

# MINUTES

**TITLE:** Environment & Planning Subcommittee  
**DATE:** Friday, 28 May 2010  
**TIME:** 9.00 am  
**VENUE:** Council Chamber, 189 Queen Street, Richmond.

**PRESENT:** Crs T B King, M J Higgins

**IN ATTENDANCE:** Consent Planner (J Harley), Principal Resource Consents Advisor (J Butler), Executive Assistant (V M Gribble)

## 1. U H and H KOKCU, QUEEN STREET, RICHMOND - APPLICATION RM090370

The application seeks to dispense with the car parking requirements for seven off-site car parks and the requirement for payment of cash-in-lieu for six car parks.

The application site is 265 Queen Street, Richmond being legally described as Lot 2 DP 4869 on CT NL120/232.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision.

### RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs King / Higgins  
EP10-05-30

**THAT the public be excluded from the following parts of the proceedings of this meeting, namely:**

U H and H Kokcu

**The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing this resolution are as follows:**

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
U H and H Kokcu	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**CARRIED**

**Moved Crs King / Higgins**  
**EP10-05-32**

**THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.**

**CARRIED**

**2. U H and H KOKCU, QUEEN STREET, RICHMOND - APPLICATION RM090370**

**Moved Crs Higgins / King**  
**EP10-05-31**

**THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to U H and H Kokcu as detailed in the following report and decision.**

**CARRIED**

**Report and Decision of the Tasman District Council through its Hearings Committee**

**Meeting held in the Tasman Room, Richmond on 28 May 2010**

**Hearing closed on 28 May 2010**

A Hearings Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear the application lodged by **UH and H Kokcu** (“the Applicant”), to establish a commercial activity with a shortfall of parking. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Council and referenced as RM090370.

**HEARING COMMITTEE:** Councillor Michael Higgins, Chairperson  
Councillor Tim King

**APPLICANT:** Marc Barron (Consultant Architect)  
Hanife Kokcu (Applicant)  
Ugur Kokcu (Applicant)  
Firooz Zadeh

**CONSENT AUTHORITY:** **Tasman District Council**  
Jane Harley (Planner, Land Use)  
Gary Clark (Transportation Manager)

**IN ATTENDANCE:** Mr Jeremy Butler (Principal Resource Consents Adviser) –  
Assisting the Committee  
Mrs Valerie Gribble (Committee Secretary)

**1. SUMMARY**

The Committee has **GRANTED** a resource consent, subject to conditions, to establish a commercial activity with a partial dispensation for car-parking and/or cash-in-lieu.

## 2. DESCRIPTION OF THE PROPOSED ACTIVITY

The applicant owns a 331 square metre site located at 265 Queen Street, Richmond. It is currently a vacant lot; the original two storey brick building was removed from the site in 2007.

The proposed redevelopment of the site involves constructing a new building that will contain ground floor space of 230 square metres that is split into two tenancies, one tenancy being the applicant's business (Zara's Turkish Kebab café) and the other will be a retail tenancy.

The first floor development is a 122 square metre commercial space that could also be split into two separate tenancies. The building will occupy approximately 70 percent of the 331 square metre site, which leaves 100 square metres at the rear of the building for on site car-parking.

In accordance with the TRMP the development requires:

- five parks for the café (assessed at one park per 30 m<sup>2</sup> of gross floor area (GFA) and one park per four persons design capacity for outdoor eating areas);
- three parks for the retail space (assessed at one park per 35 m<sup>2</sup> GFA);
- four parks for the first floor commercial office space (assessed at one park per 35 m<sup>2</sup> of GFA; and
- A total of 12 car-parks onsite car-parks required.

The site has a legal right-of-way access off Cambridge Street, this right-of-way is not formed, as such, but legally runs across the back of 261 Queen Street (currently Harcourt's Real-Estate site), the site physically adjoins the large Cambridge Street public car-park, where access to the rear of the property has historically been taken and is also relied upon to be able to give effect to this redevelopment project.

