

4<sup>TH</sup> MARCH 2020

**KAPITI COAST DISTRICT COUNCIL  
SECTION 95 NOTIFICATION REPORT**

|                           |  |
|---------------------------|--|
| <b>Applicant:</b>         | Gull NZ Limited  |
| <b>Site Address:</b>      | Amohia Street and Kapiti Road, Paraparaumu   |
| <b>Legal Description:</b> | PT Lot 1 DP 77182 & Sec 8 SO 38192   |
| <b>Proposal:</b>          | To establish and operate a 24-hour service station that does not comply with the standards relating to the following: <ul style="list-style-type: none"> <li>- Signs</li> <li>- Vehicle movements</li> <li>- Transport and access</li> <li>- Earthquake hazards (BIC 3 category building)</li> <li>- Major traffic activity</li> </ul> |
| <b>Zone:</b>              | Industrial/Service   |
| <b>Activity Status:</b>   | Discretionary  |

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**1. PREAMBLE**

This report assesses the potential adverse effects in respect to resource consent application RM180138 and includes a recommendation and decision on whether the application be processed on a non-notified, limited notified or publicly notified basis.

**2. THE PROPOSAL**

**2.1 Description of Proposal**

The applicant has applied for resource consent to establish and operate a 24 hour fully automated service station which has road frontage onto both Amohia Street and Kapiti Road, Paraparaumu.

The proposal includes the following, as described in the Resource Consent Application (Wasley Knell, July 2018):

- *Construction of a forecourt with 6 dispensers with individual Gull 'winged' canopies*
- *Installation of 2 underground tanks containing 60,000 litres of fuel each, being a combination of petrol (85,000 litres) and diesel (35,000 litres)*
- *Installation of a SPEL oil and water separator*
- *Construction of an IT services shed*

- *Gull identification and warning signage including an 8m high freestanding sign*
- *Landscaping and fencing*
- *Leased carparking area (965m<sup>2</sup>) on the balance of the site.*

### Traffic and Access

From the application:

*The site has two existing crossings. One onto Amohia Street and one to Kapiti Road. These accesses will be retained, and upgraded as required, for the proposed activity and have been assessed as adequate.*

*The transportation report recommends trimming of vegetation on the road reserve on Amohia Street to improve sightlines at the access. There are no other safety concerns.*

*Tanker deliveries to the site are estimated at 2 to 3 per week. Heavy vehicles are not otherwise accommodated at the site with no provision for high flow diesel or high boom dispensers.*

*Following the opening of the Kapiti Expressway in 2017, Amohia Street is no longer the primary north-south transport route, and traffic volumes have dropped significantly. The state highway is currently subject to a revocation process and within 18 months will be re-classified as a Council operated road. NZTA proposed to make changes to Amohia Street at the location of the site, however the specific timing and design of the works is unknown at this time.*

*The applicant proposed to construct an area of leased parking along the access to Kapiti road. This is a secondary activity to the services station and presents an efficient use of the land that would otherwise remain vacant. Observations of the adjacent park and ride facility is that it is at or near capacity and the proposed parking will provide additional supply.*

### Signage

*The proposal includes two Gull identification signs to be located adjacent to both accesses to the site (Amohia Street and Kapiti Road). The signs are 8 metres high by 2.1 metres wide and are typical of nationwide standard service station pylon signage; containing brand and price information.*

### Services and Infrastructure

The proposal includes the installation of two underground petroleum storage tanks and associated infrastructure.

The proposal also includes the installation of an oil and water separator (SPEL system) to ensure stormwater from the forecourt area is collected and treated prior to entering to the council stormwater network.

No wastewater connection is required for the proposal. An IT services shed onsite will be connected to the electricity network. A water connection is available at the kerb.

### Earthworks

*The earthworks proposed for the site are mostly associated with the installation of the underground tanks and SPEL separator. Site wide earthworks are also required prior to laying new sealed surfaces.*

The total volume of land to be disturbed during the earthworks is 83m<sup>3</sup>. The original ground level will not be altered during the course of construction and therefore no resource consent is required for the earthworks on the site.

Due to the site's previous history of use as a Bus Depot and workshop it is classified as a HAIL site under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS). A Preliminary Site Investigation (Hail Environmental, June 2018) was provided with the application. The Preliminary Site Investigation states that the change in land use is not reasonably likely to harm human health and therefore the activity is a permitted activity under the NESCS. The proposal also meets the permitted activity standards for the disturbance of soil under the NESCS. Therefore, consent is not required under the NESCS for this proposal.

**Activities Requiring Consent:**

The establishment and operation of a service station is a permitted activity in the Industrial/Service Zone; however, the proposal fails to comply with the permitted activity standards relating to:

1. The height and size of the signs and the location of the signs in relation to intersections.
2. Earthquake hazards, being a service station which is a category Building Importance Category (BIC) 3 structure, being located on sand or peat soils.
3. Transport and Access standards:
  - a. Vehicle movements for activities on strategic arterial routes exceeding 100 per day, with up to 719 vehicle movements per day proposed.
  - b. Access width of the Amohia Street access, at 10m, exceeds the maximum allowable width of 9m.
  - c. Access spacing of the Kapiti Road access is immediately adjacent to the neighbouring Jaycar property access and will not meet the minimum separation distance of 15m.
  - d. There will be no acceleration lane provided on Old State Highway One, as required for service stations on a strategic arterial route.

A site plan for the proposal is presented below in figure 1 and a plan of the proposed freestanding signs is presented in figure 2.

