

Nelson Resource Management Plan
Proposed Private Plan Change 06/01
Catal Developments Ltd

Summary of Submissions

February 2007

Catal Developments Ltd - NRMP Plan Change 06-01

Proposed 'Large Format Store Overlay'

Proposal to amend the existing Industrial Zone retailing rule INr.21 to provide for large format retail and trade outlets of no less than 500m2 and associated activities to a maximum of 30,000m2. A number of related amendments are proposed.

Topic Number 1

Sub ID: 4640 **Submitter:** Foodstuffs (South Island) Properties Ltd **Contact:** Parish, Rebecca **Statement#** 1

Support

Details: Foodstuffs generally endorse the proposed change, but believe it requires further amendment to ensure its success.

Reasons: Foodstuffs seeks that supermarkets are not allowed as of right, within the Large Format Store Overlay Zone. To ensure that supermarkets are excluded from the Large Format Overlay Zone through the status of non-complying activity within the District Plan, which will then ensure that there will not be potentially negative implications and subsequent consequential adverse impacts on the existing Stoke, Richmond and Nelson Shopping Centres

Remedy: Foodstuffs (SI) Ltd seeks the following amendments to the proposal:
Foodstuffs seek that a new non-complying activity standard should be added to ensure supermarket developments are specifically excluded. Accordingly, Objectives, Policies and Rules within the Plan should be amended to reflect this.

Sub ID: 4672 **Submitter:** Nelson Bays Brewery Partnership **Contact:** Healey, Tony **Statement#** 2

Support

Details: Nelson Bays Brewery Partnership supports the proposed private plan change in its entirety. It represents a positive initiative to provide for large format retailing.

Reasons:

1. No reverse sensitivity effects will occur.
2. The site has excellent primary and secondary access.
3. Effective clustering of large format activity.
4. Proactive method of providing for that activity in a logical location.

Remedy: That the proposed private plan change be approved.

Sub ID: 4673 **Submitter:** Ras Holdings Partnership **Contact:** Healey, Tony **Statement#** 3

Support

Details: Ras Holdings Partnership support the proposed private plan change in its entirety.

Reasons: The proposal provides for large format retailing in a logical location. There have been no problems with the Mitre 10 Mega store which has led to positive results for our business. There is good traffic access. It will maintain the sustainability of the area being a continuance of sensible and sustainable development.

Remedy: That the proposed private plan change be approved.

Sub ID: 4674 **Submitter:** H & G Investment Properties **Contact:** Healey, Tony **Statement#** 4

Support

Details: H & G Investment properties support the proposed private plan change in its entirety.

Reasons:

1. This is a positive and pro-active approach to provide for large format retailing.
2. It provides a large format cluster in a logical location.
3. It will maintain the sustainability of the industrial zone.
4. The site has excellent primary and secondary access.
5. There will be no reverse sensitivity effects.

Remedy: That the proposed private plan change be adopted in its entirety.

Sub ID: 4677 **Submitter:** Stoke Market Limited **Contact:** McFadden, Nigel **Statement#** 5

Oppose

Details:

Should the proposal be granted, there is a risk of dis-establishment of commercial activity from within the Nelson City commercial zones. The effects of such dis-establishment are major and adverse on the vitality of the City Centre and its commercial zones.

Reasons:

- 1) There may be a lack of space for store 1000m2 plus in size, but that is not the case of stores of a lesser size than that. There are sites within the inner city either capable of development, obtainable, or subject to zone change capable of being used to meet that smaller "large format store" facility.
- 2) The Plan change seems to allow for premises to be "parts of buildings". A "trade supply outfit" and "other large format store" should be stand alone particularly because of the proposed NRMP definitions.
- 3) The definitions "trade supply outlet", "automotive and marine supplier", "building supplier", "farming and agricultural supplier", "garden and patio supplier" and "office products supplier" are all inclusive definitions and are therefore without restraint. There is no certainty as to what is to establish and where.
- 4) The definition "individual retail outlets" allows for (in effect) any retail activity whatsoever so long as it is under a "distinct, single store brand or trading logo" - without restraint. This could lead to the establishment of an uncontrolled retail mode which would in turn adversely impact on the Centre as a whole. That is inappropriate as no consideration can be had to the effects of any particular industry/business.
- 5) The proposed amendments refer to "appropriate locations" and "within sustainable parameters" but there is no attempt to describe what those terms mean thereby leaving the opportunity for development within the zone open ended and without effect of constraint.
- 6) As a result of the largely unconstrained potential for development and multiple occupancy under the change as proposed, no reliance can be placed on the traffic and parking information supplied with the application.
- 7) Greater definition is required so that the potential activities are clearly identified, and certainly provided and thus the NRMP be a coherent document.