The site has direct frontage to Queen Street to the north and adjoins single-storey developments on either side (Harcourt's Real Estate to the east and a block of retail outlets to the west).

This site has been empty since 2007. The previous owners developed concept plans for the site which generated such cash-in-lieu requirements for car-parking that reportedly made the development unviable.

## 3. TASMAN RESOURCE MANAGEMENT PLAN ("TRMP") ZONING, AREAS AND RULE(S) AFFECTED

According to the TRMP the following apply to the subject property:

Zoning: Central Business Zone  
Area(s): nil

The proposed activity does not comply with the car-parking requirements set out in Permitted Activity Rule 16.2.3.1(d) and Figure 16.2C of the TRMP. The activity is deemed to be a discretionary activity in accordance with Section 87B of the Act.

(We note that since this application was lodged in June 2009 the TRMP has been amended. Under the new provisions of the TRMP the activity would be a restricted discretionary activity and consideration of urban design and other positive outcomes would not be a matter which we would be able to take into account. Plan change 19 has no immediate effect so Section 88A(2) does not apply.)

#### **4. NON-NOTIFICATION**

The application has been processed on a non-notified basis. However, pursuant to Section 100 of the Act, it was considered that a hearing was necessary and that a decision be made by a Committee of the Council.

#### **5. PROCEDURAL MATTERS**

There were no procedural matters which required a ruling by the Committee.

#### **6. EVIDENCE HEARD**

We heard evidence from the applicant and the Council's reporting officers. The following is a summary of the evidence heard at the hearing.

##### **6.1 Applicant's Evidence**

###### **Mr Marc Barron (Architect)**

Mr Barron said that the applicant's aim is to provide a high quality development, to maximise commercial return and to achieve good urban design outcomes. They have worked out that they need 230 square metres of gross floor area.

Mr Barron said that Queen Street is a site where there is a wide footpath, public seating and trees. The site has a right-of-way access for cars from Cambridge Street. The use of the right-of-way would result in the loss of on-street parking on Cambridge Street, as well as the loss of car-parks within the public Papps Car-park to the rear of the site. He also noted that the Council plans to reorganise the parking layout of Cambridge Street which will block the right-of-way. (Access to the rear of the site will be guaranteed from Papps Car-park.)

Existing adjacent buildings are generally single storey but the width of the street is such that two storey developments are more appropriate. Existing retail buildings are visually dominated by their canopies. He said that the proposal is for two ground floor retail units and upstairs office space. The ground floor units will have maximum glazed frontages and customer entrances to Queen Street. The building will be set back from the adjacent retail frontages to provide space for entrances, seating and modelling to the façade. The upper storey will have vertical sun screens which will be functional and add verticality to the building.

Four car-parking spaces are to be provided at the rear of the building.

Mr Barron said that there are many positives to having a well designed two storey building. It will provide interest and variety, it will enhance the character and identity and it will provide a sense of enclosure. He said that wide streets with low buildings

can feel somewhat desolate or stark. He said that there will also be benefits to Richmond from intensifying the use of space in the commercial centre.

Mr Barron said that it is not viable for them to face the full car-parking requirements. If parks are provided than little of the site would be available for the building. If cash-in-lieu payment is made it would add approximately \$35 per square metre to annual rental return. Therefore, the ability of the applicant to proceed with the development depends on the Council accepting a shortfall in parking requirements. Mr Barron accepted Ms Harley's recommendation of payment upfront of cash-in-lieu for one park and five year payment of cash-in-lieu for a second park.

### **6.3 Council's Reporting Officer's Report and Evidence**

#### **Ms Jane Harley**

Ms Harley confirmed her recommendation that the consent be granted.

#### **Mr Gary Clark**

Mr Clark said that the right-of-way is not used because there are car-parks that are effectively over that right of way, but access can be gained over Papps Car-park or Harcourts.