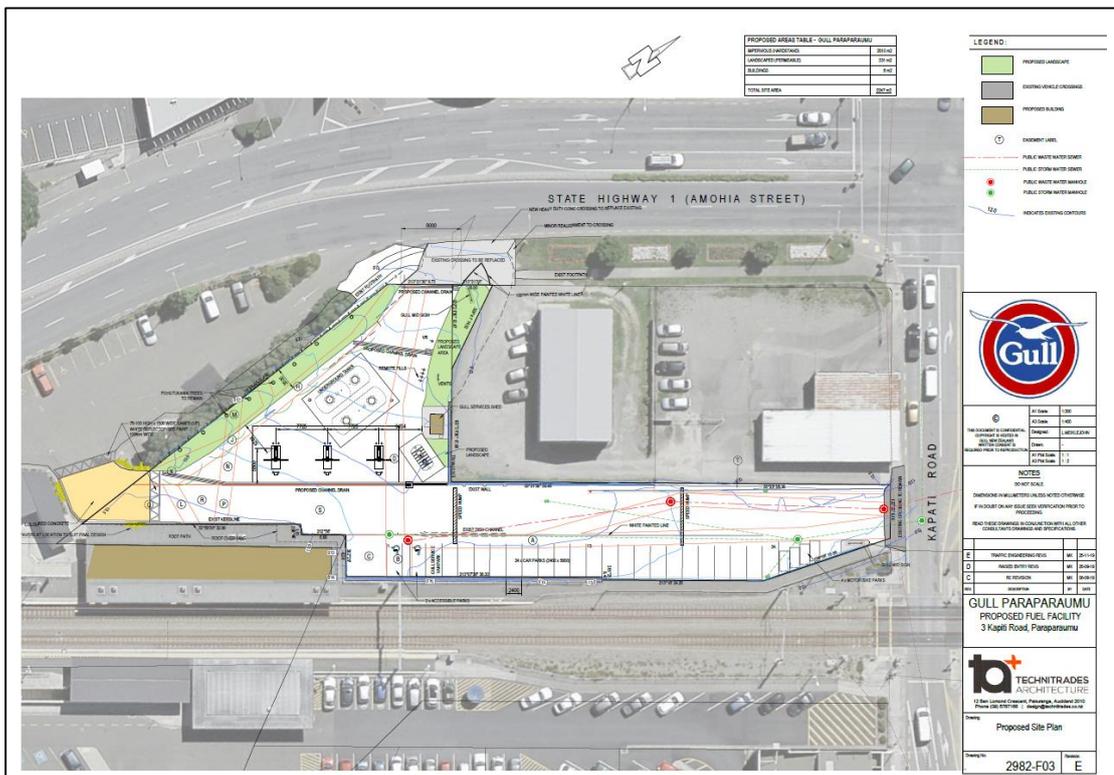


Figure 1 – The proposed site plan

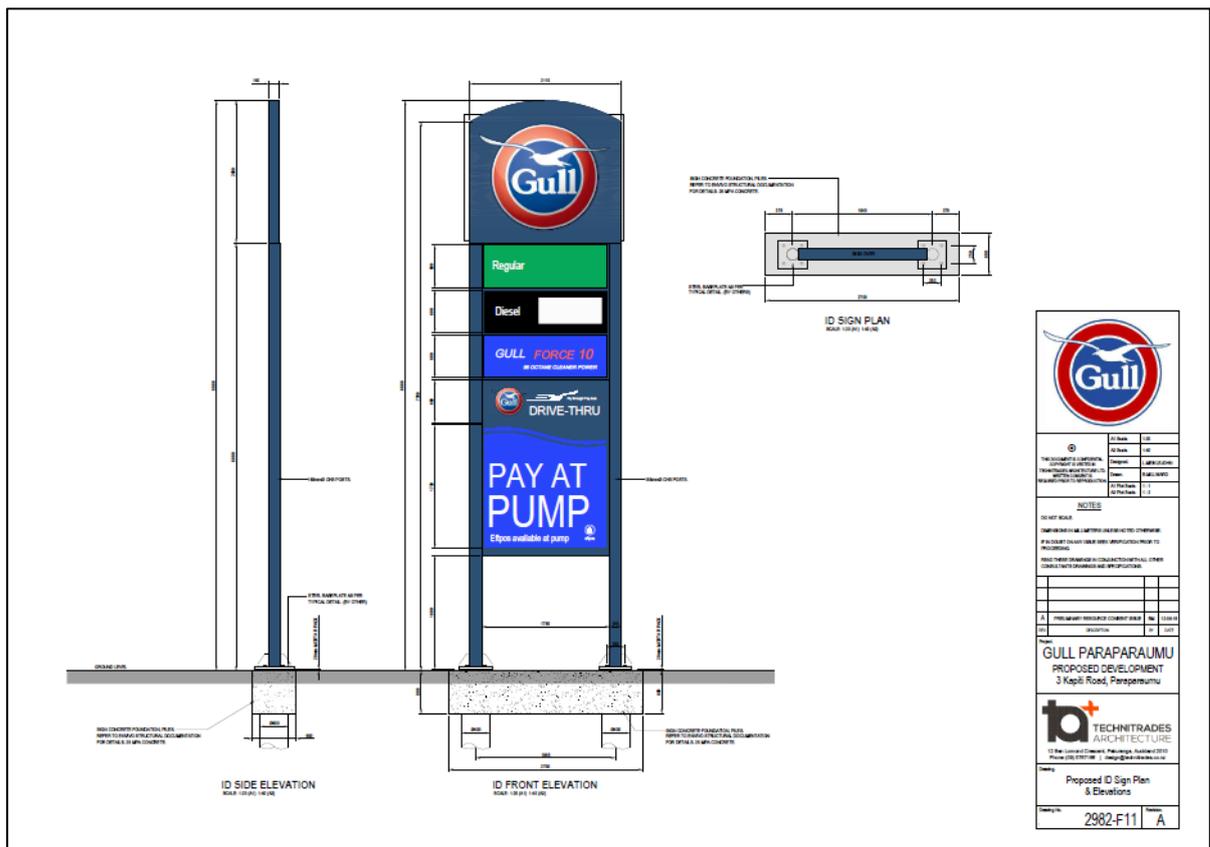


Figure 2 – The proposed signs

## 2.2 Application and Supporting Information and Further Information Requested

The following information has been provided by the applicant in support of the application:

- Application and Assessment of Environmental Effects prepared by Wasley Knell Consultants Limited and dated July 2018.

The Assessment of Environment Effects concludes that the activity will have no more than minor adverse effects on the environment and is not contrary to the relevant policy framework of the Proposed District Plan Appeals Version 2018.

- Environmental Management Plan for Gull Kapiti, prepared by Gull Limited and dated 9 July 2018.
- Transportation Assessment Report, prepared by Harrison Transportation, dated July 2018 and updated October 2018.
- Addendum to the Transport Assessment Report, by Harrison Transportation and dated 28 November 2019.
- Preliminary Site Investigation, prepared by Hail Environmental Limited and dated 13 June 2018.
- Geotechnical Site Suitability Assessment, prepared by Cook Costello Limited and dated 18 June 2018.

### 2.3 Written Approvals

No written approvals for the proposal have been obtained.

## 3. SITE AND SURROUNDING ENVIRONMENT

### 3.1 Site Description

The proposed site is an irregular shaped, 2,200m<sup>2</sup> site located between Kapiti Road and Amohia Street (Old State Highway One). The site has two accesses, one onto Kapiti Road approximately 37m from the intersection of Kapiti Road and Old State Highway One (Amohia Street), which is controlled by traffic signals. The second access is onto Amohia Street approximately 54m from the intersection of Kapiti Road and Old State Highway One (Amohia Street).

Historically the site has a third exit at the southernmost point, onto a car parking area which is held as legal road. This exit is currently physically closed with a bollard to prevent vehicles exiting onto Amohia Street at this point.

The site is sealed with a mixture of tarmac and concrete and the topography is flat. The site was most recently used as an unmanned bus depot principally used for bus manoeuvring and parking. The following history of the site was provided in the Preliminary Site Investigation Report (Hail Environmental, June 2018):

| <i>Period</i> | <i>Owners</i>                           | <i>Land use</i>  |
|---------------|---|--|
| Since 2000    | Mana Coach Services                     | Bus depot  |
| 1910-2000     | The Crown                               | Railway purposes (North Island Main Trunk Railway); including bus depot in later years |
| 1886-1910     | Wellington and Manawatu Railway Company | Railway station (Wellington-Manawatu Line)   |
| Before 1886   | Not identified                          | Not identified   |

The geotechnical report provided with the application (Cook Costello, June 2018) determined the soils at the site to be sandy gravel and silty clay deposits. There is an area subject to a ponding flood hazard on the site as shown in Figure 3 below. Photos of the site are presented in figures 4 and 5 below.