Remedy:

That the plan change is either amended in the following ways, or rejected.

Proposed amendments:

- 1) To require the minimum size of a "large format store" "individual retail outlet" to be no less than 1000m2 in gross floor area.
- 2) To require individual retail outlets to be in stand alone buildings and not in parts of individual buildings.
- 3) Subleasing or licences or concessionaires or similar structures shall be precluded so as to enable enforcement of the rules, and clear and certain plan provisions.

Sub ID: 4681 **Submitter:** Wakatu Incorporation **Contact:** Grimmett, Jenny **Statement#** 6

Oppose

Details:

We consider that the plan change request is seeking a new Mixed Use Commercial zoning by stealth, and has provided misleading and/or confusing information to "sell the idea" under the guise of an Industrial Zone Overlay. The plan change should not be further considered or approved without matters (as detailed in our full submission) being considered. If necessary a new request should be formulated with a more appropriate approach to address the large format retail outlet requirements for the entire region.

Reasons:

Please refer to the full submission for Key issues and concerns and detailed explanation of each:

- 1 Consent overlaps
- 2 Lack of detail in structure plan
- 3 Incorrect interpretation of S32 RMA process requirements
- 4 Unjustified rejection of resource consent process over plan change option.
- 5 Information gaps.
- 6 Unnecessary and inappropriate alterations to existing provisions.
- 7 Conflicting/confusing provisions in new rule INr.21.1
- 8 Inconsistent attention to Centre-based retail planning
- 9 Spot zoning rejected for wrong reasons
- 10 Contradictions result in biased and misleading plan request.

Remedy:

The decision sought is to delete the plan change entirely.

Sub ID: 4682 **Submitter:** Ngati Rarua Atiawa Iwi Trust **Contact:** Grimmett, Jenny **Statement#** 7

Oppose

Details:

We consider the plan change is seeking a new Mixed Use Commercial zoning by stealth, and has provided misleading and/or confusing information to "sell the idea" under the guise of an Industrial Zone Overlay.
The plan change should not be further considered or approved without the matters referred to in our full submission being considered. If necessary, a new request should be formulated with a more appropriate approach to address the large format retail outlet requirements for the entire region.

Reasons:

Please refer to full submission for full descriptions of the following key issues and detailed explanations of them:

- 1 Consent overlaps not addressed
- 2 Lack of detail in Structure Plan
- 3 Incorrect interpretation of S32 RMA process requirements
- 4 Unjustified rejection of resource consent process over plan change option
- 5 Information gaps
- 6 Unnecessary and inappropriate alterations to existing provisions
- 7 Conflicting/confusing provisions in new rule Nr.21.1
- 8 Inconsistent attention to Centre-based retail planning
- 9 Spot zoning rejected for the wrong reasons
- 10 Contradictions result in biased and misleading plan change request.

Remedy:

That the plan change is deleted entirely.

Sub ID: 4683	Submitter: Ngati Rarua Iwi Trust	Contact: Thomas, Graham	Statement# 8
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Oppose**Details:**

The entire proposed private plan change is opposed.

Reasons:

Ngati Rarua Iwi Trust are landowners in Nelson and shareholders in Wakatu Incorporation. Ngati Rarua has concerns about the impact on the NRMP that this proposed change will have if it is approved.
We believe that the proposed change will only serve to create more confusion and uncertainty within the NRMP. If this happens, Ngati Rarua as landowners will not be able to rely upon the NRMP for certainty when considering future management and development options for our lands and assets.
That will most likely result in unnecessary costs and loss of time whilst the provisions of the NRMP are clarified with regards to how they relate to our lands.
Ngati Rarua considers that this is contrary to the RMA Part II and is an ineffective use of resources.
It is also considered to be contrary to the Treaty of Waitangi in that it is not providing for security of use of our lands and assets.

