

**592 Change 43: Mixed Business Zone****■ SUBMISSIONS DEALT WITH IN THIS REPORT**

Consideration Order : 9

<b>C43.1782.10</b>	<b>Wakatu Incorporation</b>	<b>17.3</b>	To reduce rule complexity, provide the Mixed Business Zone rules and standards for Motueka West separately.
<b>C43.1782.16</b>	<b>Wakatu Incorporation</b>	<b>17.3.2.2(b)</b>	Allow large format retail buildings between 3000 sqm and 5000 sqm floor space as a controlled activity.
<b>C43.1782.17</b>	<b>Wakatu Incorporation</b>	<b>17.3.2.4</b>	Add provision for a retail activity in Motueka West with gross leasable floor area of greater than 5000 sqm as a discretionary activity.

**■ ASSESSMENT****1.0 BACKGROUND**

The Mixed Business Zone (MBZ) is a relatively new zone that was first introduced as part of the Richmond West Plan Change 10. As explained in Section 6.6 of TRMP by Policy 6.6.3.12 and explanation at 6.6.30, the purpose of the zone is to cater for a wide range of business activities including commercial, retail, trade related supply and light industrial in a high quality, high amenity environment, and including large format retail activities, especially those retailing bulky goods.

The MBZ is characterised by the predominance of vehicle-oriented activities generally requiring larger areas of on-site parking, a large format retail focus which tends to be destination oriented, with larger areas of open space and higher amenity areas as a consequence. The zone accommodates those businesses that do not have the potential to undermine the vitality and function of the Central Business Zone as the central focus for retailing activity. They are not able to or do not need to be centrally located within the town. The MBZ in Motueka does not provide for cafés, restaurants, licensed premises and takeaway food outlets as permitted activities as these activities are well provided for in, and form part of, the character of the Motueka town centre zones.

The proposed MBZ area in Motueka West is approximately 12 hectares and it is located between Whakarewa Street and King Edward Street behind the ITM building.

A new road between Green Lane and King Edward Street will provide frontage to the MBZ.

The existing Motueka Central Business Zone and Commercial Zone have a total area of 15 hectares. Plan Change 44 will add 2-3 hectares to that area depending on the decisions Council makes on submissions.

**2.0 SUBMISSIONS**

There are three submissions on the Mixed Business Zone – all from submitter 1782. The submissions are about the structure of the rules and the activity status of retail activities with a floor area between 3000-5000 square metres and activities with a gross leasable floor area (GLFA) greater than 5000 square metres.

**3.0 STRUCTURE OF THE RULES**

The submitter is concerned that the rule structure for Richmond West and Motueka West is overly complex and confusing. It seeks to have separate rules and standards for Motueka West. The proposed rules for the Mixed Business Zone at Motueka are very similar to the Richmond West Mixed Business Zone rules. The Richmond West Mixed Business Zone appeals are now resolved which allows Plan Change 10 to be made operative. The Environment Court has clarified in its decision (dated 26/7/13) that the maximum coverage rule for buildings in the Mixed Business Zone is 50 per cent so there is no longer a need for two different figures for maximum building coverage in Motueka and Richmond.

As the MBZ is a relatively new planning method, there is not any apparent reason to differentiate the standards at Motueka, and the submitter has not provided any substantial case for this. There are one or two instances where there are matters that only apply to Richmond West (eg Controlled activity rule 17.3.3.2, matter (2)) and not to Motueka West. Matter (5) in the discretionary rule 17.3.2.4 needs to be more generic or refer to Motueka as well as Richmond. Otherwise provided it is quite clear where there is a slight difference in rules, there is no need for a completely new set of Motueka West rules. Some minor amendments are recommended however. For example a separate coverage rule is no longer necessary as an appeal on the Richmond West Plan Change 10 has now altered maximum coverage to 50 per cent.

