

Subject: Notified Resource Consent Application: To Operate a Venue Centre Catering for up to 500 people and to Operate Harbour Markets at Wharf Shed Number 3

Applicant: Shed 3 Function and Event Centre

Consent ref: PR-2009-104093-00

Prepared By: Esther Allen (Planner – Development Control)

Meeting Date: Reconvened Hearing, 4 May 2010

Report to HEARINGS Committee for decision

The Hearings Committee formally requested on 5 February 2010 that prior to the hearing being reconvened the applicant provide a parking assessment for the inner harbour areas. The request stated that *'the parking assessment shall report on the parking demand and provision of parking in the inner harbour area. The parking assessment should identify the potential and actual environmental effects that may arise from non-compliance with the District Plan provisions. The parking assessment should demonstrate how any environmental effects could be managed to an acceptable level'*.

Eastland Port, on behalf of the applicant, submitted further information via email on Monday 12 April 2010. The information submitted was prepared by Opus International Consultants and includes new parking plans for the area (shown on sheets 1-3, attached). On this basis I wish to make the following addendum to my report prepared for the 3 February, 2010 hearing.

Further Information

The new parking plans provided show a better layout for car parking in the area compared with those previously presented, and will result in a more efficient use of space (particularly the area within sheet 3, the subject area). Council's Roading section agrees that the new plans show the best use of the areas available for parking and includes parks that have a dual use, either being used for car and boat trailer parks and/or car parks. The new plans show that the area depicted within sheet 3 (the subject area) can accommodate 120 car parks and 18 car and boat trailer parks. This is an increase of parks in comparison to parking plans that have previously been presented for the same area. The information provided illustrates that 265 car parks can be provided within the inner port area (includes sheets 1-3).

In regard to the areas shown on sheets 1 and 2, no information has been provided with the new parking plans outlining the numbers of parks required by existing consents versus the available amount. Neither has any information been provided on the existing demand nor existing parking patterns in these areas. There has also been no assessment as to the likelihood of any effect by the proposed activity, on the availability of parking in these areas.

District Plan

The parking requirement for the existing consents for the Works Restaurant (11), Soho (5 onsite and 15 offsite), the Coastguard (5) and this proposal (106) is 142 car parks. When including the eight required car and boat trailer parks for the boat ramp consent, the total number of parks required is 150. While the plans for the subject area (sheet 3) show that 18 car and boat trailer parks can be provided, 10 parks in excess of the requirement, and can accommodate 120 car parks (totalling 138 parks), this is still not the full number of parks required (150) for all these activities when applying the District Plan rules. A dispensation of 12 parks may now be appropriate, however to determine this, the applicant needed to demonstrate in the new information that the new parking configuration, shown on sheet 3, can satisfactorily meet the demand for parking in the area and will cope with the increased demand for parking created by this application. Sufficient evidence demonstrating this has not been supplied.

Effects

The new information does identify who the applicant believes are the four main users of parking in the inner harbour area. These include commuters for numerous businesses, visitor parking for restaurants and cafes, visitor parking for the conference centre and parking for vehicles with boat trailers. However no detailed information has been provided on when the peak times of day are, or which days of the week parking is currently in higher demand. Although the new plan shows an improvement upon the original parking plan provided with the application, the applicant has not provided any substantive evidence that the new parking design will alleviate the pressure on parking in the area. The applicant has, however, suggested that during fishing tournaments, when the demand for parking is at its highest, that the proposed angle parking on the western side of the Esplanade be used for car and boat trailer parking, whereby vehicles would be parked over the railway lines. Other than this statement, the applicant has not demonstrated if, and when, there is any likelihood of a conflicting need for parking, or provided mitigating measures that would be undertaken should there be times when there is likely to be a conflicting need for parking.

To "*demonstrate how environmental effects could be managed to an acceptable level*" as requested by the Hearing Committee, in my view a Traffic Management Plan should have been supplied to address how the conflicting need for parking could be managed. As this information has not been provided, it is again difficult to determine if the parking shown on the new plans will be adequate for all the existing activities in the area and proposed venue centre when all operating at full capacity. Should this consent be granted by the Committee, a condition is recommended to be imposed for a Traffic Management Plan to be submitted, which shall be to the satisfaction of the Consent Authority. The approved Traffic Management Plan is recommended to be implemented for any event that exceeds 250 people.

As discussed above, the new parking plan provided for the subject area shown in sheet 3, still provides less parking than is required by the Plan. Therefore, this still leaves no capacity for overflow parking for any future developments in the area depicted in sheet 3. Mrs Muir's evidence provided at the hearing indicated that Eastland Port are prepared to consider making an area of temporary parking available at the corner of Hirini Street. As these parks are not shown on the new plans or discussed, confirmation is required to determine if this area will be made available to be used for overflow parking.

