



## STAFF REPORT

**TO:** Environment & Planning Subcommittee

**FROM:** Janne Shaw, Consent Planner, Land

**REFERENCE:** RM070294

**SUBJECT:** **ARTHUR WAKEFIELD MOTOR INN - REPORT EP08/05/01 -**  
Report prepared for hearing of 5 May

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### 1. INTRODUCTION

#### 1.1 Background

This application for car parking dispensation arises from an historical series of applications dating back 23 years. The Arthur Wakefield Motor Inn was established by Specified Departure 8/85/4 in May 1985. The original consent has been varied and this is outlined in Part 5.3.2 of this report.

Historically, the Arthur Wakefield Motor Inn has been allowed to use the adjoining neighbouring car park outside normal trading hours. It has always been clear that should parking no longer be available, then an alternative solution would be required.

#### 1.2 Proposal

- “(i) To dispense with the car parking requirements for 17 off site car parks and the requirement for part payment of cash-in-lieu for five car parks. These were both conditions of resource consent T2/9/92-45.
- (ii) The requirement for off site car parking required by the previous Condition (i) is considered ultra vires and void and further to this, on the basis of available car parking in the vicinity the requirement for 17 off site car parks is not considered necessary. The cash in lieu for five car parks as required by condition (ii) is not considered necessary either as a payment of \$17,034.30 was paid to the Council in 1987 under consent 8/85/4 as a cash- in- lieu payment for 20 car parks.
- (iii) The application also seeks to clarify the District Plan parking requirements for the development to enable proper consideration of the actual District Plan parking shortfall with the proposal. In our opinion the correct parking requirement for the original restaurant and the 20 unit motel complies with 30 spaces, and not the 35 spaces and then 33 spaces as subsequently assessed by the Council Officers following a site meeting on 2 October 1985. “

#### 1.3 Location and Legal Description

The property is located at 294 Queen Street Richmond. (See Appendix 1 attached)

The legal description of the site is Lot 2 DP 11724 as described in Certificate of Title NL 11C/1288.

## 1.4 Zoning and Consent Requirements

The subject property is zoned Central Business under the Proposed Tasman Resource Management Plan. (See Appendix 2 attached) This zoning is considered to be operative (as there are no outstanding appeals of relevance to this proposal), so no analysis is given of the Transitional Plan provisions, except for historical purposes relating to the original assessments.

The proposal does not comply with Rule 16.2.3(c) of the TRMP that requires parking spaces, of at least the number specified in the Plan, to be provided at all times within the net area of the site, except that within the Central Business Zone in Richmond a financial contribution in money in lieu of the provision of the required number of parking spaces may be paid to the Council. The amount of the contribution is to be calculated on the basis of the land value of the site per square metre plus the formation cost (calculated at the time payment is to be made) with each parking space assessed as 25 square metres.

A Variation (T2/9/92-45) to the original consent (8/85/4) that was considered and granted in August 1992 under the Transitional Plan to provide 17 car parks on the adjoining site and part payment of cash-in-lieu for five car parks also no long complies.

The specific resource management effects generated by this application are outlined and discussed in Part 4.3 – Assessment of Environmental Effects.

## 2. NON NOTIFICATION

The application has not been notified as it is considered that the proposal involves the Council only and that there are no special circumstances or affected parties in respect of the historical provision of the car parking assessment. Therefore Council may decide as to whether or not it will agree to the waiver of payment in light of the evidence provided, or require part payment or payment for the 17 car parks and non payment of 50 percent of cash-in-lieu for five car parks.

*For the avoidance of doubt, “Special Circumstances” are those that are unusual or exceptional and those where there are indications that a case is out of the ordinary. If what is proposed is specifically envisaged by the Plan, it cannot be described as being out of the ordinary and giving rise to special circumstances. The fact that some persons have concerns about a proposal does not of itself give rise to “special circumstances” but may be a contributing factor.*

## 3. STATUTORY CONSIDERATIONS

### 3.1 Resource Management Act

#### 3.1.1 Part II Matters

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

If consent is granted, the proposed activity must be deemed to represent the sustainable use and development of a physical resource and any adverse effects of the activity on the environment are avoided, remedied or mitigated.

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application.

### **3.1.2 Section 104**

Subject to Part II matters, Council is required to have regard to those matters set out in Section 104. Of relevance to the assessment of this application, Council must have regard to:

- Any actual and potential effects of allowing the activity to proceed (Section 104 (1)(a));
- Any relevant objectives and policies in the Tasman Regional Policy Statement and the Proposed Tasman Resource Management Plan (Section 104(1)(b));
- Any other relevant and reasonably necessary matter(s) to determine the consent (Section (1)(c)).