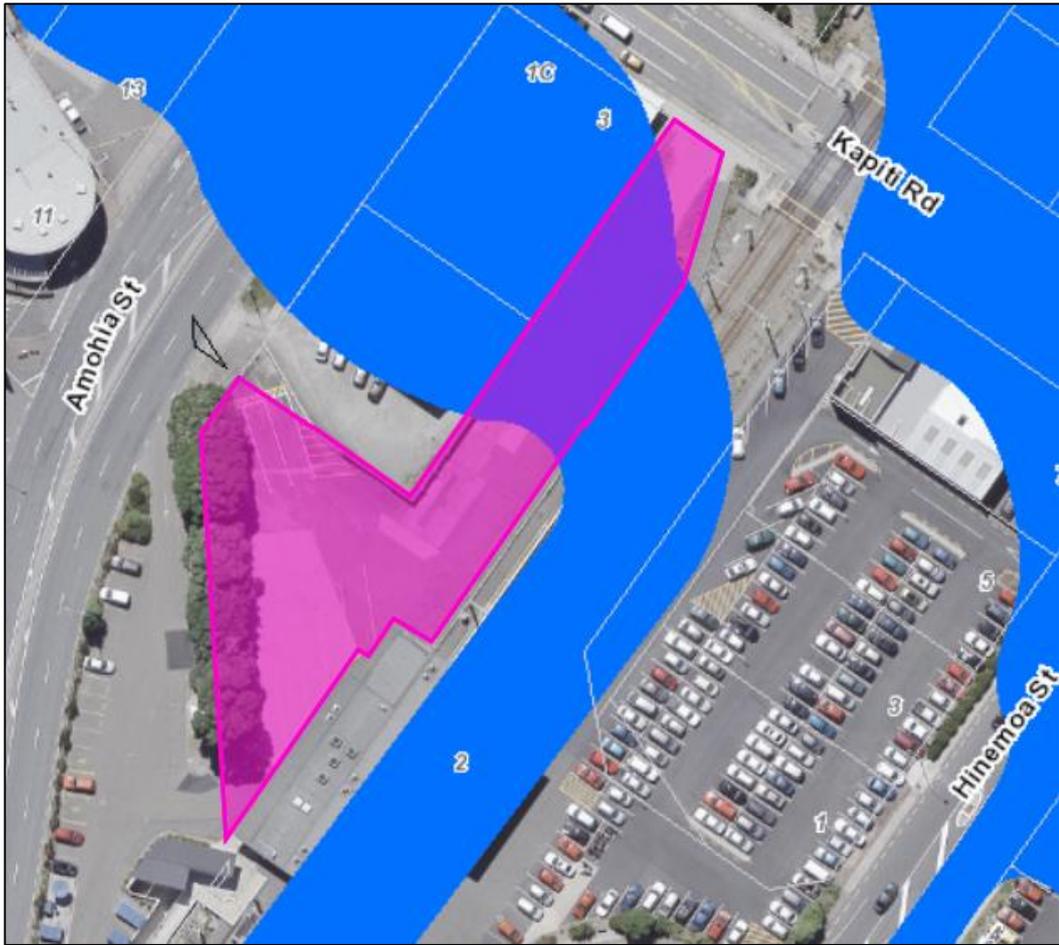


Figure 3: The site showing the ponding flood hazard in blue.



Figure 4: The site taken from Amohia Street.



Figure 5: Kapiti Road entrance to the site

### 3.2 Surrounding Environment

The site is surrounded by a mix of industrial/service and retail type activities to the west. Across Amohia Street is the parking area for the Coastlands Shopping Centre and “Kapiti Lights” which consists of smaller retail outlets and a parking area.

Across Kapiti Road, to the north, is a Mobil service station. The east of the site is bound by the Paraparaumu train station and tracks, industrial buildings and a carpark. Old State Highway 1/Amohia Street runs to the west.

#### Current Rooding Environment

A description of the current rooding environment was provided in the Transportation Assessment (Harrison Transport, July 2018) as follows:

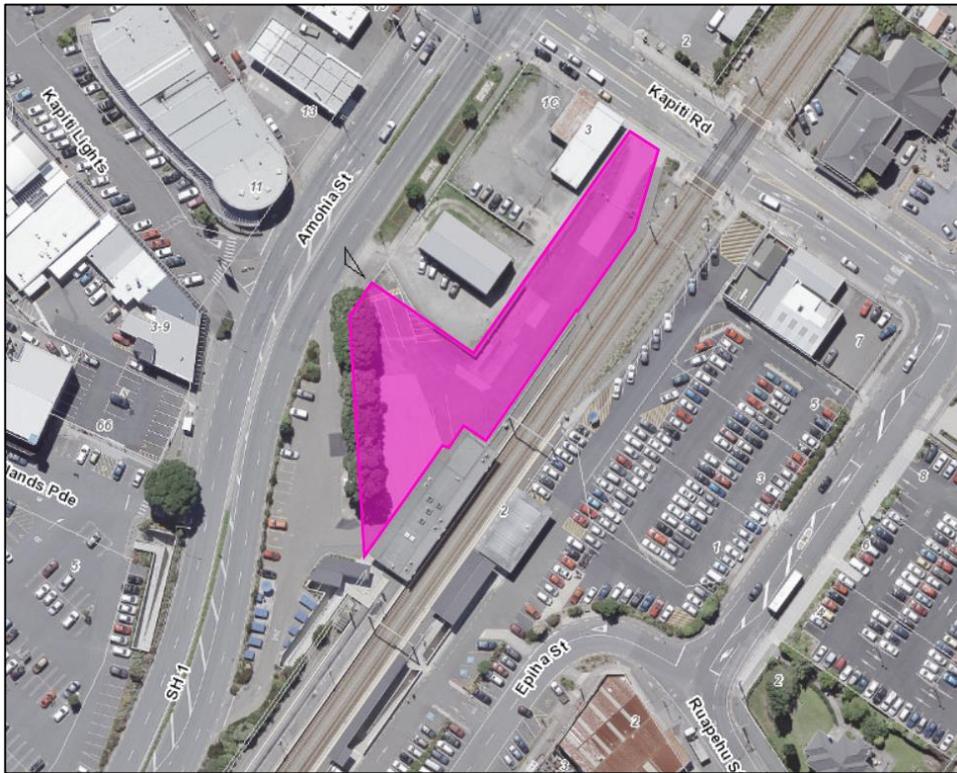
*Amohia Street is classified in the Operative District Plan as a National / Major District Arterial Road while in the Proposed District Plan it is classified as a Strategic Arterial Route. As part of SH1, Amohia Street has until recently formed part of the main north-south route through the Kapiti Coast District. With the opening of the Kapiti Expressway on 24 February 2017, Amohia Street no longer provides the main north-south route, however the SH1 designation has not yet been lifted.*

*Adjacent to the site Amohia Street has a 21.5m wide dual carriageway marked with two traffic lanes in each direction separated by a solid median. Photograph 3 shows Amohia Street looking to the north while Photograph 4 shows Amohia Street looking to the south.*

*Kapiti Road is classified in the Operative District Plan as a Secondary Arterial Road, while in the Proposed District Plan it is classified as a Neighbourhood Assess Route. Adjacent to the site it has a 14.7m wide carriageway marked with two traffic lanes in each direction separated by a yellow painted median. Yellow hatching is painted across the westbound traffic lanes adjacent to the intersection.*

*The intersection of Amohia Street and Kapiti Road has traffic signal control. Each approach has two through traffic lanes in each direction, with an additional right turn lane on each approach.*

An aerial photo of the site and surrounding environment is shown in figure 6 below.



*Figure 6 – Aerial photo of the site and surrounding environment.*

#### **4. DISTRICT PLAN PROVISIONS**

In November 2012, Council notified the Proposed District Plan (PDP). Following submissions, hearings and the releasing of decisions on 22 November 2017, there was an appeals period. The appeals period closed on 25 January 2018.

As of 26 January 2018, any provisions of the PDP not appealed are operative and the corresponding provisions of the Operative District Plan (ODP) 1999 fall away. The ODP objectives, policies and maps still have legal effect and must be considered when processing applications.

As this application was lodged in June 2018, the version of the Proposed District Plan which was updated following the resolution of appeals up to March 2018, is the most relevant. This is the July 2018 version of the PDP.

The District Plans are assessed below.

##### **4.1 Kapiti Coast Operative District Plan Zoning and Overlays**

The property is zoned Industrial under the Kapiti Coast Operative District Plan and has a strip of Railway Designation on the western boundary. The site is located within the State Highway One noise corridor. There are no other planning features or notations for the site shown on the planning maps.

## 5. PROPOSED KAPITI COAST DISTRICT PLAN 2018 (APPEALS VERSION)

### 5.1 Zoning and Overlays

The property is zoned Industrial/Service, as shown in the Proposed District Plan (Appeals Version 2018). The site is also shown to be subject to a ponding flood hazard and has a strip of railway designation on the eastern boundary. The site immediately adjoins the District Centre Zone structure plan area to the west (red stripe shown on the map below).



Figure 6 – Zoning of the site at. Purple denotes the Industrial Service Zone, Yellow denotes the Railway Designation and blue shows the ponding flood hazard on the site.

