Plan Change is such that the parking changes proposed are accommodated by the recommended (new or amended) Objectives and Policies in the proposed Plan Change. Examples are:

- the proposed new district wide policy DO10.1.6 'On-site parking – reductions in required levels' intended to give more guidance on when it may be appropriate, and under what circumstances, to allow (by resource consent) a reduction in the parking levels stipulated within the Plan.
- Amendments to existing Inner City Zone Objective IC1 'form and access' and IC1.6 'parking' reflect the policy direction of the proposed Plan Change. As noted in the introduction to the Proposed Plan Amendments (and reproduced as section 3.9 to this report) this helps to give effect to the Heart of Nelson Strategy.

Future Plan Changes relating to the actions within Heart of Nelson may require the use of an Objective and Policy framework but this will be considered at that time. In relation to this proposed Plan Change I do not recommend the inclusion of a specific policy for either Heart of Nelson as a whole or the parking provisions within it. In my opinion this would go beyond the scope of this proposed Plan Change and be unnecessary for setting the policy direction.

Note that I have not discussed the issue of scope in full in this Planning Officer Comment as the recommendation to reject is derived from the discussion above. A full discussion on scope has been carried out in relation to submission 1.3, Planning Officer Comment #22 which deals with a more specific request to include properties in the western City Fringe area in either the Central City Zone or to have the mandatory parking requirements removed as is proposed by the Plan Change for the an area in the eastern City Fringe.

RECOMMENDATION

Submission Point #4.6: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submitter 9: Ben Winnubst

Oppose in part

Submission Point #9.1: The suggestion that more use is made of street parking in residential areas, instead of on-site parking, is not a good idea. Street parking exposes vehicles to an increased risk of damage. Nobody likes to see their car damaged. Anyone who has a choice will want on-site parking.

Decision Sought: Require on-site parking in residential areas.

Oppose in part

Submission Point #9.2: There are many areas where street parking should be removed and replaced with cycle lanes, for example Main Road Stoke. This would be a very cheap way of increasing cycle safety and promoting more use of commuter cycling.

Decision Sought: Consider removing street parking and replacing it with cycle lanes in many areas.

PLANNING OFFICER COMMENT #2

Ben Winnubst

Submission point #9.1

The submitter requests that on-site parking is required in residential areas. Plan Change 21 does not propose to reduce or remove on-site parking requirements in residential 'areas'. (It is my understanding that when the submitter states 'areas' he is referring to the Residential Zone). Proposed policy DO10.1.6A 'On-site parking – reductions in required levels' is a district wide policy and therefore applies to all zones including the Residential Zone. Also proposed provisions relating to Short Term Living Accommodation and the use of Travel Management Plans relate to the Residential Zone. These proposals however do not seek to remove the requirement to provide on-site parking but set guidance for when it might be appropriate for an applicant to seek a reduction in the amount of on-site parking they are required to provide and revise how parking is dealt with in specific situations. It is therefore my opinion that this proposed Plan Change does not create the issue or concern raised by the submitter.

RECOMMENDATION

Submission Point #9.1: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submission point #9.2

The submitter suggests street parking can be removed in many areas and replaced with cycle lanes as a way of increasing cycle safety and promoting the use of commuter cycling. Nelson City Council actively promotes cycling and seeks opportunities to improve and encourage it as a means of transport and recreation. This is demonstrated through aspects of this proposed Plan Change which promote cycling, such as PC21.1 a) Policy DO10.1.6A b) which promotes the provision of on-site bicycle stands and accompanying change and shower facilities, and PC21.7 m) which allows for a reduction in car parking if bicycle parks are provided. Regardless of the merit of conversion of existing on-street parking to cycle lanes it is outside of the scope of this proposed Plan Change and is not a matter to be addressed through the Nelson Resource Management Plan. Suggestions on how to improve cycling in Nelson are valuable to Council and should generally be made as a submission to the Annual Plan, or through Council's reception (contact 546 0200, or enquiries@ncc.govt.nz).

RECOMMENDATION

Submission Point #9.2: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submitter 13: John Malcolm Fitchett

Oppose

Submission Point #13.1: Currently there is insufficient parking in the Inner City Zone and the Plan Change (in conjunction with the Heart of Nelson Strategy) will make it harder to find parking in the Montgomery / Buxton / Achilles Squares. In light of the Council decision to make traffic go slower and give priority to pedestrians in the Inner City Zone there will be more gridlock and a slow strangulation of the commercial heart

of Nelson. If on site parking is not required in the City Fringe Zone those users will compete unduly with Inner City Zone users for on street parking.

Decision Sought: Delete Plan Change (pages 5 - 20) entirely.

Further Submitter X3: Tasman Medical Syndicate

Statement X3.1

Oppose Submission Point #13.1

The submitter seems not to appreciate the significant and wide ranging benefits to be gained from the Plan Change.

PLANNING OFFICER COMMENT #3

John Malcolm Fitchett

Submission point #13.1

The submitter opposes Plan Change 21 (pages 5 – 20) as he considers there is insufficient parking in the Inner City Zone and that there will be increased competition for those spaces from sites in the Inner City – Fringe Zone which are proposed to not require the provision of on-site parking. The submission is that the whole theory of the Plan Change (and related Heart of Nelson Strategy) is misconceived and (if implemented) will 'kill' the commercial Inner City Zone.

The submitter's opposition does not include page 21, Plan Change 21.8 – Amendments to Appendix 20 Signs and Outdoor Advertising.

The submitter argues there is insufficient car parking in the Inner City area (and therefore more sites without on-site parking will worsen this situation), and if this is the case the resulting traffic and parking impacts of this proposed Plan Change on the commercial viability of the Inner City area of Nelson will be negative.

The parking components of this proposed Plan Change are mainly based on the findings of a report 'Nelson CBD and Fringe Public Parking Analysis' June 2009 by the traffic engineering firm, Transport Planning Solutions Ltd. The report was based on an analysis of the raw parking data set out in the 'Nelson Parking Study 2008 Data Collection Report' (Traffic Design Group, February 2009) and the Nelson CBD Parking Study and Traffic Model, Nelson, District Plan Carparking Review Report (Traffic Design Group, May 2005). The data collection was aimed primarily at identifying the parking occupancies but also included a parking survey of five sites plus a more detailed survey of Buxton Square. The carparking review report undertook parking surveys of various activities and used this to inform the suggested parking ratios for those activities. I consider that this carparking review report, data collection report and subsequent analysis form a sound and reliable basis for determining parking availability within the central area of Nelson.

The 'Nelson CBD and Fringe Public Parking Analysis' Transport Planning Solutions Ltd report finds that *'overall there is sufficient short stay parking in the Central Core and in the Fringe area'*. Ross Rutherford of Transport Planning Solutions Ltd has further considered the concerns raised by the submitter (report attached as Part B, Appendix 1) and has confirmed that there is adequate parking in the Inner City for shoppers and this availability can be improved if parking is used effectively. Mr Rutherford also specifically notes the maximum occupancy of the on street parking spaces in and around the area subject to the proposed removal of mandatory parking requirements was 68% around the midday survey carried out on a Thursday for the Traffic Design Group report. The maximum desirable on-street parking occupancy is 85%.

Mr Rutherford also makes the statement that he considers it will take several years for the affected land to be redeveloped. Also the increase in public parking demand will depend on decisions on the amount of parking provided on each redeveloped site by the developer. In my opinion this view is sensible; the removal of the mandatory parking requirement from an area is unlikely to result in immediate redevelopment of all the sites within that area. The process will take time, and for some sites is likely to have little impact on any decision to develop. In my view the provision of parking is only one of many factors in the overall decision on the future opportunities for development of a site. For these reasons it is

my opinion that the gradual process of development will allow for any changes in parking demand to be managed. These findings on the supply of parking by Mr Rutherford, and Council's ongoing monitoring of the parking situation in the City, and subsequent actions to resolve issues, help to ensure that Nelson City is not adversely affected by any developing parking problem.

I recommend this submission to delete the proposed Plan Change is accepted in part. This partial acceptance relates to the recommended deletion of items in this proposed Plan Change. See Planning Officer Comment #44 in response to submission point 4.3.

RECOMMENDATION

Submission Point #13.1: Accept in part

Further Submission Statement X3.1: Accept in part

AMENDMENT TO PROPOSED PLAN CHANGE: See Planning Officer Comment #44 for recommended deletion of proposed Plan Change 21.7 b) and 21.7 j).

Plan Change 21.1: New Policy and Methods – ‘On-site parking – reductions in mandated levels’

Plan Change 21.1 a) Policy DO10.1.6A - On-site parking – reductions in required levels

Submitter 4: Viastrada

Oppose in part

Submission Point #4.5: The Transport Planning Solutions report identifies the benefits for sharing parking spaces. The report recommends the following: "The NRMP should encourage applications for shared parking while making clear that any reciprocal parking arrangements should be enduring ". Although shared parking is reflected in new policy DO10.1.6A, this has not been extended to the rules and the policy on its own does not "encourage applications" as recommended. In order to give full effect to the recommendation, the parking rules should be amended to allow for consideration of shared parking as a means of addressing parking requirements.

Decision Sought: Amend the parking rules to provide an exemption (e.g. 10%-20% reduction) in required parking spaces, as a controlled activity, if the applicant can demonstrate an enduring shared parking arrangement.

Make all necessary consequential changes to give effect to this submission.

PLANNING OFFICER COMMENT #4

Viastrada

Submission point #4.5

The submitter seeks new provisions within the parking rules to give effect to the section of proposed Policy DO10.1.6A which promotes areas of parking being shared by nearby activities with complementary parking demands. They suggest a controlled activity category allowing for a 10 or 20% reduction in parking for shared arrangements.

The policy questioned by the submitter is proposed to better guide and enable assessment of situations where reductions in parking are acceptable. One of those situations is where there is an enduring and binding arrangement to share the parking with a nearby site if the parking demands are complementary. This policy clearly sets out that Council considers this to be an appropriate way of providing parking in some situations. It has not been included as a specific rule as there is such a range of possible scenarios which could be acceptable under a resource consent and associated conditions. For example it may be appropriate that an office building operating 8am – 5pm Mondays – Fridays has a 100% reduction in parking as they use parks associated with a Church next door which only operates on weekends or after work hours. Alternatively it might be a restaurant which operates from lunchtime into the evening and an office building, in which case a lesser reduction could be more appropriate.

Due to the many possible variations, I consider that the resource consent process (generally with a discretionary activity status) guided by the proposed policy is the most suitable and flexible method of determining the suitability of a shared parking arrangement.

RECOMMENDATION

Submission Point #4.5: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.1: This new policy (plan change section 21.1 a) will provide better guidance to the consideration of applications for a reduction in the provision of parking.

Decision Sought: Retain proposed Plan Change section DO10.1.6A.

Submitter 14: New Zealand Transport Agency

Support

Submission Point #14.1: The NZTA supports new policy DO10.1.6A On-site parking - reductions in required levels in particular a), b), c) and d) which recognises that car parks can have adverse effects on the transport network through increased congestion by increased private vehicle usage and also impact on the use of other sustainable modes of transport.

Decision Sought: Retain new policy DO10.1.6A – on-site parking – reductions in required levels.

Submitter 17: Progressive Enterprises Limited

Support

Submission Point #17.1: The introduction of a new policy providing for the reduction of car parking spaces in the inner city fringe area will provide opportunity for flexibility in private parking arrangements under controlled circumstances. Subsequent additions to the explanation and reasons and the methods provide context.

Decision Sought: Retain plan change section 21.1 a) (proposed Policy DO10.1.6A).

PLANNING OFFICER COMMENT #5

Tasman Medical Syndicate

Submission point #10.1

New Zealand Transport Agency

Submission point #14.1

Progressive Enterprises Limited

Submission point #17.1

The three submitters to Plan Change section 21.1 a) express their support for the proposed policy which gives guidance on when it may be appropriate, and under what circumstances, to allow a reduction in stipulated parking levels. This support is accepted and the proposed policy is recommended to be retained.

RECOMMENDATION

Submission Point #10.1: Accept

Submission Point #14.1: Accept

Submission Point #17.1: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.1 b) DO10.1.6A.i Explanation and Reasons

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.2: This new explanation and reasons (plan change section 21.1 b) will provide better guidance to the consideration of applications for a reduction in the provision of parking.

Decision Sought: Retain proposed Plan Change section DO10.1.6Ai.

PLANNING OFFICER COMMENT #6

Tasman Medical Syndicate

Submission point #10.2

The submitter to Plan Change section 21.1 b) states their support for the explanations and reasons for the proposed policy DO10.1.6A 'On-site parking – reductions in required levels'.

This support is accepted and the proposed explanations and reasons are recommended to be retained.

RECOMMENDATION

Submission Point #10.2: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.1 c) DO10.1.6A.v Methods

Submitter 10: Tasman Medical Syndicate

Support in part

Submission Point #10.3: The proposed method seems to suggest that the proposed restricted discretionary classification is dependant on the Council's assessment of the effectiveness of the travel plan. That is not the case. Applicants must submit a travel plan in order for their application to benefit from this activity status.

Decision Sought: Delete the words "... and the Council consider the plan is likely to be effective in achieving that reduction in on-site parking" from DO10.1.6A.v.

PLANNING OFFICER COMMENT #7

Tasman Medical Syndicate

Submission point #10.3

The submitter considers that the proposed method DO10.1.6A.v (Plan Change 21.1 c) suggests that the restricted discretionary activity consent status is dependant on Council assessment of the quality of the Travel Management Plan required to be provided. This is not intended to be the case. The Travel Management Plan is required to be provided for the application to be considered as a restricted discretionary activity with a maximum of 10% reduction in car parks. The minimum content of the Travel Management Plan is outlined in proposed Plan sections such as PC 21.5 d) assessment criteria for rule ICr.76.4. The merit of the Travel Management Plan does not play a role in determining the consent status but assists in determining if the consent is granted or not, and what conditions should be applied if it is granted. The submitters requested removal results in some further confusion in the method as it removes all reference to Council considering the merits of the Travel Management Plan. I therefore recommend an

addition which retains this consideration intent but still resolves the submitters concern. I therefore recommend accepting the submission point in part to ensure the proposed method is not misinterpreted.

As a consequential change I also recommend that 'travel plan' is amended to 'Travel Management Plan' as this is the correct term as used in rule ICr.76.3 and retains consistency within the Plan. It is important to note that this recommended change does not alter the meaning of the provision.

Also note that the notified method below for a 10% reduction is recommended to be changed to 20% as per the submission discussed in Planning Officer Comment #31. The change from 10% to 20% indicated below is therefore relevant to Planning Officer Comment #31 and not this current submission point.

RECOMMENDATION

Submission Point #10.3: Accept in part

AMENDMENT TO PROPOSED PLAN CHANGE:

DO10.1.6A.v *Rules providing for the consideration of a maximum ~~40%~~ 20% reduction in the required minimum level of parking as a restricted discretionary activity, if a Travel Management Plan ~~travel plan~~ forms part of the consent application, and the Council considers the plan is likely to be effective in achieving that reduction in on-site parking.*

Submitter 18: Jungle Payne

Support in part

Submission Point #18.1: I think the wording is too imprecise: '...the Council considers the plan is likely to be effective in achieving that reduction in on-site parking.' There should be a mandatory follow-up at applicant's expense to monitor the effectiveness of travel demand management plans adopted in return for reduction of parking requirement. It is too easy to allow Councillors to say 'yes it is likely' without any, or adequate evidence that the TDM plan will actually accomplish anything.

Decision Sought: Amend plan change section 21.1 c) as follows:

There should be mandatory follow-up at applicant's expense to monitor the effectiveness of travel demand management plans adopted in return for reduction of parking requirement.

PLANNING OFFICER COMMENT #8

Jungle Payne

Submission point #18.1

The recommendation in Planning Officer Comment #7 resolves this submitters concern over the imprecise nature of the statement '...the Council considers the plan is likely to be effective in achieving that reduction in on-site parking.'

The submitter also suggests an amendment to require the applicant to monitor the effectiveness of Travel Management Plans adopted in return for a reduced parking requirement. In some situations this will be desirable but overall I consider that it is not necessary to require ongoing monitoring by the applicant through the Nelson Resource Management Plan. The appropriate place to introduce monitoring conditions is through a resource consent and only if an individual situation requires it.

Looking beyond the individual application, Plan effectiveness monitoring considers if the Objectives, Policies and Methods within a Plan are achieving their goals; and monitoring of the city parking situation, as regularly carried out by Council, will highlight any issues that may develop over time.

RECOMMENDATION

Submission Point #18.1: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.2: Amendments to Inner City Zone – Objective IC1 ‘Form and Access’ and Policy IC1.6 ‘Parking’

Plan Change 21.2 a) IC1 Objective - Form and Access

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.4: The proposed amendments to IC1 (plan change section 21.2 a) more accurately describe the relationship between the City Centre and City Fringe areas.

Decision Sought: Retain proposed Plan Change section 21.2 a).

Submitter 17: Progressive Enterprises Limited

Support

Submission Point #17.2: Support plan change section 21.2 a). The amendment to the policy wording makes the policy clearer that the Fringe area is vehicle focused.

Decision Sought: Retain Plan Change section 21.2 a).

PLANNING OFFICER COMMENT #9

Tasman Medical Syndicate

Submission point #10.4

Progressive Enterprises Limited

Submission point #17.2

The submitters to Plan Change section 21.2 a) state their support for the proposed amendments to Objective IC1 ‘Form and access’ which seeks to clarify the relationship between the City Centre and the City Fringe. This support is accepted and the proposed amendments are recommended to be retained.

RECOMMENDATION

Submission Point #10.4: Accept

Submission Point #17.2: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.2 b) IC1.6 Policy - Parking

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.5: The changes to Policy IC1.6 (plan change section 21.2 b) are necessary and appropriate given the intent of Plan Change 21.

Decision Sought: Retain Plan Change section 21.2 b).

Submitter 17: Progressive Enterprises Limited

Support

Submission Point #17.3: Support plan change section 21.2 b). The second paragraph of the amendment clarifies that the reduction in parking numbers is linked to generated parking demand.

Decision Sought: Retain Plan Change section 21.2 b).

PLANNING OFFICER COMMENT #10

Tasman Medical Syndicate

Submission point #10.5

Progressive Enterprises Limited

Submission Point #17.3

The submitters to Plan Change section 21.2 b) state their support for the proposed amendments to policy IC1.6 Parking. This support is accepted and the proposed amendments are recommended to be retained.

RECOMMENDATION

Submission Point #10.5: Accept

Submission Point #17.3: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.2 c) IC1.6.i Explanation and Reasons (Policy - Parking)

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.6: The changes to IC1.6i and ii (plan change section 21.2 c) are necessary and appropriate given the intent of Plan Change 21.

Decision Sought: Retain proposed Plan Change section 21.2 c).

Submitter 17: Progressive Enterprises Limited

Support

Submission Point #17.4: Support plan change section 21.2 c). The 'strike-out' parts of the explanation and reasons are not necessary with the introduction of clear policy direction for the consideration of reduced parking numbers.

Decision Sought: Retain Plan Change section 21.2 c).

PLANNING OFFICER COMMENT #11

Tasman Medical Syndicate

Submission point #10.6

Progressive Enterprises Limited

Submission Point #17.4

The submitters to Plan Change section 21.2 c) state their support for the proposed amendments to the explanation and reasons for policy IC1.6 'Parking'. This support is noted, however changes to the

provisions contained in Plan Change section 21.2 c) are recommended in Planning Officer Comment #12 as a result of submission point #14.2. Therefore submission points #10.6 and #17.4 are accepted in part.

RECOMMENDATION

Submission Point #10.6: Accept in part

Submission Point #17.4: Accept in part

AMENDMENT TO PROPOSED PLAN CHANGE:

See Planning Officer Comment #12.

Submitter 14: New Zealand Transport Agency

Oppose

Submission Point #14.2: The NZTA does not support the removal of "in order to minimize hazards created by traffic movement and traffic generation it is important that each site provides adequate space on site so that parking and manoeuvring of vehicles can be contained within the boundaries of the site" from IC1.6.ii - explanation and reasons. (plan change section 21.2 c). The NZTA believes retaining this sentence is necessary as it recognises the adverse effects and potential conflicts traffic movements can have on the transport network, particularly off site.

Decision Sought: Retain this existing text within IC1.6.ii - Explanation and Reason

"in order to minimize hazards created by traffic movement and traffic generation it is important that each site provides adequate space on site so that parking and manoeuvring of vehicles can be contained within the boundaries of the site."

PLANNING OFFICER COMMENT #12

New Zealand Transport Agency

Submission point #14.2

The submitter seeks to retain the sentence '*In order to minimise potential hazards created by traffic movement and traffic generation it is important that each site provides adequate space on site so that parking and manoeuvring of vehicles can be contained within the boundaries of the site*' which Plan Change section 21.2 c) seeks to remove from explanation and reasons IC1.6.ii.