In respect of Section 104(1)(b), the Proposed Tasman Resource Management Plan is now considered to be the dominant planning document, given its progress through the public submission and decision-making process.

Section 104B sets out the framework for granting or declining consent based on the status of an activity as set out in the relevant Plan.

## **3.2 Tasman Regional Policy Statement**

The Regional Policy Statement seeks to achieve the sustainable management of land and coastal environment resources. Objectives and policies of the Policy Statement clearly articulate the importance of protecting land resources from inappropriate land use and development.

Because the Proposed Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Proposed Plan will satisfy an assessment against Policy Statement principles.

## **3.3 Proposed Tasman Resource Management Plan**

The relevant objectives and policies are contained in Chapter 11 “ Land Transport Effects”. This chapter articulates Council’s key objectives: To ensure that adequate and efficient parking and loading spaces are provided, either on individual sites or collectively, to avoid or mitigate adverse effects on the safety and efficiency of the road network.

## **4. ASSESSMENT**

In accordance with Section 104 of the Resource Management Act, Council must consider the actual and potential effects on the environment of allowing the activity, have regard for any relevant objectives, policies, rules, and consider any other matters relevant and reasonably necessary to determine the application.

### **4.1 Matters of Discretion and Control in the Proposed Tasman Resource Management Plan**

The proposal is a discretionary activity where the Council has restricted matters over which it has reserved its control to the following matter:

- a) The demand for, and supply of, parking.

### **4.2 Permitted Baseline**

Section 104(2) gives a consent authority the ability to disregard adverse effects on the environment of activities that the Plan permits, if it so wishes. This is the permitted baseline and can provide a yardstick for the effects that otherwise might arise.

The Plan requires parking spaces to be provided at all times within the net area of a site, except that within the Central Business Zone in Richmond, a financial contribution in money in lieu of the provision of the required number of parking spaces may be paid to the Council.

This proposal seeks dispensation to dispense with the provision of 17 car parking spaces that were provided on the former Mitre 10 property and the requirement for part payment (50 percent) of cash-in-lieu for five car parks.

### **4.3 Assessment of Environmental Effects**

The adverse effects, both actual and potential can be summarised under "Parking Provision". Pursuant to Section 104(1)(a) of the Resource Management Act, the following effects assessment has been set out:

#### **4.3.1 Parking Provision**

The application site provides five car parking spaces on site and until relatively recently, as stated above, leased 17 car parks on the adjoining former Mitre 10 (Wilkins and Field) property. When the Mitre 10 site changed ownership and was redeveloped, the car parks were no longer available and the applicants unable to successfully negotiate any new lease agreement with the current owners.

The applicants contend that Petrie Car Park located immediately behind the Arthur Wakefield Motor Inn complex is significantly under utilised and that on- street parking in Queen Street is readily available to cater for bar and restaurant patron parking in the evening peak periods. In addition, it is stated that the same Council car park is under utilised during most of the hours it requires parking for the motel units, being between 5.00 pm and 9.00 am the following day. Parking surveys have been carried out and submitted with the application to demonstrate parking demand of sites behind the Arthur Wakefield restaurant and bar, the camper-van site, and on both sides of Queen Street south of McIndoe Place.

The utilisation of the Petrie Car Park varies throughout the year and is not disputed, but Council surveys carried out during Christmas periods have identified that it is frequently full. Whatever the utilisation, there is no provision in the Plan that allows parking to be dispensed with simply because the subject site adjoins a car park, albeit that the activity necessitates the majority of its parking at off peak times. This however, may be a reason to either reduce the number of parks required, or the amount of monies paid to Council.

When viewing land use in the Richmond CBD area, it clearly identifies that the majority of businesses either adjoin or back onto Council car parks or the Richmond Mall car park. Car parks in the CBD have been designed and subsequently provided specifically for this purpose. However, adjoining an existing car park does not negate the requirement to provide parking on site, or as in this case, require payment in lieu of provision of car parks. The very essence of the Plan is to give an option to pay where parking cannot be provided on site, so that future car parks may be developed by the Council.

Council's Transportation Manager considers it reasonable to require payment for thirteen car parks with the assessment being pursuant to the TRMP. (See Appendix 4 attached)

#### **4.3.2 Cumulative Effects**

The cumulative effects have two aspects, the first being the sum of the individual effects and the second being the precedent effect.