Construction and funding

Similarly to previously presented parking plans, Sheet 3 identifies many parks that are not formed and constructed. Construction work will be required to be undertaken for the area to reflect the design depicted on the plans. No timeframes on when this work will be undertaken have been included with the new information, nor is it discussed who will be funding the work required. Comments received back from Council's Roading section have indicated that, should this consent be granted, the construction of the off street parking to the north of Soho, on Eastland Port property, is to be funded by Eastland Port. The existing parking area on Gisborne District Council property at the front of the Works and the Coastguard building satisfactorily accommodates for the existing activities in the area. Therefore, given that the construction of the new design is only necessary to accommodate for additional parking required for this proposal, it has been determined that, should this consent be granted, that this work also be funded by Eastland Port. Gisborne District Council will, however, fund the new curb side marking shown on the plans in the Esplanade and Crawford Road. Should this consent be granted, it is recommended that a condition be imposed ensuring that the parking shown on sheet 3 be completed and operational prior to the venue centre at Wharf Shed 3 operating at a capacity over 250 people.

Conclusion

Overall, it is considered that the new information supplied by the applicant does not provide adequate information on the existing and future demand for parking in the area and has not satisfactorily identified any actual, or potential effects that may arise from non-compliance with the District Plan rules. It is also considered that the new information does not sufficiently demonstrate how the actual or potential effects can, or could be, mitigated, or managed to an acceptable level. In conclusion, it is considered that the applicant has not provided a sufficient level of information in respect of the requests made by the Hearings Committee. Therefore the information provided in my hearing report and my recommendation to decline the application remains valid.

However, if the Committee chooses to grant the application, I recommend that the following conditions be imposed.

RECOMMENDATIONS

That the Committee

- 1. receive the report**
- 2. declines the application to operate a Venue Centre from 7am until 2am seven days a week, catering for up to 500 people from Wharf Shed 3 and to operate Harbour Markets pursuant to Section 104 and 104C of the Resource Management Act 1991.**
- 3. However, if the Committee wishes to grant the consent, the following conditions are recommended.**

1. The activity shall be carried out in general accordance with the details submitted (PR-2009-104093-00).

2. Prior to the commencement of the activity (events being held with over 250 people in attendance) all the parking depicted on sheet 3 shall be constructed formed and sealed in accordance with sheet 3 and shall be to the satisfaction of the Consent Authority.
3. The construction work required to complete the new parking layout at the north of Soho and the area at the front of the Works and Coastguard buildings, shall be to the standard specified in Chapter 15 of the District Plan and shall be wholly funded by Eastland Port.
4. A Traffic Management Plan shall be submitted to satisfaction of the Environment and Planning Manager prior to the commencement of the activity.
5. The provisions of the Traffic Management Plan referred to above shall be implemented for any event catering for over 250 people.
6. Overflow parking on the Eastland Port site on the corner of Hirini Street shall be provided. A report shall be supplied to the Environment and Planning Manager from a qualified archaeologist on the suitability (in regards to the lands Waahi Tapu Status) of using this land. No land that is identified as not being suitable for parking must be used. The parking areas shall be constructed to the satisfaction of the Consent Authority.

Note: How users of the area will be made aware of this overflow parking is to be addressed in the Traffic Management Plan.

7. The average maximum noise level (L₁₀) measured at or within the boundary of any site zoned Amenity Commercial or Suburban Commercial shall not exceed 65dBA at any time. For special audible characteristics (bass, drums, hums or whines) a downwards adjustment of 5dBA of this limit shall apply.
8. The noise management plan submitted with the application shall be adhered at all times.
9. The average maximum noise level (L₁₀) and maximum noise levels (L_{max}) generated from this site and as measured at or within the boundary of any site zoned residential shall not exceed the following limits:

	AVERAGE MAXIMUM NOISE LEVEL (L ₁₀) dBA			(L _{max}) dBA
	Day 0700-1800	Evening 1800-2200	Night 2200-0700	Night 2200-0700
Monday - Saturday	55	45	40	65
Sunday and Public Holidays	45	45	40	65

10. All external lighting on site shall be designed and installed to avoid light spill beyond the boundary of the site.
11. The Gisborne District Council may serve notice on the consent holder of its intention to review the conditions of this consent within six months after the commencement of this consent and within one month after the first anniversary of this consent and within one month after each subsequent anniversary for the following purposes:
 - To review the effectiveness of the conditions of this resource consent in avoiding remedying or mitigating any adverse effects on the environment

from the Consent Holder's activity and, if considered appropriate by the Gisborne District Council, to deal with such effects by way of further or amended conditions.

- To review the appropriateness of conditions if there are changes to the relevant national standards, regulations and guidelines, and the Council's relevant regional and district level plans.
- To impose additional or modify existing conditions of consent relating to but not necessarily limited to the matters specified hereunder if the Manager considers it necessary to deal with any adverse effect that may arise from the exercise of this consent and which it is appropriate to deal with at a later date:
 - Noise
 - Car parking
 - Health and Safety.

11. Actual and reasonable costs associated with the undertaking of any review of conditions shall be borne by the consent holder. Also the reasonable costs incurred by the Consent Authority in monitoring, supervision and enforcement of any or all of the conditions of this consent shall be fully met by the consent holder pursuant to Section 36 of the Resource Management Act 1991.

Advice Notes

- a) All commercial food premises will require registration/hygiene inspections pursuant to Food Hygiene regulations 1974
- b) Compliance with the sale of Liquor Act 1989 is required.
- c) All noise levels shall be measured and assessed in accordance with the requirements of NZS6801: 2008 Acoustics-Measurement of Environmental Sound and NZS 6802: 2008 Acoustics-Environmental Noise.

Approved for Distribution:

Esther Allen
Planner (Development Control)

Hans van Kregten
Environment and Planning Manager