Plan Change section 21.2 c) as notified appears as:

IC1.6.ii *The City Fringe will be is more dominated by traffic effects. Generally activities are required to provide for their parking demand, either on their site, or, subject to a resource consent, in some other way. ~~In order to minimise potential hazards created by traffic movement and traffic generation it is important that each site provides adequate space on site so that parking and manoeuvring of vehicles can be contained within the boundaries of the site.~~ Where Policy DO10.1.6A, which applies across the district, provides guidance for considering reductions below the required parking levels. ~~there is insufficient room on site, flexibility can be provided for some or all of these facilities to be provided off site eg. by a legally binding agreement to lease parking elsewhere.~~ The proviso is, however, that this arrangement should not lead to a hazard to traffic or pedestrians.*

In response to the submitters request to retain the sentence noted I recommend approval in part. Retaining the sentence as it stands would create an inconsistency in the Plan. The current sentence states that '*...it is important that each site provides adequate space on site so that parking and manoeuvring of vehicles can be contained within the boundaries of the site*'. Under the Plan Change this is proposed not to be required in all areas of the City Fringe. An example of this change through the proposed Plan Change is Objective IC1 'Form and Access' which is proposed to be amended to remove the statement that the City Fringe consists of self contained sites. One of the methods to give effect to this objective is rule ICr.76.1 which proposes to remove the mandatory parking requirement within a specified block in the City Fringe area. With this in mind I consider it to be inefficient (and inaccurate) to include a statement saying that it is important that each site provides for its own parking and manoeuvring as this is not always the case.

An amended version of the sentence should be retained which reflects the intent of the proposed Plan Change but also reflects the submitters concerns. I therefore recommend section IC1.6.ii appears as follows:

~~'The City Fringe will be is more dominated by traffic effects. In order to minimise potential hazards created by traffic movement and traffic generation it is important that each sites should generally provides adequate space on site so that parking and manoeuvring of vehicles can be contained within the boundaries of the site. Where there is insufficient room on site, flexibility can be provided for some or all of these facilities to be provided off site eg. By a legally binding agreement to lease parking elsewhere. The proviso is, however, that this arrangement should not lead to a hazard to traffic or pedestrians.'~~

It is important to note at this point that there is an error in the notified Plan Change which impacts on this submission point and contribute to my recommended wording. Explanation and Reasons section IC1.6.ii has two sentences removed (these are correctly shown in 'strikeout' format) and two sentences added which should have been shown in 'underline' format however this was not undertaken. This added text was intended to align the provision with the proposals in the Plan Change. The text intended to be added states:

Generally activities are required to provide for their parking demand, either on their site, or, subject to a resource consent, in some other way. Policy DO10.1.6A, which applies across the district, provides guidance for considering reductions below the required parking levels.

As this text was not underlined it does not form part of the proposed Plan Change and cannot be further considered. The strikeout text does form part of the proposed Plan Change and is relevant to this submission point.

I note there is a further minor error which I consider does not alter the meaning or intent of these provisions, nor that would have misled a submitter. This is the first sentence of IC1.6.ii which should appear as '*The City Fringe ~~will be~~ is more dominated by traffic effects*'. The underlining had not been included. It is recommended that these words are formally recognised as being part of the Plan Change as a consequential amendment through Schedule 1, Clause 10 (2) (b) (ii) in relation to the supporting submissions noted in Planning Officer Comment #11.

I have confirmed with the submitter that this error has not impacted on their submission.

RECOMMENDATION

Submission Point #14.2: Accept in part

AMENDMENT TO PROPOSED PLAN CHANGE:

IC1.6.ii

The City Fringe ~~will be~~ is more dominated by traffic effects. In order to minimise potential hazards created by traffic movement and traffic generation ~~it is important that each sites should generally provides~~ adequate space on site so that parking and manoeuvring of vehicles can be contained within the boundaries of the site. ~~Where there is insufficient room on site, flexibility can be provided for some or all of these facilities to be provided off site eg. By a legally binding agreement to lease parking elsewhere. The proviso is, however, that this arrangement should not lead to a hazard to traffic or pedestrians.~~

Plan Change 21.2 d) IC1.6.iii Methods (Policy - Parking)

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.7: The changes to IC1.6.iii-vi (plan change section 21.2 d) are necessary and appropriate given the intent of Plan Change 21.

Decision Sought: Retain proposed Plan Change section 21.2 d).

Submitter 14: New Zealand Transport Agency

Support

Submission Point #14.3: The NZTA supports new method IC1.6.iiiA - Rules setting maximum parking ratios within the City Centre. (plan change section 21.2 d). The NZTA believes that limiting over-supply of parking by setting maximum parking standards is a good travel demand management tool.

Decision Sought: Retain new method IC1.6.iiiA - Rules setting maximum parking ratios within the City Centre.

Submitter 17: Progressive Enterprises Limited

Support

Submission Point #17.5: Support plan change section 21.2 d). The amendment to the methods clarifies the methodology (resource consent) for consideration of a reduction in parking numbers. The introduction of regular parking surveys in the Inner City area to monitor parking demand and the availability of on-street parking indicates the Council will review its policy over time and this is supported.

Decision Sought: Retain Plan Change section 21.2 d).

PLANNING OFFICER COMMENT #13

Tasman Medical Syndicate

Submission Point #10.7

New Zealand Transport Agency

Submission Point #14.3

Progressive Enterprises Limited

Submission Point #17.5

Submitters 10 (Tasman Medical Syndicate) and 17 (Progressive Enterprises Limited) seek to retain all of Plan Change section 21.2 d) while submitter 14 (New Zealand Transportation Agency) specifically supports the individual method IC1.6.iiiA 'Rules setting maximum parking ratios within the City Centre'. This support is accepted and the proposed amendments are recommended to be retained.

I note there are two minor errors which I consider do not alter the meaning or intent of these provisions, nor that would have misled a submitter. The errors are method IC1.6.iii should have also struck out the words 'setting up', and method IC1.6.v should have had the second half '*...consider departure from the parking rules*' underlined. It is therefore recommended that these words are formally recognised as being part of the Plan Change as a consequential amendment through Schedule 1, Clause 10 (2) (b) (ii) in relation to the supporting submissions noted. I have confirmed with the submitter that this error has not impacted on their submission.

RECOMMENDATION

Submission Point #10.7: Accept

Submission Point #14.3: Accept

Submission Point #17.5: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

As a result of the consequential amendments noted, the clauses below are recommended to appear as:

IC1.6.iii Maintain existing differential rates within the City Centre, with the Council providing collective parking for new developments ~~setting up~~ in the City Centre.

IC1.6.v Resource consent process to consider departure from the parking rules.

Plan Change 21.3: New rule ICr.31A – private car parking – City Centre Area

Plan Change 21.3 a) ICr.31A Private car parking - rule - general

Submitter 4: Viastrada

Oppose

Submission Point #4.1: Oppose Plan Change 21.3, ICr.31A 'Private parking' (in present form).

a) "Private parking" is not defined. Although it is described, it also requires an explicit definition if it is retained.

b) There is interpretive ambiguity over the meaning of "associated with" which will cause uncertainty,

c) The relationship between "private car parks" and required or volunteered car parks is unclear. The use of the car parks is likely to change over time, e.g. car parks may change from private to ones associated with an activity, or change form one associated with an activity to private. As worded, any change of the use of a car park may trigger a resource consent. There is no resource management reason to regulate the change of use of a car park.

d) The proposed regulatory method (and the wording) is unnecessarily complex, and is not the most appropriate method in terms of section 32. A simpler, alternative method to address the resource management issue (car park amenity) would be to require minimum landscaping requirements for car parking.

Decision Sought: a) Delete the new provision for private car parks, and replace with minimum landscaping requirements for all car parks.

b) In the event the rule is retained, add a new definition for "private car parks" which is explicit and unambiguous.

Make all necessary consequential changes to give effect to this submission.

PLANNING OFFICER COMMENT #14

Viastrada

Submission point #4.1

The submitter is in opposition and makes a number of comments about the proposed rule for private car parking. These relate to having a definition for private car parking, the clarity and complexity of the rule, and the lack of a resource management reason to trigger a consent requirement for changing the use of a car park. The submitter specifically requests the rule is deleted and replaced with minimum landscaping requirements for all car parks and if the rule is retained that a new definition of private car parks is developed.

The submitter raises some valid points in relation to the proposed rule. It is unnecessarily complex and a simpler version is possible. The provision of a definition of private car parking outside of the rule would assist with this. The second point raised by the submitter relates to their request to replace the rule with one which provides minimum landscaping requirements for all car parks. The point the submitter raises is there is no difference in effect between a private car park used for private onsite purposes (for example parking for an office building) to private parking that is used by people who are not associated with an activity on the site, aside from parking (as per the current proposed rule). I agree with the submitter that the effects of both should be dealt with under one rule, but I do not agree that a rule simply requiring minimum landscaping standards is the solution as it does not adequately mitigate the issues that the current proposed rule seeks to address.

The proposed rule seeks to manage the effects of private car parking in the city. These effects go beyond those that can be managed simply through the use of landscaping and include:

- impact on the character of an area,

- location and width of vehicle crossings in relation to pedestrian safety and appearance,
- Crime Prevention Through Environment Design (CPTED considerations),
- pedestrian circulation, continuity of the 'street edge' and weather protection,
- appearance of a building if the car parking is within a building,
- effects of additional car parking on vehicle congestion in the city and on public transport, cycling and walking transport mode, and
- dilution of the vibrancy of the City Centre.

In light of this I recommend that a definition of private car parking is provided in Chapter 2, Meaning of Words, which simplifies the rule and ensures that all private car parking within the Inner City is dealt with consistently. Secondly I recommend that the rule itself is revised to ensure that it is less complex and also allows all private car parks in the Inner City to be dealt with consistently. While this does not directly achieve the result the submitter requests it does solve the issue they have raised, i.e. improve the rule, and provide for a separate definition. The submission is therefore recommended to be accepted in part and the proposed amendments are shown below.

RECOMMENDATION

Submission Point #4.1: Accept in part

AMENDMENT TO PROPOSED PLAN CHANGE:

Include a new definition in Chapter 2, Meaning of Words:

Private car parking: means any privately provided car park where parking is available whether leased, rented, without a fee, or provided as staff or visitor parking.

Amend proposed rule ICr.31A Private Car parking. The amendments below show the rule as recommended in response to the submission point; for a copy of this rule with all changes shown in strike out and underline format see Part B, Appendix 3.

Item	Permitted	Controlled	Discretionary/Non-complying
PTO			

<p>ICr.31A Private car parking (Definition see Chapter 2, Meaning of Words)</p>	<p>ICr.31A.1 Private car parking is permitted if:</p> <ul style="list-style-type: none"> a) the parking spaces meet the design and layout standards in Appendix 10 (standards and terms for parking and loading) including for manoeuvring, queuing, set down areas, and surfacing, and b) the number of parking spaces does not exceed 10, and c) the site does not have a boundary fronting a scheduled street as shown on Planning Map 1 or fronting onto Wakatu Square, except if there is a building along that frontage that screens the car parks from the street or square. 	<p>ICr.31A.2 Private car parking is controlled if:</p> <ul style="list-style-type: none"> a) the parking spaces meet the design and layout standards in Appendix 10 (standards and terms for parking and loading) including for manoeuvring, queuing, set down areas, and surfacing, and b) the number of parking spaces does not exceed 25, and c) the site does not have a boundary fronting a scheduled street as shown on Planning Map 1 or fronting onto Wakatu Square, except if there is a building along that frontage that screens the car parks from the street or square, and except that private car parks where the number of parking spaces does not exceed 10 may front onto Montgomery, Buxton or Wakatu parking squares. <p>Control reserved over:</p> <ul style="list-style-type: none"> i) the design and appearance of the car park, including any fencing and signage, and the type and appearance of the surfacing, and ii) landscaping, including its location, and iii) access to and from the site (including reverse manoeuvring onto roads), and iv) conditions relating to the safety of users and the public, and the prevention of crime. 	<p>ICr.31A.3 Activities that contravene a controlled standard are discretionary if:</p> <ul style="list-style-type: none"> a) the site does not have a boundary fronting Trafalgar, Hardy or Bridge Streets except if there is a building along that frontage that screens the car parks from the street <p>Activities that contravene discretionary standard a) are non-complying.</p>
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Note that proposed Plan Change 21.3 b) which consists of ICr.31A.4 'Assessment Criteria' and ICr.31A.5 'Explanation' to this rule are not recommended to be altered from that notified, aside from the addition recommended in Planning Officer Comment #17.

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.8: New rule (ICr.31A 'Private Parking', plan change section 21.3 a) should lead to a more appropriate and more compact City Centre.

Decision Sought: Retain proposed Plan Change section 21.3 a).

PLANNING OFFICER COMMENT #15

**Tasman Medical Syndicate
Submission point #10.8**

The submitter states their support for the proposed rule as they consider it should lead to a more appropriate and compact City Centre. I recommend that this supporting submission is 'accepted in part' due to the fact I have recommended changes to the rule ICr.31A in Planning Officer Comment #14. I note that these recommended changes to the provision are still intended to achieve the type of city centre the submitter supports.

RECOMMENDATION

Submission Point #10.8: Accept in part

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.3 b) ICr.31A.4 Private car parking - assessment criteria

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.9: Changes to ICr.31A.4, Assessment Criteria, (plan change section 21.3 b) are supported.

Decision Sought: Retain proposed Plan Change section 21.3 b).

PLANNING OFFICER COMMENT #16

Tasman Medical Syndicate
Submission point #10.9

The submitter states their support for Plan Change 21.3 b) which is the assessment criteria for rule ICr.31A Private Car Parking. This support is accepted and the proposed amendments are recommended to be retained.

RECOMMENDATION

Submission Point #10.9: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submitter 14: New Zealand Transport Agency

Support in part

Submission Point #14.4: New Assessment Criteria ICr.31A, in particular i) and j) recognise car parks can have adverse effects on the transport network through increased congestion by increased private vehicle usage and also potentially impact on the use of other sustainable modes of transport. The NZTA requests additional text is added to ICr.31A.5 to recognise the impact car parking can have on the transport network through increased congestion and impact on the use of sustainable modes of transport.

Decision Sought: Retain new Assessment Criteria ICr.31A, specifically i) and j) and retain Explanation ICr.31A.5. However, amend ICr.31A.5 by adding a paragraph after the first paragraph, as follows: Car parking can influence the growth of private vehicle traffic. Limiting car parking can influence people to use other sustainable modes of transport. This in turn will seek to avoid, remedy or mitigate congestion on the transport network and improve the City Central Area environment.

PLANNING OFFICER COMMENT #17

New Zealand Transport Agency
Submission point #14.4

The submitter supports Plan Change 21.3 b) being the Assessment Criteria for rule ICr.31A Private Car Parking. They also seek that the explanation is retained but suggest additional text be inserted. The

suggested addition is:

Car parking can influence the growth of private vehicle traffic. Limiting car parking can influence people to use other sustainable modes of transport. This in turn will seek to avoid, remedy or mitigate congestion on the transport network and improve the City Central Area environment.

This suggested addition to the explanation in ICr.31A.5 is recommended to be accepted as this explains one of the intended outcomes of the rule and supports assessment criteria ICr.31A.4 i) and j) which relate to effects on congestion and use of alternative transport modes. I recommend a minor change by replacing the words 'City Centre Area' with 'City Centre' to be consistent with the language used in the Plan.

RECOMMENDATION

Submission Point #14.4: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Add between the first and second proposed paragraphs in ICr.31A.5:

Car parking can influence the growth of private vehicle traffic. Limiting car parking can influence people to use other sustainable modes of transport. This in turn will seek to avoid, remedy or mitigate congestion on the transport network and improve the City Centre environment.

Plan Change 21.4 Parking Maximums – City Centre Area

Plan Change 21.4 a) ICr.31.1 Parking and loading - permitted rule

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.10: The changes to ICr.31.1 (plan change section 21.4 a) are necessary and appropriate given the intent of Plan Change 21. The proposed changes will avoid inappropriate traffic movements on the ring road and ensure that parking areas do not compromise the amenity intended for the City Centre.

Decision Sought: Retain proposed Plan Change section 21.4 a).

PLANNING OFFICER COMMENT #18

**Tasman Medical Syndicate
Submission point #10.10**

The submitters to Plan Change section 21.4 a) state their support for the proposed amendments to rule ICr.31.1 Parking and Loading, permitted column. This support is accepted and the proposed amendments are recommended to be retained.

RECOMMENDATION

Submission Point #10.10: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.4 b) ICr.31.3 Parking and loading - discretionary rule

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.11: The changes to ICr.31.3 (plan change section 21.4 b) are necessary and appropriate given the intent of Plan Change 21. The proposed changes will ensure that parking areas do not compromise the amenity intended for the City Centre.

Decision Sought: Retain proposed Plan Change section 21.4 b).

Submitter 14: New Zealand Transport Agency

Support

Submission Point #14.5: The NZTA supports the text added to the end of discretionary rule ICr.31.3 (plan change section 21.4 b). It recognises the need for a Travel Management Plan to ensure adverse effects on the transport network are mitigated.

Decision Sought: Retain the text added to the end of discretionary rule ICr.31.3.

PLANNING OFFICER COMMENT #19

Tasman Medical Syndicate
Submission point #10.11

New Zealand Transport Agency
Submission point #14.5

The submitters to Plan Change section 21.4 b) state their support for the proposed amendments to rule ICr.31.3 Parking and Loading, discretionary column. The submitters note that the amendment will protect the amenity of the city centre and ensure adverse effects on the transport network are mitigated. This support is accepted and the proposed amendments are recommended to be retained.

RECOMMENDATION

Submission Point #10.11: Accept

Submission Point #14.5: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.4 c) ICr.31.4 Parking and loading - assessment criteria

Submitter 10: Tasman Medical Syndicate**Support**

Submission Point #10.12: In conjunction with plan change section 21.4 a) - b), these changes to ICr.31.4 (plan change section 21.4 c) will provide the appropriate guidance to the administration of these new provisions.

Decision Sought: Retain proposed Plan Change section 21.4 c).

Submitter 14: New Zealand Transport**Support**

Submission Point #14.6: The NZTA supports the text added to the Assessment Criteria ICr.31.4 c) (plan change section 21.4 c). This provides specific criteria for the Travel Management Plan to address and also recognises the potential adverse effects on the use of other sustainable modes of transport.

Decision Sought: Retain the text added to the Assessment Criteria ICr.31.4

PLANNING OFFICER COMMENT #20

Tasman Medical Syndicate
Submission point #10.12

New Zealand Transport Agency
Submission point #14.6

The submitters to Plan Change section 21.4 c) state their support for the proposed amendments to rule ICr.31.4 Parking and Loading, assessment criteria. The submitters note that assessment criteria will provide appropriate guidance to the administration of the new provisions and provides specific criteria for the Travel Management Plan to address and also recognises the potential adverse effects on the use of other sustainable modes of transport. This support is accepted and the proposed amendments are recommended to be retained.

RECOMMENDATION

Submission Point #10.12: Accept

Submission Point #14.6: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.4 d) and 21.4 e) ICr.31.5 Parking and Loading – Explanation

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.13: In conjunction with plan change section 21.4 a)-c), these changes to ICr.31.5 (Plan Change section 21.4 d) will provide the appropriate guidance to the administration of these new provisions.

Decision Sought: Retain proposed Plan Change section 21.4 d).

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.14: In conjunction with plan change section 21.4 a)-d), these changes to ICr.31.5 (Plan Change section 21.4 e) will provide the appropriate guidance to the administration of these new provisions.

Decision Sought: Retain proposed Plan Change section 21.4 e).

Submitter 14: New Zealand Transport Agency

Support

Submission Point #14.7: The NZTA supports the text added after paragraph two of Explanation ICr.31.5 (plan change section 21.4 d). The NZTA believes it is important to recognise the need to discourage congestion especially within the City Centre environment.

Decision Sought: Retain the text added after paragraph two of Explanation ICr.31.5

PLANNING OFFICER COMMENT #21

Tasman Medical Syndicate

Submission point #10.13 and #10.14

New Zealand Transport Agency

Submission point #14.7

The submitters to Plan Change section 21.4 d) and e) state their support for the proposed amendments to rule ICr.31.5 Parking and Loading, Explanation column. Submitter 10, Tasman Medical Syndicate, supports both added provisions due to the guidance this will provide to the administration of these new provisions. Submitter 14, New Zealand Transportation Agency, specifically supports Plan Change section 21.4 d) as they believe it is important to recognise the need to discourage congestion especially within the City Centre environment. This support is accepted and the proposed amendments are recommended to be

retained.

RECOMMENDATION

Submission Point #10.13 and #10.14: Accept

Submission Point #14.7: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.5: Parking i) in area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St, and ii) reduction in other City Fringe areas by resource consent.

Plan Change 21.5 ICr.76 Parking and loading rule - general (City Fringe)

Submitter 1: Gilrays No1, Fords Creek Farm, Town Paddock Ltd & M McLean

Oppose

Submission Point #1.3: Oppose the plan change. It does not consistently apply the removal of car parking requirements and omits the removal of car parking from the Western Fringe area (the submitters' properties) as recommended in both the Heart of Nelson and the 2009 parking study.

Decision Sought: A) As first preference, amend PC21 to extend the City Centre Zone (and remove any parking requirements) to include the submitters' properties (identified in Fig 4 attached to their submission (6-10 Vanguard St, one on Rutherford St, and 4 properties on Vanguard St - 3 on western side, 1 on eastern side) as recommended in the Heart of Nelson Strategy and as modified in the 2009 Parking Study.

B) As second preference, remove the mandatory parking requirements from the sites identified in Fig 4 (submitter's property, shown in submission) and as recommended in the Heart of Nelson Strategy and the 2009 Parking Study.

C) Amend the section 32 analysis for PC21.5 to include all of the Fringe Zone rather than be limited to part of the Eastern Fringe, and to better reflect the benefits for extending the City Centre Zone.

Further Submitter X1: Gibbons Holdings Limited

Statement X1.3

Support Submission Point #1.3

Gibbons Holdings Limited agrees that the eastern side of Nelson City should not be the only area that benefits from Plan Change 21. As set in the Heart of Nelson Strategy it would be appropriate for the parking requirement to be removed from other parts of the City also.