In relation to the accumulation of individual effects having particular regard to parking and traffic effects that are predominantly at the end of the day and evenings, it is considered that there will not be any significant adverse effects on the environment.

However in relation to precedent effect, there is no doubt that dispensing with the provision of 17 car parks or payment for same, would have major implications in respect of every business in the Central Business Zone that must either provide or pay for car parks when any building addition or new development occurs. The purpose of the Plan would surely be defeated if account were to be taken of each business according to its hours of operation when assessing car parking requirements. The granting of this application could lead to every business requesting dispensation from parking requirements and subsequently, an adverse effect on the safe and efficient operation of the roading network would be created while parking spaces and Council's ability to provide future car parks would gradually be diminished.

## 5. RELEVANT STATUTORY PROVISIONS

### 5.1 Relevant National Policies

There are no relevant national policy issues and the New Zealand Coastal Policy is not relevant to this application.

### 5.2. Relevant Regional Policy Statements

The Tasman Regional Policy Statement has been designed to be incorporate in the plan so an assessment of the plan suffices as an assessment of both documents.

### 5.3. Proposed Tasman Resource Management Plan – Policies and Objectives

Objectives in the Proposed Plan which are relevant to this matter are numerous and cover areas such as site amenity, urban land issues and land transport effects.

The following Policy and Objective have been considered relevant for this proposal:

#### 5.3.1 Chapter 11: Land Transport Effects

##### Relevant Issues:

The method of implementation for the policy provides rules for financial contributions to improve the quality of the transport network, including cash-in-lieu of parking requirements, as an option in specified areas.

| Objectives  | Policies   |
|---|--|
| <b>11.1.0</b><br>A safe and efficient transport system, where any adverse effects of use or development of the land on the transport system are avoided, remedied or mitigated. | <b>11.1.4</b><br>To ensure that adequate and efficient parking and loading spaces are provided, either on individual sites or collectively, to avoid or mitigate adverse effects on the safety and efficiency of the road network. |

The above objective and policy identify the need to provide off street parking to meet the needs of activities in the Commercial and Central Business Zones.

This policy not only provides for the safety and efficiency of the roading network but ensures that parking is either provided on site or that payment in lieu made, that will in turn be used to develop further car parks within the Richmond CBD.

In this instance, taking in account the history of the parking spaces provided on an adjacent site, it is considered that payment or part payment of the total outstanding number of parks that cannot be provided be accepted, and that an assessment under the TRMP would be an appropriate method as opposed to the original assessment through the Transitional Plan.

### **5.3.2 Background to the Proposal**

The applicant seeks to dispense with the provision of the 17 car parking spaces that were previously provided on the former Mitre 10 (Wilkins and Field) property, and in addition to also dispense with the requirement for part payment (50 percent) of cash-in-lieu for five car parks. The complete proposal is as stated above but the prime issue is whether Arthur Wakefield Motor Inn should be granted consent to dispense with the requirement to provide the car parks (which cannot be provided), or whether payment- in-lieu in full, or part, be required. A LIM report obtained at the time the property changed ownership would have identified the parking situation.

On 24 November 2006, an abatement notice was issued and later a stay of the abatement notice issued, to enable the company to apply for resource consent to address the parking issues.

So that the background of the car parking assessment for the Arthur Wakefield complex may be more fully understood, the following is a historical synopsis. It should be noted however that the original assessment is not the subject of, or relevant to, this resource consent and that the Council is in agreement with the information provided by the applicants as to the total number of parks that were required to be provided. There appears to be anomalies in the assessments for car parking numbers made originally by Richmond Borough and subsequently Tasman District Councils.

**THE FOLLOWING RICHMOND BOROUGH COUNCIL DECISIONS ARE NOT SPECIFICALLY RELEVANT TO THIS APPLICATION BUT HAVE BEEN INCLUDED AS AN OVERVIEW TO THE APPLICATION AS A WHOLE.**

#### **File 8/85/4 Richmond Borough Council**

##### **March 1985**

Application made to erect a 20 unit motor inn, conference complex and manager accommodation.

##### **27 May 1985**

Consent granted for the above subject to, inter alia, the provision of 35 car parks; 11 to be provided on site and Council would accept a cash payment in lieu of 24 parks.