Cr King asked, in terms of the overall number of car-parks that exist, if they used the right of way to access the title and that meant we couldn't provide car-parks, do we end up with a similar amount? Mr Clark said that there is probably still a shortfall of four spaces with angle parking in Cambridge Street and what we would lose if we enforced the formation of the right of way. The regime of providing parking or else cash-in-lieu is not the best model for development of shopping precincts.

Mr Clark saw a need for Richmond to have an identity, and also a need to encourage development good urban design and 'street-scaping' through reasonable parking requirements. This is a small commercial activity with a car-park at the rear which operates well and with more management could operate better.

Cr King said the cash-in-lieu provisions apply to both large and small sites. Is the reasoning for the dispensation in this case robust enough to differentiate between this small site and another site which may make a similar application, but which may have a substantially different scale and value? Mr Clark said that elsewhere in New Zealand with a commercial centre development of less than 500 square meters car-parks are typically not required. Car-parking is required for larger spaces such as malls, supermarkets and large retail spaces. He said that those cases must be considered individually and on their circumstances. Mr Clark agreed that other developers may test the Council's cash-in-lieu provisions.

Overall, Mr Clark considered that in "fine-grained" (compact and small-scale) retail situations, cash-in-lieu methods are not ideal and better outcomes may be achieved by relaxing the rules where circumstances are appropriate.

## 6.4 Applicant's Right of Reply

Mr Barron said it is a small site and a small development, but is a good precedent in terms of development for Richmond. He said that allowances in terms of car-parking provisions will have to be made or else this site will stay empty. He said it would be a shame if smaller sites are lost to amalgamation with larger sites. He considered that that would be the only way forward for the sites if there is never any relaxation of the car-parking rules. He agreed that the fine-grained retail nature of the site set it apart from other developments which may require full parking provisions.

## 7. PRINCIPAL ISSUES AND OUR MAIN FINDINGS

The principal issues that were in contention and our main findings on these issues are:

### a) **To what extent will the proposal adversely affect the provision of adequate parking in Richmond?**

We accept the evidence of Mr Clark that Richmond is reasonably well served by car-parking space. We also accept that fine-grained retail activity, as is the case here, encourages different customer behaviour than other medium to large grained retail such as "big box" outlets. We agree that people are more likely to walk in fine-grained retail environments. Particularly in case of the Turkish kebab outlet that will use one of the outlets, we consider it very unlikely that customers will use car-parks provided at the rear of such an outlet.

The Richmond Mall is a good illustration of this kind of behaviour in fine-grained retail environments. People do not enter the Mall and then return to their car and move before entering a different part of the Mall. In this sense, dedicated car-parks for each of the Mall's outlets is not practical or efficient. Clearly a larger multi-use car-park is better.

We are also mindful of, and accept, Mr Clark's comments that it is very likely that the parking framework in Richmond will, and must, change in the future to be more sustainable. The current regime of low (or no) cost, long-stay car-parking is unlikely to be workable in the long term.

We are also satisfied that the staff that work on the site, either downstairs or in the office space upstairs, will be able to use the four car-parks that are to be provided.

### b) **To what extent will the proposal have good urban design outcomes for Queen Street?**

We agree with the evidence of Mr Barron; we think the development will be a big improvement for Queen Street. It will help drive change in a positive and modern direction. A two storied building will enhance the look of the street and will be a more efficient use of space to concentrate people in the centre of town and create a vibrant retail environment.

We also agree with Mr Clark that Richmond would benefit from a theme. Given Richmond's rural service centre heritage we think that enhancing a theme of timber and/or water is appropriate. Sundial Square has started this transition.

Therefore, we encourage the applicant in this case to consider using a local timber product such as LVL (a laminated timber product) for the vertical elements of the design.

Finally, we are mindful that this development and design received a positive and supportive report from the Nelson City and Tasman District Urban Design Panel.

**c) Are there particular circumstances that differentiate this site from others? To what extent will the proposal adversely affect the integrity of the TRMP?**

Precedent is a significant issue in this case. However, we find that the applicant's site has a number of circumstances which set it apart from other retail environments in Richmond. The very small size of the lot, and the desire to construct a two storey building makes the building:car-parking ratio very unfavourable for the applicant. This was clearly demonstrated by Mr Barron's illustrations of fully complying designs.