PLANNING OFFICER COMMENT #22

**Gilrays No1, Fords Creek Farm, Town Paddock Ltd & M McLean
Submission point #1.3**

The submitters seek, as their first preference, to extend the Inner City Centre Zone (and associated removal of mandatory on-site parking requirements) to include their own properties on the western side of the city. As a second preference the submitters request that the mandatory on-site parking requirements are removed with no change to zoning. Additionally the section 32 report is requested to be revised to include all of the Inner City Fringe Zone rather than be limited to part of the Eastern Fringe.

For the reasons given below in the discussion on scope I consider submissions to either extend the Inner City Centre Zone, or to remove mandatory on-site parking provisions, from the western area of the Inner City Fringe Zone are not 'on' the proposed Plan Change. I acknowledge that the Heart of Nelson Strategy recommends extending the Inner City Centre Zone (see Part A, Section 6.27 of this report) but I point out that it also recommends that this occurs in a staged, or controlled way to avoid dispersing and dissipating the 'energy' of the currently successful City Centre. The proposed Plan Change, and specifically proposed Plan Change 21.5, carries out a small portion of this expansion, specifically the removal of mandatory on-site parking requirement. The associated Section 32 report makes it clear that it only considers alternatives for the block bounded by Collingwood St, Riverside, Malthouse Lane, Harley Street and Hardy Street. The proposed Plan Change does not include consideration of the wider area

suggested by the submitter.

Scope

In my opinion the change requested by the submitter is not within the scope of the proposed Plan Change. As per the First Schedule, Clause 6 (1) RMA, 1991, a person can make a submission 'on' a proposed policy statement or plan that is publicly notified. Proposed Plan Change 21 seeks to remove the mandatory on-site parking requirements from a specific block of land in the eastern area of the Inner City Fringe Zone. It does not seek to do this in other areas of that Zone. The effect of the request in the submission is to substantially alter what was notified in the proposed Plan Change without any real opportunity for involvement of those potentially affected. While it could be argued that these potentially affected parties could have made further submissions on the matter I consider that the correct time to propose this was through development of the proposed Plan Change. This would have allowed for people to be adequately consulted and involved in the decision making process.

The scale and degree of the change sought by the submitter should also be considered when determining if the submission is 'on' the proposed Plan Change. The change sought by the submitter, effectively to remove mandatory parking requirements from a wider area of the Inner City Fringe Zone, as recommended in the Heart of Nelson Strategy, would result in what I consider to be a significant change to the area and city as a whole. The removal of on-site parking requirements can help enable development on sites which were previously restricted (usually economically and sometimes physically) by having to provide on-site parking. This change in parking arrangements has the potential to place pressure on Nelson's existing transport and parking arrangements; a point that has been raised by Submitter 13 (Planning Officer Comment #3) in relation to the block which currently forms part of the notified Plan Change. The submitter's request could also change the development pattern of the Inner City Fringe in way which is not currently possible under the operative Plan or the proposed Plan Change. It is my opinion that the potential resulting effects from the decision sought by the submitter are of a scale and degree which go beyond that which forms part of the proposed Plan Change.

To summarise, simply because the proposed Plan Change contains a provision to remove the mandatory on-site parking requirement from one area does not mean that any submission that seeks the same for a different area is 'on' the proposed Plan Change. A change of this nature would be best dealt with as either a new Plan Change or a variation to this one, thereby providing the opportunity for potentially affected parties to be fully involved in the process. The Council has the development of such a Plan Change on its work programme with the necessary resources committed to it.

The submission

The following section provides a discussion on the request of the parties involved in this submission. I provide this for the Hearing Panel to consider should they determine that the submission is within scope, or would like to test the submission assuming that it was.

The parties involved in this submission consider that this wider area (the Western Fringe) should be included in the proposed removal of the mandatory on-site parking requirements simply because this was a recommendation of the Heart of Nelson Strategy, and subsequently of parking studies carried out in developing this proposed Plan Change. The Heart of Nelson – Central City Strategy is a strategy adopted by Council that provides direction for the future improvement and development of our City Centre. Aspects of this proposed Plan Change are derived from the Strategy but it does not carry out all the actions suggested by the strategy. The Strategy envisages a managed application of its stated actions. Action C.38 (pg112 of the Strategy) which refers to extending the City Centre Zone and removing minimum required parking standards states that the issue is a '...controlled expansion of the City Centre Zone'. Section D (pg114 of the Strategy) Summary relating to Initiative D.1 to D.8 states: '*Note, to maintain the compactness and vitality of the core City Centre, the zoning changes associated with these initiatives may be phased according to market conditions, uptake and other factors to avoid dispersing and dissipating the 'energy' of the currently successful City Centre.*' In my opinion the Heart of Nelson Strategy anticipated that there will be reasons that it is desirable to stage Plan Changes which rezone or otherwise increase the development opportunity of land to ensure that the current City Centre is not adversely affected. Primarily for this reason the proposed Plan Change does not seek to remove the mandatory on-site parking requirement from a wider area of the Inner City Fringe Zone than is currently proposed.

As per the submission request applying particular zoning or parking requirements to individual sites which are not contiguous to the current area of zoning being sought, and are not contiguous themselves, nor

form an identified area of any special character or need, would serve to create a patch work of zoning or plan provisions. I cannot identify any reason under the Resource Management Act 1991 that would justify the creation of this patch work of zoning or planning provisions. The submitters have not provided any reason other than stating that the proposed Plan Change is not consistent with the Heart of Nelson Strategy or the parking studies associated with this proposed Plan Change.

As has been identified in Part A, Section 6.27 of this report, further staged Plan Changes are intended to be carried out extend the Inner City Centre Zone into the area of concern to the submitter. This will allow for each stage to be monitored, ensuring the 'energy' of the City Centre is not dissipated. These future Plan Changes will be the opportunity for the submitters, other land owners and interested parties to be involved in the process in a real and meaningful way.

I would like to take the opportunity to point out that other provisions of this proposed Plan Change apply to these sites and encourage a more efficient provision of parking. For example, the proposed district wide policy DO10.1.6A, which gives guidance on when it may be appropriate, and under what circumstances, to allow (by resource consent) a reduction in the parking levels stipulated within the Plan. Some of the parking levels have been reduced through proposed Plan Change 21.7 to more accurately reflect the actual parking numbers required by different activities. Proposed Plan Change 21.5 c) allows for consideration of a reduction in parking as a non-notified restricted discretionary activity if a Travel Management Plan is provided. Proposed Plan Change 21.7 m) allows for a reduction in car parking based on the number of cycle parks provided. This demonstrates that while I do not recommend that the submission is accepted, there are a number of other provisions within the proposed Plan Change which potentially reduce required on-site parking numbers and apply to the submitter's sites.

Overall I consider that the submission is not 'on' the proposed Plan Change and therefore cannot be considered. However, if I am incorrect in this assessment, I recommend that the submission is rejected for the reasons given above. No changes are recommended to the Section 32 report as I consider this adequately evaluates the proposals which form the scope of this proposed Plan Change.

The further submission supports the submitter and the comments I have made here also relate to the further submission. Therefore I recommend that it is rejected.

RECOMMENDATION

Submission Point #1.3: Reject

Further Submission Statement X1.3: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submitter 3: John Black

Oppose

Submission Point #3.1: The recommendation in Heart of Nelson Strategy, which included Lower Vanguard St and The Triangle (Rutherford, Vanguard, Hardy), should apply for parking.

Decision Sought: a) Amend to include areas as recommended in Heart of Nelson Strategy ie. Lower Vanguard Street and the Triangle.

OR

b) Reduce parking requirements for Lower Vanguard St and The Triangle (Rutherford, Vanguard, Hardy) by 50%.

Further Submitter X1: Gibbons Holdings Limited

Statement X1.2

Support Submission Point #3.1

Gibbons Holdings Limited agrees that the eastern side of Nelson City should not be the only area that benefits from Plan Change 21. As set in the Heart of Nelson Strategy it would be

appropriate for the parking requirement to be removed from other parts of the City also.

PLANNING OFFICER COMMENT #23

John Black

Submission point #3.1

Similar to Submission point 1.3 (Planning Officer Comment #22) this submitter seeks to apply the recommendations of Heart of Nelson Strategy to the western area of the Inner City Fringe Zone. This submitter also alternatively seeks that the parking requirements for this area are reduced by 50%.

For the reasons given in Planning Officer Comment #22 I consider submissions to either extend the Inner City Centre Zone, or to remove mandatory on-site parking provisions, from the western area of the Inner City Fringe Zone are not 'on' the proposed Plan Change. They are therefore outside of the scope of this process. There is merit in the argument put forward by the submitter and this is in keeping with the goals of the Heart of Nelson Strategy. It is the intent of Council, as set out in the Heart of Nelson Strategy, that further Plan Changes will occur which address the area in question by this submitter.

The alternative sought by the submitter is to reduce the parking requirements by 50% in the Western Inner City Fringe Zone. I consider that this part of the submission is also not 'on' the proposed Plan Change for the reasons set out in Planning Officer Comment #22. There has been no consideration or analysis of reducing parking by 50% within this area, or in any area covered by this proposed Plan Change. There are recommended district wide changes to some parking requirements based on parking surveys identifying actual demand of various activities which will apply in this area. To arbitrarily reduce parking by 50% in the area specified, aside from not being supported by any data or analysis, is not likely to provide the outcomes for the area that are sought through the Heart of Nelson Strategy as it does not also address any design or amenity concerns. In my opinion it is the intent of the Strategy that, over time, areas within the Western Inner City Fringe are treated like they are part of the Inner City Centre, and that future Plan Changes will address this. A parking reduction of 50% does not do this on its own and may result in hindering the achievement of the intent of the Strategy.

Overall I consider that the submission is not 'on' the proposed Plan Change and therefore cannot be considered, however if I am incorrect in this assessment I recommend that the submission is rejected for the reasons given above.

The further submission supports the submitter and the comments I have made here also relate to the further submission. Therefore I recommend that it is rejected.

RECOMMENDATION

Submission Point #3.1: Reject

Further Submission Statement X1.2: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submitter 6: Irving Smith Jack Architects Ltd

Support

Submission Point #6.1: The removal of on-site parking requirements for the city eastern fringe (ICr.76) and accompanying obligations for improved building design (ICr.73A) are strongly supported.

Decision Sought: Retain the removal of on-site parking requirement for the eastern city fringe (ICr.76).

PLANNING OFFICER COMMENT #24

Irving Smith Jack Architects Ltd

Submission point #6.1

The submitter supports the removal of on-site parking requirements for the eastern city fringe (Plan Change 21.5). This support is accepted and the relevant Plan Change provisions giving effect to this are recommended to be retained.

RECOMMENDATION

Submission Point #6.1: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submitter 8: Nelson Marlborough Institute of Technology (NMIT)

Support

Submission Point #8.1: NMIT supports the exclusion of the block bounded by Collingwood/Riverside/Malthouse/Harley/Hardy from the mandatory parking provisions and supports that the City Centre parking provisions apply to it.

Decision Sought: Retain the provision to amend the car parking provisions applying to the block Collingwood/ Riverside/Malthouse/Harley/Hardy area from the parking provisions applying to the City Fringe, and instead make the requirement that the City Centre parking provisions should apply to this locality.

PLANNING OFFICER COMMENT #25

Nelson Marlborough Institute of Technology (NMIT)

Submission point #8.1

The submitter supports the removal of the on-site parking requirements for the block bounded by Collingwood/Riverside/ Malthouse/Harley/Hardy (Plan Change 21.5). This support is accepted and the relevant Plan Change provisions giving effect to this are recommended to be retained.

RECOMMENDATION

Submission Point #8.1: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.5 a) ICr.76.1 Parking and loading - permitted rule

Submitter 2: Levenbach Ltd

Oppose in part

Submission Point #2.1: Area affected by this rule amendment should be expanded to include the area recommended in Action C38 of Heart of Nelson Strategy (HONS), including in particular both sides of Halifax St, bounded by Ajax Ave. At the very least the commercial properties on both sides of Halifax St, between Trafalgar St and Collingwood St, should be included in Exception (a) of this proposed rule amendment.

Decision Sought: PC21.5 (a) should be amended so that Exception A reads as follows:

"(a) for sites in the area bounded by Collingwood Street, Riverside, Malthouse Lane, Harley St and Hardy St and Ajax Avenue where rules ICr.31 and ICr.31A apply as if the area were City Centre, and"

Further Submitter X1: Gibbons Holdings Limited

Statement X1.1

Support Submission Point #2.1

Gibbons Holdings Limited agrees that the eastern side of Nelson City should not be the only area that benefits from Plan Change 21. As set in the Heart of Nelson Strategy it would be appropriate for the parking requirement to be removed from other parts of the City also.

PLANNING OFFICER COMMENT #26

Levenbach Ltd

Submission point #2.1

Similar to Submission point 1.3 (Planning Officer Comment #22), and Submission point 3.1 (Planning Officer Comment #23) this submitter seeks to extend the removal of mandatory on-site parking requirements. In this case the submitter seeks to extend it to cover the area of land between Halifax Street and Ajax Avenue.

For the reasons given in Planning Officer Comment #22 I consider submissions to extend the removal of mandatory on-site parking provisions to a wider area of the Inner City Fringe Zone are not 'on' the proposed Plan Change. They are therefore outside of the scope of this process. The argument put forward by the submitter is in keeping with the goals of the Heart of Nelson Strategy. It is the intent of Council, as set out in the Heart of Nelson Strategy, that the area in question by this submitter will be considered in future Plan Changes.

As has been discussed in Planning Officer Comment #22 it is my opinion the Heart of Nelson Strategy anticipated that there will be reasons that it is desirable to stage Plan Changes which rezone or otherwise increase the development opportunity of land to ensure that the current City Centre is not adversely affected. Primarily for this reason the proposed Plan Change does not seek to expand the Inner City Centre zoning, or remove the mandatory on-site parking requirement from a wider area of the Inner City Fringe Zone than is currently the case.

Overall I consider that the submission is not 'on' the proposed Plan Change and therefore cannot be considered, however if I am incorrect in this assessment I recommend that the submission is rejected for the reasons given above and in response to submissions 1.3 and 3.1.

The further submission supports the submitter and the comments I have made here also relate to the further submission. Therefore I recommend that it is rejected.

RECOMMENDATION

Submission Point #2.1: Reject

Further Submission Statement X1.1: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submitter 5: The Freehouse Ltd

Support

Submission Point #5.1: As a business based at 95-97 Collingwood St (The Free House Tavern), we fully support this plan change so that car parks become an irrelevance on both sides of this part of Collingwood St. Our business is extremely pedestrian and cycle-friendly and we do not wish to encourage drinkers to drive to our establishment.

Decision Sought: Retain Plan Change 21.5 a).

Submitter 7: John Graham Abbott

Support

Submission Point #7.1: We agree with Plan Change section ICr.76.1 Parking and Loading, in relation to

city fringe extension and parking.

Decision Sought: Retain ICr.76.1 in relation to the city fringe extension and parking.

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.15: The proposed removal of the parking requirement to this area in the eastern side of the Inner City is supported. These changes to ICr.76.1 (plan change section 21.5 a) will better enable this land to be developed without being driven by the need to either comply with the parking requirements or go through a complex resource consent application.

Decision Sought: Retain proposed Plan Change section 21.5 a).

PLANNING OFFICER COMMENT #27

The Freehouse Ltd

Submission point #5.1

John Graham Abbott

Submission Point #7.1

Tasman Medical Syndicate

Submission Point #10.15

The submitters support the removal of the on-site parking requirement for the block bounded by Collingwood/Riverside/ Malthouse/Harley/Hardy (Plan Change 21.5 a). Submitter 10, Tasman Medical Syndicate, specifically notes this '*...will better enable this land to be developed without being driven by the need to either comply with the parking requirements or go through a complex resource consent application.*' This support is accepted and the relevant Plan Change provisions giving effect to this are recommended to be retained.

RECOMMENDATION

Submission Point #5.1: Accept

Submission Point #7.1: Accept

Submission Point #10.15: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submitter 12: Gibbons Holdings Limited

Support

Submission Point #12.1: Plan Change 21.5 proposes to remove the parking requirement from the area bounded by Collingwood Street, Riverside, Malthouse Lane, Harley Street and Hardy Street. As sites are redeveloped it is accepted that this change may have some positive effects on the visual amenity of this area, and will provide an opportunity to undertake more intensive developments. The displacement of staff parking demand is however already an issue experienced in Nelson which may be worsened by this proposed change to the Plan.

Decision Sought: Retain the proposed Plan Change section 21.5 a) and 21.5 c) on the condition that the Nelson City Council closely monitor demands for and availability of on-street and public parking (as per ICr.1.6.vi, plan change section 21.2 d) and have a formal strategy to provide for extra demands as they arise.

PLANNING OFFICER COMMENT #28

Gibbons Holdings Limited

Submission point #12.1

Submitter 12, Gibbons Holdings Limited, supports Plan Change 21.5 a) and 21.5 c) to remove the parking requirement from the area bounded by Collingwood Street, Riverside, Malthouse Lane, Harley Street and Hardy Street. They do however state that this support is conditional on Nelson City Council monitoring the demand for, and availability of, on-street parking and have a formal strategy to provide for extra demands as they arise.

As the submitter notes, Plan Change 21.2 d) proposes a method under Policy IC1.6 which states '*Regular parking surveys in the inner city to monitor the demand for and availability of on-street and public car parks.*' Nelson City Council has carried out a number of parking studies over the years to monitor the parking situation in Nelson. In recent years there has been the 'District Plan Carparking Review Report – Traffic Design Group, May 2005' and the 'Nelson Parking Study 2008 – Data Collection Report, Traffic Design Group, February 2009'.

The draft Regional Public Transport Strategy is currently under development and anticipates that a parking study will be undertaken approximately 1 year after a more comprehensive public transport service is operating. This is to ensure that a comprehensive parking study can take account of the up take of public transport use and the associated changes in demand for parking.

The proposed Plan Change also introduces the concept of providing a Travel Management Plan to allow an application for a parking reduction up to a specified limit to be assessed as a restricted discretionary, non-notified application. One of the requirements of a Travel Management Plan for applications within the Inner City Zones is it considers the cumulative impacts from additional parking on the City Centre. This will allow Council the monitoring opportunity of viewing these management plans in addition to any direct monitoring that Council commissions.

Council recognises the importance of ensuring that parking in Nelson City Centre is adequate to meet the needs of our residents and the stated method in the proposed Plan Change is intended to demonstrate that surveys to monitor this will continue. I do acknowledge that this is not a requirement on Council and therefore cannot be seen as a 'formal strategy to provide for extra demands as they arise' as requested by the submitter. Therefore while the support is accepted the submission overall is recommended to be rejected as no formal strategy is in place at this time and Council cannot guarantee through the Plan Change process that this will occur.

RECOMMENDATION

Submission Point #12.1: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.5 b) ICr.76.2 Parking and loading - controlled rule

Submitter 15: 3 Grove Street Limited

Oppose

Submission Point #15.1: The deletion of the current controlled activity rule for parking and loading for short term living accommodation is opposed. It is considered that the current rule better achieves the purpose of the Act. (plan change section 21.5 b)

Decision Sought: Delete proposed Plan Change section 21.5 b.

Further Submitter X2: Rutherford Hotel Holdings Limited

Statement X2.1

Support Submission Point #15.1

No Hotels in any city provide one car space per room as most guests at

Hotels arrive by bus.

Submitter 16: Munro Hotels Developments Limited

Oppose

Submission Point #16.1: The deletion of the current controlled activity rule for parking and loading for short term living accommodation is opposed (plan change section 21.5 b). It is considered that the current rule better achieves the purpose of the Act.

Decision Sought: Delete proposed Plan Change section 21.5 b.

Further Submitter X2: Rutherford Hotel Holdings Limited

Statement X2.6

Support Submission Point #16.1

No Hotels in any city provide one car space per room as most guests at Hotels arrive by bus.

PLANNING OFFICER COMMENT #29

3 Grove Street Limited

Submission point #15.1

Munro Hotels Development Limited

Submission point #16.1

The submitters oppose the replacement of the controlled activity rule relating to the provision of car parking for Short Term Living Accommodation with a required level of parking as a permitted activity. This change is proposed to apply to Inner City, Residential, Suburban Commercial, Industrial, Open Space and Recreation, and Rural Zones.

The current operative rule requires a controlled activity resource consent for parking for all activities which meet the definition of Short Term Living Accommodation. This definition (see Chapter Two, Meaning of Words, NRMP for full definition) means *'land and buildings for transient residential accommodation for a person, family or group of persons under a single tariff where the occupiers will not generally refer to it as their home or permanent address.'*

To avoid the need for all Short Term Living Accommodation proposals to apply for a resource consent regardless of the number of parks provided this Plan Change proposes to introduce a permitted standard for these activities. This standard is 1 space per unit, or 2 spaces if the unit can sleep more than 6 guests. There are additional requirements proposed for any manager's residence and for coach parking for larger operations.

The Section 32 report (proposed Plan Change 21.7) found this to be an efficient and effective method as it gives the option of meeting the permitted standard, or applying for a resource consent to vary it based on individual circumstance and evidence. The proposed Plan Change allows applications as a discretionary activity, or as restricted discretionary non-notified if it is accompanied by a Travel Management Plan.

The proposed permitted activity standard is derived from on the ground surveys of Short Term Living Accommodation providers during the first full week of December 2004 (District Plan Carparking Review Report, Traffic Design Group, May 2005). It included weekday and weekend observations. The recommendations of this report were reviewed for the purposes of this proposed Plan Change through the Nelson Central City Parking Plan Change Study, Transport Planning Solutions Ltd, June 2009. The recommendations of the Transport Planning Solutions Ltd report were then adjusted to form what was notified based on consultation carried out with Nelson Tasman Tourism and accommodation providers such as the Motel Association NZ (Nelson Branch) and operators of Hostel / Backpacker style accommodation.