##### **9 August 1985**

Total number of car parks required was amended to 33 (as patrons of the motel units would be using the dining room), providing 13 on site and payment- in-lieu for 20. Council would undertake construction of the relevant portion of the Petrie-Harkness Carpark as soon as possible. The original amount per park to be paid was assessed at \$3000.00. TOTAL \$60,000.00

##### **21 August 1985**

Council reduces cost per park to \$2750.00

##### **2 October 1985**

Solicitor advises that applicant will pay \$55,000.00

**9 July 1986**

Council confirms that the cost of each car park remain at \$2750.00

**12 November 1986**

Development to be offset against total payment i.e. \$52,594.30 owing

**28 April 1987**

Council reduces amount owing for 20 car parks to \$19,194.00

**15 July 1987**

Letter received from applicant's solicitor requesting that the total figure to be paid be \$17,034.30

**27 August 1987**

RBC agree to accept \$17,034.30 for 20 car parks. (plus 13 provided on site)

Agreed amount paid 31 October 1987

**THE FOLLOWING TASMAN DISTRICT COUNCIL DECISION RELATES TO THIS APPLICATION FOR RESOURCE CONSENT****File T2/9/92-45 Tasman District Council****23 April 1992**

- (i) Variation received (to notified application 8/85/4 above) to delete provision of 13 on-site car parks and provide three on site and 10 on the adjoining Mitre 10 property; and
- (ii) Dispensation from parking provision for the new lounge/bar extensions that would attract 16 additional car parks.

**14 August 1992 (granted by TDC) The following decision is the subject of this resource consent.**

The decision stated that:

- “(i) That a formal agreement in writing be presented to the Council annually clearly indicating that the owner/occupier of 302-306 Queen Street Richmond (Lot 2 DP 10050) gives consent to the operators of the Arthur Wakefield Motor Inn to use 17 car parks (being the 17 car parks adjacent to the applicant's site) for this business use between the hours of 6.00 pm to 7.00 am Monday to Friday and 4.00 pm to 7.00 am Saturday and Sunday.*
- “(ii) That the applicant makes a cash payment in lieu of providing five car parks. This payment will be in accordance with the requirements of Ordinance 5.11.4.3 of the Richmond Plan, which states the following:*

*“5.11.4.3 When a developer wishes to offer the Council a sum of money in lieu of providing car parking, the Council will base the cash sum on a value per square metre basis. A car park is deemed to require 25 square metres of land, thus the cash sum payable shall be determined by the value of 1 square metre of land on the site subject to development, multiplied by 25, multiplied by the*



*required number of car parks. It shall be the responsibility of the developer to obtain a current land valuation from a Registered Valuer. A copy of the Valuer's report shall be included with the planning application to the Council. In the event that there is disagreement on the valuation, the matter shall be referred to the Planning Tribunal for settlement.*

*Only 50% of this total shall be required to be fully paid within three years of the bar operation commencing. Additional payment will be dependent upon monitoring of car park requirements in the vicinity.*

- (iii) the hours of operation of the restaurant will be restricted to opening to the public no earlier than 6.00 pm Mondays to Fridays inclusive and 4.00 pm on Saturdays and Sundays.*
- (iv) Pursuant to Section 128 of the Resource Management Act 1991 the Council will review the car parking requirements relating to this consent annually."*

**Advice Note:** See Appendix 3 attached for summary of parking requirements.

## **6. SUMMARY**

Due to the complex background of the application, the following facts identify separately the areas where neither agreement has been reached nor conditions complied with. The facts listed below are relevant to this application only and date back no further than August 1992.

### **From the Council's Perspective:**

**14 August 1992 Decision** - See full details above for correct wording.

- Variation granted giving consent to the operators of the Arthur Wakefield Motor Inn to use 17 car parks on the adjoining landowner's site with a formal agreement in writing to be presented to the Council annually.

**COMMENT: There is no evidence of a formal agreement having been drawn up by the applicant and presented to Council.**

- That the applicant make a cash payment- in- lieu (to Council) of providing five car parks with 50 percent of this total being required to be fully paid within three years of the bar operation commencing.

**COMMENT: It appears that this amount was neither calculated nor paid.**

- The Council to review the car parking requirements relating to this consent annually.

**OVERALL COMMENT: The applicants chose not to appeal the decision.**

## **24 November 2006**

- An abatement notice was issued by the Council to comply with Condition 1 of Variation T2/9/92-45 (see above). The abatement notice was then appealed by the applicants and currently the matter has been adjourned with a stay of the abatement notice to enable a resource consent to be lodged to address the outstanding matters.