Secondly, the poor access to the rear of the building would mean that use of the right-of-way at the rear of the Harcourts building would be difficult and require the removal of at least one existing Cambridge Street Car-park, and several Papps Car-park parking spaces.

While no existing use rights currently exist for the site, we are aware that the building that was removed from the site was itself two storied and larger than what is proposed.

Lastly, the outcome sought by Section 5 of the Act mandates us to take positive effects into account. In this case the applicant has proposed a building that is modern, attractive and progressive. The cost of doing so will, no doubt, have a bearing on the ability of the applicant to pay the full cash-in-lieu payment required by the permitted activity rule of the TRMP.

Given the circumstances of this site, we certainly do not believe that granting the application will lead to a significant adverse effect on the integrity of the TRMP. All developers are subject to the same rules and are entitled to apply in the fashion that the applicant has. In this case, there are significant positives to be weighed against the lack of cash-in-lieu payments.

However, as we noted in Section 3 of this decision, the TRMP has changed so that if we were making a decision on an application that was lodged today we would not be able to consider matters such as urban design. This reduces the chance that granting the current application will set a precedent that will affect the integrity of the TRMP. However, conversely, it also means that in circumstances such as the applicant's, high quality developments in fine-grained retail settings are likely not to proceed due to cost.

## 8. RELEVANT STATUTORY PROVISIONS

### 8.1 Policy Statements and Plan Provisions

In considering this application, we have had regard to the matters outlined in Section 104 of the Act. In particular, we have had regard to the relevant provisions of the following planning documents:

- a) Tasman Regional Policy Statement (TRPS); and
- b) the Tasman Resource Management Plan (TRMP).

### 8.2 Part 2 Matters

In considering this application, we have taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

## 9. DECISION

Pursuant to Section 104B of the Act, we **GRANT** consent, subject to conditions.

## 10. REASONS FOR THE DECISION

### Effects on the Environment

The proposal will have positive effects on the environment. It will promote a high quality of design and development in Richmond's Queen Street shopping precinct. While the efficient functioning of the town is important (in terms of providing enough car-parks), so too is creating a good urban design that is efficient and functions well. We consider that for a development of this size and in this position the positive effects outweigh the negative.

If Mr Clark is correct about a sea-change in Richmond's parking regime in the future then it would not be appropriate to stymie a good design simply to provide for more parking which may not be necessary or valued.

### Objectives and Policies of the TRMP

We agree with Ms Harley's assessment of the provisions of the TRMP.

The provisions of Chapters 5 and 6 seek "*to promote amenity and convenience in commercial areas*"<sup>1</sup>. They also seek "*to encourage development to incorporate sustainable urban design principles by ... encouraging a sense of place and identity*"<sup>2</sup>.

Policy 11.1.3.7 of the TRMP is "*to ensure that adequate and efficient parking and loading spaces are provided ...*". We find that the proposal is not inconsistent with this as parking is adequate and it would not be efficient to require more parks on-site.

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<sup>1</sup> Policy 5.2.3.5 TRMP

<sup>2</sup> Policy 6.1.3.1 TRMP



## Purpose and Principles of the Act

There are no Section 6 matters of national importance relevant to this decision. The following Section 7 matters, to which we have had particular regard, are relevant:

- S.7(b) the efficient use and development of natural and physical resources:
- S.7(c) the maintenance and enhancement of amenity values:
- S.7(f) maintenance and enhancement of the quality of the environment:
- S.7(g) any finite characteristics of natural and physical resources:

We see clauses 7(b) and 7(g) as relating to the efficient use of the Richmond town centre. Clauses 7(c) and 7(f) are relevant to the urban design outcomes sought by both the applicant and Council staff.

Adopting a broad overall judgement approach to the purpose of the Act, we are satisfied that the proposal is consistent with Part 2 and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

Issued this 2nd day of July 2010

A handwritten signature in black ink, reading "Michael Higgins", with a decorative flourish underneath.