Remedy:

Delete the proposal entirely.

Sub ID: 4684	Submitter: Te Atiawa Manawhenua ki Te Tau Ihu Trust	Contact: Thomas, Graham	Statement# 9
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Oppose**Details:**

Te Atiawa Manawhenua Ki Te Tau Ihu Trust opposes the plan change in its entirety.

Reasons:

- 1) Te Atiawa Manawhenua Ki Te Ihu Trust are landowners and shareholders in Wakatu incorporation with lands and assets in Nelson. We are concerned that this proposed plan change will adversely impact upon the integrity of the NRMP if it is approved by Council.
- 2) We rely upon the NRMP when making decisions on the development and management of our lands and assets in Nelson. The existing NRMP already contains mistakes, anomalies and inconsistencies which make consistent interpretation difficult. This proposed change will only serve to create more confusion and uncertainty in what is already a difficult task in trying to rely upon consistent interpretations of the NRMP.
- 3) This will lead to increased costs and loss of time whilst various consultations take place on an ongoing basis to try and establish how the proposed change affects the management of our lands.
- 4) This is considered to be in conflict with the provisions of the RMA and contrary to the intent of the Treaty of Waitangi.

Remedy:

That the proposed private plan change is deleted entirely.

Sub ID: 4685	Submitter: Ngati Tama Manawhenua ki Te Tau Ihu Trust	Contact: Thomas, Graham	Statement# 10
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Oppose**Details:**

Ngati Tama Manawhenua ki Te Ihu Trust opposed the proposed private plan change in its entirety.

Reasons: Ngati Tama Manawhenua ki Te Ihu Trust are landowners and shareholders in Wakatu Incorporation with development interests on their lands within the Nelson City area. This proposed plan change will cause confusion and uncertainty in the rules as they currently exist in the NRMP. If this proposal is approved then we will not be able to rely upon the NRMP with certainty when assessing the options for use of our lands. This uncertainty will result in increased and unnecessary costs in trying to assess and clarify the requirements of the NRMP. This is contrary to the Treaty of Waitangi provision which provide for security for Maori for use of our lands. It is also contrary to the provisions of the RMA.

Remedy: That the proposed change is deleted in its entirety.

Sub ID: 4686 **Submitter:** Ngati Koata Trust **Contact:** Thomas, Graham **Statement#** 11

Oppose

Details: Ngati Koata Trust opposes the proposed private plan change in its entirety.

Reasons: As landowners and shareholders in Wakatu Incorporation, Ngati Koata Trust has concerns about the effects of this application on the integrity of the NRMP. We rely upon the provisions of the NRMP to make decisions on the effective management and development of our lands in Nelson City. This proposal will create uncertainty and undermine the integrity of the NRMP. This will result in Ngati Koata incurring extra costs for investigations etc that are not necessary. This flows onto delays whilst that uncertainty is addressed. This is seen as being in conflict with the RMA and contrary to the provisions of the Treaty of Waitangi with regards efficient use of resources with specific reference to Maori lands and assets.

Remedy: Delete the proposed plan change in its entirety.

Sub ID: 4687 **Submitter:** Nelson Tasman Chamber of Commerce **Contact:** McGuire, Sharon **Statement#** 12

Support

Details: NTCC supports continuance of a planned development for trade related and large retail format activity on this site whilst retaining green space and sympathetic landscaping.

Reasons:

- 1) The site is well located and has good access.
- 2) The site is a prominent gateway for Nelson. Any development in this total area should set aside a reasonable area of land for specific landscaping which will enhance the gateway and screen some of the development.
- 3) As a highly visible site, opportunity should be taken to create landscaping and a park like setting pleasing to the eye and the incoming traveller.
- 4) The synergies of open green spaces and a people orientated land use such as retail will enhance the existing WOW complex.
- 5) The site promotes efficiencies such as shared car parking facilities.
- 6) It supports the provision for commercial growth in a managed approach.
- 7) The activities proposed are compatible with the nature of adjoining land use thereby negating cross boundary issues.

Remedy: To ensure the specific comments (above) are taken into consideration and incorporated into the proposal.