## **19 April 2007**

- Applicants lodged a resource consent (this application RM 070294) to dispense with the provision of 17 car parking spaces that were provided on the former Mitre 10 property and the requirement for part payment (50%) of cash-in-lieu for five car parks.

## **September 2007**

- Council reassessed the proposal and agreed that under delegated authority, consent could be granted for payment of a total of 13 car parks, as opposed to the original requirement of 17 and payment of 50 percent for five parks. This assessment under the TRMP was considered to be fair and reasonable. The applicants were advised on 20 September 2007 and given the opportunity to accept payment for 13 parks, but rejected the offer.

## **28 February 2008**

- Letter from Council's Solicitor sent to McFadden McMeeken Phillips advising that the application would be considered for possible notification and that the abatement notice procedure would be reviewed when resource consent has been dealt with.

## **28 March 2008**

- Decision made to hold a non notified hearing.

### **From the Applicant's Perspective:**

#### **14 August 1992 Decision - See full details above for correct wording**

- Variation was granted giving consent to the operators of the Arthur Wakefield Motor Inn to use 17 car parks on the adjoining landowner's site with a formal agreement in writing to be presented to the Council annually.

#### **COMMENT: It appears Council did not follow up on the formal agreement that was to be presented to Council annually.**

- That the applicant make a cash payment in lieu of providing five car parks with 50% of this total being required to be fully paid within 3 years of the bar operation commencing. Additional payment will be dependent upon monitoring of car park requirements in the vicinity."

**COMMENT: Council did not follow up when payment was not forthcoming, or monitoring of parking requirements in the vicinity carried out.**

- The Council to review the car parking requirements relating to this consent annually.

**COMMENT: Council has not reviewed the parking requirements annually.**

**25 February 2008**

- Council received letter from McFadden McMeeken Phillips (Solicitor for the applicant) requesting justification be provided for notification of the application to take place as they consider that no one is adversely affected.

**28 March 2008**

- Decision made to hold a non notified hearing.

The application is a restricted discretionary activity in the Central Business Zone. As a discretionary activity the Council must consider the application subject to Section 104(C) of the Resource Management Act 1991.

**Part II matters** - The efficient use and development of a natural and physical resource depends on the extent of adverse effects arising from the proposal. Provision of car parking is an important resource for the ongoing viability of the business district. Without provision of sufficient car parks, development in the urban and particularly the commercial areas of the district would no longer be sustainable.

**Objectives and Policies of the Proposed Tasman Resource Management Plan –**

The provision of adequate and efficient parking, either on-site, or payment-in-lieu where parking spaces cannot be provided, is necessary to avoid or mitigate adverse effects on the safety and efficiency of the road network. With the growing demand for parking in the Richmond CBD, the objectives and policies of the Plan ensure that that parking is provided where it will most efficiently meet the parking needs of the District. However, it is reasonable given the background of this application that the amount of money outstanding for parking spaces that can no longer be provided, be reduced.

**Adverse Environmental Effects –** Although currently there is no apparent obvious adverse effect from the lack of parking arising from the 17 car parks that are no longer available, it is impossible to assess where current parking for the activity is located. It is assumed that the motel units use the Petrie Car Park and that restaurant and bar customers park in Queen Street.

**Other Matters –** There is no doubt a demand for off street parking in the Richmond CBD, despite statements to the contrary that there is ample availability in the Petrie Car Park. It is considered that consistency is necessary when assessing car parking requirements albeit that the hours of operation of the activity dictate when parking is at its peak. Payment for at least some car parks will ensure that the potential cumulative effects arising from the granting of this consent are sufficiently mitigated.

Section 104C of the Resource Management Act 1991 (as amended) provides:

*After considering an application for a resource consent for a restricted discretionary activity, a consent authority—*

- (a) must consider only those matters specified in the plan or proposed plan to which it has restricted the exercise of its discretion; and*
- (b) may grant or refuse the application; and*
- (c) if it grants the application, may impose conditions under section 108 only for those matters specified in the plan or proposed plan over which it has restricted the exercise of its discretion.*

## **7. RECOMMENDATION**

Subject to conditions of consent the application be:

In respect of request :

- “(i) To dispense with the provision of 17 car parking spaces that were provided on the former Mitre 10 property and the requirement for part payment of cash-in-lieu for five car parks.”