Cr Michael Higgins  
**Chair of Hearings Committee**



## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM090370

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

**Ugur and Hanife Kokcu**  
(hereinafter referred to as “the Consent Holder”)

### ACTIVITY AUTHORISED BY THIS CONSENT:

To construct a commercial building without providing full car-parking or cash-in-lieu payments.

### LOCATION DETAILS:

Address of property:	265 Queen Street, Richmond
Legal description:	Lot 2 DP 4869
Certificate of title:	NL120/232
Valuation number:	1958046000
Easting and Northing:	2525341E 5985341N

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

### CONDITIONS

1. The development shall be carried out in accordance with the application and plans submitted to the Council in support of application RM090370 and the following designs prepared by Jerram Tocker and Barron Architects entitled:
  - “Kokcu Retail Development – Proposed Floor Plans (Sheet 4)” dated April 2010;
  - “Kokcu Retail Development – Section/Elevation (Sheet 5)” dated April 2010; and
  - “Kokcu Retail Development – Perspective Views (Sheet 6)” dated April 2010.

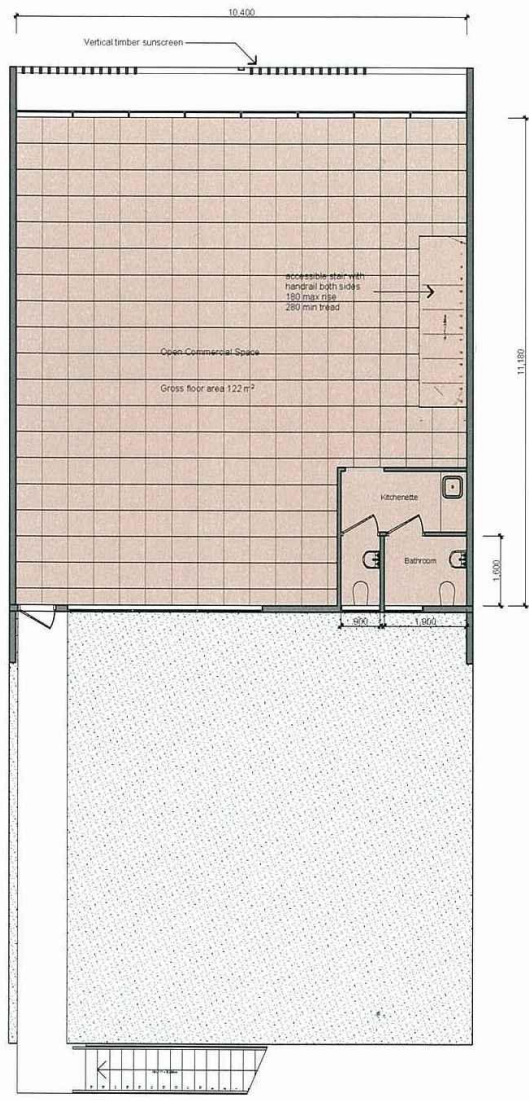
Copies of these plans are attached to this consent as Annexures 1, 2 and 3, respectively.

2. The consent holder shall provide four on-site car-parks as shown on the approved plans and pay cash-in-lieu for one park (\$14,500+GST) prior to the commencement of any of the commercial activities being undertaken from the site. In addition the consent holder shall pay cash-in-lieu for a second car-park, in annual instalments over the five years following commencement of any of the commercial activities from the site (which equates to \$3,262.50 per year for five years).

