

REVIEW OF RESOURCE CONSENT MATTERS – FENDALTON MALL

FENDALTON MALL STAFF CAR PARKING

Background

The Fendalton Mall site has a detailed resource management history. The mall was originally established in 1970 and included a supermarket as well as some retail shops. In addition, an Eye Clinic was established in 1995 by way of a Certificate of Compliance. Further resource consents have been granted since for extensions to the building as well as the car parking arrangements.

Below is a summary of the past resource consents:

- RMA 20021101 Granted November 2005. A non notified application involved a change in the car-parking layout. It is also proposed to close off an existing vehicle access point, located four metres from the existing vehicle entrance on Memorial Avenue in favour of a new vehicle crossing approximately 42 metres from the current existing vehicle entrance.
- RMA 200115104 –Granted November 2003: A non notified application to expand the eye clinic within the existing building.
- RMA 20011567 Granted November 2002: A Non notified application to add 327 m² of gross leasable floor area to the Fendalton Mall, including the addition and removal of car parks and landscaping boundaries.
- RMA 20008806 Granted May 2002: A notified resource consent was granted to extend an existing Eye Clinic. As a result of the decision a number of conditions were established.
- RMA 20001927 Granted December 2001: A notified application to extend the existing supermarket with a new loading facility and additional staff car park, refurbishing of the existing mall and extension of the existing supermarket, new loading facility and additional staff car parking spaces.

Resource Consent RMA 20001927

The source of Mr Seeds concerns appears to lie in the process that led to the granting of RMA 20001927. The original proposal for this extension involved, inter alia, the establishment of an additional 33 staff car parks on two residential properties, 17 and 19A Memorial Avenue, to the east of the Mall. On this basis the applicants had various consultations with nearby residents including a pre hearing meeting. However during the actual resource consent hearing concerns raised by council officers and the Commissioners in relation to the proposals impact on residential amenity led to the release of an interim decision and a subsequent revised proposal that saw most of 17 Memorial Avenue being retained in residential use. These changes effectively reduced staff car parking from that originally proposed. My Ray Edwards Council's then Senior Traffic Engineer makes the following comments concerning these changes.

These comments relate to an application for alterations and extensions to the existing Fendalton Mall at 25 Memorial Avenue (including 17 and 19-23 Memorial Avenue and 38C Hamilton Avenue). In particular these comments discuss the traffic related issues associated with a revised loading dock arrangement for the proposed supermarket. These comments are to be read in addition to my original report.

From a traffic perspective the revised loading dock access design can be summarised as follows:

the existing access to the proposed loading and staff parking area will still be widened towards the east.

Entering trucks will be able to perform a U-turn in the rear yard before driving in a north-east direction into the enclosed loading dock

Sixteen staff parking spaces will be provided around the periphery of the loading area, and three spaces will be provided on the access to the loading area.

DISTRICT PLAN REQUIREMENTS & ASSESSMENT OF EFFECTS**Parking Provision**

The proposed City Plan parking requirement for the activity remains unchanged at 135 spaces (26 staff, 109 visitor). The original Mall proposal provided 167 spaces on site, while the revised proposal provides 173 spaces on site. Nineteen staff spaces will continue to be provided in the loading area and its access, and I assume a minimum of 7 additional staff spaces will be marked elsewhere on site. The location of these should be identified by the applicant

CONCLUSION

The revised loading proposal is a significant improvement over the original proposal, and mitigates my concerns in relation to truck manoeuvring on site.

Ray Edwards

SENIOR TRAFFIC PLANNER

20 September 2001

This followed an earlier assessment by Mr Edwards on the original proposal which stated:

Visitor Parking

Based on the applicants floor area figures, the proposed City Plan parking requirement equates to 135 spaces (26 staff, 109 visitor) as shown in Table 1 below:

Activity	Area	Staff Rate	Visitor Rate	Staff Parks	Visitor Parks
Retail	2348m ²	0.5 spaces per 100m ²	4.6 spaces per 100m ²	11.7	108.0
Storage	650m ²	11 spaces per 800m ²	1 space per 800m ²	8.9	0.8
Office	187m ²	2.5 spaces per 100m ²	+5%	4.7	0.2
Total	3185m²			26 spaces	109 spaces

Table 1. Proposed City Plan Parking Assessment

The applicants parking assessment differs by one space owing to a different rounding technique.