Sub ID: 4688 **Submitter:** Mitre 10 (New Zealand) Ltd **Contact:** Bullock, Tony **Statement#** 13

Support

Details: Mitre 10 (New Zealand) Ltd supports the reasons for the proposed private plan change.

Reasons: We consider the use of an Overlay tool to achieve the outcomes proposed to be appropriate. The amendments to integrate the request into the existing policy framework are considered appropriate on the basis that the management of retailing activity is clearly expressed in the NRMP. These changes also update the Plan to ensure the Policy is relevant to the current and future planning horizon. The methods used to provide for Large Format Retailing on this site are effective and efficient. It would be appropriate however for a definition of "supermarket" to be added to the Plan so that INr.29(e)(ii) can be administered with a high degree of certainty. A proposed definition is suggested in our full submission. There is significant benefit in the availability to share a common parking area. The shape of the site and layout of the existing buildings has successfully protected the opportunity for efficient use of on site parking facilities. This also translates to an efficient use of scarce land and better enables a high quality landscape to be created. The control over visual outcomes as proposed seeks a reasonable balance between commercial retailing and the enhancement of visual outcomes in this strategic local setting.

Remedy: Grant the request as submitted with a definition of "supermarket" as recommended, being added to the NRMP.

Sub ID: 4689 **Submitter:** Transit New Zealand **Contact:** Weir, Mike **Statement#** 14

Oppose

Details: Transit New Zealand opposes the private plan change.

Reasons: 1) Transit has a statutory responsibility to ensure that the integrated, safe, responsive and sustainable operation of the Nelson's State Highway system is maintained in terms of the Land Transport Management Act 2003. Transit must evaluate any activities near to State Highways to ensure their strategic function is not compromised by land use developments seeking direct or indirect access onto the highway network.
The activities within the proposed private plan change have the potential to generate high traffic volumes that are likely to have an adverse impact on the safe and sustainable operation of State Highway 6.
While Quarantine Road is not a State Highway, Transit notes that it is an arterial road of strategic importance to Nelson City and the wider Nelson region.
Prior to the lodging of the plan change request, Transit met with the applicant and an agreement was made to work together to assess the traffic effects of the proposal on SH6.
A survey was jointly undertaken of the SH6/Quarantine Road intersection. Data was collected and calibrated to assess the operation of the intersection for the development scenarios for the site in the year 2021.
The results indicate that the intersection will be significantly over capacity under the proposed plan change scenario. An upgrade to the roundabout would be required earlier than would otherwise be expected.
The applicant's traffic engineering report claims that the SH6/Quarantine Road intersection will continue to operate at an acceptable level of service under the proposed change. This conclusion vastly differs from the results of the joint assessment which demonstrated the intersection will be significantly over capacity.
The proposal will result in excessive queues and uncertainty over travel time for motorists travelling through the area on SH6 or wishing to access the industrial area of Nelson Airport.

Remedy: Transit New Zealand requests that the applicant meet the costs of bringing forward the intersection upgrade.

Sub ID: 4692 **Submitter:** Burdon, Robert Howard **Statement#** 15

Oppose

Details: The present zoning allows for discretionary activities and they are determined on a case by case basis. Full attention can then be focused on the multitude of issues that need to be addressed.

Reasons: The current zoning was arrived at by professional planners and the public and took years to formulate, debate and fine tune. The plan change proponents would have had opportunity to comment on the plan previously.
My understanding of the proposal is that the developers wish to change the current zoning to give themselves the ability to develop the area how they want to maximise the profits of their land holdings.
Developers should not be allowed to consult and mitigate their way to fundamentally altering a district plan.
Mitre 10 was successful in gaining consent under the current zoning and developers should have to continue to apply for discretionary use and justify every application.
I do not want private developers re-writing the district plan or any part of it.

Remedy: That the proposed change be deleted in its entirety.

Sub ID: 4693 **Submitter:** Nelson Residents Association **Contact:** Thompson, Lewis Gaire Herdman **Statement#** 16

Oppose

Details: This proposal is not in the long term interest of the Nelson City Centre or its ratepayers.

Reasons: 1) It splits up retail areas - better to have a major central shopping area serviced by public transport.
2) It causes greater use of private cars to do shopping which contributes to global warming.
3) An active, vibrant shopping area is better for locals and tourists.
4) It could threaten the Central City rating base.