## GENERAL ADVICE NOTES

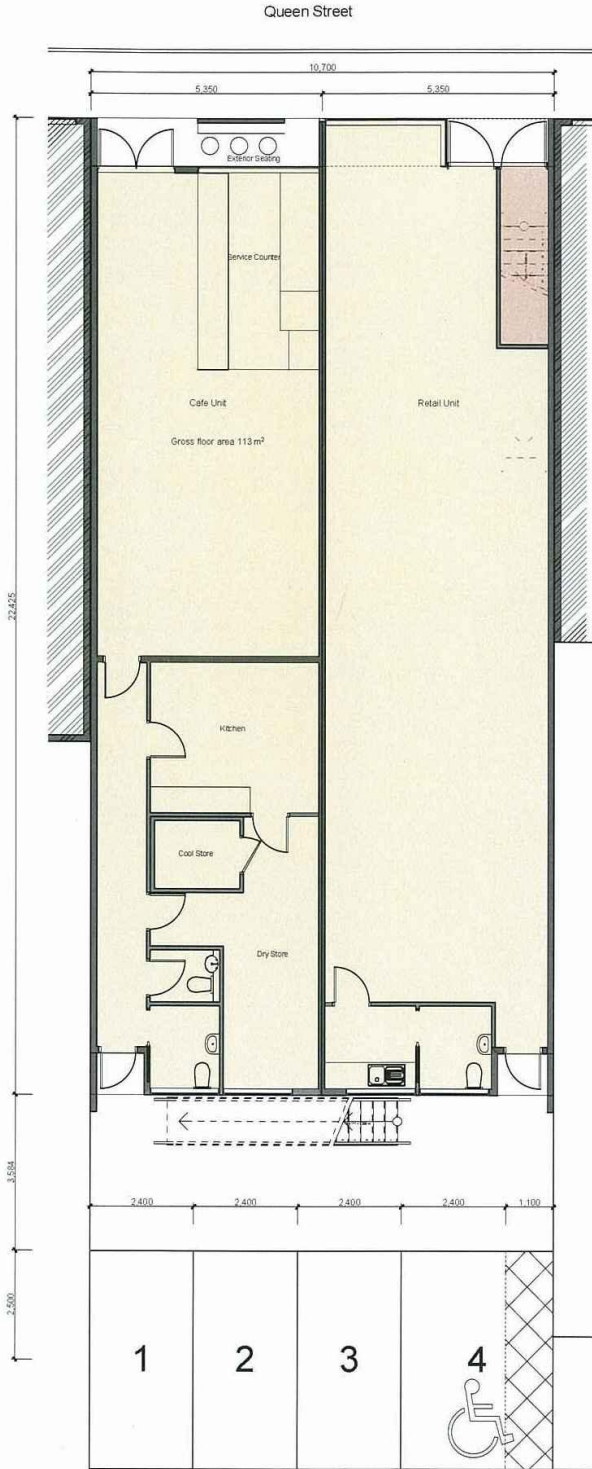
1. For the avoidance of doubt "the consent holder" in the conditions of consent refers to UH and H Kokcu and/or any successors in title.
2. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.
3. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Resource Management Act.
4. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
  - a) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP);
  - b) be allowed by the Resource Management Act; or
  - c) be authorised by a separate resource consent.
5. This consent is granted to the abovementioned consent holder but Section 134 of the Act states that such land use consents "attach to the land" and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to "consent holder" in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent as there may be conditions which are required to be complied with on an ongoing basis.

# Annexure 1 – Kokcu, RM090370



Upper Floor Plan 1:50

1



Ground Floor Plan 1:50

Revision	Date	Reason for revision

AMENDED	Kokcu Retail Development	April 2010	Approved
Check all dimensions on site Do not scale from plans Print/plot correct worksheet	265 Queen Street, RICHMOND	MB	
	Proposed Floor Plans	1199	