**That request (i) above to dispense with car parking and part payment of cash-in-lieu be granted in part to read as follows:**

1. The applicant shall make a financial contribution to the Council in lieu of the provision of a total of thirteen car parking spaces. The applicant shall choose one of the following options:
  - a) The Council will obtain an assessment of the cash-in-lieu value from a registered valuer at the Council's expense. This assessment will be made available to the applicant.

**OR:**

The applicant may obtain their own assessment of the cash-in-lieu value at their own cost from a registered valuer. The assessment is to be made available to the Council, which has the option of either accepting it or obtaining its own assessment at the Council's cost, following which the Council may choose to require the valuers to enter into negotiations to determine the value with both parties to share the costs of doing so.

- b) The amount of the contribution will be calculated on the basis of the land value of the site per square metre plus the formation cost (calculated at the time payment is to be made) with each parking space assessed as 25 square metres.
- c) Payment shall be made to the Council by (date to be decided)

**Advice Note: This condition effectively replaces Conditions (i), (ii), and (iv) of variation to resource consent T2/9/92-45.**

In respect of request:

- “(ii) The requirement for off site car parking required by the previous Condition (i) (of a variation to T2/9/92-45) is considered ultra vires and void and further to this, on the basis of available car parking in the vicinity the requirement for 17 off site car parks is not considered necessary. The cash in lieu for five car parks as required by condition (ii) is not considered necessary either as a payment of \$17,034.30 was paid to the Council in 1987 under consent 8/85/4 as a cash in lieu payment for 20 car parks.”

**For clarification Condition (i) of T2/9/92-45 reads:**

- “(i) *That a formal agreement in writing be presented to the Council annually clearly indicating that the owner/occupier of 302-306 Queen Street Richmond (Lot 2 DP 10050) gives consent to the operators of the Arthur Wakefield Motor Inn to use 17 car parks (being the 17 car parks adjacent to the applicant’s site) for this business use between the hours of 6.00 pm to 7.00 am Monday to Friday and 4.00 pm to 7.00 am Saturday and Sunday.*”

**And Condition (ii) reads:**

- “(ii) *That the applicant makes a cash payment in lieu of providing five car parks. This payment will be in accordance with the requirements of Ordinance 5.11.4.3 of the Richmond Plan, which states the following:*

*“5.11.4.3 When a developer wishes to offer the Council a sum of money in lieu of providing car parking, the Council will base the cash sum on a value per square metre basis. A car park is deemed to require 25 square metres of land, thus the cash sum payable shall be determined by the value of 1 square metre of land on the site subject to development, multiplied by 25, multiplied by the required number of car parks. It shall be the responsibility of the developer to obtain a current land valuation from a Registered Valuer. A copy of the Valuer’s report shall be included with the planning application to the Council. In the event that there is disagreement on the valuation, the matter shall be referred to the Planning Tribunal for settlement.*

*Only 50% of this total shall be required to be fully paid within three years of the bar operation commencing. Additional payment will be dependent upon monitoring of car park requirements in the vicinity.”*

**That former Condition (i) (of T2/9/92-45) be considered void in light of the adjoining site no longer being available for parking purposes, but declined in part as to the number of car parks required. The non payment of 50 percent for five car parks be granted.**

In respect of request:

- “(iii) The application also seeks to clarify the District Plan parking requirements for the development to enable proper consideration of the actual District Plan parking shortfall with the proposal. In our opinion the correct parking requirement for the original restaurant and the 20 unit motel complies with 30 spaces, and not the 35 spaces and then 33 spaces as subsequently assessed by the Council Officers following a site meeting on 2 October 1985. “

**That request (iii) is correct and therefore acceptable. (See Appendix 3 for assessments under both the Transitional Plan and the TRMP)**

If this recommendation is accepted the Arthur Wakefield Motor Inn will have five on-site car parks and have paid cash- in-lieu for the balance.