**4.0 LARGE FORMAT RETAIL 3000 – 5000 SQUARE METRES FLOOR SPACE AND GREATER THAN 5000 SQUARE METRES**

The submitter seeks that large format retail activities with floor space between 3000 and 5000 square metres GLFA should be a controlled activity. By way of comparison of size, the Kmart LFR building in Richmond has 5200

square metres gross floor space and the proposed scheduled site at the corner of Bateup Rd / Gladstone Road has provision for 4400 square metres GLFA floorspace.

The Mixed Business Zone at present provides for retail activities with floor space 3000 square metres and above as full discretionary activities. This status enables the scale, nature and intensity of the retail activity and potential effects on the vitality and functioning of the Central Business Zone (Motueka or Richmond as appropriate), as well as traffic and site amenity effects, to be evaluated. The submitter would like the threshold for a retail outlet to be a discretionary activity in the Mixed Business Zone in Motueka West to be lifted from 3000 square metres GLFA to GLFA greater than 5000 square metres. The Council has very recently established the parameters of the Mixed Business Zone in Richmond West, with the final appeal on the Mixed Business Zone settled in December 2013 and Plan Change 10 which introduced the MBZ concept, approved in February 2014.

The current Mixed Business Zone rules also provide for the construction of buildings with gross floor space over 2000 square metres or within 10 metres from an indicative road or reserve to be a controlled activity so the effects of a large building can be assessed in terms of building design and appearance.

The submitter is suggesting revisions to a newly operative zone. The zone, with some minor amendments, is considered to be an appropriate method of achieving the purpose of the Resource Management Act. Comprehensive revision is not appropriate at this stage.

**■ RECOMMENDATIONS AND REASONS**

**Recommendation 592.1**

**C43.1782.10                  Wakatu Incorporation    Allow In Part**

***Plan Amendments***

*Topic : 17.3*

1. Delete plan change amendment to 17.3.3.1(c) on maximum coverage.
2. In discretionary activities rule 17.3.2.4, matter (5), delete reference to "Richmond Central Business District" and rewrite as "nearest Central Business Zone".

***Reasons***

1. It is not appropriate to write separate rules and standards for Motueka West Mixed Business Zone in the Tasman Resource Management Plan as there are no significant locational or functional differences from the situation in Richmond, between the Motueka MBZ and the Richmond West MBZ or other resource management reasons to justify separate provisions for Motueka.
2. The Plan Change 43 proposal to amend rule 17.3.3.1 on maximum building coverage to 50 per cent is no longer necessary as the Environment Court decision dated 26/7/13 has already achieved that.
3. The alteration recommended in the Section 42A report to matter (5) in the discretionary activities adds a more generic term and avoids confusion as to whether Motueka is intended to be included.
4. The zone, with some minor amendments is considered to be an appropriate method of achieving the purpose of the Resource Management Act.

**Recommendation 592.2**

**C43.1782.16                  Wakatu Incorporation    Disallow**

***Plan Amendments***

*Topic : 17.3.2.2*

No Plan amendments to controlled activity condition 17.3.2.2(a).

***Reasons***

1. It is not appropriate to make retail activities of more than 3000 square metres but less than 5000 square metres a controlled activity.
2. The Council has very recently approved the Mixed Business Zone with retail activities over 3000 square metres as a discretionary activity.
3. There are no significant resource management reasons that distinguish the Mixed Business Zone in Motueka West from the zone in Richmond West and that would justify separate controlled activity provisions.

**Recommendation 592.3**

**C43.1782.17                  Wakatu Incorporation    Disallow**

***Plan Amendments***

*Topic : 17.3.2.4*

No Plan amendments to discretionary activity condition (a).

**Reasons**

1. The Council has very recently approved the Mixed Business Zone with retail activities over 3000 square metres as a discretionary activity.
2. There are no significant resource management reasons that distinguish the Mixed Business Zone in Motueka West from the zone in Richmond West and that would justify separate discretionary activity provisions.
3. There are potentially significant adverse effects from large format retail activities larger than 3000 square metres GLFA that require an ability to modify or decline applications by a discretionary status.