Remedy: Delete the proposal entirely.

Sub ID: 4694 **Submitter:** Thompson, Lewis Gaire Herdman **Statement#** 17

Oppose

Details:

The proposal would be detrimental to both central Richmond and Nelson creating a third retail shopping area - we need to retain an active, vibrant retail area.
It would consume a large area of industrial land that could enable some large industry to set up which would benefit the whole region.
Nelson and Richmond retail areas have room to accommodate more retail activity particularly by better using ground area by going to 2 or more levels.

Reasons:

- 1) This enables a full retail development of any shop over 200m2 in floor area.
- 2) A new (proposed) development in Wakatu Square Nelson is still seeking tenants and has been scaled back from 5 floors to one.
- 3) The ex H & J Smiths building is still vacant in Nelson.
- 4) The ex Wilkins and Field site will provide for several shops or could have been taken up by Harvey Norman.
- 5) Munns Menswear is just closing down.
- 6) The Buxton car park could have a large retailer in the middle with car parking above or below.
- 7) Any individual proposal could be considered separately.

Remedy:

Delete the proposed change entirely.

Sub ID:	4695	Submitter: World of Wearable Art & Classic Cars Museum	Contact: Grimes, Richard	Statement# 18
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Support**Details:**

Large format retail is suitable to this site and location and is compatible with existing neighbouring industry and business.

Reasons:

1. Excellent location and access.
2. Excellent parking possibilities.
3. No adverse effects on neighbouring businesses.

Remedy:

That the proposed private plan change be approved.

Sub ID:	4704	Submitter: Moulder, William George	Statement# 19.1
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Oppose**Details:**

The plan change will weaken the Nelson Inner City Centre.

Reasons:

This plan change potentially could create a new shopping centre and thus compromise the integrity and viability of Nelsons Inner City Centre. The existing compact Nelson retail precinct which is also relatively convenient will be compromised once again. The closing of the Mitre 10 and opening of the Mega store has made comparative shopping a time consuming business.

Remedy:

Delete the proposed change entirely.

Sub ID:	4705	Submitter: Moulder, William George	Statement# 19.2
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Oppose**Details:**

Kyoto Protocol and carbon emissions - This plan change will exacerbate the polluting emissions from motorcars.

Reasons:

Increasing traffic will prevent Nelson achieving air quality standards. For comparative shopping residents from both Richmond and Nelson will have to travel greater distances particularly if retail stores relocate from the two major shopping precincts.

Remedy:

Delete the proposed change entirely.

Sub ID:	4706	Submitter: Moulder, William George	Statement# 19.3
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Oppose**Details:**

Supply of industrial land in the Nelson Tasman District is very limited.

Reasons:

Good flat industrial land is a valuable resource for the whole district not to be wasted on retailers.
Both Councils have had great difficulty in rezoning land for industry and the supply in the last two to three years is being rapidly filled.

Remedy:

Delete the proposed change entirely.

Sub ID: 4707 **Submitter:** Moulder, William George **Statement#** 19.4

Oppose

Details: 500m2 is a small-medium sized retailer.

Reasons: There are many retailers in the CBD of Nelson City and Richmond Mall that accommodate 500m2. These retailers could easily be tempted to move to an area which has a lower rent and rates structure.

Remedy: Delete the proposed change entirely.

Sub ID: 4708 **Submitter:** Black, John S **Statement#** 21

Oppose

Details: I am opposed to the proposed change in its entirety.

Reasons: The proposed change will weaken the City Centre, cause increased carbon emissions and make it difficult for shoppers without cars. It will also increase traffic on both accesses to the City and drastically reduce the supply of industrial land.

Remedy: Delete the proposed change entirely.

Sub ID: 4709 **Submitter:** Moulder, Ann Heather **Statement#** 20

Oppose

Details: I am opposed to the plan change in its entirety.

Reasons: The proposed change would create a completely new shopping area totally reliant on the motorcar. It would make comparison shopping expensive, time consuming and inconvenient. It certainly would increase pollution. Nelson CBD is struggling to maintain its vibrancy and a plan change of this magnitude would have a devastating effect. I want to keep Nelson City as a compact, convenient shopping precinct.

Remedy: Delete the proposed change entirely.