### 5.2 Relevant Rules and Standards

The following rules and standards of the Proposed District Plan (Appeals Version) apply to this application:

#### **Chapter 6 – Working Zone**

##### **Table 6F.1 – Permitted Activities (Industrial Service Zone)**

1. Any activity that is a permitted activity under the rules in Table 6F.1.

##### **General permitted activity standards**

1. Hours of operation for business activity adjoining or facing the Living Zones shall be limited to Monday to Saturday 7.00am to 11.00pm except during Public Holidays when industrial activities shall not take place.
2. The following hours of operation must be observed for industrial activities on the Industrial/Service zoned land adjoining the Paraparaumu Quarry: 7:00am to 11:00pm Monday to Saturday. No industrial activities shall be carried out on this land outside these times or on Sundays or Public Holidays.
3. In relation to buildings and carparks on properties adjoining a road which has a carriageway width in excess of 8.0 metres, a landscaped strip of at least 2 metres

*in width must be provided along the front boundary (except for vehicle crossings). Landscaping shall also be provided in side and rear yards where they adjoin a Living or Centres Zone. Where sites exceed 4000m<sup>2</sup> in size, there shall be provision of at least 3 specimen trees capable of growing to 5 metres in height within 10 years of planting for every 1000m<sup>2</sup> of area landscaped.*

4. *The activity must not cause offensive or objectionable odour, dust or smoke at or beyond the boundary of the property on which it is occurring.*
5. *Light level from the activity must not exceed 10 lux, measured 1.5 metres inside the boundary of any adjoining Rural or Living Zone.*
6. *Sites must be maintained so that they are clear of all rubbish, except waste materials which are temporarily stored pending disposal elsewhere, and all materials (including goods, machinery, vehicles, boxes, crates, pallets and waste material) must be stored in a neat and tidy manner.*
7. *Activities adjoining Living Zones and storage areas containing refuse, by-products or raw materials (unless fronting a service lane) must be screened by a 2 metre high close-boarded fence or shrubs or trees of an equivalent height.*

The proposal complies with the general activity standards above.

#### **7. Retail activities.**

*Retail activities are limited to:*

- a. *retail which is ancillary to an industrial activity on the property and which is limited to whichever is the lesser of the following:*
  - i. *maximum retail floor space of 100m<sup>2</sup>; or*
  - ii. *maximum coverage of 20%.*
- b. *service stations;*
- c. *trade supply retail and yard based retail which has a maximum retail floor space of 500m<sup>2</sup>; or*
- d. *food and beverage outlets that:*
  - i. *are not off-license licensed premises;*
  - ii. *sell food that is prepared on-site (only) and beverages (which may or may not be prepared on-site);*
  - iii. *have a maximum retail floor space of 100m<sup>2</sup>; and*
  - iv. *have a maximum coverage of 20%.*

The proposed service station is a permitted activity under rule 6F.1.1 and 6F.1.7 above.

### **Chapter 9 – Hazards**

#### **Table 9B.3 – Restricted Discretionary Activities**

4. *Any new building defined as BIC Type 2c, 3 and 4 located on land with sand or peat soils.*

A service station is considered a Type 3 building and in this case the site is on sandy soils.

### **Chapter 11 – Infrastructure, Services and Associated Resource Use**

#### **Table 11E.1 (Transport, Access and Off-Street Parking)**

## 2. Vehicle movements.

1. Up to 200 VPD in the Working Zones, except:

- a. where all public vehicle access is onto strategic arterial routes or major community connector routes any activity must not generate more than 100 vpd. This excludes Precincts A1, A2 and C which are managed in standards 1 b) and 1 c) below;

The proposal is for public vehicles to access into a strategic arterial route and will generate more than 100 vehicle movements per day.

## 3. Property access and loading for vehicles.

Access - all accesses must meet the following:

- a. be a minimum of 3.5 metres wide, except for as set out in the following table:

| <b>Activity</b>   | <b>Minimum width</b> | <b>Minimum unobstructed height</b> |
|---|----------------------|------------------------------------|
| <i>Commercial activities</i>  | <i>6 metres</i>      | <i>2.8 metres</i>                  |
| <i>Habitable buildings in Rural Zones (except for the Paraparaumu North Rural Precinct)</i>   | <i>3.5 metres</i>    | <i>4 metres</i>                    |
| <i>Plantation forestry activities in Rural Zones</i>  | <i>2.5 metres</i>    | <i>2.8 metres</i>                  |
| <i>District Centre Zone, Outer Business Centre Zone, Town Centre Zone, Local Centre Zone, Civic and Community Zone, Industrial/Service Zone, Airport Zone</i> | <i>3.5 metres</i>    | <i>2.8 metres</i>                  |

- b. be a maximum of 9 metres wide.

The existing access onto Amohia Street is approximately 10m wide and therefore does not comply with b, above.

10. Access spacing for state highways - the minimum distance between accesses on the same side of the road must be 7.5 metres for residential activities and 15 metres for all other activities.

The Kapiti Road access is immediately adjacent to the neighbouring property access and therefore does not meet the access spacing standards.

## 8. Service Stations

### Arterial Route Stations

3. For service stations on limited access roads (LAR), Strategic Arterial Routes, roads carrying in excess of 10,000 vehicles per day (vpd), on rural state highways carrying over 3,000 vpd, or along roads where the 85 percentile speed exceeds 70km/hr; the following conditions must apply:
  - a. pumps or dispensing points must be located at least 9 metres from the limits of the road boundary; and
  - b. deceleration and acceleration lanes must be provided in accordance with Diagram A4 (Schedule 11.1) of this Chapter.

Acceleration lanes will not be provided onto Amohia Street.

### Driveways / Crossing Points

10. Driveways and crossing points must be clearly defined by and shall be restricted to the following widths (where m = metres):

|   | Minimum width<br>(m) | Maximum width<br>(m) |
|---|----------------------|----------------------|
| One-way driveways<br>(with no tanker movements) | 3.5                  | 6.0                  |
| One-way driveways<br>with tanker movements      | 6.0                  | 9.0                  |
| Two-way driveways                               | 6.0                  | 9.0                  |

**Table 5:** Width restrictions of Driveways/Crossing Points

The crossing point onto Amohia Street is 10m wide.

### Table 11E.3 – Restricted Discretionary Activities

1. Vehicle movements that do not meet the permitted activity standards under Rule 11E.1.2 (therefore deemed a major traffic activity(ies)).

#### Standards:

1. Activities in Precinct B and Precinct C shall not generate more than 200 vehicle movements in any hour.
2. A Transport Assessment and a Travel Plan must be prepared by a suitably qualified person and submitted to Council with the application for resource consent.

#### Matters over which Council will restrict its discretion:

1. Consistency with Policies 11.30, 11.31, 11.32, 11.33, 11.34, 11.35, 11.36 & 11.37.

2. *Consistency with Council's Subdivision and Development Principles and Requirements 2012.*
3. *The extent to which the Transport Assessment is consistent with Policies 11.30 – 11.37 and Council's Subdivision and Development Principles and Requirements 2012.*
4. *The extent to which the content of the Travel Plan is consistent with Policies 11.30 – 11.37 and Council's Subdivision and Development Principles and Requirements 2012.*

The proposal meets the standards in Rule 11E.3.

**Table 11E.4 – Discretionary Activities**

3. *Any activity that does not meet any one or more of the permitted activity standards under Rules 11E.1.4, 11E.1.5, 11E.1.6, 11E.1.7, or 11E.1.9.*

**Chapter 12 – General Provisions**

**Table 12.C.1 – Permitted Activities (Signs)**

1. *Signs in all zones meeting the general permitted activity standards and the relevant zone-specific permitted activity standards under Rule 12C.1.*

**Standards:**

11. *Within 50 metres of any intersection with a Strategic Arterial Route, signs must not:*

- a) *be free-standing;*
- b) *exceed a maximum of 1 sign per road frontage of any site;*
- c) *incorporate any reflective material;*
- d) *be flashing or blinking, illuminated, or contain moving or changing text; or*
- e) *mimic the design, wording, graphics, shape or colour of an official road sign.*

The free standing sign on Kapiti Road is approximately 45m from the intersection.