Overall I consider this proposal improves the management of parking under the NRMP as it introduces guidance on the parking required to be a permitted activity. An individual application can seek to reduce this parking requirement through the resource consent process with guidance on this from other aspects

of this Plan Change such as policy DO10.1.6A On-Site Parking – Reductions in required levels (Plan Change 21.1 a). This changes a resource consent application being the default position for all Short Term Living Accommodation proposals to the position being based on the merits and needs of individual proposals. This is consistent with how parking is managed through the NRMP for all other activities.

The further submitter notes that no hotels provide one space per room as most guests arrive by bus. I consider that this situation is an example of the type of information that can be considered when determining the merits of a resource consent application and is supported by proposed Policy DO10.1.6A g) *good evidence that the parking demand generated by the activity will be less than the on-site parking required by the Plan.*

RECOMMENDATION

Submission Point #15.1: Reject

Further Submission Statement X2.1: Reject

Submission Point #16.1: Reject

Further Submission Statement X2.6: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.5 c) ICr.76.3 Parking and loading - discretionary rule

Submitter 1: Gilrays No1, Fords Creek Farm, Town Paddock Ltd & M McLean

Support in part

Submission Point #1.2: Support ICr.76.3 to the extent that reduced parking up to 10% is restricted discretionary, but oppose it to the extent that a Travel Management Plan is required to accompany any proposed reduction in parking spaces.

Decision Sought: a) Support ICr.76.3 to the extent that reduced parking up to 10% is restricted discretionary but, b) Delete proposed clause b) (requirement for Travel Management Plan) from rule ICr.76.3

PLANNING OFFICER COMMENT #30

Gilrays No1, Fords Creek Farm, Town Paddock Ltd & M McLean

Submission point #1.2

The submitter seeks to delete the proposed requirement for a Travel Management Plan but state their support to the associated 10% reduction (note this is recommended to be increased to 20%, see Planning Officer Comment #31) in required parking as a non-notified restricted discretionary activity.

Applications to provide fewer car parks than required by the NRMP are usually a discretionary activity. The exception proposed through this Plan Change is for a possible reduction of up to 10% if a Travel Management Plan is provided. In considering the resource consent Council assesses if the actions for managing peoples travel behaviour put forward in the Travel Management Plan are likely to result in a reduction in the demand for parking. If it is determined that there will be less parking demand then the consent can be granted.

The requirement for a Travel Management Plan creates additional cost for an applicant but the incentive is that the applicant gets the advantage of a restricted discretionary, non-notified consent path which increases certainty. It is my opinion that you cannot have one without the other. If a Travel Management Plan is not provided then this reduces the justification of providing the incentive of the consent path described. The applicant has the option of not providing a Travel Management Plan and therefore being considered as a discretionary activity where there is no limitation on the amount of parking reduction that can be sought. It is also important to remember there will be situations where the Council may request a

Travel Management Plan as part of the information requirements of a discretionary activity consent application. Equally the applicant may volunteer a Travel Management Plan to support their applications.

Within their 'discussion' section the submitter notes that the Nelson Central City Parking Plan Change Study (Transport Planning Solutions Ltd, June 2009) only recommends a 'Travel Plan' is provided for developments with over 50 car parks. The submitter considers that proposed Plan Change 21 has extended, without basis, the requirement for 'Travel Plans' to accompany any proposed reduction in parking spaces. The proposed Plan Change is not required to incorporate every recommendation of the consultant (Transport Planning Solutions Ltd) report used in its development. There are many factors that contribute to the final form of a Plan Change. In this case the Travel Management Plan is proposed to be used as the way an applicant can demonstrate the measures they will undertake to reduce parking demand and therefore justify receiving the incentive of the consent path described above. I also note the specific support of the New Zealand Transport Agency for the Travel Management Plan requirements (see Planning Officer Comment #37 addressing submission point 14.8).

The submission is recommended to be accepted in part as both the Travel Management Plan which is not supported, and the 10% reduction provision that is supported, are recommended to be retained (although also recommended in Planning Officer Comment #31 to be increased to 20%).

RECOMMENDATION

Submission Point #1.2: Accept in part

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submitter 3: John Black

Support in part

Submission Point #3.2: The parking reduction of 10% is not sufficient to encourage a developer to apply for a reduction.

Decision Sought: Increase the parking reduction to at least 20%. Perhaps as much as 40% as granting a reduction is at Council's discretion.

PLANNING OFFICER COMMENT #31

John Black

Submission point #3.2

The submitter seeks an increase in the percentage reduction in parking allowable while still remaining in the restricted discretionary activity category. As proposed the current limitation is 10%, while the submitter suggests 20% - 40% reduction should be allowable in the restricted discretionary category as '*... 10% is not sufficient to encourage a developer to apply for a reduction*'.

The proposed 10% reduction limit was selected as an estimation of the possible reduction in parking demand that could be achieved through the use of methods within a Travel Management Plan. I do however agree with the submitter that a 10% reduction limit is not likely to be incentive enough to produce a Travel Management Plan in itself. When considering this it should be kept in mind that this 10% reduction limit is accompanied by a restricted discretionary consent category and a non-notification provision. This increases certainty for an applicant as they know the items to which Council discretion is limited and they know that their application will not be notified.

This proposed Plan Change seeks to encourage alternative means of providing for an activities parking requirement. A key method of achieving this is to influence the means of transport people use to move around. Simply put, the less people travelling by private vehicles, the less car parks required. This is recognised through proposed policy DO10.1.6A On-Site Parking – Reductions in Required Levels. In particular DO10.1.6A d) '*the existence of a Travel Management Plan for the site that the Council considers is likely to result in a lower demand for commuter parking through such initiatives as car-pooling, a bus or taxi transport system provided for staff, and the encouragement of cycling or walking.*'

When the policy direction of the proposed Plan Change is considered it is my opinion that it is acceptable to increase the possible reduction under the restricted discretionary rule. In my opinion a limit of 20% is reasonable. This increased limit is safeguarded by the fact the rule is restricted discretionary (and therefore can be declined) and the 20% reduction is a maximum. The applicant cannot expect to receive the maximum limit in all cases; they need to prove that any reduction can be justified by the methods proposed through a Travel Management Plan. Should Council not accept that a reduction is justified the consent can be declined or a lesser parking reduction accepted. An additional benefit of this increase is the flexibility that is introduced into the rule without being triggered into a full discretionary activity consent.

I do not suggest a possible reduction of more than 20% for this category as I consider that there could be cases where Council would wish to notify an application which sought a higher reduction. The level of public interest and potential effects increases as greater reductions are sought. The level of the parking reduction possible through the use of actions within a Travel Management Plan cannot be accurately determined in the general sense. Each application will be different with factors such as the activity type, its location, and actions within a Travel Management Plan impacting on the possible reduction. Therefore the percentage used for the trigger from restricted discretionary to discretionary activity status for a resource consent is a planning one, and not directly a technical one.

The section 32 report stated that the option of a higher maximum percentage was not further considered within the proposed Plan Change due to the criterion '*...the risk of acting (or not acting) if there is uncertainty or insufficient information*', and because '*...the effectiveness of Travel Management Plans in achieving such large reductions in parking demand is not proven*'. I have considered these statements in the section 32 report and make my recommendation of an increase to 20% for the following reasons:

- The ability to decline a consent if the proposed parking reduction cannot be proven through the provision of certain and sufficient information (restricted discretionary activity) – this reduces the risk of the option.
- The policy DO10.1.6A and rule ICr.76 (subject to this submission) are considered to be efficient and effective in helping to achieve the Objective DO10.1 Land Transport. I make this statement as the recommended increase to 20% allows more applications to potentially remain within the more efficient consent category of restricted discretionary with a non-notification provision – this allows Council to consider the merits of the proposal but also gives the applicant increased certainty.
- Allowing more applications to remain in the restricted discretionary activity category has the efficiency benefits noted above and has the benefit of sending the message that Nelson City Council is open to discussions around alternative methods of providing for peoples transport and parking needs. It has the costs of increasing risk of parking reductions being applied for in the restricted discretionary consent category without being able to be justified by the Travel Management Plan provisions – this is off set by the ability to decline the consent.
- Applications which seek a reduction of more than 20% will be considered as a discretionary activity status resource consent with Council retaining the ability to notify it.

Overall I consider that the option to increase the restriction to 20% is justified under section 32 of the Act and meets the policy direction of the proposed Plan Change.

RECOMMENDATION

Submission Point #3.2: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

ICr.76.3

Activities that contravene a permitted condition ~~or a controlled standard~~ are discretionary, except that an application to reduce the parking requirements in Appendix 10 is a restricted discretionary activity if:

- a) The proposed reduction in parking spaces is not more than ~~10%~~ 20% of the number required in Appendix 10, and
- b) The application is accompanied by a Travel Management Plan that addresses the matters in Assessment Criterion ICr.76.4 c).

Submitter 6: Irving Smith Jack Architects Ltd

Support in part

Submission Point #6.3: The 10% conditional dispensation for parking levels could be clarified on its application where small numbers of carparks are provided.

Decision Sought: The 10% conditional dispensation for parking levels could be clarified on its application where small numbers of carparks are provided.

PLANNING OFFICER COMMENT #32

Irving Smith Jack Architects Ltd

Submission point #6.3

The submitter seeks increased clarity on how the conditional 10% dispensation applies to situations where a small number of car parks are provided. In my opinion this potential issue is partly resolved by the recommendation to increase the maximum 'dispensation' to 20% (See Planning Officer Comment #31), and explained in the operative rounding provisions of AP10.3.iii. The result is that a proposal with 2 required car parks receives no benefit from this provision as a maximum 20% reduction is 1.6 car parks which is rounded back to 2 car parks. A proposal with 3 car parks receiving the maximum 20% reduction is 2.4 which is rounded down to 2 car parks. For ease of comparison this is set out below:

Number of car parks	Car parks after maximum 20% reduction	Car parks required after rounding
1	0.8	1
2	1.6	2
3	2.4	2
4	3.2	3
5	4.0	4
6	4.8	5
7	5.6	6
8	6.4	6
9	7.2	7
10	8.0	8

When considering these situations it is my opinion there is no need to further clarify the application of this proposed provision to situations where a small number of car parks are provided.

RECOMMENDATION

Submission Point #6.3: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submitter 8: Nelson Marlborough Institute of Technology (NMIT)

Support in part

Submission Point #8.2: NMIT supports the provision of a non-notified restricted discretionary activity

provision for up to a 10% reduction in parking where an application is accompanied by a Travel Management Plan. NMIT opposes the fact that the 10% reduction rule being introduced as a non-notified restricted discretionary activity does not also amend the current provisions for parking under Appendix 10 for tertiary education, where a 10% reduction rule also applies, but the status for that is as a discretionary activity rather than a non-notified restricted discretionary activity.

Decision Sought: Retain the provision in the Plan Change for a 10% reduction in the parking rule to be a restricted discretionary activity with no notice or any approvals required. Amend Appendix 10, Table 10.3.1 under the heading of tertiary education facilities and change the words in brackets under a) to state the following: "(reducible by 10% as a restricted discretionary activity subject to a Travel Management Plan that addresses the matters under ICr.76.4 c. Such an application will be considered without notification and without service of notice)".

PLANNING OFFICER COMMENT #33

Nelson Marlborough Institute of Technology (NMIT)

Submission point #8.2

The submitter states their support for proposed Plan Change 21.5 c), specifically the provision of a non-notified restricted discretionary activity rule for up to 10% reduction where an application is accompanied by a Travel Management Plan (note this is recommended to be raised to a maximum of 20% in Planning Officer Comment #31). Secondly the submitter seeks that an operative Plan provision which applies to the Nelson Marlborough Institute of Technology (NMIT) is amended to be similar to that proposed for under proposed Plan Change 21.5 c). The current operative parking provision relating to NMIT states:

- a) *350 parking spaces; or 1 space per 7 EFTS (Equivalent Full Time Staff and Students) whichever is the greater (reducible by up to 10% as a discretionary activity subject to a management plan satisfactory to Council to reduce parking demand).*

In my opinion the change requested by the submitter is not within the scope of the proposed Plan Change. The operative Plan specifically deals with parking at the NMIT and this was not signalled to be amended in the proposed Plan Change. A reader of the notified Plan Change would have come to the conclusion that the NMIT provision was not to be amended. I make this statement as the NMIT is located within the Inner City Fringe Zone and this Plan Change specifically includes amendments to parking provisions within that Zone. If changes were intended then it could have been reasonably concluded that they would have been included in the proposed Plan Change.

With this issue of scope in mind I recommend that the submitters request is rejected.

An application by the NMIT for resource consent for a parking reduction of up to 10% (as per the operative provision noted above) would not be notified if the 'management plan' demonstrates that the effects are no more than minor. This puts the onus onto the applicant to put forward a proposal, and supporting information, showing that this is the case. The previous historical record of parking complaints related to the NMIT also show that there has been significant public interest in the issue and guarantee of non-notification may not be suitable in this situation.

RECOMMENDATION

Submission Point #8.2: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.16: The proposed amendments to ICr.76.3 (Plan Change section 21.5 c) will provide more opportunity for land to be developed in a sustainable manner. Parking standards are, by their

very nature, generic and so the rules should reflect that.

Decision Sought: Retain proposed Plan Change section 21.5 c.

PLANNING OFFICER COMMENT #34

Tasman Medical Syndicate
Submission point #10.16

The submitter supports the proposal to provide a non-notified restricted discretionary activity rule for up to 10% reduction where an application is accompanied by a Travel Management Plan (note this is recommended to be raised to a maximum of 20% in Planning Officer Comment #31). This support is accepted in part (due to recommended amendments) and the proposed amendments are recommended to be retained.

RECOMMENDATION

Submission Point #10.16: Accept in part

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submitter 15: 3 Grove Street Limited

Oppose

Submission Point #15.2: In conjunction with my submission on plan change section 21.5 b), the deletion of the words 'or controlled standard' from ICr.76.3 is opposed. (plan change section 21.5 c)

Decision Sought: Delete proposed Plan Change section 21.5 c.

Further Submitter X2: Rutherford Hotel Holdings Limited

Statement X2.2

Support Submission Point #15.2

No Hotels in any city provide one car space per room as most guests at Hotels arrive by bus.

Submitter 16: Munro Hotels Developments Limited

Oppose

Submission Point #16.2: In conjunction with my submission on plan change section 21.5 b) the deletion of the words 'or controlled standard' from ICr.76.3 is opposed. (plan change section 21.5 c).

Decision Sought: Delete proposed Plan Change section 21.5 c.

Further Submitter X2: Rutherford Hotel Holdings Limited

Statement X2.7

Support Submission Point #16.2

No Hotels in any city provide one car space per room as most guests at Hotels arrive by bus.

PLANNING OFFICER COMMENT #35

3 Grove Street Limited
Submission point #15.2
Munro Hotels Developments Limited
Submission point #16.2

The submitters oppose the removal of the Controlled Activity rule relating to the provision of car parking for Short Term Living Accommodation in their submission points #15.1 and #16.1 and these current submission points are as a consequence of that. Specifically the submitters oppose the deletion of the words 'or a controlled activity' under Plan Change 21.5 c). For the reasons discussed in Planning Officer

Comment #29 the submission points are recommended to be rejected.

RECOMMENDATION

Submission Point #15.2: Reject

Further Submission Statement X2.2: Reject

Submission Point #16.2: Reject

Further Submission Statement X2.7: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submitter 17: Progressive Enterprises Limited

Support in part

Submission Point #17.6: Support in part plan change section 21.5 c). The new rule provides clarity in terms of how the reduction in parking numbers is to be implemented and it is appropriate that restricted discretionary status is applied, without notification. However, Table 10.3.1 places a clear restriction on the amount of the reduction to 10% or 10 parking spaces, whichever is the lesser. This rule (ICr.76.3) only refers to 10%. This is misleading and the rule should refer to the actual number restriction as well.

Note: the references to 10% in the rules relating to the Residential, Suburban Commercial, Industrial, Open Space & Recreation and Rural Zone should also be expanded to refer to 'or 10 spaces, whichever is the lesser' for consistency purposes.

Decision Sought: Amend rule ICr.76.3 a) to say "the proposed reduction in parking spaces is not more than 10% of the number required in Appendix 10 **or 10 spaces, whichever is the lesser** or words giving effect to the same.

PLANNING OFFICER COMMENT #36

Progressive Enterprises Limited

Submission point #17.6

The submitter supports Plan Change 21.5 c), the proposal to provide a non-notified restricted discretionary activity rule for up to 10% reduction where an application is accompanied by a Travel Management Plan (note this is recommended to be raised to a maximum of 20% in Planning Officer Comment #31). However the submitter notes that Appendix 10, Table 10.3.1 places a restriction of 10% of the number required in Appendix 10, or 10 spaces, whichever is the lesser, and seeks that this is applied to the proposed provision.

The provision '*or 10 spaces, whichever is the lesser*' only applies to the proposed Plan Change 21.7 m) which relates to reductions possible for bicycle parking. It is not a provision that applies when considering parking reductions under the restricted discretionary consent provision proposed under Plan Change 21.5 c). In my opinion no change is required as there is no inconsistency between the proposed rule and Table 10.3.1. This has been clarified with the submitter who agrees with this position.

RECOMMENDATION

Submission Point #17.6: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.5 d) ICr.76.4 Parking and loading - assessment criteria

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.17: In conjunction with plan change section 21.5 c), these changes to ICr.76.4 (plan change section 21.5 d) will provide the appropriate guidance to the administration of these new provisions.

Decision Sought: Retain proposed Plan Change section 21.5 d).

Submitter 14: New Zealand Transport Agency

Support

Submission Point #14.8: The NZTA supports new Assessment Criteria ICr.76.4 specifically c). (plan change section 21.5 d).

Decision Sought: Retain the new Assessment Criteria ICr.76.4, in particular c).

PLANNING OFFICER COMMENT #37

Tasman Medical Syndicate

Submission point #10.17

New Zealand Transport Agency

Submission point #14.8

In conjunction with the submission on Plan Change section 21.5 c), Planning Officer Comment #34, submitter 10 supports the assessment criteria proposed for rule ICr.76. Submitter 14, New Zealand Transport Agency, specifically supports assessment criteria c) relating to the Travel Management Plan. This support is accepted and the proposed amendments are recommended to be retained.

RECOMMENDATION

Submission Point #10.17: Accept

Submission Point #14.8: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.5 e) REr.38.3, SCr.31.3, INr.35.3, OSr.34.3 and RUr.35.3 Parking and loading - discretionary rule - Other zones

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.18: The proposed amendments (Plan change section 21.5 e) will provide more opportunity for land to be developed in a sustainable manner. Parking standards are, by their very nature, generic and so the rules should reflect that.

Decision Sought: Retain proposed Plan Change section 21.5 e).

PLANNING OFFICER COMMENT #38**Tasman Medical Syndicate
Submission point #10.18**

The submitter supports the proposal to make changes to rules REr.38.3, SCr.31.3, INr.35.3, OSr.34.3 and RUr.35.3 to reflect those proposed under Plan Change 21.5 c). These changes introduce a non-notified restricted discretionary activity rule for up to 10% reduction where an application is accompanied by a Travel Management Plan. This support is accepted and the proposed amendments are recommended to be retained.

I note at this point that it may be appropriate to amend these changes to other zones to reflect the proposed raising of the maximum percentage to 20% to be consistent with the recommendation in Planning Officer Comment #31. This could be carried out as a consequential change under Sch 1, Clause 10 (2) (b) (i) of the RMA. This however raises an issue of scope as this change to 20% has not been sought by a submitter for the other zones that are subject to this discussion. I therefore recommend that the hearing panel recommends to Council that a future Plan Change is carried out to raise the permitted reduction to 20%. This is of course dependant on the hearing panel accepting my recommendation for the increase from 10% to 20% in Planning Officer Comment #31.

RECOMMENDATION**Submission Point #10.18:** Accept**AMENDMENT TO PROPOSED PLAN CHANGE:**

Nil

**Plan Change 21.5 f) REr.38.4, SCr.31.4, INr.35.3, OSr.34.3 and RUr.35.3
Parking and loading - assessment criteria - Other zones****Submitter 10: Tasman Medical Syndicate****Support**

Submission Point #10.19: In conjunction with the submission on plan change section 21.5 e) these changes (under plan change section 21.5 f) will provide the appropriate guidance to the administration of these new provisions.

Decision Sought: Retain proposed Plan Change section 21.5 f.

Submitter 14: New Zealand Transport Agency**Support**

Submission Point #14.9: The NZTA supports the new Assessment Criteria in plan change section 21.5 f)

Decision Sought: Retain new Assessment Criteria, as shown in Plan Change section 21.5 f).

PLANNING OFFICER COMMENT #39**Tasman Medical Syndicate
Submission point #10.19****New Zealand Transport Agency
Submission point #14.9**

The submitters support the proposal to make changes to assessment criteria in rules REr.38.4, SCr.31.4, INr.35.4, OSr.34.4 and RUr.35.4 to reflect those proposed under Plan Change 21.5 c). This is in conjunction with Plan Change 21.5 e), Planning Officer Comment #38. This support is accepted and the

proposed amendments are recommended to be retained.

RECOMMENDATION

Submission Point #10.19: Accept

Submission Point #14.9: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.6: Design and External Appearance of buildings in area bounded by Collingwood St, Riverside, Malthouse Lane, Harley Street and Hardy Street.