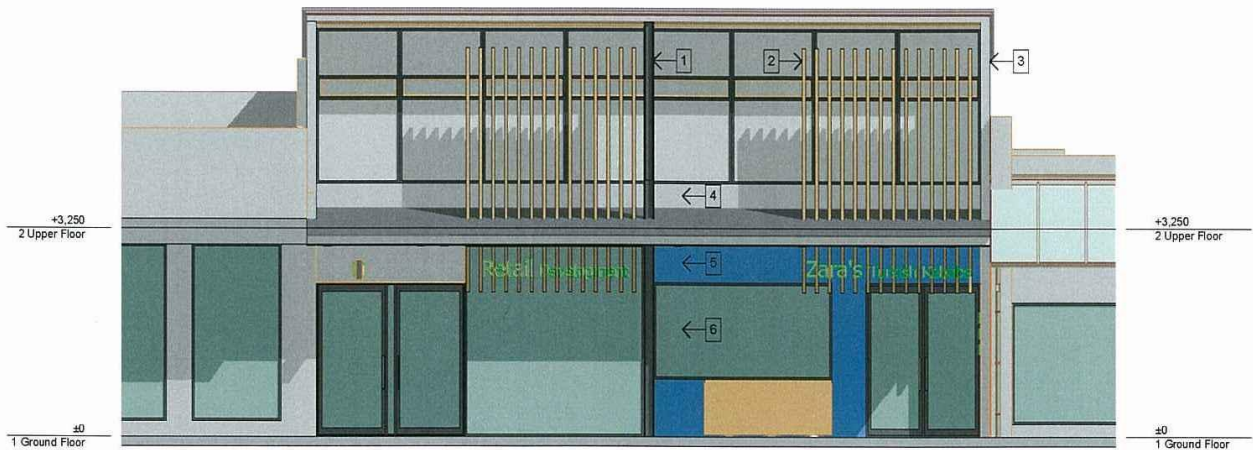
jerram  
tockler  
barron

jerram + tockler + barron architects ltd  
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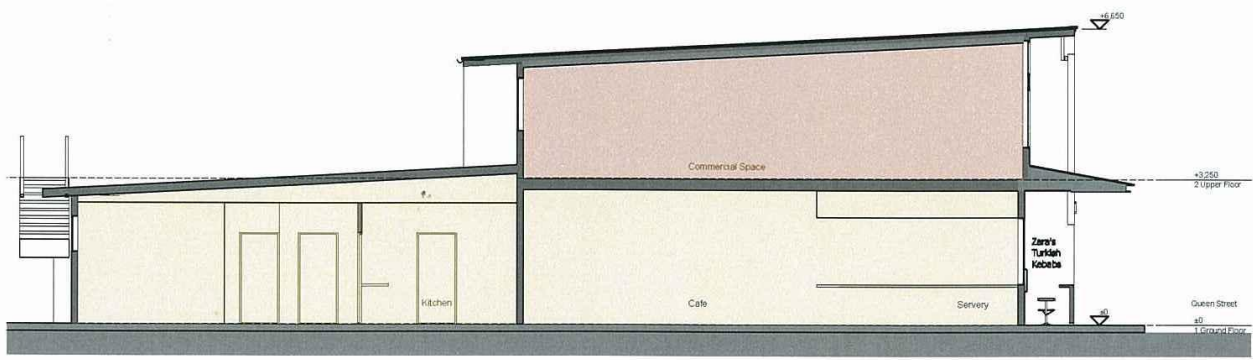
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# Annexure 2 – Kokcu, RM090370

- Materials**
1. Exposed painted steel support
  2. Timber screens
  3. Concrete tilt panel boundary walls
  4. Painted plaster finish
  5. Turkish Tiles
  6. Glazing



2 Queen Street Elevation



1 Long Section AA 1:50

Revision	Date	Reason for revision
AMENDED	April 2010	Approval
Check all dimensions on site Do not scale from plans 10% shall consult architect		
<b>Kokcu Retail Development</b> 265 Queen Street, RICHMOND Section/Elevation		MB 1196

**jerram tocker + barron**  
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 tel: 64 3 5489781 | fax: 64 3 5489792  
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Sheet No	Rev
5	

# Annexure 3 – Kokcu, RM090370



Revision	Date	Entered for revision	Approved
AMENDED	April 2010	Koeku Retail Development	
Check all dimensions on site	ME	265 Queen Street, RICHMOND	
Do not scale from plans	1198	Perspective Views	
Must be used as indicated			

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tucker +  
barron**  
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Sheet No	Rev
6	

**Date Confirmed:**

**Chair:**