14. *The activity complies with all other relevant permitted activity rules and permitted activity standards in all other chapters (unless otherwise specified).*

The proposed activity does not comply with a number of permitted activity rules and standards.

**8. Signs in the Working Zones.**

**Standards:**

1. *The maximum total area of signage per business premises/tenancy shall not exceed 5m<sup>2</sup> excluding sale of property/for lease signs, community purpose event/charity event signs, election signs and moveable footpath signs.*

2. *In addition to the signage provisions set out in standard 1 above, sites may have a maximum of 1 free-standing sign per road frontage provided that:*
  - a. *each free-standing sign must not exceed 6 metres in height;*
  - b. *each free-standing sign must not exceed 5m<sup>2</sup> in area; and*
  - c. *lettering and symbols on each free-standing sign are limited to:*
    - i. *name and logo of the site or business complex (if relevant); and*
    - ii. *names and logos of businesses operating from the site; and*
    - iii. *hours of operation.*

The two proposed free-standing Gull signs will be 8m high and 16.8m<sup>2</sup> in area.

### **Table 12.C.2 – Restricted Discretionary Activities**

*1. Except as provided for under Rules 12C.2.2 - 12C.2.4, any sign that is expressly provided for as a permitted activity in Table 12C.1 but does not meet one or more of the general permitted activity standards or the relevant zone-specific permitted activity standards under Table 12C.1.*

#### *Criteria for notification*

*The NZTA will be considered an affected party for any resource consent application received for signage that does not meet general permitted activity standard 11 or 12 as set out in Rule 12C.1.1.*

#### **Matters over which Council will restrict its discretion**

1. *Visual effect*
2. *Effects on transport (including the transport network).*
3. *Traffic effect*
4. *Public safety.*
5. *Appropriateness of the proposed sign.*
6. *Context and surroundings.*
7. *Visual, character and amenity effect*
8. *Cumulative effect*
9. *Any positive effects to be derived from the proposed sign.*
10. *Size of the sign(s).*
11. *Location of the sign(s).*
12. *The robustness and fragility of the sign(s), including the materials used to construct the sign(s) and method of attachment.*
13. *Content of the sign(s), including number and size of words, symbols and graphics and the complexity of the content.*
14. *Necessity for the sign(s).*

### **5.3 Activity Status**

The proposal falls within the following activity status:

- The construction of a category BIC 3 building on sandy soils is a restricted discretionary activity.
- The activity exceeding the vehicle movements per day is a restricted discretionary activity.
- The proposed freestanding signs are a restricted discretionary activity.
- The activity not complying with access width, spacing and acceleration and deceleration lanes standards is a discretionary activity.

Overall, the proposal will be considered as a discretionary activity.

## **6. RELEVANT NATIONAL ENVIRONMENTAL STANDARDS**

There are currently six operative National Environmental Standards, these relate to the air quality, sources of drinking water, telecommunication facilities, electricity transmission activities, contaminants in soil and plantation forestry.

The relevant National Environmental Standards are assessed below.

### National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated or the contaminants contained to make the land safe for human use.

The NESCS came into effect on 1 January 2012.

The NESCS applies to assessing and managing the actual or potential adverse effects of contaminants in soil on human health from five activities: subdivision, land-use change, soil disturbance, soil sampling, and removing fuel storage systems.

While the site is listed on the Hazardous Activities and Industry List (HAIL) due to its previous use as a Bus Depot, the activity does not require consent under the NESCS as a preliminary site investigation for the property has been provided which states that the change in land use is not reasonably likely to harm human health. The proposal also meets the permitted activity standards for the disturbance of soil under the NESCS. Therefore, consent is not required under the NESCS for this proposal.

It is therefore considered that the provisions of the NESCS do not apply to this proposal.

## **7. RELEVANT NATIONAL POLICY STATEMENTS**

There are no National Policy Statements that are relevant to this application.

## **8. RELEVANT STATUTORY PROVISIONS**

In considering whether or not notification is required, Sections 95A to 95E of the Resource Management Act 1991 must be considered. Sections 95F and G are not relevant to this application. Sections 95 to 95E are referenced below:

### ***95 Time limit for public notification or limited notification***

**95A Public notification of consent applications**

**95B Limited notification of consent applications**

**95C Public notification of consent application after request for further information or report**

**95D Consent authority decides if adverse effects likely to be more than minor**

**95E Consent authority decides if person is affected person**

For the full text of the above provisions, please refer to the Resource Management Act 1991.

## **8.1 Determining If Notification Is Required**

There are two key steps in the process of determining whether an application should be publicly notified, or be processed on a limited or non-notified basis.

Step 1 requires the Council to decide if an application should be publicly notified (as set out below). If the Council determines that the activity should not be publicly notified then they revert to the next step in the process, which is to determine if there are any affected persons who need to be limited notified of the application.

A full list of the provisions for public notification is provided below. In summary, an application should be publicly notified if the adverse effects on the environment are more than minor (but not less than minor or minor) or special circumstances exist that warrant public notification.

A person is considered to be an affected party, for the purpose of limited notification, if the effects on them are minor or more than minor, but not less than minor.

The steps for determining public notification, as set out in s95A is provided below.

## **8.2 s95A Public Notification**

*(1) A consent authority must follow the steps set out in this section, in the order given, to determine whether to publicly notify an application for a resource consent.*

### **Step 1: mandatory public notification in certain circumstances**

*(2) Determine whether the application meets any of the criteria set out in subsection (3) and,—*

- (a) if the answer is yes, publicly notify the application; and*
- (b) if the answer is no, go to step 2.*

*(3) The criteria for step 1 are as follows:*

- (a) the applicant has requested that the application be publicly notified;*
- (b) public notification is required under section 95C;*
- (c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.*

### **Step 2: if not required by step 1, public notification precluded in certain circumstances**

*(4) Determine whether the application meets either of the criteria set out in subsection (5) and,—*

- (a) if the answer is yes, go to step 4 (step 3 does not apply); and*
- (b) if the answer is no, go to step 3.*

*(5) The criteria for step 2 are as follows:*

- (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification;*
- (b) the application is for a resource consent for 1 or more of the following, but no other, activities:*
  - (i) a controlled activity:*
    - (ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity;*
    - (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity;*
  - (iv) a prescribed activity (see section 360H(1)(a)(i)).*

(6) In subsection (5), residential activity means an activity that requires resource consent under a regional or district plan and that is associated with the construction, alteration, or use of 1 or more dwellinghouses on land that, under a district plan, is intended to be used solely or principally for residential purposes.

**Step 3: if not precluded by step 2, public notification required in certain circumstances**

(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, go to step 4.

(8) The criteria for step 3 are as follows:

(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification;

(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

**Step 4: public notification in special circumstances**

(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.

### 8.3 Effects that must be disregarded

When determining if an application has effects that are more than minor, which would require public notification, section 95D states that the effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land must be disregarded. Any effects that are permitted by rules within National Environmental Standards or Plan or Proposed Plan must also be disregarded.

Section 95D states:

*Consent authority decides if adverse effects likely to be more than minor*

*A consent authority that is deciding, for the purpose of section 95A(8)(b), whether an activity will have or is likely to have adverse effects on the environment that are more than minor—*

*(a) must disregard any effects on persons who own or occupy—*

*(i) the land in, on, or over which the activity will occur; or*

*(ii) any land adjacent to that land; and*

*(b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and*

*(c) in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion; and*

*(d) must disregard trade competition and the effects of trade competition; and*

*(e) must disregard any effect on a person who has given written approval to the relevant application.94D*

Effects that may be disregarded – effects on adjacent properties

The adjacent land includes the following properties:

- *Main Truck Railway Line*
- *12 Amohia Street*

Any effect on a person who has given written approval to the application must also be disregarded. No written approvals were provided with the application.