Plan Change 21.6 ICr.73A Design and external appearance - Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St

Submitter 5: The Free House Ltd

Support

Submission Point #5.2: We support this change: ICr.73A Design and External Appearance

Decision Sought: Retain new rule ICr.73A Design and External Appearance

Submitter 6: Irving Smith Jack Architects Ltd

Support

Submission Point #6.2: The removal of the on-site parking requirement for the city eastern fringe (ICr.76) and accompanying obligations for improved building design (ICr.73A) are strongly supported.

Decision Sought: Retain accompanying obligations for improved building design (ICr.73A).

PLANNING OFFICER COMMENT #40

The Free House Ltd

Submission point #5.2

Irving Smith Jack Architects Ltd

Submission point #6.2

The submitters support the proposal to introduce design controls to buildings in the area bounded by Collingwood St, Riverside Lane, Malthouse Lane, Harley Street and Harley Street. This support is accepted and the proposed amendments are recommended to be retained.

RECOMMENDATION

Submission Point #5.2: Accept

Submission Point #6.2: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.6 a) and b) ICr.73A Design and external appearance – rule

Submitter 10: Tasman Medical Syndicate

Support in part

Submission Point #10.20: The incorporation of some design control over the development of land within

this portion of the City Centre is supported. However it could be argued that the same design control should apply to the entire Inner City of Nelson. In addition, this part of the Inner City is no different to the wider Inner City area.

Decision Sought: Replace proposed Plan Change section 21.6 a) with a rule that applies equally and fairly over the entire Inner City.

Submitter 10: Tasman Medical Syndicate

Support in part

Submission Point #10.21: The incorporation of some design control over the development of land within this portion of the City Centre is supported. However it could be argued that the same design control should apply to the entire Inner City of Nelson. In addition, this part of the Inner City is no different to the wider Inner City area.

Decision Sought: Replace proposed Plan Change section 21.6 b) with a rule that applies equally and fairly over the entire Inner City.

PLANNING OFFICER COMMENT #41

Tasman Medical Syndicate

**Submission point #10.20 (Plan Change 21.6 a) and,
Submission point #10.21 (Plan Change 21.6 b).**

The submitter supports the concept of design control but considers that it should be applied 'equally and fairly' over the entire Inner City. Submission point #10.20 relates to proposed Plan Change 21.6 a), rule columns ICr.73A, ICr.73A.1, ICr.73A.2, and ICr.73A.3, while submission point #10.21 relates to proposed Plan Change 21.6 b), rule columns ICr.73A.4 and ICr.73A.5.

The design controls are proposed to be introduced in conjunction with the amendments to rule ICr.76 (Plan Change 21.5) which remove the mandatory parking provisions from the Collingwood/Riverside/Malthouse/Harley/Hardy block. This is considered necessary as the sites will be able to be developed more intensely due to there being no parking requirement. Therefore there is an increased risk of poor quality building design adversely impacting on the surrounding streetscape.

The explanation section of proposed rule ICr.73A states '*As an interim measure ahead of a more comprehensive review of the zoning to apply to the area, and the design rules and controls that are to apply to the City Centre, some design control has been reserved over the external appearance of new or significantly altered buildings, and layout of the site*'. It is clear from this statement that the intent is to carry out a more comprehensive review of Inner City design controls in the future. This current proposed change is an interim measure to ensure poor quality design does not result from increased levels of building density possible with the removal of mandatory parking requirements.

The design of buildings in other parts of the City Centre is controlled through existing operative rules. The specific rules are: ICr.27 Buildings in Montgomery, Buxton and Wakatu Square, ICr.28 External Design and Appearance – Trafalgar, Hardy and Bridge Streets, and ICr.29 Display Windows. There seems to be little need to extend the proposed interim design controls to all of the Inner City Zone.

In light of the existing operative design controls in other parts of the Inner City Centre, and the stated interim nature of those proposed under this Plan Change I recommend that no changes are made.

RECOMMENDATION

Submission Point #10.20: Reject

Submission Point #10.21: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.7: Amendment to Appendix 10 Standards and terms for parking and loading

Plan Change 21.7 a) AP10.2 a: Appendix 10 Definitions - Large format retail/Bulk retail

Submitter 11: Strategic Property Group Limited

Oppose

Submission Point #11.1: The definition proposed for LFR / Bulk retail (plan change section 21.7 a) is inappropriate and does not align with what has been approved as LFR both in Nelson and throughout New Zealand.

Decision Sought: Amend proposed Plan Change section 21.7 a) as follows: "means a retail store with a minimum gross floor area of 500m²...."

PLANNING OFFICER COMMENT #42

Strategic Property Group Limited

Submission point #11.1

The submitter requests that the definition of Large Format Retail (LFR) is amended to 500m² as per the definition currently included in the Plan in Schedule N of the Industrial Zone. The notified Plan Change proposes a minimum gross floor area of 1000m² for a LFR operation.

The intended purpose of providing a floor area limit is to enable the definition of what constitutes a LFR activity. This definition is only for the purpose of introducing a specific parking requirement for LFR activities (3.5 spaces per 100m² gross floor area, versus 4 spaces per 100m² for standard retail) and is proposed to be inserted into Appendix 10 Parking, AP10.2 Definitions.

The most appropriate floor area to use for the purpose of defining Large Format Retail has been the subject of discussion in various forums. One was the hearing for the private Plan Change which established Schedule N in the Plan. During this hearing the floor area trigger was debated and the commissioners determined that 500m² was the appropriate figure to use for the purposes of the private plan change. This appears to be the number that is most commonly in use throughout New Zealand.

Bearing in mind that this proposed definition is for the purpose of determining parking requirements only, I sought the advice of Ross Rutherford of Transport Planning Solutions Ltd to determine if there is a particular floor area trigger that should be used to differentiate the retail types in terms of parking requirements. Mr Rutherford advises that, in his experience, the current accepted floor area trigger for Large Format Retail is 500m². Mr Rutherford's report is attached as Part B, Appendix 1. As this figure is consistent with that which appears in Schedule N, and it is only relevant to parking requirements in Appendix 10 I recommend that proposed Plan Change 21.7 a) definition of Large Format Retail / Bulk Retail is amended to 500m².

RECOMMENDATION

Submission Point #11.1: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Replace 1000m² with 500m² in the proposed definition of Large Format Retail / Bulk Retail in Appendix 10, AP 10.2 Definitions.

Submitter 17: Progressive Enterprises Limited

Support in part

Submission Point #17.7: The introduction of a definition for "Large Format Retail / Bulk Retail" is supported. However, the definition as proposed is clumsy and not well considered. The second sentence in the definition is unnecessary as any retail activity meeting the first part of the definition is automatically covered. It appears that the sentence is intended to relate to large format activity on large sites without building floor area, in which case the parking numbers Table (10.3.1) should make a distinction on gross floor area and gross outdoor display area which would ensure that both types of bulk retail are addressed.

Decision Sought: Amend the proposed definition of Large Format / Bulk Retail as follows: "Means a retail store with a minimum gross floor area of 1000m², excluding any outdoor display area **associated with that store of a retail site with a minimum area of 1000m² used for outdoor display of goods for sale.** For the purposes of calculating parking requirements **outdoor display areas not associated with retail store will be required to provide parking.**" or words of a similar nature.

PLANNING OFFICER COMMENT #43

Progressive Enterprises Limited

Submission point #17.7

The submitter supports the introduction of a definition for 'Large Format Retail / Bulk Retail' but identifies aspects of the definition that they consider are '*clumsy and not well considered*'. Specifically this relates to outdoor areas both in association with Large Format Retail operations occurring within buildings, and outdoor retailing which operates independently of any building.

I agree with the submitter and the second sentence of the proposed definition is redundant as outdoor display areas are already excluded by the first sentence. However in my view the submitter's suggested amendment also does not assist in defining Large Format Retail / Bulk Retail. It is my opinion that Large Format Retail / Bulk Retail is adequately defined by the first sentence as was notified (with the final sentence making reference to the existing specific definition and parking standard in Schedule N and the parking table 10.3.1). The remainder is an attempt to place an exclusion on what would, or would not, be included when calculating parking requirements. We are constrained by the scope of submissions and cannot remove this exclusion section altogether. If the ability existed to remove it from the proposed definition I consider it would be more appropriately located within the parking table 10.3.1. However working within the scope of the submission the question is how to deal with the parking requirement for outdoor display areas both in association with, and independent of, Large Format Retail operations occurring within buildings.

The Plan currently has a parking requirement for retail outdoor display areas of 1 space per 40m², which is proposed to be removed as part of this Plan Change. The current Plan also has an operative parking requirement of 1 space per 500m² for outdoor areas not otherwise mentioned in the parking Table 10.3.1. Arguably this would be the default position for any outdoor area which is not included in the parking table. The submitter requests that outdoor areas not associated with a retail store (as per definition) be required to provide parking. The question of how much parking to provide has been considered by Ross Rutherford of Transport Planning Solutions Ltd who recommends a rate of 1 space per 100m² of outdoor retail display area (report attached as Part B, Appendix 1). Making this change highlights the inconsistency of then not having a parking requirement for outdoor display areas which are associated with a retail or Large Format Retail / Bulk Retail store. I therefore recommend that consequential amendments arising from the submissions are made subject to Schedule 1, Clause 10 (2) (b) (ii) of the RMA which ensure that outdoor display areas are dealt with consistently in the Plan.

Also note that subject to the recommendation in Planning Officers Comment #42 the floor area trigger for the definition is to be amended to 500m².

RECOMMENDATION

Submission Point #17.7: Accept in part

AMENDMENT TO PROPOSED PLAN CHANGE:

Amend proposed definition for Large Format Retail / Bulk Retail, Plan Change 21.7 a)

Large Format Retail/Bulk Retail:

means a retail store with a minimum gross floor area of ~~4000~~ 500m², excluding any outdoor display area. ~~For calculating parking requirements, Any outdoor display area will be excluded provided the outdoor display area is associated with a retail activity in a building with a minimum gross floor area of 4000~~ 500m² will be included in the parking calculations as per parking table 10.3.1.

This definition excludes Large Format Retailing in Schedule N (Quarantine Road Large Format Retail), which is defined separately in Schedule N (N.3) and has specific parking provisions under Table 10.3.1.

Amend Table 10.3.1 as it is proposed to relate to Large Format Retail / Bulk Retail, plan Change 21.7 f)

<u>Activity</u>	<u>Car Parking or Queuing Spaces Required</u>
<u>Large Format Retail / Bulk Retail</u> (other than within Schedule N – Quarantine Road)	3.5 spaces per 100m ² gross floor area + 1 space per 100m ² for outdoor display areas (For Schedule N, - see 'Activities defined in N.3 for Schedule N' above)

Amend Table 10.3.1 as it is proposed to relate to Retail Activities, and Retail Services, Plan Change 21.7 i)

<u>Activity</u>	<u>Car Parking or Queuing Spaces Required</u>
<u>Retail Activities, and Retail Services</u> (other than shopping centres/ shopping malls, and large format retail/bulk retail) (for illustrative purposes, retail services includes personal or household services such as hairdressers, dry cleaners, servicing or repair of appliances or equipment and businesses and professional services such as lawyers and accountants. Retail activity includes things such as vehicle sales).	4 spaces per 100m ² gross floor area + 1 space per 100m ² for outdoor display areas Premises or sites <1000m ² gross floor area: 1 space/30m ² of gross floor area + 1 space/40m ² gross floor area for outdoor display area, except for vehicle sales yards where 1 space/80m ² gross floor area is required + 1 staff space/100m ² gross floor area. Premises or sites >1000m ² gross floor area: 1 space/25m ² of gross floor area + 1 space/40m ² gross floor area for outdoor display area, except for vehicle sales yards where 1 space/80m ² gross floor area is required + 1 staff space/100m ² gross floor area.

Plan Change 21.7 b) AP10.2 b: Appendix 10 Definitions - Shopping Centre/Shopping Mall

Submitter 4: Viastrada

Oppose

Submission Point #4.3: The definition is not representative of a shopping centre or mall. Under this definition, 5 small boutique neighbourhood retailers (of any size) which share a common car parking area are a shopping centre or shopping mall. The definition is too restrictive as proposed and is likely to have unintended consequences. It is also not clear whether the retailers are individual, or in individual buildings.

Decision Sought: A) Clarify that these are separate / individual retailers.

B) Amend to apply a minimum floor area (e.g. 5 or more having a combined total GFA exceeding 2500m²).

C) Amend so the definition includes individual retailers (as amended) clustered around a supermarket or Large Format Retail anchor tenant.

Make all necessary consequential changes to give effect to this submission.

PLANNING OFFICER COMMENT #44

Viastrada

Submission point #4.3

The submitter considers that the proposed definition is not representative of a shopping centre or mall and notes that it is likely to have unintended consequences. They submit that it should be clear that the retailers are separate / individual retailers, that there is a minimum applicable floor area, and that the individual retailers are clustered around a supermarket or Large Format Retail anchor tenant.

As for the definition of Large Format Retail / Bulk Retail discussed in Planning Officer Comment #43 above it is important to note that this definition is proposed to be included in Appendix 10 'Standards and Terms for Parking and Loading' and is therefore only applicable for the purposes of determining parking requirements. Its purpose in this regard is the same as that for Large Format Retail / Bulk Retail; to differentiate between different types of retail for the purposes of parking.

Overall I agree with the submitter that the definition may have unforeseen consequences. An example given by the submitter is that the definition would capture 5 neighbourhood retailers of any size which share parking and occupy one site. In this example the retailers would need to provide 5 parks per 100m² whereas they would need to provide the standard retail rate of 4 parks per 100m² if they were in the same configuration but were located on separate sites.

The submitter has not provided an alternative definition that would satisfy their concerns, but just general statements of what should be in a definition. It is my opinion that any definition that is developed around the items suggested by the submitter would have its own unintended consequences.

In considering the proposed definition, and any possible amendments I have gone back to the rationale for including this definition in the proposed Plan Change. As stated above it is for the purpose of differentiating between different types of retail for the purposes of parking. In my view the submitter has raised a valid issue that calls into question whether the definition and associated parking requirement is the most efficient way of dealing with the issue of car parking. Without a specific provision any mall that sought to develop in Nelson would be subject to the standard parking requirements for retail activities (4 spaces per 100m², and for Large Format Retail / Bulk Retail, 3.5 spaces per 100m² as are proposed to apply through this Plan Change), or the operative provisions in the current Plan. This ensures that car parking is required, and if the mall developer has justification to seek an alternative parking provision below that required by the Plan they can do this through the resource consent process. This is a more efficient option as it has the advantage of allowing a specific proposal and location to be considered rather than attempting to rely on a generic definition. I consider the risk of not acting (ie. not having a specific parking standard for shopping malls) is low as any proposed malls would be covered by the operative, or proposed parking standards for retail development. The risk of acting is higher as the unintended consequences raised by the submitter may limit other development and encourage excess parking provision.

I have sought information from Ross Rutherford, Transport Planning Solutions Ltd, on the necessity of having a separate parking standard in the Plan for malls. Mr Rutherford considers that having a separate parking standard is desirable but agrees that this could be appropriately dealt with in a separate Plan Change process (report attached as Part B, Appendix 1). I note that the Heart of Nelson Strategy identifies in action A.14 stating that the Plan should be amended to restrict new indoors malls within the Central City. This would be an appropriate Plan Change in which to develop a comprehensive definition and to introduce any specific parking provisions relating to that definition.

Drawing on Submitter 13, John Fitchett's request that the proposed Plan Change is deleted entirely, I recommend that proposed Plan Change 21.7 b) and associated proposed Plan Change 21.7 j) are deleted. This rejects submission 4.3 to carry out amendments to the proposed definition and accepts in part submission 13.1, to delete the proposed Plan Change entirely (see Planning Officer Comment #3).

RECOMMENDATION

Submission Point #4.3: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Delete proposed Plan Change 21.7 b) 'Definition of Shopping Centre/Shopping Mall' in its entirety.

Delete proposed Plan Change 21.7 j) 'New parking provisions Shopping Centre/Shopping Mall' in its entirety.

Plan Change 21.7 c) AP10.2 c: Appendix 10 Definitions - Supermarket

Submitter 17: Progressive Enterprises Limited

Support in part

Submission Point #17.8: The introduction of a definition for "supermarket" is supported. However the definition developed is too explanatory and the reference to lines of product in c) is unnecessary, adding nothing to the definition. The reference to "general housekeeping" as a means of defining product line is not standard industry practice. By adding the words 'including but not limited to' before the range of products covers the very diverse range of goods generally found in supermarkets.

Decision Sought: Amend 21.7 c) as follows:

"Means a retail shop with a gross floor area of not less than 500m² (or an equivalent area including related back of house unloading, storage, preparation, staff and equipment space, within a larger store) and selling a comprehensive range of (**including but not limited to**):

- a) fresh meat and produce; and
- b) chilled, frozen, packaged, canned and bottled food and beverages; and
- c) general **household** and personal goods."

PLANNING OFFICER COMMENT #45

Progressive Enterprises Limited

Submission point #17.8

The submitter supports the introduction of a definition for 'supermarkets' but considers that it is too explanatory and some terms do not represent standard industry practice.

As for the definition of Large Format Retail / Bulk Retail and Shopping Centre / Shopping Mall discussed in Planning Officer Comment #43 and #44 respectively it is important to note that this definition is proposed to be included in Appendix 10 'Standards and Terms for Parking and Loading' and is therefore only applicable for the purposes of determining parking requirements. Its purpose in this regard is to differentiate between different types of retail for the purposes of parking.

The definition proposed to apply for the purposes of parking is the same as that currently operative in Schedule N of the Plan (Catal development, Mitre 10 Mega site). The Schedule N definition was included in the Plan for the specific purpose of excluding supermarkets from establishing in the area covered by the Schedule and was developed through the process of a private Plan Change hearing. The submitter's suggested change to the proposed definition would create an inconsistency within the Plan. I do not consider this to create any confusion as the two definitions do not overlap in a spatial area. If a supermarket is outside of the Schedule N area then in terms of parking it would be considered under the proposed definition of this Plan Change. In determining that there would be no confusion created by the inconsistency I recommend that the amendment sought by the submitter is accepted as it simplifies the proposed definition and improves its application. As a consequential amendment subject to Schedule 1, Clause 10 (2) (b) (i) of the RMA I recommend that a note is placed below this proposed definition referring

the reader of the Plan to the Schedule N definition. This would help to ensure that there is no misunderstanding of the role of the two definitions of supermarket. I considered if the phrase 'including but not limited to' should be included in the revised definition as this could remove some certainty. It means a store selling the range of items listed plus any other items would be defined as a supermarket. Overall I consider that it should be retained as most supermarkets would have some items available which are not included in those listed but this would not impact on their function as a supermarket.

RECOMMENDATION

Submission Point #17.8: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Amend proposed definition of supermarket in AP10.2, proposed Plan Change 21.7 c)

Supermarket

means an individual retail shop with a gross floor area of not less than 500m² (or an equivalent area, including related back of house unloading, storage, preparation, staff and equipment space, within a larger store) and selling a comprehensive range of (including but not limited to):

- a) fresh meat and produce, and
- b) chilled, frozen, packaged, canned and bottled foods and beverages, and
- c) general household housekeeping and personal goods, including (but not limited to) cooking, cleaning and washing products, kitchenware, toilet paper, diapers, and other paper tissue products, magazines and newspapers, greeting cards and stationery, cigarettes and related products, barbecue and heating fuels, batteries, flashlights and light bulbs, films, pharmaceutical, health and personal hygiene products and other toiletries.

Note: Schedule N, Industrial Zone includes a differing definition of Supermarkets which is only relevant to the Schedule N area.

Plan Change 21.7 d) AP10.2 d: Appendix 10 Definitions - Unit

Submitter 15: 3 Grove Street Limited

Oppose

Submission Point #15.3: In conjunction with my submission on plan change section 21.5 b) and c), a definition of a unit is only required if the current controlled activity standard is to be deleted and a new permitted activity parking standard introduced. If the controlled activity standard is retained the Consent Authority is able to have regard to the particular Tourist Accommodation activity proposed, and the locational circumstances. Hence, there is no need for this new definition.

Decision Sought: Delete proposed Plan Change section 21.7 d.

Further Submitter X2: Rutherford Hotel Holdings Limited

Statement X2.3

Support Submission Point #15.3

No Hotels in any city provide one car space per room as most guests at Hotels arrive by bus.

Submitter 16: Munro Hotels Developments Limited

Oppose

Submission Point #16.3: In conjunction with my submission on plan change section 21.5 b) and c), a definition of a unit is only required if the current controlled activity standard is to be deleted and a new

permitted activity parking standard introduced. If the controlled activity standard is retained the Consent Authority is able to have regard to the particular Tourist Accommodation activity proposed, and the locational circumstances. Hence, there is no need for this new definition.

Decision Sought: Delete proposed Plan Change section 21.7 d.

Further Submitter X2: Rutherford Hotel Holdings Limited

Statement X2.8

Support Submission Point #16.3

No Hotels in any city provide one car space per room as most guests at Hotels arrive by bus.

PLANNING OFFICER COMMENT #46

3 Grove Street Limited

Submission point #15.3

Munro Hotels Developments Limited

Submission point #16.3

In conjunction with submission points 15.1 and 16.1 (see Planning Officer Comment #29) the submitters state that the definition of 'Unit' is not required. Submissions 15.1 and 16.1 sought to retain the controlled activity rule for parking in relation to Short Term Living Accommodation.

In light of my previous recommendation to make no amendments to the Plan Change (ie. maintain the deletion of the controlled activity standard) I also recommend that these submissions and further submissions are also rejected.