Janne Shaw  
**Consent Planner, Land**

## **APPENDICIES**

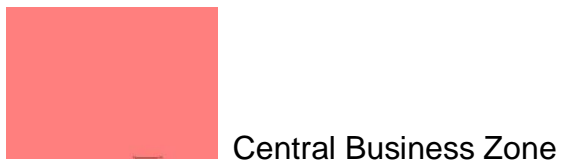
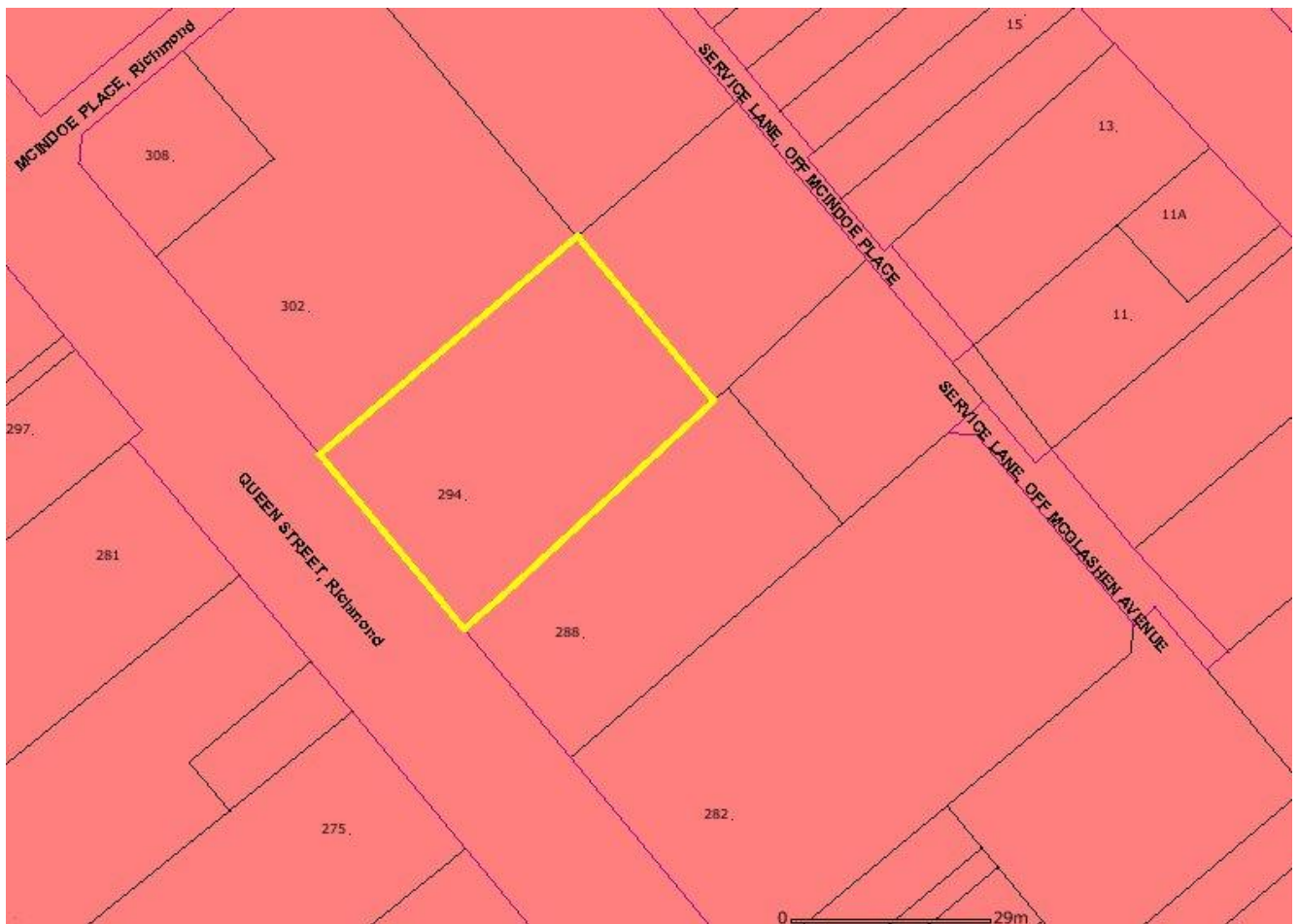
- 1. LOCATION MAP (AERIAL) OF 294 QUEEN STREET**
- 2. ZONING MAP**
- 3. SUMMARY OF PARKING REQUIREMENTS**
- 4. ENGINEERING REPORT – ROGER ASHWORTH**