#### Effects that may be disregarded – permitted baseline assessment

The permitted baseline refers to the adverse effects of permitted activities on the subject site.

The Proposed District Plan (the Plan) permits service stations in the industrial/service zone provided that they comply with all of the permitted activity rules and standards contained within each of the chapters of the Plan.

The Act requires the Council to disregard any effect that if a rule in a plan or proposed plan permits an activity with that effect. It is therefore only those areas of non-compliance that are relevant for consideration, as follows:

1. The height and size of the signs and the location of the signs in relation to intersections.

In the Working Zone a property can have up to 5m<sup>2</sup> of signage on that property and free standing signs can be up to 6m in height. Two, double sided, 8m high signs of 16.8m<sup>2</sup> each are proposed for the site.

2. Earthquake hazards, being a service station which is a category BIC 3 structure, being located on sand or peat soils.

There is no permitted baseline for BIC 3 buildings on sand or peat soils.

3. The activity will generate up to 719 vehicle movements per day.

The permitted baseline for vehicle movement generation for this site is 100 per day.

4. The access width of the Amohia Street access is 10m.

The permitted baseline is an access with a maximum allowable width of 9m.

5. The Kapiti Road access is immediately adjacent to the neighbouring Jaycar property access.

The permitted baseline is a minimum separation distance of 15m.

6. There will be no acceleration lane provided on Old State Highway One, as required for service stations on a strategic arterial route.

The permitted baseline is the operation of a service station with an acceleration lane provided onto the State Highway.

## **8.4 Receiving environment**

The effects of the activity are also required to be assessed against the “existing environment”. This includes existing use rights, existing activities carried out under existing consents and resource consents which have been granted where it appears those consents will be implemented. The concept of the existing environment refers to a state of affairs which a consent authority must determine and take into account

when assessing the effects of allowing an activity; by contrast, the permitted baseline provide the authority with an optional means of measuring – or more appropriately excluding – adverse effects of that activity which would otherwise be inherent in the proposal.

The receiving environment is comprised of the following:

- Old State Highway One and the sites existing accesses onto it.
- Kapiti Road and the existing access onto it.
- The Railway and the railway designation which includes part of the site on the eastern boundary.
- The existing sealed site and landscaping.

This is the reasonably foreseeable environment within which the adverse effects of the proposal are considered.

## **9. ASSESSMENT OF EFFECTS (Section 95D)**

As a discretionary activity, the Council's assessment is not restricted to the matters any particular matters.

In undertaking this assessment of effects, in accordance with s95D(1) I have disregarded:

- any effects on persons who own or occupy the subject site and adjacent land to the site,
- trade competition and the effects thereof.

The matters requiring assessment have been determined to be:

- Visual Amenity and Character Effects
- Natural Hazards Effects (flooding and earthquake)
- Traffic and Transportation Effects
- Construction and Contaminated Soil Effects

### **9.1. Visual Amenity and Character Effects**

As service stations are a permitted activity in the Industrial/Service Zone the effects associated with visual amenity and character of the proposal are considered to be anticipated within the Zone. There are currently two other service stations in close proximity to the proposed site as well as the railway station buildings, car parking areas and a variety of retail and service activities. The use of the site as a service station is considered to be in keeping with the character of the existing surrounding environment and will not detract from the amenity of the area.

The applicant proposes two free-standing signs which exceed the height and total area of signs permitted for this site. One of the signs is proposed near the Amohia Street entrance to the site and the other is proposed near the Kapiti Road entrance to the site.

The signs will be 8m in height and are shown in figure 2 above. The signs are typical of what would be expected for a service station and similar to those signs existing at the two other service stations within close proximity to the site (Mobile and BP). The applicant has provided the following assessment of the effects of the signage:

*The proposal includes two Gull identification signs to be located adjacent to both accesses to the site (Amohia Street and Kapiti Road). The signs are 8 metres high by 2.1 metres wide and are typical of nationwide standard service station pylon signage; containing brand and price information.*

*With respect to the specific matters of assessment, the following comments are made:*

- The sign is fit for purpose, providing identification for the site. The size of the sign is used for clear identification and driver safety and will meet NZTA requirements.*
- The location of the sign was considered as part of the transportation assessment.*
- The type of sign is not out of character in the area which is industrialised and includes a range of signage for the existing business activities.*
- There are no known cumulative effects as a result of this proposal.*

*Service station signage is a characteristic of this type of activity and identifies the site for motorists as they approach. The signage does not create adverse visual effects that would not be acceptable in this industrial environment.*

As stated by the applicant, the surrounding area is characterised by a proliferation of signage, as expected in the town centre and industrial/service zones. The proposed signs are not considered to be out of character at this location.

While there is a proliferation of similar signs in the surrounding area, there are not any located on the eastern side of the road between Amohia Street and Kapiti Road, or from Kapiti Road traveling south along the Old State Highway One. For this reason, it is considered that the cumulative effects of the signage will be less than minor.

In summary, the effects of the proposed service station and associated signage on the character and amenity of the local environment are considered to be **less than minor**.

## **9.2. Hazard Effects**

### Flood Hazard

The proposed site contains an area of ponding flood hazard. The area affected by the hazard is proposed to be used for access to the main part of the site and commuter parking. The flood levels in this location are between 0mm – 300mm, with the majority of the area being less than 200mm of ponding flood hazard in a 1 in 100-year event. There are no buildings proposed at the location of the ponding flood hazard area.

Given the shallow levels of ponding on the site it is not anticipated that the proposed development and subsequent use of the site will increase the risk from the flood hazard on the subject site, or any other property, and neither will it exacerbate the effects of the flood hazard. The levels of ponding on the site are traversable by vehicle in a 1 in 100-year return event and therefore access to the site is unlikely to be compromised during a flooding event.

The proposal is unlikely to have any adverse effects on the risks and effects associated with the flood hazard at the site.

### Earthquake Hazard

The Proposed District Plan lists service stations as Building Importance Category 3 in Table 9.2. These are defined as “*Important structures that may contain people in crowds or contents of high value to the community or pose risks to people in crowds*”.

The construction of any new building defined as BIC type 3 is a restricted discretionary activity. While overall this proposal is being assessed as a discretionary activity, the

matters over which Council has restricted its discretion are relevant for this assessment. They are:

1. *The outcomes of the geotechnical investigation on liquefaction by a suitably qualified and experienced person.*
2. *Whether the potential risk to the health and safety of the people and property from liquefaction can be avoided or mitigated.*
3. *The design and location of the building.*

A Geotechnical Site Suitability Assessment (Cook Costello, June 2018) was provided with the application. This report concluded the following:

*Cook Costello has been engaged by Gull NZ Ltd to provide a geotechnical report to examine the geotechnical properties of the site for the proposed development at 3 Kapiti Road. Initial geotechnical investigations indicate that the site is underlain by predominately alluvium deposits of sandy gravel and silty clays.*

*The soils encountered at the site consisted of dense, permeable gravels and plastic clays. Therefore, liquefaction is deemed unlikely at the site in future design earthquake events. The proposed development should be constructed in accordance with the following guidelines in order to ensure the long term stability of the site:*

- *Preliminary underground tank excavation recommendations are outlined in section 5.2. Once underground tanks sizes and depths etc. are confirmed, Cook Costello should be engaged to provide recommendations.*
- *A suitably qualified Chartered Professional Engineer is to be engaged to perform a site specific foundation and soakage pit design for the proposed development, taking into consideration the subsoil conditions of the site with respect to the location of the building platform.*
- *At the time of construction, we recommend that a suitably qualified Chartered Professional Engineer who is familiar with the greater Wellington region subsoil conditions is engaged to assess the site conditions and ensure that the foundations are designed for the available bearing capacity and site conditions.*

*It is our professional opinion that a safe and stable building platform exists at the site, and that the site is free from any deep seated global stability issues, as long as the above recommendations are followed.*

Given the above conclusion from the Geotechnical Engineers who have investigated the suitability of the site, it is considered that the activity can occur on the site without increasing the risk to people and property from an earthquake or associated liquefaction.