RECOMMENDATION

Submission Point #15.3: Reject

Further Submission Statement X2.3: Reject

Submission Point #16.3: Reject

Further Submission Statement X2.8: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.7 e) Table 10.3.1 Parking table - General

Submitter 1: Gilrays No1, Fords Creek Farm, Town Paddock Ltd & M McLean

Support

Submission Point #1.1: The submitters support the reduced parking requirements in Plan Change 21.

Decision Sought: Retain the reduced parking requirements in Appendix 10.

PLANNING OFFICER COMMENT #47

Gilrays No1, Fords Creek Farm, Town Paddock Ltd & M McLean

Submission point #1.1

The submitter states their support for the reduced parking standards in Plan Change 21.

This support is accepted and the relevant Plan Change provisions giving effect to this are recommended to be retained.

RECOMMENDATION

Submission Point #1.1: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submitter 3: John Black**Support in part**

Submission Point #3.3: Under PC21.7 f), h), i), j) and l), it is unclear what parking is required for part of 100m² gross floor area (is calculation based only on 100m² and not part of 100m²?). As an example the gross floor area of a building is 110m². The change may state 4 parks per 100m². Are 4 or 8 required? It would be better to state 1 park per 25m² or part thereof.

Decision Sought: Specify the floor area required for one car park, rather than number required per 100m².

PLANNING OFFICER COMMENT #48

John Black

Submission point #3.3

The submitter requests that the proposed Plan Change specifies that the floor area required for one car park is stated rather than the number of parks per 100m² as this could potential cause interpretive issues.

Stating parking numbers per 100m² of floor area is a common practise of Traffic Engineers throughout New Zealand and both methods are found in District Plans throughout the country. Nelson City Council has however previously used the approach of stating 1 park per Xm² in most cases. By raising this point the submitter has identified that there may be the potential for confusion when considering these provisions. I have sought the advice of Ross Rutherford from Transport Planning Solutions Ltd on which method he would recommend. He considers that either method is suitable within the Plan and does not think it appropriate to change the form of the ratio to 1 space per Xm² simply to avoid the issue identified (report attached as Part B, Appendix 1). I recommend that a statement is added to the Plan clarifying how to calculate the number of car parks required. While this is not directly what the submitter requested I consider that it does help to resolve their concern. The proposed statement is shown below.

RECOMMENDATION

Submission Point #3.3: Accept in part

AMENDMENT TO PROPOSED PLAN CHANGE:

Add new statement to AP10.3.iii below existing second box:

When the parking requirement is stated as the number of parks required per 100m² or similar, the number of parks required is to be calculated on a proportional basis.

For example: At a required parking rate of 4 parks per 100m² gross floor area a 455m² development will require $(455/100) \times 4$ parks, this equals 18.2 parks. Using the rounding provisions explained above the development is required to provide 18 car parks.

Submitter 10: Tasman Medical Syndicate**Support**

Submission Point #10.22: The change to Table 10.3.1 is considered to provide an appropriate acknowledgment to the role played by bicycle parking.

Decision Sought: Retain proposed Plan Change section 21.7 e.

Submitter 14: New Zealand Transport Agency**Support**

Submission Point #14.10: The NZTA supports the amendment to Table 10.3.1 title. (plan change section

21.7 e)

Decision Sought: Retain the amendment to Table 10.3.1 title.

PLANNING OFFICER COMMENT #49

Tasman Medical Syndicate

Submission point #10.22

New Zealand Transport Agency

Submission point #14.10

The submitters state their support for proposed Plan Change 21.7 e) which is a change to the title of Table 10.3.1 adding in '*...and carparking reductions where bicycle parking is provided*'.

This support is accepted and the Plan Change provision is recommended to be retained.

RECOMMENDATION

Submission Point #10.22: Accept

Submission Point #14.10: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.7 f) Table 10.3.1 Large format retail/Bulk retail

Submitter 11: Strategic Property Group Limited

Support in part

Submission Point #11.2: The provision for a parking ratio for LFR is supported however it is also considered that the required ratio should be consistent with that considered appropriate for Schedule N (3 spaces per 100m²). (Plan change section 21.7 f).

Decision Sought: Amend proposed Plan Change section 21.7 f) as follows: "3 spaces per 100m² gross floor area".

PLANNING OFFICER COMMENT #50

Strategic Property Group Limited

Submission point #11.2

The submitter supports the introduction of a parking ratio for Large Format Retail (LFR) but considers that the ratio should be consistent with Schedule N, Industrial Zone, in the operative Plan. This is 3 spaces per 100m² gross floor area. The figure currently proposed as a permitted activity for LFR in this Plan Change is 3.5 per 100m².

While consistency is certainly desirable within the Plan I recommend that the current proposal remains unchanged for the following reasons, and because the context for each figure is different. The figure of 3.5 per 100m² was considered by Ross Rutherford in his report 'District Plan Carparking Ratios, June 2009' to be the most suitable for the multiple-category retail that often occurs in LFR stores. The main reason I support retaining this figure is because it acts as the permitted activity level for any proposal, in any location or configuration that meets the definition of LFR. If an individual proposal can justify a lower parking rate then this is able to be considered through the resource consent process. The policy DO10.1.6A 'On Site parking – reductions in required levels' proposed through this Plan Change provides guidance and policy direction for when, and under what circumstances, this is appropriate.

The lower parking rate of 3 spaces per 100m² referred to by the submitter was approved for a specific development, in a specific location through a Private Plan Change process. In terms of parking provision

this was similar to the process that would be carried out under a resource consent and the conclusion was that a particular parking rate was acceptable in this specific situation. By way of example the Traffic Design Group report titled 'Proposed Large Format Store Overlay, Quarantine Road, Nelson, Transportation Assessment' October 2006 provided for the Private Plan Change application states a range of parking demands for stores which fit the definition of Large Format Retail. These are:

- Home Improvement Stores (eg flooring or paint specialist) 1 space per 100m²
- Spotlight and Harvey Norman type retailers 2 spaces per 100m²
- Large Format Trade / Hardware (eg Mitre 10 Mega) 2 – 2.5 spaces per 100m²
- Discount Department Stores (eg The Warehouse) 4 spaces per 100m²

They also state that when a development has a floor area of 25 000 – 30 000m² it can be expected to have a parking requirement of 2.5 – 3 spaces per 100m², and that there are efficiencies when a number of stores are grouped together. This was the case for the proposal in Schedule N and the reason the parking requirement of 3 spaces per 100m² was determined to be the most appropriate in that case.

In summary I support retaining the parking requirement of 3.5 per 100m² as it acts as the permitted activity level for any proposal, in any location or configuration that meets the definition of LFR. This could be a single store of 500m², or the large multi-tenanted development of up to 30 000m² described above.

RECOMMENDATION

Submission Point #11.2: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.7 h) Table 10.3.1 Restaurant/Tavern

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.23: Plan Change section 21.7 h) proposes a new parking ratio of 4 spaces per 100m² of gross floor area for restaurants, cafes, and taverns. The Plan Change incorrectly identifies the current rule as requiring 1 space per 100m² of gross floor area. The current rule requires 1 space per 10m² of gross floor area. The proposed change is considered to require a more realistic ratio of parking for this activity.

Decision Sought: Retain proposed Plan Change section 21.7 h).

PLANNING OFFICER COMMENT #51

Tasman Medical Syndicate

Submission point #10.23

The submitter states their support for the reduced parking standard relating to restaurants, cafes and taverns as they see this as a more realistic parking ratio. The submitter also notes the error in the Plan Change document where 'struck out' text shows the current rule as having a parking requirement of 1 space per 100m². This error is acknowledged and the correct operative parking ratio for restaurants and taverns is 1 park per 10m².

The support of the submitter is accepted and the proposed amendments are recommended to be retained (with the error corrected).

RECOMMENDATION

Submission Point #10.23: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Proposed Plan Change 21.1 h) Table 10.3.1 correct an error, ~~1 space / 100m²~~ to read ~~1 space / 10m²~~.

Plan Change 21.7 i) Table 10.3.1 Retail Activities/Retail Services

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.24: Plan change section 21.7 i) proposes to simplify the parking requirement for retailing activities, while adding new ratios for Large Format Retail and Shopping Centres. The simplification of the parking ratio for retailing activities is generally supported.

Decision Sought: Retain proposed Plan Change section 21.7 i.

PLANNING OFFICER COMMENT #52

Tasman Medical Syndicate

Submission point #10.24

The submitter states their support for the reduced parking standard relating to retail activities and retail services as it simplifies the parking requirement.

The support of the submitter is recommended to be accepted. The proposed provision is recommended to be amended as a result of submission 17.7 (see Planning Officer Comment #43). The change adds a parking requirement for outdoor display areas. This is a simplification of the current rule so it is my opinion that the support of the submitter remains valid.

RECOMMENDATION

Submission Point #10.24: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil as a result of this submission

See Planning Officer Comment #43 for recommended changes as a result of submission 17.7

Submitter 17: Progressive Enterprises Limited

Support in part

Submission Point #17.9: The proposed amendments to the parking numbers in Table 10.3.1 as they relate to "Retail Activities and Retail Services" is supported. However, for completeness and consistency, the description of the activity (column 1) should also exclude supermarkets if the reference to "other than shopping centres, shopping malls, and large format retail / bulk retail" is to be retained.

Decision Sought: Amend column "activity" description as follows: "Retail Activities, and Retail Services (other than shopping centres / shopping malls, **supermarkets** and large format retail / bulk retail)" ...retain the remainder of the description.

PLANNING OFFICER COMMENT #53

Progressive Enterprises Limited

Submission point #17.9

The submitter states their support for the reduced parking standard relating to retail activities and retail services as it simplifies the parking requirement. They do however note that for '*completeness and consistency*' the description of the activity should also exclude supermarkets.

The current description of the activity states '*Retail Activities, and Retail Services (other than shopping centres/shopping malls, and large format retail / bulk retail)*'. These items are excluded as they fall within the broad definition of 'retail' but have their own specific parking standards in Table 10.3.1. This argument also applies to supermarkets so I consider the submitter has raised a valid point and for the purposes of plan clarity and consistency 'supermarket' is recommended to be included in the exclusion clause.

Also note that as a recommendation in Planning Officer Comment #44 shopping centres / shopping malls is recommended to be removed from this statement.

RECOMMENDATION

Submission Point #17.9: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Table 10.3.1 activity column 'Retail Activities, and Retail Services' be amended to include, (other than ~~shopping centres / shopping malls~~, supermarkets and large format retail / bulk retail)

Plan Change 21.7 k) Table 10.3.1 Short Term Living Accommodation

Submitter 15: 3 Grove Street Limited

Oppose

Submission Point #15.4: The new rule is opposed as the current rule is considered to better achieve the purpose of the Act (plan change section 21.7 k).

Decision Sought: Delete proposed Plan Change section 21.7 k.

Further Submitter X2: Rutherford Hotel Holdings Limited

Statement X2.4

Support Submission Point #15.4

No Hotels in any city provide one car space per room as most guests at Hotels arrive by bus.

Submitter 16: Munro Hotels Developments Limited

Oppose

Submission Point #16.4: The new rule is opposed as the current rule is considered to better achieve the purpose of the Act (plan change section 21.7 k).

Decision Sought: Delete proposed Plan Change section 21.7 k.

Further Submitter X2: Rutherford Hotel Holdings Limited

Statement X2.9

Support Submission Point #16.4

No Hotels in any city provide one car space per room as most guests at Hotels arrive by bus.

PLANNING OFFICER COMMENT #54

3 Grove Street Limited

Submission point #15.4

Munro Hotels Developments Limited

Submission point #16.4

In conjunction with submission points 15.1 and 16.1 (see Planning Officer Comment #29) the submitters state that the proposed new rule introducing a parking requirement for Short Term Living Accommodation is not required. Submissions 15.1 and 16.1 sought to retain the controlled activity rule for parking in

relation to Short Term Living Accommodation.

In light of my previous recommendation to make no amendments to the Plan Change (ie. maintain the deletion of the controlled activity standard) I recommend that these submissions and further submissions are also rejected.

RECOMMENDATION

Submission Point #15.4: Reject

Further Submission Statement X2.4: Reject

Submission Point #16.4: Reject

Further Submission Statement X2.9: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.7 l) Table 10.3.1 Supermarket

Submitter 17: Progressive Enterprises Limited

Support

Submission Point #17.10: The introduction of a new row in Table 10.3.1 specifically referencing supermarkets is supported as it provides clarity and indicates the Council does not consider supermarkets to be "Large Format Retail".

Decision Sought: Retain plan change section 21.7 l).

PLANNING OFFICER COMMENT #55

Progressive Enterprises Limited

Submission point #17.10

The submitter states their support for the introduction of a specific parking standard for supermarkets in parking table 10.3.1 as this recognises the difference between supermarkets and Large Format Retail.

The support of the submitter is accepted and the proposed amendments are recommended to be retained.

RECOMMENDATION

Submission Point #17.10: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.7 m) Table 10.3.1 Reduction where cycle parking provided

Submitter 10: Tasman Medical Syndicate

Support in part

Submission Point #10.25: The provision for reduced parking requirements when bicycle parking is provided is supported (plan change section 21.7 m). Cycling to work is becoming increasingly popular and should be encouraged. This new rule would reward the provision for this alternative mode of transport. The environmental and social benefits of this provision are significant. However it is considered that the use of

the word 'can' in the first line should be replaced with 'shall' as this would avoid any confusion over the administration of this new rule.

Decision Sought: Amend proposed Plan Change section 21.7 m) to use the word 'shall' rather than 'can' in the first line of the rule.

PLANNING OFFICER COMMENT #56

Tasman Medical Syndicate

Submission point #10.25

The submitter supports the reduction in on site car parks available if bicycle parks are provided. They do however request that the proposal is amended so that the word 'can' is replaced with 'shall' in the sentence '*The required carparking for an activity **can** be reduced where on-site bicycle stands are provided...*'.

In my opinion this change from 'can' to 'shall' would significantly change the operation of this rule. Using 'can' means the rule is voluntary, so if somebody wishes to provide 5 bicycle parks but retain all of their required parks then they can. Using 'shall' means that people must reduce their car parks if they provide 5 or more bicycle parks. I believe this could create unintended consequences where people are unwilling to provide any bicycle parks if they wish to retain their car parks. This scenario has the effect of reducing the overall provision of bicycle parking. The rule was developed as an incentive approach to encourage people to provide for bicycling and to allow those that do to reduce car parks if they wished. It was not developed as a mandatory approach requiring people to reduce car parks if they provided bicycle parks. In my opinion there would be other more appropriate methods that could be used if the mandatory approach was being taken. An example would be to require a certain number of bicycle parks per Xm^2 of a building.

No change to the proposed provision is recommended.

RECOMMENDATION

Submission Point #10.25: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Submitter 14: New Zealand Transport Agency

Support

Submission Point #14.11: NZTA supports the addition of the activity Reduction in car parking where bicycle parking is provided, Plan Change 21.7 m)

Decision Sought: Retain the addition of the activity, 'Reduction in car parking where bicycle parking is provided'.

Submitter 17: Progressive Enterprises Limited

Support

Submission Point #17.11: Support plan change section 21.7 m). The introduction of a rule providing for a reduction in carpark numbers is necessary to give effect to the new policy framework.

Decision Sought: Retain plan change section 21.7 m).

PLANNING OFFICER COMMENT #57

New Zealand Transport Agency

Submission point #14.11

Progressive Enterprises Limited

Submission point #17.11

The submitters state their support for the addition of the activity 'Reduction in car parking where bicycle parking is provided'. Plan Change 21.7 m).

The support of the submitters is accepted and the proposed amendments are recommended to be retained.

RECOMMENDATION

Submission Point #14.11: Accept

Submission Point #17.11: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.7 o) AP10.15.2 a) Assessment Criteria – parking, queuing and loading

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.26: The additional assessment criteria (plan change section 21.7 o) are considered to provide some useful guidance to some resource consent applications.

Decision Sought: Retain plan change section 21.7 o).

PLANNING OFFICER COMMENT #58

Tasman Medical Syndicate

Submission point #10.26

The submitter states their support for Plan Change 21.7 o) which consists of additional assessment criteria relating to applications to reduce car parking numbers.

The support of the submitter is accepted and the proposed amendments are recommended to be retained.

RECOMMENDATION

Submission Point #10.26: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.7 p) AP10.15.2c Assessment Criteria - short term living accommodation

Submitter 15: 3 Grove Street Limited

Oppose

Submission Point #15.5: The deletion of AP10.15.2 c) is opposed as the current controlled standard better achieves the purpose of the Act. (plan change section 21.7 p).

Decision Sought: Delete proposed Plan Change section 21.7 p).

Further Submitter X2: Rutherford Hotel Holdings Limited

Statement X2.5

Support Submission Point #15.5

No Hotels in any city provide one car space per room as most guests at Hotels arrive by bus.

Submitter 16: Munro Hotels Developments Limited

Oppose

Submission Point #16.5: The deletion of AP10.15.2 c) is opposed as the current controlled standard better achieves the purpose of the Act (plan change section 21.7 p).

Decision Sought: Delete proposed Plan Change section 21.7 p.

Further Submitter X2: Rutherford Hotel Holdings Limited

Statement X2.10

Support Submission Point #16.5

No Hotels in any city provide one car space per room as most guests at Hotels arrive by bus.

PLANNING OFFICER COMMENT #59

3 Grove Street Limited

Submission point #15.5

Munro Hotels Developments

Submission point #16.5

In conjunction with submission points 15.1 and 16.1 (see Planning Officer Comment #29) the submitters state that the assessment criteria for Short Term Living Accommodation consents should not be removed. Submissions 15.1 and 16.1 sought to retain the controlled activity rule for parking in relation to Short Term Living Accommodation.

In light of my previous recommendation to make no amendments to the Plan Change (ie. maintain the deletion of the controlled activity standard) I also recommend that these submissions and further submissions are rejected.

RECOMMENDATION

Submission Point #15.5: Reject

Further Submission Statement X2.5: Reject

Submission Point #16.5: Reject

Further Submission Statement X2.10: Reject

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.7 q) AP10.16.iii Reasons for rules

Submitter 10: Tasman Medical Syndicate

Support

Submission Point #10.27: This change (plan change section 21.7 q) proposes to add some additional wording to the explanatory material within AP10.16 of the Plan. The additional wording may be helpful in the consideration of some discrete resource consent applications.

Decision Sought: Retain proposed Plan Change section 21.7 q.

PLANNING OFFICER COMMENT #60

Tasman Medical Syndicate

Submission point #10.27

The submitter states their support for Plan Change 21.7 q) which consists of additional wording to the explanatory material within AP10.16 of the Plan. This wording relates to occasional parking demand, such as for public entertainment activities such as Trafalgar Park or theatres.

The support of the submitter is accepted and the proposed amendments are recommended to be retained.

RECOMMENDATION

Submission Point #10.27: Accept

AMENDMENT TO PROPOSED PLAN CHANGE:

Nil

Plan Change 21.8: Amendment to Appendix 10 Standards and Terms for parking and loading

There have been no submissions on proposed Plan Change 21.8 'Amendments to Appendix 20 Signs and Outdoor Advertising' and this is now effectively operative.

PART B

APPENDIX 1

Ross Rutherford, Transport Planning Solutions Ltd, Plan Change 21 – Parking and Related Changes, (Comments on Selected Submissions), 27 July 2011.

PLAN CHANGE 21 - PARKING AND RELATED CHANGES

My name is Ross Rutherford. I am the Director of Transport Planning Solutions Ltd., a company I established eight years ago. Since then I have worked on a wide range of projects, primarily for regional and local government. Prior to that I was Group Manager Transport Planning, then Group Manager Rapid Transport at the Auckland City Council.

Parking projects I have worked on over the last 5 years include:

- Assisting the Auckland Regional Council in preparing the first Auckland Regional Parking Strategy from project initiation through to completion.
 - Development of maximum parking standards for selected town and activity centres in the Auckland Region.
 - Contributions to the internal review and rewrite of Waitakere City Council's Parking & Driveway Guideline.
 - Nelson City Council: Preparation of a Parking Strategy for the Central City reflecting a policy direction of supporting public transport, walking & cycling. Preparation of a parking demand analysis followed by a Parking Plan Change report including proposed revision of city centre parking policy and non-CBD parking requirements.
 - With Luxmoore Parking, an ARRB subsidiary, prepared Draft Parking Management Plans for the Henderson, New Lynn and Massey North town centres, Waitakere City.
- Australian projects undertaken with Luxmoore Parking include - Parking Supply Option Study, ACT Government; Wollongong Parking Stations Feasibility Study Stage 1 Report, Wollongong City Council; Data Collection and Audit of Parking Provisions and Management in Perth Metropolitan Centres, DPI, Government of Western Australia; and Draft Parking and Sustainable Transport Strategy for the City of Launceston, Tasmania.

The following evidence has been prepared for Nelson City Council in regard to technical aspects of parking matters relating to Plan Change 21.

Submission Point 3.3, John Stewart Black

The submitter suggests that it would be better to state the parking ratios in the form of 1 space per $x \text{ m}^2$ than y spaces per 100 m^2 . He quotes an example with a GFA of 110 m^2 and a rate of 4 spaces per 100 m^2 , and states that this could be interpreted as meaning that a development with a GFA of 110 m^2 could require 8 parking spaces.

Many local authorities use the form 1 space per $x \text{ m}^2$. It is easier to interpret the meaning of, say, 1 space per 25 m^2 than 4 spaces per 100 m^2 . However, the real issue is the calculation of the number of spaces required.