The applicant advises that the existing Mall has 137 parking spaces on-site. The proposal will provide an additional 30 spaces on site. An additional 39 Business 2P zoned spaces are available on-site for Mall use, however earlier resource consents require that these spaces are excluded from being counted towards the District Plan parking requirement. The proposed development therefore has a 32-space surplus under the proposed City Plan, with 33 spaces being located on residential zoned land.

The provision of 167 car parks for the proposed 3185m² development equates to a supply rate of around 5.2 spaces per 100m². If the 39 Business 2P zoned car parks were included, the parking supply rate would increase to around 6.5 spaces per 100m². Surveys undertaken of suburban supermarkets and Malls show that this on-site parking supply will be more than adequate to cater for the actual demand with the possible exception of holiday periods and long weekends.

Staff Parking

The traffic assessment accompanying the application notes that the 33 spaces to be created in the proposed eastern yard will be allocated for staff parking purposes. I agree that this is logical given the spaces location and the availability of this land once the house has been removed. My only comment is that should the Panel have noise concerns relating to the operation of the loading dock, then there is ample parking available on the entire site for staff and visitors such that an increased landscape/noise buffer could be provided in the eastern yard if considered necessary.

Ray Edwards

SENIOR TRAFFIC PLANNER

6 March 2001

The question whether this revised application should have been re-notified was

specifically addressed in the reporting officers report

The test for determining the scope of permissible amendments to an application was stated in Haslam v Selwyn District Council (1993) 2NZRMA628. In short, the test can be stated as follows:

Is the amendment such that any person who did not lodge a submission would have done so if the application contained the amendment.

The question then with the Fendalton Mall proposal should the application be re-notified to fairly bring the amendments to the attention of potentially affected persons, on the basis that it is plausible that they would have made submissions on the application as amended. This can only be done if the amendment is of such a scale that it cannot be said to fall within the scope defined in the original application and increases the scale and intensity of the activity for which consent was originally sought. Given that the applicant is proposing minor design changes, in particular to address concerns raised by Council staff, the Hearings Panel and submitters, it is considered that the amendments fairly falls within the scope defined in the original application. The proposed changes do not introduce any new elements that will intensify the nature, scale or intensity of the activity proposed on the site. Consequently, I consider that the amendments proposed fall within the scope of the original application and need not be re-notified.

*Nicola Saunders
Planner
Civic Offices
21 September 2001*

The Commissioners in coming to their decision also appear to have removed a further 3 staff car parks from that proposed.

They also noted however that the plan still appeared to show three car parks located alongside the boundary with 15 and 15A Memorial Avenue. These car parks were not part of the original application as notified and the Commissioners considered they should be deleted and the area landscaped, to give a denser buffer for these close residential neighbours.

On this basis the Commissioners granted consent with conditions on the 10 of December 2001.

Enforcement

The staff car parks that are located in the public car parking area are not currently marked and signposted. I have been advised that Council's enforcement team is monitoring this situation and have formally requested that the staff car parks are marked as such. If this request is not complied with then the Council will be obliged to look at other options including taking enforcement proceedings

Conclusions

1. The focus of the resource consent was not so much on parking issues but more to do with the impact of the extension on residential amenity. This focus has resulted in the preservation of residential activity and the provision of landscaping, in some measure, to the detriment of the provision of on-site staff car-parking.

Nevertheless on the whole the provision for car parking both for staff and visitors is largely consistent with the City Plan.
3. The resulting resource consent conditions relating to staff car parking can and should be met.
4. The resource consent process while being lengthy and relatively complex appears to have gone through due process.