#### Summary

It is considered that the adverse effects associated with the flooding and earthquake hazards at the site are **less than minor**.

### **9.3. Traffic and Transportation Effects**

#### Transport Assessment

The applicant provided a Transportation Assessment undertaken by Harrison Transport which was originally prepared in July 2018 and then updated in October 2018 following

a request for further information. An addendum to the report was also prepared on 28 November 2019.

The following conclusion to the Transportation Assessments was provided:

*Gull NZ propose to develop a new service station at 3 Kapiti Road, Paraparaumu. The service station will provide six pumps to service light vehicles only. There will be no convenience store or any other associated facilities.*

*The traffic generation of the proposed service station has been assessed on the basis of data provided by Gull. This gives an expected daily traffic generation of 719 veh/day, with a peak hour traffic generation of approximately 73 veh/h. While this is at the lower end of the range expected from the published data, given that there is no convenience store and no ability for customers to pay by cash, it is assessed that this is an appropriate assessment of the expected traffic generation.*

*The main turning movements are expected to be at the Amohia Street access which, due to the solid median, will be limited to left in and left out.*

*As the proposed service station does not include a convenience store, the traffic generation is expected to be predominantly by-pass trips with little, if any, additional traffic on the road network. As the volume of any additional traffic on the adjacent road network is expected to be negligible, the effects of this traffic on the wider road network are also assessed as being negligible.*

*As the proposed service station will be entirely self-service with no associated services, the District Plan does not require any on-site parking to be provided. No on-site parking is proposed for the service station.*

*Leased parking is proposed to be provided on the balance of the site not used for the service station. The dimensions of the proposed car parking spaces are in accordance with the dimensions specified in the District Plan. It is recommended that two accessible car parking spaces be provided.*

*The proposed site access generally complies with the requirements of both the Operative and Proposed District Plans. It is however noted that the sight line at the Amohia Street access is potentially restricted by low branches on the street tree located to the north of the site. It is expected that, with the proposed road layout, the available sight distance will be improved. It is recommended that the low branches on the tree be trimmed.*

*The sight line at the Kapiti Road access is through the pedestrian fences for the railway crossing. While gaps in the fence do provide visibility, full visibility is available as the vehicle moves forward from the stopped position.*

*The distance between the existing Kapiti Road access and the Amohia Street intersection is less than that specified in the Operative District Plan. The Proposed District Plan however reclassifies Kapiti Road as a Neighbourhood Access Route, which results in a lesser separation distance being required. The Kapiti Road access does comply with the Proposed District Plan. It is assessed that the location will have sufficient separation from the intersection to avoid any detrimental effect on the intersection.*

*The proposed separation distance between the Amohia Street access and the access to the adjacent site is less than that required by the District Plan. It is however noted that NZTA has proposed a specific design for this access as part of their Amohia Street improvements. It is assessed that this specific design will provide sufficient separation*

*to ensure the safety of pedestrians and to minimise any potential conflict between turning movements at the access driveways.*

*It is proposed that fuel tanker will turn left onto the site from Amohia Street, then exit left onto Kapiti Road. The tankers will be able to undertake the required turning manoeuvres within the site and exit in a forward's direction.*

*The width of the Amohia Street vehicle crossing, as proposed by NZTA as part of their changes to Amohia Street, exceeds the maximum width specified in the District Plan. To mitigate the effects of the wider crossing it is proposed to paint a central island on the pavement surface within the site. This will guide exiting vehicles to the correct side of the access to minimise any risk of parallel exit manoeuvres and will provide a central refuge area for pedestrians, thereby minimising any increased risk.*

*The existing Kapiti Road access is proposed to be retained, which complies with the District Plan.*

*Both the Amohia Street and Kapiti Road accesses are expected to operate efficiently with low delays, negligible queues and a high level of service. The existing queues on Kapiti Road may cause some additional delay to vehicles exiting the site, however these vehicles will queue within the site and so will not affect the flow of traffic on Kapiti Road. The existing hatching across the site access will allow right turn movements into and out of the site.*

*The proposed site layout will allow vehicles to enter from either Amohia Street or Kapiti Road and to exit to either Amohia Street or Kapiti Road. It is assessed that ample space will be available on the forecourt for the manoeuvring of vehicles and that any congestion created by vehicles using the forecourt in opposite directions will be minimal. Surveys have identified few pedestrians walking along or across Amohia Street adjacent to the site. An at-grade pedestrian crossing is proposed to supplement the existing pedestrian subway located to the south of the Gull site. Given the low pedestrian volumes, any conflict between the site access and the at-grade crossing is expected to be negligible.*

*The straight alignment of the access driveway leading to Kapiti Road could encourage higher than desirable vehicle speeds along the driveway, which could then potentially lead to conflict with pedestrians. To address this potential conflict, it is recommended that a speed hump be installed on the access driveway.*

*The crash history has identified a high number of crashes both on Amohia Street and at the intersection of Amohia Street with Kapiti Road. The crash history suggests however that there has been a reduction in the number of crashes since the opening of the Kapiti Expressway. It is therefore expected that the previous road safety concerns have been addressed.*

*It is therefore concluded that, with the recommendations given in this report, the proposed service station can be readily accommodated within the local transportation environment.*

#### Transport Assessment Peer Review

The Transportation Assessments provided by the applicant were independently reviewed by Caron Greenough, Senior Associate – Transport Advisory at Beca. The following extracts are from the resultant review report provided to Council (dated 31 January 2020).

## **1. Background**

*The Kapiti Coast District Council (“KCDC”) have requested Beca provide a peer review of the traffic assessment for the proposed development off the old State highway 1 route, Amohia Street (the “Proposal”) submitted to KCDC by Harrison Transportation dated October 2018 and an Addendum submitted on 28 November 2019.*

*The proposal is to develop the site at 3 Kapiti Road as a Gull NZ service station. The land is currently zoned Industrial/service in the KCDC District Plan, with the proposed service station as a permitted activity.*

*Current access to the site is via two access points from Amohia Street and Kapiti Road (east). While not discussed by Harrison Transportation, the previous use of the site appears, from historic images and maps, to have been used more recently to store buses over night and while there was a gate to access the site from Amohia Street, in the majority of the images they are closed and there are bus bays marked out against the gates suggesting this access may not have been used.*

*The transport assessment also highlights that the NZ Transport Agency Waka Kotahi (“Transport Agency”), in consultation with KCDC, have plans to redesign Amohia Road in the future, however, the report states that these are still in the concept stages and there are no confirmed dates for the changes. Despite this, the assessment, at times, assesses the development with the upgrades and at others without. It is recommended that the assessment be considered without the upgrades as residual safety issues could be undertaken by the Transport Agency as the design is progressed.*

### **2.3 Access Arrangements**

#### **2.3.1 Pedestrian Movements**

*The original design, in the October 2018 report had a two way (left-in left-out) access at Amohia Street and a two-way (all movements) access at Kapiti Road. The latest design appears to have removed the left-out, at the same location, onto Amohia Street and the exit is now through the existing car parking area to the south of the site. However, no assessment has been presented on the impact of additional traffic using the car park access or on the car parking area itself.*

*While it is unclear when the improvements will be made on Amohia Street, from the latest drawings provided, there is now an at grade crossing, east to west across Amohia Street, and it has been single laned. From these changes, the exit from the service station into the car park now appears to be exactly at what would be the desire line for pedestrians exiting the railway station and using the at grade crossing.*