Assuming the ratio is 1 space per 25 m^2 , a GFA of 110 m^2 would require 4 parking spaces plus $10/25$ or 0.4 parking space, giving a total of 4.4 parking spaces. Assuming the ratio is 4 spaces per 100 m^2 , a GFA of 110 m^2 would require $(110/100) \times 4$ spaces or 4.4 parking spaces.

Where an assessment of the required parking provision results in a fraction of a space, the convention is that any fraction under 0.5 is disregarded and any fraction of 0.5 or more is converted to one space. A figure of 4.4 spaces is, therefore, rounded down to 4 spaces..

I do not think it appropriate to change the form of ratio to 1 space per $x \text{ m}^2$ simply to avoid the issue identified. However, it would be useful to include an example of the calculation of the number of parking spaces in the District Plan to explain how the ratio is applied.

Submission Point 4.3 Definition of “Shopping Centre”, Via Strada

The submission states that the shopping centre definition is not representative of a shopping centre or mall. The definition is opposed on the grounds that it is too restrictive and is likely to have unintended consequences.

My understanding is that the Council does not anticipate an application for a shopping mall in Nelson in the near to medium term. It is, however, considering a plan change which manages all possible effects of malls, including parking. This possible plan change is identified in the Heart of Nelson – Central City Strategy action A.14. I support the development of a comprehensive approach to shopping centre applications.

In my opinion a separate parking standard is appropriate for shopping centres or malls. However, as such a standard is not needed at this time, and the fall back of the standard retail requirement of 4 spaces per 100m² exists, it would be appropriate to introduce of a specific parking standard for shopping centres at a later date as part of a separate plan change process.

Submissions Point 11.1 and 11.2, Strategic Property Group Limited

The submission raises two issues. The first is what is the definition of large format retail (LFR) and the second is whether the parking rate for LFR is appropriate.

In recent years there has been a change in what is regarded as “large format retail” away from solely bulky goods to include speciality retailing in big boxes. It is apparent that a size of 500m² GFA is now generally accepted as coming within the definition of large format retail.

There is some evidence to suggest that a parking rate of 3.5 spaces per 100m² may be high for large format retail (LFR). Transfund Research Report 209, 2001 includes a rate of 3.0 per 100m² GFA for “bulky goods retail stores”, but this was based on a limited sample size. The Nelson CBD Parking Study and Traffic Model Report dated May 2005 concluded that a rate of 2.5 spaces per 100m² may be appropriate for “slow retail” based on surveys of a Harvey Norman, St Vincent street and Spotlight, Hastings Street.

However, in view of the changing nature of LFR I consider that the rate of 3.5 spaces per 100m² in Plan Change 21 is appropriate.

There is no need to amend this rate should the definition of LFR be altered to include a retail store with a minimum GFA of 500m².

Submission Point 13.1, John Malcolm Fitchett

The submission states that there is insufficient parking in the Inner City Zone and that the Plan Change (plus other measures) will adversely affect the commercial heart of Nelson due to increased competition for limited parking spaces.

Changes in on-street parking demands resulting from the proposed removal of mandatory parking requirements (as per the Inner City Centre Zone) are likely to take place over several years as the land affected is redeveloped. The increase in the public parking demand will depend on decisions on the amount of parking provided on each redevelopment site by the developer, and the total parking demand generated by each new development.

In mid-2009 I undertook an analysis of the parking data in the Nelson Parking Study 2008 Data Collection Report dated February 2009. This demonstrated that, while the public parking spaces in the four squares were effectively fully occupied between 12 noon and

1:30pm on the Thursday survey, overall there was sufficient short stay parking (defined as parking with a duration of less than 4 hours) in the Central Core.

The maximum occupancy of the total available 1,388 short stay spaces was 82.6%. The maximum occupancy of all available parking spaces including unrestricted parking was 78.9%.

Further, the Buxton Square survey indicated that almost one quarter of the available P180 spaces were taken up by long stay parkers (employees) rather than the shoppers for whose use they were intended. The survey indicated that the supply of short stay/shopper parking could potentially be increased by over 10% by effective enforcement of the parking restrictions.

These figures indicate that overall the City Centre area has adequate parking for shoppers provided the available parking is used effectively. They do not support the contention that Plan Change 21 would adversely affect the commercial vitality or viability of Nelson's City Centre.

I note that the Council has recently implemented a 3 hours parking limit for the Wakatu Square car park and has increased the parking fees for the Montgomery, Buxton, Millers Acre and Wakatu Square car parks from 50^c to \$1 an hour. These measures demonstrate that the Council is actively managing the public car parking supply and has taken steps to make more effective use of the available spaces.

In response to the submission, I have also looked at the 2008 Parking Study data for the area defined by Collingwood Street, Riverside, Malthouse lane, Harley Street and Hardy Street. The survey data indicates that there are a total of 156 on-street parking spaces on Riverside Road between Collingwood Street and Ngaire Road, Bridge Street between Harley Street and Ngaire Road, Hardy Street between Collingwood Street and Alton Road, and Harley Street from north of Bridge Street to Hardy Street. These consist of 2 P10, 71 P60, 52 P120 and 31 unrestricted spaces. The maximum occupancy of these spaces was 106 or 68% around mid-day during the Thursday survey. Assuming a desirable maximum on-street occupancy of 85%, this indicates that there were 27 spaces available in this area during the peak parking period.

This data further supports the conclusion that an increase in demand for public parking resulting from the effect of expanding the Inner City Zone as proposed in Plan Change 21 can be accommodated by the existing public parking supply both in the vicinity and in the current Inner City Zone.

Submission Point 17.7, Progressive Enterprises

The suggestion that areas associated with Large Format Retail used for the outdoor display of goods for sale be required to provide some parking is accepted.

The available information on the appropriate parking requirement for outdoor retail space in general is limited. In the Nelson CBD Parking Study and Traffic Model Report dated May 2005, Traffic Design Group state that "Although not measured as part of the Nelson surveys, it is considered that a parking provision of not more than 1.5 spaces/100m² GFA be required for outdoor display areas, such as garden centres.....". Reference is made to Transfund Research Report 209, 2001. This report gives an 85th percentile rate of 1.5/100m² retail display area for the Plant nurseries category based on NZ surveys. It also gives an Australian (85th percentile) parking requirement of 0.5 spaces/100m² of site area for Plant nurseries.

The Auckland District Plans (pre-single city formation) typically give a rate of 1 per 100m² outdoor display area for garden centres (and nurseries). The former Auckland City Council also used a rate of 1 per 100m² for outside areas used for display purposes in the category Building Improvement and Hire Centres.

Based on the limited information available, it is recommended that all retail outdoor display areas, whether associated with Large Format Retail, garden centres/nurseries, or car sales be required to provide parking at a rate of 1 space per 100m².

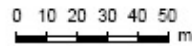
Ross Rutherford
27 July 2011

PART B APPENDIX 2



The map is an approximate representation and should not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, its employees, agents and contractors will not be liable for any costs, damages or losses suffered. Crown Information derived from the Land Information New Zealand. CROWN CORP. RIGHT RESERVED. I.T. Original map size A4.

**Collingwood St, Riverside, Malthouse Lane,
Harley St, Hardy St Block**



Scale 1:2,000



July 2011

PART B APPENDIX 3

Changes recommended from Planning Officer Comment #14.
Format of changes for the purpose of this Appendix: 'Underline' = text as notified; 'Double underline' = text as recommended to be added through addressing submission; '~~strike through~~' = text as recommended to be removed through addressing submission.

Item	Permitted	Controlled	Discretionary/Non-complying
<p>ICr.31A Private car parking (where the user of the parking is not associated with an activity on the site) (Definition see Chapter 2, Meaning of Words)</p>	<p><u>ICr.31A.1</u> The use of land for Private car parking whether leased, rented or without a fee, where the user of the parking space is not involved in an activity on the site (other than parking their vehicle), is permitted if: a) <u>the parking spaces meet the design and layout standards in Appendix 10 (standards and terms for parking and loading) including for manoeuvring, queuing, set down areas, and surfacing, and</u> b) <u>the number of parking spaces provided for users not involved in an activity on the site does not exceed 10, and</u> c) <u>the site does not have a boundary fronting a scheduled street as shown on Planning Map 1 or fronting onto Wakatu Square, except if there is a building along that frontage that screens the car parks from the street or square.</u></p>	<p><u>ICr.31A.2</u> The use of land for Private car parking whether leased, rented or without a fee, where the user of the parking space is not involved in an activity on the site (other than parking their vehicle), is controlled if: a) <u>the parking spaces meet the design and layout standards in Appendix 10 (standards and terms for parking and loading) including for manoeuvring, queuing, set down areas, and surfacing, and</u> b) <u>the number of parking spaces provided for users not involved in an activity on the site does not exceed 25, 10 and the parking is accessed from Montgomery, Buxton or Wakatu Square, or</u> c) <u>the number of parking spaces provided for users not involved in an activity on the site is between 11 and 25, and the site does not have a boundary fronting Trafalgar, Hardy or Bridge Streets except if there is a building along that frontage that screens the car parks from the street.</u> c) <u>the site does not have a boundary fronting a scheduled street as shown on Planning Map 1 or fronting onto Wakatu Square, except if there is a building along that frontage that screens the car parks from the street or square, and except that private car parks where the number of parking spaces does not exceed 10 may front onto Montgomery, Buxton or Wakatu parking squares.</u></p> <p>Control reserved over:</p> <ol style="list-style-type: none"> <u>the design and appearance of the car park, including any fencing and signage, and the type and appearance of the surfacing, and</u> <u>landscaping, including its location, and</u> <u>access to and from the site (including reverse manoeuvring onto roads), and</u> <u>conditions relating to the safety of users and the public, and the prevention of crime.</u> 	<p><u>ICr.31A.3</u> Activities that contravene a permitted condition a) or c), or controlled standard a), b) or c), are discretionary if: a) <u>the site does not have a boundary fronting Trafalgar, Hardy or Bridge Streets except if there is a building along that frontage that screens the car parks from the street</u></p> <p><u>Activities that contravene discretionary standard a) are non-complying.</u></p>

PART C

Recommended Amendments to Notified Plan Change

Recommendations for amendments, additions or deletion to text have been made from the discussion on submission in Part B. These are shown below with the proposed text as per Plan Change 21 shown as it appeared at notification, ie. Operative Plan text unchanged and included for context is shown as 'plain' text, text to be removed ~~struck through~~, and text to be added underlined. The recommended amendments as a result of submissions are shown as text to be removed ~~struck through~~, and text to be added underlined. Provisions which contain recommended changes are shown in red.

Plan Change 21.1 – New Policy and Methods - 'On-site parking – reductions in mandated levels'

21.1 a) Add new Policy DO10.1.6A to Chapter 5 District Wide Objectives, as follows:

policy

DO10.1.6A on-site parking – reductions in required levels

Reductions in required on-site parking will be considered, having regard to:

- a) whether the reduction will support and facilitate the use of alternative modes of transport,
- b) the provision of on-site bicycle stands, and accompanying change and shower facilities proportional to the reduction in on-site parking,
- c) the proximity of the site to public transport, how the activity proposes to facilitate use of public transport, and the scope to provide additional bus stops in the vicinity,
- d) the existence of a travel management plan for the site that the Council considers is likely to result in a lower demand for commuter parking through such initiatives as car-pooling, a bus or taxi transport system provided for staff, and the encouragement of cycling or walking,
- e) the ability to establish an enduring and binding arrangement to share parking with a nearby site if the parking demands are complementary,
- f) the proximity, availability and ease of access to on-street and off-street public car parks, and taking account of the time of the expected parking demand,
- g) good evidence that the parking demand generated by the activity will be less than the on-site parking required by the Plan,
- h) whether the parking demand, particularly peak demand, is likely to be infrequent, having regard to the practicality, economic efficiency and amenity impacts of providing for occasional peak demand,
- i) any benefits in terms of improved urban design outcomes, including streetscape, more efficient use of land and a more compact city,

provided that there must be no resultant adverse effect that is more than minor on the safety or movement functions of any Classified Road⁴, or on the safety or residential character of any Unclassified Road⁴ within the Residential Zone, and the safety and efficiency criteria in Policy DO10.1.6 (parking, loading and turning) are addressed.

⁴ defined in Plan Change 14

21.1 b) Add new Explanation and Reasons (for Policy DO10.1.6A), as follows:

Explanation and Reasons

DO10.1.6A.i The parking standards for different classes of activities in Appendix 10 are necessarily generic. There may often be good reasons to depart from them. For example, evidence may be provided that the particular activity will have a lower demand for parking than the generic class of activity. Alternatively, the parking demand may be at a time when on-street parking or parking on a nearby site is available.

DO10.1.6A.ii Required parking can occupy a lot of land or space within a building. As such it represents a significant cost, it can have significant effects on the economic viability of projects and the required parking can sometimes work against other objectives – for example, anti drink-drive objectives, urban design and amenity outcomes, heritage, a compact city, and promoting use of public transport, walking and cycling.

DO10.1.6A.iii There is no economic sense in having large areas of land paved for parking but largely unused, nor is there any environmental benefit in this. This policy provides guidance to reduce the required amount of parking. But doing so ought not be just for private or commercial convenience or gain, particularly if it creates a problem for someone else. Avoiding adverse effects on Classified Roads – the main vehicle movement corridors or feeders – is important. The key issue on these busier roads is to avoid effects that compromise traffic movement functions more than to a minor extent, or which create safety concerns. It is also important to avoid adverse effects on residential streets. That does not mean no effect, but the effect ought to be no more than minor. A once-a-year sports or entertainment event that results in parking on residential streets is unlikely to be an effect that is more than minor. Depending on the circumstances, an activity that has a brief parking demand once or twice a day may not have an effect that is more than minor. In other situations, the effect may be more adverse. Providing on-site parking to fully accommodate full peak or intermittent demand in all situations is often impractical and does not necessarily meet the purpose of the Resource Management Act (section 5(2)) nor the matters relating to efficiency and amenity values in section 7 of the Act.

21.1 c) Add new Methods (for Policy DO10.1.6A), as follows:

Methods

DO10.1.6A.iv Resource consent process to consider reductions in mandated parking requirements.

DO10.1.6A.v Rules providing for the consideration of a maximum 10%-20% reduction in the required minimum level of parking as a restricted discretionary activity, if a Travel Management Plan travel plan forms part of the consent application, and the Council considers the plan is likely to be effective in achieving that reduction in on-site parking.

Plan Change 21.2 – Amendments to Inner City Zone – Objective IC1 (Form & Access) and Policy IC1.6 (Parking)

21.2 a) Amend Objective IC1 (Form and Access) in Chapter 8, Inner City Zone, as follows:

IC1 form and access

A compact and convenient pedestrian oriented environment within the City Centre, which is supported and complemented by a predominantly more vehicle oriented City Fringe ~~of self contained sites~~.

21.2 b) Amend Policy IC1.6 (Parking), as follows:

IC1.6 parking

~~Parking within~~ Within the City Centre:

parking shall will be provided publicly in parking areas defined for that purpose, in locations which enhance vehicle and pedestrian access, and provision of private parking will be voluntary but will be regulated to support Policy IC1.3 (access – city centre), Policy 10.1.1 (environmental effects of vehicles) and Objective IC2 (street and public amenity).

~~while sites~~ Within the City Fringe sites will be required to provide for the parking demand they generate, subject to Policy DO10.1.6A (reduction in on-site parking).

21.2 c) Amend Explanation and Reasons to Policy IC1.6, as follows:

Explanation and Reasons

IC1.6.i Land in the City Centre is a scarce resource. Collective provision of car parking means that 100% of individual sites can be developed, making better use of the land resource. It also makes more efficient use of car parks. Car parking in central squares also increases the accessibility of the City Centre and ties the area together as an entity. Separate car parks tend to cause disaggregation of an area, and detract from the streetscape and amenity objectives being sought. ~~The policy does not rule out the option of individual sites can providing provide parking voluntarily for their own needs, but means that this is not a requirement. Where such parking is provided, a maximum level applies (equivalent to the minimum level required in zones where parking is mandatory).~~

IC1.6.ii

~~The City Fringe will be is more dominated by traffic effects. In order to minimise potential hazards created by traffic movement and traffic generation it is important that each sites should generally provides adequate space on site so that parking and manoeuvring of vehicles can be contained within the boundaries of the site. Where there is insufficient room on site, flexibility can be provided for some or all of these facilities to be provided off site eg. By a legally binding agreement to lease parking elsewhere. The proviso is, however, that this arrangement should not lead to a hazard to traffic or pedestrians.~~

21.2 d) Amend methods for Policy IC1.6, as follows (proposed text to be deleted is shown in strike-out, proposed new text is underlined):

Methods

IC1.6.iii Maintain existing differential rates within the City Centre, with the Council providing collective parking ~~for new developments setting up~~ in the City Centre.

IC1.6.iiiA Rules setting maximum parking ratios within the City Centre.

IC1.6.iiiB Rules controlling private carparking areas.

IC1.6.iv Rules in the City Fringe specifying requirements for parking according to broad types of activity.

IC1.6.v Resource consent process to consider departure from the parking rules.

IC1.6.vi Regular parking surveys in the inner city to monitor the demand for and availability of on-street and public car parks.

Plan Change 21.3 – New rule ICr.31A – private car parking – City Centre Area and new definition, Chapter 2, Meaning of Words

Add new definition to Chapter 2, Meaning of Words.

Private car parking: means any privately provided car park where parking is available whether leased, rented, without a fee, or provided as staff or visitor parking.

21.3 a) Add a new rule ICr.31A to the City Centre Area part of the Inner City Rule Table, as follows:

<u>Item</u>	<u>Permitted</u>	<u>Controlled</u>	<u>Discretionary/Non-complying</u>
<p><u>ICr.31A</u> <u>Private car parking</u> (where the user of the parking is not associated with an activity on the site) (Definition see Chapter 2, Meaning of Words)</p>	<p><u>ICr.31A.1</u> The use of land for Private car parking whether leased, rented or without a fee, where the user of the parking space is not involved in an activity on the site (other than parking their vehicle), is permitted if: d) the parking spaces meet the design and layout standards in Appendix 10 (standards and terms for parking and loading) including for manoeuvring, queuing, set down areas, and surfacing, and e) the number of parking spaces provided for users not involved in an activity on the site does not exceed 10, and f) the site does not have a boundary fronting a scheduled street as shown on Planning Map 1 or fronting onto Wakatu Square, except if there is a building along that frontage that screens the car parks from the street or square.</p>	<p><u>ICr.31A.2</u> The use of land for Private car parking whether leased, rented or without a fee, where the user of the parking space is not involved in an activity on the site (other than parking their vehicle), is controlled if: d) the parking spaces meet the design and layout standards in Appendix 10 (standards and terms for parking and loading) including for manoeuvring, queuing, set down areas, and surfacing, and e) the number of parking spaces provided for users not involved in an activity on the site does not exceed 25 and the parking is accessed from Montgomery, Buxton or Wakatu Square, or f) the number of parking spaces provided for users not involved in an activity on the site is between 11 and 25, and the site does not have a boundary fronting Trafalgar, Hardy or Bridge Streets except if there is a building along that frontage that screens the car parks from the street. c) the site does not have a boundary fronting a scheduled street as shown on Planning Map 1 or fronting onto Wakatu Square, except if there is a building along that frontage that screens the car parks from the street or square, and except that private car parks where the number of parking spaces does not exceed 10 may front onto Montgomery, Buxton or Wakatu parking squares. Control reserved over: i. the design and appearance of the car park, including any fencing and signage, and the type and appearance of the surfacing, and ii. landscaping, including its location, and iii. access to and from the site (including reverse manoeuvring onto roads), and iv. conditions relating to the safety of users and the public, and the prevention of crime.</p>	<p><u>ICr.31A.3</u> Activities that contravene a permitted condition a) or e), or controlled standard a), b) or c), are discretionary if: b) the site does not have a boundary fronting Trafalgar, Hardy or Bridge Streets except if there is a building along that frontage that screens the car parks from the street Activities that contravene discretionary standard a) are non-complying.</p>

21.3 b) Add a new Assessment Criteria ICr.31A.4 and Explanation ICr.31A.5 to the City Centre Area part of the Inner City Rule Table, as follows:

<u>Assessment Criteria</u>	<u>Explanation</u>
<p><u>ICr.31A.4</u></p> <p>a) <u>how visually prominent the site is, and the impact of the parking area on the built environment, having regard to the character and desired character of the area.</u></p> <p>b) <u>opportunities to enhance the appearance of the site through landscaping, surface texture, control of signage, fencing and other infrastructure.</u></p> <p>c) <u>the location and the width of vehicle access to and from the site, having regard to pedestrian safety and the appearance of the site.</u></p> <p>d) <u>the safety of the users of the car park and of members of the public, particularly after dark, and ways to manage this such as lighting, avoidance of entrapment spots, locking the area or other means, while having regard to any potential adverse effects of these methods on the appearance and amenity of the City Centre.</u></p> <p>e) <u>the effects of the parking area on pedestrian safety, having regard to the level of foot traffic in the area.</u></p> <p>f) <u>the effects on pedestrian circulation patterns and/or continuity of weather protection for pedestrians.</u></p> <p>g) <u>the assessment criteria in Appendix 10.</u></p> <p>h) <u>in terms of parking of more than 25 spaces within any building or a dedicated parking building, the appearance of that building and how it contributes to the amenity objectives and policies for the Inner City Zone, and good urban design principles.</u></p> <p>i) <u>the effects of additional car parking on vehicle congestion in the Inner City and on roads to and from the Inner City.</u></p> <p>j) <u>the effects of additional car parking on Council's strategies and objectives to encourage public transport use, cycling and walking.</u></p> <p>k) <u>the cumulative impacts of additional parking on the City Centre.</u></p>	<p><u>ICr.31A.5</u></p> <p><u>Private car parking areas within the City Centre provide an important service for businesses and for people working in the City Centre. However, some parking areas can be unsightly and detract from the objectives to make the City Centre more attractive and vibrant. Some locations are potentially more sensitive than others, and this is recognised in the rules e.g. in the main retail streets (Bridge, Hardy and Trafalgar Streets), and those accessed off the public parking squares (Montgomery, Buxton and Wakatu). There can be adverse effects on visual amenity, pedestrian safety and amenity, and the continuity of the 'street edge' and verandah protection.</u></p> <p><u>Car parking can influence the growth of private vehicle traffic. Limiting car parking can influence people to use other sustainable modes of transport. This in turn will seek to avoid, remedy or mitigate congestion on the transport network and improve the City Centre environment.</u></p> <p><u>Very large private car parks, or many smaller ones, can have significant visual impacts, break up the continuity of streets, and impact on the pedestrian-friendly objectives that are sought for the City Centre.</u></p>

Plan Change 21.4 – Parking maximums – City Centre Area

21.4 a) Amend rule ICr.31.1 (parking and loading, permitted column) in the City Centre Area part of the Inner City Rule Table, as follows:

ICr.31.1

- a) parking spaces are not required in the City Centre, but:
 - i) any provided on a site must meet the design and layout standards in Appendix 10 (standards and terms for parking and loading) including for manoeuvring, queuing, and set down areas, and surfacing, and
 - ii) must not exceed as a maximum the number calculated for the activity or activities on the site in accordance with AP10.3 in Appendix 10, and
- b) except on sites with a boundary on any scheduled frontage shown on Planning Maps 1 and 10, loading must be provided and maintained on each site in accordance with the standards set out in Appendix 10, and
- c) for sites with a boundary on a scheduled frontage, any loading spaces voluntarily provided must meet the design and layout standards in Appendix 10 including manoeuvring and queuing areas, and
- d) no reverse manoeuvring is permitted onto the ring road from any site.