# APPENDIX 1 Location Map





## APPENDIX 2 Zoning Map



**APPENDIX 3**  
**Summary of Parking Requirements to Date**

| <b>March 1985</b>   |   | Number of car parks required / complied with, or cash-in-lieu |
|---|---|---|
| Original development  | 20 paid for on 31 Oct. 1987 (\$17,034.30)<br>13 to be provided on site  | 30  |
|   | <b>Comment: The original number was assessed at 35. This was reduced to 33 due to guest numbers. The applicant's assessment from the RBC's rule in the Plan is 30 and this is accepted as correct</b>   |   |
| <b>April 1992</b>   | Variation applied for, to delete provision of 10 parking spaces on site. Instead provide three on site and 10 on adjoining Mitre 10 property<br>AND<br>Dispense from parking provision for new lounge/bar that would attract an additional 16 parks   | 16  |
|   | <b>TOTAL REQUIREMENT</b><br>(Richmond Section -Tasman Transitional Plan)  | 46  |
| <b>August 1992</b>  | Council Decision: Consent to use 17 car parks during specified hours on adjacent site (Mitre 10) with formal agreement<br><b>Comment: Agreement never executed</b><br><b>AND</b><br>Make payment in lieu of provision for five car parks but part payment (50%) of the assessed value to be paid within three years. Additional payment was dependent upon monitoring of car park requirements in the vicinity<br><br><b>Comment: Payment has never been made</b> |   |
| <b>To Date:</b>   | car parks provided on site  | 5   |
| <b>Outstanding number of car parks not provided or paid for</b> |   | 21  |
| <b>Therefore</b>  | 46 required<br>20 paid for<br>= 26 Balance<br>Less 5 provided on site<br><b>21 Car Park Shortfall</b>   | 21  |

**CURRENT APPLICATION RM070294 (April 2007) IS TO DISPENSE WITH PAYMENT FOR:**

**TOTAL:** 17 car parks (Council Decision) provided on former Mitre 10 property, plus  
5 car parks that were to be paid for (assessed at 50% of total cost)

## ASSESSMENT UNDER THE PROPOSED TASMAN RESOURCE MANAGEMENT PLAN

A review of the parking assessment has been carried out under the TRMP, that supersedes the Richmond Section of the Transitional Plan and which is effects-based under the RMA 1991. Under the TRMP, provision of on-site car parking is not required, provided a cash payment is made in lieu of the required number of car parks not provided on-site. Assessment under the TRMP is as follows:

|   |  |
|---|--|
| Car parks for the original restaurant           | 6  |
| Car parks for the 20 motel units plus two staff | 21   |
| Car parks for the lounge bar and extension      | 9  |
| Car parks for the manager's unit                | 2  |
| Total number required                           | 38 car parks   |
| Minus   | 25 car parks (20 paid for and five provided on-site)                           |
| <b>Shortfall</b>                                | <b>13 car parks</b> (requiring payment cash in lieu under Rule 16.2.3(c)) TRMP |

**Memorandum**  
**Engineering Services**

**TO:** Dugald Ley, Development Engineer

**COPY TO:** Janne Shaw, Consent Planner

**REFERENCE:** RM070294

**DATE:** 16 April 2008

**FROM** Roger Ashworth, Transportation Manager

**SUBJECT: LAND USE CONSENT – ARTHUR WAKEFIELD MOTOR INN, QUEEN STREET RICHMOND**

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Urbis Traffic Planning and Development Ltd applied to seek dispensation for car parking requirements for the Arthur Wakefield Motor Inn at Queen Street, Richmond.

The amount of dispensation sought is:

1. To dispense with the provisional 17 car parking spaces that were provided on the former Mitre-10 property and the requirement for part-payment of cash in lieu for five car parks.
2. The requirement for street parking required by condition 1 of variation to T2/9/9245 is considered *ultra vires*. It is considered that there is available parking in the vicinity and therefore not necessary.
3. Clarification of the district plan parking requirements to enable proper consideration of the actual parking shortfall.

The proposal considers that 30 spaces as opposed to 33 spaces is the original correct assessment.

As I am sure you are aware there is considerable background to this proposal dating back to Richmond Borough Council days in 1985. It is my view that the history of parking nearby or available car parking within the adjacent Harkness and Petrie car park areas plus with on-street availability combined with the timing of the Arthur Wakefield operation generally trends towards adequate available parking rather than a shortfall.

Therefore it is I believe reasonable to consider an assessment under the TRMP which would equate to 13 car parks.

The decision by Council in 1992 required part-payment for five car parks in addition to the use of 17 parks on the Mitre-10 site. Apparently the condition for part-payment was never followed through and is probably not now relevant as part of any new assessment.

Car parking within the district, but more particularly in Richmond, is always a topical issue. In my view it is essential that Council considers car parking requirements under the policy and apply these rules as consistently as possible.

Roger Ashworth  
**Transportation Manager**