Sub ID: 4710 **Submitter:** Thompson, Barry L C **Statement#** 22

Oppose

Details: The land is zoned Industrial and should remain that way. Access to property is already overloaded and this will abnormally strain roading. Small retail premises within a large scheme is a form of mall type retailing - not permitted in Nelson's District Plan. The proponents have not adequately canvassed correctly zoned areas in Nelson City to see if there is a need for this area's zoning to be changed.

Reasons:

Remedy: Delete the proposed change entirely and keep the NRMP as it is.

Sub ID: 4711 **Submitter:** Future Nelson Incorporated **Contact:** Thompson, Barry L C **Statement#** 23

Oppose

Details: The proposed plan change to a "Large Format Store Overlay" is contrary to numerous parts of the NRMP - particularly in respect of:
1. The land is zoned Industrial - Nelson has a shortage of Industrial land.
2. The proposal asks for small shop approval tied into a large retail box - this is not acceptable.
3. The roading access, parking and several of the requirements do not fit with the present NRMP.

Reasons:

Remedy: Delete the proposed change entirely and retain the RNMP as it is.

List of Submitters and Further Submitters

AMP Capital Investors (New Zealand) Limited. C/o Haines Planning, PO Box 68856, Newton 1145, Auckland.

Black, John. 1A Richardson Street, Nelson.

Burdon, Robert. 263 Hardy Street, Nelson.

Foodstuffs (South Island) Limited. Private Bag 4705, Christchurch. ATTN: R Parish.

Future Nelson Incorporated, PO Box 102, Nelson. ATTN: Barry Thompson.

H & G Investment Properties, PO Box 98, Nelson. ATTN: Tony Healey.

Mitre 10 (New Zealand) Ltd. Private Bag 102925, North Shore Mail Centre, Auckland. ATTN: Tony Bullock.

Moulder, Ann. 12 Tory Street, Nelson.

Moulder, William. 12 Tory Street, Nelson.

Munro, Mark. Moorhouse Avenue Holdings Ltd, PO Box 22-101, High Street, Christchurch.

Nelson Bays Brewery Partnership. PO Box 98, Nelson. ATTN: Tony Healey.

Nelson Residents Association. PO Box 667, Nelson. ATTN: Lewis Thompson.

Nelson Tasman Chamber of Commerce. PO Box 1121, Nelson. ATTN: Sharon McGuire.

Ngati Koata Trust. C/o- Graham Thomas Resource Management Consultants Ltd, PO Box 3314, Richmond 7050. ATTN: Graham Thomas.

Ngati Rarua Iwi Trust. C/o- Graham Thomas Resource Management Consultants Ltd, PO Box 3314, Richmond 7050. ATTN: Graham Thomas.

Ngati Tama Manawhenua ki Te Tau Ihu Trust. C/o- Graham Thomas
Resource Management Consultants Ltd, PO Box 3314, Richmond 7050.
ATTN: Graham Thomas.

NRAIT. C/o- Truebridge Callender Beach, 4 Frankmoore Avenue,
Johnsonville, Wellington. ATTN: Jenny Grimmett.

Progressive Enterprises Limited. C/o Russell McVeagh, Level 30, Vero
Centre, 48 Shortland St, Auckland.

Ras Holdings Partnership. PO Box 98, Nelson. ATTN: Tony Healey.

Stoke Market Ltd. C/o- McFadden Meeken Phillips, PO Box 656, Nelson.
ATTN: Nigel McFadden.

Te Atiawa Manawhenua ki Te Tau Ihu Trust. C/o- Graham Thomas
Resource Management Consultants Ltd, PO Box 3314, Richmond 7050.
ATTN: Graham Thomas.

Thompson, Barry. PO Box 102, Nelson.

Thompson, Lewis. PO Box 667, Nelson.

Transit New Zealand. PO Box 27-477, Wellington. ATTN: Mike Weir.

Wakatu Incorporation. C/o- Truebridge Callender Beach, 4 Frankmoore
Avenue, Johnsonville, Wellington. ATTN: Jenny Grimmett.

World of Wearable Art and Classic Cars Museum. PO Box 466, Nelson.
ATTN: Richard Grimes.

Plan Change Requester

Landmark Lile Ltd. P.O. Box 343, Nelson 7040. ATTN: Mark Lile.