21.4 b) Add the following text to the end of discretionary rule ICr.31.3:

Where the parking proposed is more than 15 spaces, and exceeds the maximum in ICr.31.1a) ii) by more than 20%, the application must be accompanied by a Travel Management Plan that addresses the matters in Assessment Criterion ICr.31.4 h).

21.4 c) Add the following new assessment criteria to ICr.31.4, after existing criterion c):

In terms of exceeding the parking maximum:

- d) the effects of any additional parking on Council's objectives to enhance the appearance and the pleasantness of the City Centre, and to encourage use of public transport, cycling and walking.
- e) the timing of any planned public transport improvements serving the City Centre.
- f) evidence from similar developments in comparable circumstances with a similar quality of access by non-car modes, justifying a higher parking provision than permitted by the maximum rate. This should clearly distinguish between long stay/employee parking (if any) and visitor parking.
- g) the cumulative impacts from a number of activities providing additional parking.
- h) where the parking proposed for an activity is more than 15 spaces, and exceeds the maximum by more than 20%, consideration of the Travel Management Plan accompanying the application, that as a minimum addresses :
 - i) existing local and regional land use and transport strategies and plans applying to the Nelson City Centre.
 - ii) the transport system serving the site including any planned improvements, and the means by which employees and visitors will access the site.
 - iii) proposed means of encouraging more use of public transport, walking and cycling for travel to the site.
 - iv) proposed means of encouraging higher vehicle occupancies for travel to the site particularly for trips to and from work.
 - v) the proposed parking on-site for employees and visitors/customers and how this contributes to supporting iii) and iv) above.
 - vi) the cumulative impacts from additional parking on the City Centre.

21.4 d) Add the following new text after existing paragraph two in ICr.31.5 (Explanation):

It must not exceed the maximum level determined from Appendix 10. This is to discourage congestion within the City Centre and on the roads to it, and to enhance the amenity within the City Centre.

21.4 e) Add the following new text after the last paragraph in ICr.31.5 (Explanation):

Reversing onto the ring road is not allowed for safety and efficiency reasons. These are busy roads with higher traffic volumes and vehicle speeds.

See also Policies IC1.6, DO10.1.6 and DO10.1.6A.

Plan Change 21.5 –Parking i) in area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St, and ii) reduction in mandatory parking by resource consent (restricted discretionary activity)

21.5 a) Amend rule ICr.76.1 (parking and loading, permitted column) in the City Fringe Area part of the Inner City Rule Table, as follows:

ICr.76.1

Parking, loading, manoeuvring, and queuing areas must be provided and maintained on each site in accordance with the standards set out in Appendix 10 (standards and terms for parking and loading),

except:

- a) for sites in the area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St where rules ICr.31 and ICr.31A apply as if the area were City Centre, and
- b) no reverse manoeuvring is permitted onto the ring road from any site.

21.5 b) Delete existing controlled activity rule ICr.76.2 (parking and loading, controlled activity for Short Term Living Accommodation) in its entirety, replacing the text with the following (and make the same change to Residential Zone (REr.38.2), Suburban Commercial Zone (SCr.31.2), Industrial Zone (INr.35.2), Open Space & Recreation Zone (OSr.34.2) and Rural Zone (RUR.35.2)):

not applicable

21.5 c) Amend rule ICr.76.3 (parking and loading, discretionary/non-complying column) in the City Fringe Area part of the Inner City Rule Table, as follows:

ICr.76.3

Activities that contravene a permitted condition or a controlled standard are discretionary, except that an application to reduce the parking requirements in Appendix 10 is a restricted discretionary activity if:

- a) the proposed reduction in parking spaces is not more than ~~10%~~ 20% of the number required in Appendix 10, and
- b) the application is accompanied by a Travel Management Plan that addresses the matters in Assessment Criterion ICr.76.4 c).

Discretion restricted to:

- i) number of parking spaces (and any loading spaces) provided, and
- ii) the surfacing of the area, and
- iii) the location, dimensions and layout of parking, loading, manoeuvring and queuing areas, and
- iv) conditions relating to any parking off-site or any other methods or arrangements that are to be put in place to facilitate the reduction in parking.

Resource consent applications for restricted discretionary activities under this rule will be considered without notification and without service of notice.

21.5 d) Add new assessment criteria to ICr.76.4 in the City Fringe Area part of the Inner City Rule Table, as follows:

- b) for sites in the area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St the assessment criteria for rules ICr.31 and ICr.31A apply.
- c) where a Travel Management Plan is required under ICr.76.3, as a minimum the plan needs to address:
 - i) existing local and regional land use and transport strategies and plans applying to the Inner City Zone.
 - ii) the transport system serving the site including any planned improvements, and the means by which employees and visitors will access the site.
 - iii) proposed means of encouraging more use of public transport, walking and cycling for travel to the site.
 - iv) proposed means of encouraging higher vehicle occupancies for travel to the site particularly for trips to and from work.
 - v) the proposed parking on-site for employees and visitors/customers and how this contributes to supporting iii) and iv) above.
 - vi) the cumulative impacts from reduced parking in and around the Inner City Zone.

21.5 e) Amend the Parking and Loading rule, discretionary/non-complying column, in the following Zones – Residential (REr.38.3), Suburban Commercial Zone (SCr.31.3), Industrial Zone (INr.35.3), Open Space & Recreation Zone (OSr.34.3) and Rural Zone (RUR.35.3), as follows:

[insert rule number for relevant zone].3

Activities that contravene a permitted condition are discretionary,

except that an application to reduce the parking requirements in Appendix 10 is a restricted discretionary activity if:

- a) the proposed reduction in parking spaces is not more than 10% of the number required in Appendix 10, and
- b) the application is accompanied by a Travel Management Plan that addresses the matters in Assessment Criterion [insert rule number for relevant zone].4 b).

Discretion restricted to:

- i) number of parking spaces (and any loading spaces) provided, and
- ii) the surfacing of the area, and
- iii) the location, dimensions and layout of parking, loading, manoeuvring and queuing areas, and
- iv) conditions relating to any parking off-site or any other methods or arrangements that are to be put in place to facilitate the reduction in parking.

Resource consent applications for restricted discretionary activities under this rule will be considered without notification and without service of notice.

21.5 f) Add a new assessment criterion at the end of the list in Residential (REr.38.4), Suburban Commercial Zone (SCr.31.4), Industrial Zone (INr.35.4), Open Space & Recreation Zone (OSr.34.4) and Rural Zone (RUr.35.4), as follows, and renumber accordingly:

where a Travel Management Plan is required under the restricted discretionary activity rule, as a minimum the plan needs to address:

- i) existing local and regional land use and transport strategies and plans applying to the Nelson City.
- ii) the transport system serving the site including any planned improvements, and the means by which employees and visitors will access the site.
- iii) proposed means of encouraging more use of public transport, walking and cycling for travel to the site.
- iv) proposed means of encouraging higher vehicle occupancies for travel to the site particularly for trips to and from work.
- v) the proposed parking on-site for employees and visitors/customers and how this contributes to supporting iii) and iv) above.
- vi) the cumulative impacts from reduced parking.

Plan Change 21.6 – Design and External Appearance of buildings in area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St

21.6 a) Add a new rule ICr.73A to the City Fringe Area part of the Inner City Rule Table, as follows:

Item	Permitted	Controlled	Discretionary/Non-complying
<p>ICr.73A Design and External Appearance</p> <p>Area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St</p>	<p>ICr.73A.1</p> <p>The erection or substantial exterior alteration of a building in the area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St is not a permitted activity.</p>	<p>ICr.73A.2</p> <p>The erection or substantial exterior alteration of a building in the area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St is a controlled activity if:</p> <p>a) the building is, or when altered will be, setback no more than 3m from the road boundary, and</p> <p>b) no car parking or loading is located between the road boundary and building frontage (or a line extended from the building frontage to the side boundaries of the site).</p> <p>Control reserved over:</p> <p>i) the design and external appearance of the building, and</p> <p>ii) the width and location of access to and from the site, and the direction of traffic flow (including the control of reverse manoeuvring onto roads), and</p> <p>iii) landscaping and maintenance of the site.</p>	<p>ICr.73A.3</p> <p>Activities that contravene a controlled standard are discretionary.</p>

21.6 b) Add new Assessment Criteria ICr.73A.4 and Explanation ICr.73A.5 to the City Centre Area part of the Inner City Rule Table, as follows:

Assessment Criteria	Explanation
<p>ICr.73A.4</p> <p>a) the extent to which the building relates positively to the street.</p> <p>b) the maintenance of an existing pattern of setback from the street, or the need to establish a new pattern which is more consistent with good urban design principles.</p> <p>c) the ability through planting or other landscaping to enhance the appearance of the site as seen from the street, having regard to the effectiveness of this in the longer term with respect to enforcement, maintenance, durability, and potential vandalism.</p> <p>d) the safety of vehicles entering or leaving the site, and potential impacts on pedestrian and other road users.</p> <p>e) the width of the vehicle access and potential impacts on the continuity of building facades and on the streetscape.</p> <p>f) whether the configuration of the site, existing buildings, or other significant factors limit the ability to develop the site in a way that makes the greatest contribution to the streetscape.</p> <p>g) the extent to which the building design and site layout promotes public safety by avoiding entrapment spots or areas with the potential to be used for anti-social behaviour (i.e. Crime Prevention Through Environmental Design).</p>	<p>ICr.73A.5</p> <p>The area bounded by Collingwood St, Riverside, Malthouse Lane, Harley St and Hardy St is signalled in the Heart of Nelson Strategy to become part of the City Centre. As an interim measure ahead of a more comprehensive review of the zoning to apply to the area, and the design rules and controls that are to apply to the City Centre, some design control has been reserved over the external appearance of new or significantly altered buildings, and layout of the site.</p> <p>In the past rules required significant levels of parking to be provided in this area (see ICr.76.5). This, coupled with a lack of control over building location and design, was resulting in buildings that often did not contribute positively to the streetscape, and that would affect this area long term. Sometimes buildings were setback a long way from the street with parking dominating the frontage, and in other cases the required parking was accommodated under the building. This can provide a poor, and sometimes unsafe, frontage to the street.</p> <p>Resource consent applications, where considered necessary, will be referred to the Council's Urban Design Panel for consideration and advice.</p>

Plan Change 21.7 – Amendments to Appendix 10 Standards & Terms for parking and loading

21.7 a) Add a new definition of Large Format Retail/Bulk Retail to AP10.2 (definitions) of Appendix 10 (standards for parking and loading) as follows:

Large Format Retail/Bulk Retail:

means a retail store with a minimum gross floor area of ~~1000~~ 500m², excluding any outdoor display area. ~~For calculating parking requirements, Any outdoor display area will be excluded provided the outdoor display area is associated with a retail activity in a building with a minimum gross floor area of 1000~~ 500m² will be included in the parking calculations as per parking table 10.3.1.

This definition excludes Large Format Retailing in Schedule N (Quarantine Road Large Format Retail), which is defined separately in Schedule N (N.3) and has specific parking provisions under Table 10.3.1.

21.7 b) Delete proposed addition of PC21.7 b)

~~**21.7 b)** Add a new definition of Shopping Centre/Shopping Mall to AP10.2 (definitions) of Appendix 10 (standards for parking and loading) as follows:~~

~~**Shopping Centre/Shopping Mall:**~~

~~means a collection of five or more retailing, commercial or retail service activities on a site, positioned around or in association with a common carparking area.~~

21.7 c) Add a new definition of Supermarket to AP10.2 (definitions) of Appendix 10 (standards for parking and loading) as follows:

Supermarket

means an individual retail shop with a gross floor area of not less than 500m² (or an equivalent area, including related back of house unloading, storage, preparation, staff and equipment space, within a larger store) and selling a comprehensive range of (including but not limited to):

- a) fresh meat and produce, and
- b) chilled, frozen, packaged, canned and bottled foods and beverages, and
- c) general household ~~housekeeping~~ and personal goods, including (but not limited to) cooking, cleaning and washing products, kitchenware, toilet paper, diapers, and other paper tissue products, magazines and newspapers, greeting cards and stationery, cigarettes and related products, barbeque and heating fuels, batteries, flashlights and light bulbs, films, pharmaceutical, health and personal hygiene products and other toiletries.

Note: Schedule N, Industrial Zone includes a differing definition of Supermarkets which is only relevant to the Schedule N area.

21.7 d) Add a new definition of Unit to AP10.2 (definitions) of Appendix 10 (standards for parking and loading) as follows:

Unit

In the case of Short Term Living Accommodation means:

a) a room for sleeping guests let for a single tariff (for example, in a studio motel, hotel room, studio apartment, cabin), or a dormitory style room let to multiple parties generally for individual tariffs (for example, some backpacker or hostel accommodation), or

b) a collection of rooms for sleeping guests which form an entity and which are usually let together for a single tariff (for example, a multi bedroom motel, hotel suite, or apartment).

Add new statement to AP10.3.iii below existing second box:

When the parking requirement is stated as the number of parks required per 100m² or similar, the number of parks required is to be calculated on a proportional basis.

For example: At a required parking rate of 4 parks per 100m² gross floor area a 455m² development will require $(455/100) \times 4$ parks, this equals 18.2 parks. Using the rounding provisions explained above the development is required to provide 18 car parks.

21.7 e) Amend the title of Table 10.3.1 as follows:

Car parking and queuing space requirements (and car parking reductions where bicycle parking is provided)

21.7 f) In Table 10.3.1, add a new row for Large Format Retail/Bulk Retail, as follows:

Activity	Car Parking or Queuing Spaces Required
Large Format Retail / Bulk Retail (other than within Schedule N – Quarantine Road)	<u>3.5 spaces per 100m² gross floor area</u> <u>+ 1 space per 100m² for outdoor display areas</u> (For Schedule N, - see 'Activities defined in N.3 for Schedule N' above)

21.7 g) In Table 10.3.1, amend the Recreation Area row as follows:

Activity	Car Parking or Queuing Spaces Required
Recreation Areas a) Passive Recreation Areas b) Cemeteries (also see Crematoriums under "Places of Worship") c) Sports Courts d) Sports Fields (including Golf Courses) e) Swimming Pools f) Golf Courses	a) nil b) 10 parking spaces + 2 carparks for staff parking c) 1 space/ 50m ² of court area + 1 space/ 200m ² court area for staff parking. d) 15 spaces/ha of pitch area + 1 space for staff parking. e) 1 space/10m ² pool area + 1 space/ 200m ² pool area for staff parking f) <u>4 spaces per 100m² of gross floor area clubrooms</u>

21.7 h) In Table 10.3.1, amend the Restaurant and Taverns row as follows (proposed new text is underlined), and insert new text (underlined) for 'Car Parking or Queuing Spaces Required':

Activity	Car Parking or Queuing Spaces Required
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Activity	Car Parking or Queuing Spaces Required
Restaurants, Cafes and Taverns	4 spaces per 100m ² of gross floor area including all outdoor areas, garden bars (covered or uncovered), kitchen and toilet areas, but excluding storage rooms 1 space/10m ² of gross floor area (where short-term living accommodation, or another activity is also provided, the parking requirements for these activities will also apply).

21.7 i) In Table 10.3.1, amend the Retail Activities and Retail Services row as follows:

Activity	Car Parking or Queuing Spaces Required
Retail Activities, and Retail Services (other than shopping centres / shopping malls, supermarkets and large format retail / bulk retail) (for illustrative purposes, retail services includes personal or household services such as hairdressers, dry cleaners, servicing or repair of appliances or equipment and businesses and professional services such as lawyers and accountants. Retail activity includes things such as vehicle sales).	4 spaces per 100m ² gross floor area <u>+ 1 space per 100m² for outdoor display areas</u> Premises or sites <1000m ² gross floor area: 1 space/30m ² of gross floor area + 1 space/40m ² gross floor area for outdoor display area, except for vehicle sales yards where 1 space/80m ² gross floor area is required + 1 staff space/100m ² gross floor area. Premises or sites >1000m ² gross floor area: 1 space/25m ² of gross floor area + 1 space/40m ² gross floor area for outdoor display area, except for vehicle sales yards where 1 space/80m ² gross floor area is required + 1 staff space/100m ² gross floor area.

21.7 j) Delete proposed addition of PC21.7 j)

~~21.7 j) In Table 10.3.1, add a new row for Shopping Centres/Shopping Malls, as follows (added text is not underlined):~~

Activity	Car Parking or Queuing Spaces Required
Shopping Centres / Shopping Malls	0-10,000m² ————— 5.0 spaces per 100m² gross floor area 10,000-30,000m² ————— 4.75 spaces per 100m² gross floor area ≥30,000m² ————— 4.5 spaces per 100m² gross floor area

21.7 k) In Table 10.3.1, amend the Short Term Living Accommodation row as follows:

Activity	Car Parking or Queuing Spaces Required
Short Term Living Accommodation (see Meaning of Words)	Parking (including coach parking) for Short Term Living Accommodation is a Controlled Activity 1 space per unit, except where the unit can accommodate more than 6

Activity	Car Parking or Queuing Spaces Required
<u>(see definition of 'unit' in this appendix)</u>	<u>guests, 2 spaces must be provided.</u> <u>1 space for a one bedroom manager's residence or 2 spaces where there are two or more bedrooms</u> <u>A loading zone for coaches if there are more than 30 units.</u> <u>(A double, queen or king bed counts as 2 guests)</u>

21.7 l) In Table 10.3.1, add a new row for Supermarket, as follows:

Activity	Car Parking or Queuing Spaces Required
Supermarket	5 spaces per 100m ² gross floor area

21.7 m) In Table 10.3.1, add a new row for Reduction in carparking where bicycle parking is provided, as follows:

Activity	Car Parking or Queuing Spaces Required
Reduction in carparking where bicycle parking is provided	The required carparking for an activity can be reduced where on-site bicycle stands are provided, the reduction being: <ul style="list-style-type: none"> a) 1 car parking space for every 5 bicycle spaces provided. i) For employee parking, where the bicycle stand(s) is secure and well-lit, and shower facilities for staff are provided, the above dispensation rate can be doubled (i.e. 2 spaces per 5 bicycle spaces provided). ii) The maximum reduction in car parking spaces under these provisions is 10% of the number of car parking spaces otherwise required (the rounding provisions in AP10.3 apply), or 10 spaces, whichever is the lesser.

21.7 n) Add the following at the end of AP10.4:

AP10.4.ii These requirements apply when parking spaces are provided voluntarily for an activity in accordance with ICr.31 or SCr.31.

21.7 o) At the end of AP10.15.2a) (assessment criteria – parking, queuing and loading provision) add the following:

- xvi) Whether any reduction in the amount or parking would help support or achieve urban design, streetscape or heritage objectives, or objectives in relation to walking, cycling or public transport.
- xvii) Whether parking demand is so infrequent that it is impractical and an inefficient use of land to provide for all the demand on-site.

21.7 p) Delete in its entirety AP10.15.2c) (assessment criteria relating to Short Term Living Accommodation)

21.7 q) Add the following at the end of AP10.16.1.iii (reasons for rules – parking and loading requirements):

Also, some parking demand may be so occasional that it is not efficient or practical to meet all of the parking demand on-site. This can be particularly relevant to public entertainment activities, for example at Trafalgar Park or theatres. There may also be heritage, streetscape, amenity or other factors that come into play.

Plan Change 21.8 – Amendments to Appendix 20 Signs and Outdoor Advertising

21.8 In Appendix 20 (signs and outdoor advertising,) under AP20.1 (definitions), add the following to the list of exclusions from the definition of a sign:

g) any directional sign or information sign or panel erected on roads or public land by or on behalf of the Nelson City Council.