*With the at grade crossing, pedestrians currently using Kapiti Road, and the signals to cross Amohia Street, may cut through the railway station, or even the service station to cross, plus those that use the leased car parking spaces. Some clear, untracked over delineation for pedestrians would be recommended.*

*It is also unclear what pedestrian facilities are provided along Amohia Road. This may be more of an issue to be addressed by Council/NZTA but there appears to be a footpath along the frontage from the Kapiti Road lights south but these end at the driveway to JayCar/service station despite there appearing to be bus stops marked south of the driveway.*

*I have general concerns about pedestrians, and also cyclists, navigating what will be a very wide access that includes the access to JayCar, the service station and the car parking area. Previous designs considered some type of pedestrian refuge area separating the ingress and egress for the service station but this is not incorporated into the new design.*

*Cyclists are also very exposed to conflict with the deceleration lane allowing for access for all three landuses also and the green cycle markings should at the very least be extended across the main access point to raise awareness to drivers of their present. This should also include the exit point but there are no drawings of this point in the report.*

*Further, some traffic calming is recommended for the exit onto Kapiti Road to raise awareness of pedestrians crossing the footpath.*

### **2.3.2 Access and Connectivity**

*The main concerns with regard to the accesses are discussed above. It is stated in the transportation assessment that the access separation distance does not comply with the District Plan but that the design will provide sufficient separation to ensure the safety of pedestrians and to minimise any potential conflict between turning movements at the access driveways.*

*In my opinion I do not see how this has been demonstrated at all. While all of the movements from Amohia Street are access only there is potential for confusion by pedestrians if they are walking along this frontage and long distances to cross (noting that the footpath does stop north of the JayCar access).*

*Also the Kapiti Road access is two way but here the access is directly adjacent to the Kapiti Signs/JayCar access. While this has been an existing arrangement there is little evidence presented to address this potential conflict and as stated earlier, the current queue lengths may be different to those calculated for 2017 so this needs to be assessed.*

*In addition to the capacity and conflict points, the Harrison transportation report presented the swept path for the tanker movements. This shows that the tanker takes up all of the space at the property boundary as well as the three lanes of traffic on Kapiti Road. This will likely impede traffic turning right into the site from Kapiti Road and may create additional queues not already taken into account. It is not clear in the report what the frequency is of the tanker movements and therefore it is difficult to understand whether this will be an important issue to consider.*

### **2.3.2 Sight Lines**

*Sight lines for the access in the original report were assessed against a 50kph posted speed. However, it was noted above that no speed measurements were taken for Amohia Street and anecdotally speeds from the traffic signals, due to lack of side friction may be much higher. This could create rear end crash issues with an increase in turning traffic from Amohia Street.*

*In addition, while the design has changed so at this point it is access only, with an increase in traffic using the car park exit, the sight distance should be assessed at this point also and for a higher speed.*

The Transportation Assessment Review concludes the following:

*In conclusion, there are a number of items that cannot be assessed due to lack of up to date information and some safety concerns that still need to be addressed.*

*In summary these include:*

- For Amohia Street the data is given from a month before and a month after the new McKays to Peka Peka expressway was opened i.e. February 2017 and March 2017. It is recommended that newer traffic volume data are obtained to determine*

*the true impact, in particular on queue lengths. Also no traffic volume data has been provided for a weekend. Given the vicinity of Coastlands shopping centre it is likely traffic volumes on a weekend are as high or even higher than for a weekday peak.*

- No travel speeds provided for Amohia Street yet speeds are used to make a number of assessments further in the report i.e. to determine sight distances.*
- Databases for trip generation rates for service stations show rates are considerably higher at the weekend as opposed to the weekday yet the assessment has only been undertaken for a “peak hour” and its unclear if this a peak hour for the land use activity or for the state highway.*
- Trip generation values given in the report are too low, even accounting for the other service station opposite and incorporating for car park arrival rates which are likely to be correspond to train arrival and departure times and not a steady arrival rate across a peak hour.*
- No assessment has been presented on the impact of additional traffic using the car park access or on the car parking area itself especially on pedestrian desire lines and for cyclists.*
- General concerns about pedestrians, and also cyclists, navigating what will be a very wide access that includes the access to JayCar, the services station and the car parking area. Previous designs considered some type of pedestrian refuge area separating the ingress and egress for the service station but this is not incorporated into the new design.*
- Cyclists are also very exposed to conflict with the deceleration lane allowing for access for all three landuses. The green cycle markings should be extended across the main access point to raise awareness to drivers of their present. This should also include the exit point but there are no drawings of this point in the report.*
- Traffic calming is recommended for the exit onto Kapiti Road to raise awareness of pedestrians crossing the footpath.*
- Swept path of the tanker appears to overlaps some of the leased parking spaces. It is noted in the Addendum to the report that to manage this the lease agreement will only allow for certain sized vehicles to use the spaces. In my opinion I cannot see how that can be enforced and especially over time.*
- Also swept path for the tanker takes up all of the space at the property boundary, as well as the three lanes of traffic, on Kapiti Road. This will likely impede traffic turning right into the site from Kapiti Road and may create additional queues.*
- Sight distances should be assessed for the actual traffic speeds on Amohia Street and at the car park exit point, taking account the increase in traffic.*

*Based on the residual issues, as summarised above, it is my opinion that the site layout, in its current form is not appropriate for the type of activity proposed, and the impact on the network and to the current users is more than minor.*

Following the receipt of the review report, the author was queried (via email on the 3 February 2020) as to whether or not the provision of the information that was lacking in the assessment would likely change the conclusion that the effects of the proposal on the roading network would be more than minor. The response was the author did not

think further assessment would change the conclusion. The assessment was however sent to the applicant for consideration.

### Conclusion

I agree with the assessment provided by Beca, that the potential adverse effects of the proposal on the transportation network and on pedestrian, cyclist and traffic safety are **more than minor** due to the reasons outlined above and discussed further in the full review report.

This is particularly the case in relation to section 3F of the Act which includes in the definition of “effect” “*any potential effect of low probability which has a high potential impact*”. Accidents involving vehicles and pedestrians or cyclists are likely to have high potential impact as they can potentially result in severe injury or even death.

### **9.4. Construction and Contaminated Soil Effects**

The proposed redevelopment of the site will include the installation of underground fuel tanks, construction of a forecourt, canopy and dispensers, installation of oil and water separators, construction of an IT services shed, erection of signs, laying of a new sealed surface and landscaping and fencing. The applicant has advised that up to 83m<sup>3</sup> of soil will be disturbed during construction, mainly for the installation of the underground tanks. Resource consent is not required for the earthworks at the site as the original ground levels are not being altered.

The Assessment of Environmental Effects provided with the application stated the following with respect to the earthworks on the site:

*The site itself is generally flat and earthworks do not result in a change in topography, therefore the visual and amenity effects of earthworks will be less than minor. The earthworks will be consistent with an Erosion and Silt Management Plan that will set out the methodology for earthworks, dewatering (if required) and soil disposal. A condition of consent requiring the management plan to be submitted for approval prior to earthworks commencing is standard practices for proposals of this nature and is considered appropriate in this case.*

*Due to the sites previous history as a bus depot and workshop, it is classified as a HAIL site and ‘piece of land’ under the NESCS. A Preliminary Site Investigation by HAIL Environmental (Appendix 4) has found that the proposed activity can be undertaken as a permitted activity under the NESCS.*

*A geotechnical assessment (Appendix 5) finds that the site is suitable for the proposed activity. The Regional Plan rules have been considered and the activity is permitted.*

*The following comments address the specific assessment criteria:*

- The site is generally flat and does not have any prominent or sensitive landforms, or natural features.*
- The site works are temporary and as much cut and fill as practicable will be restored as soon as possible.*
- Following construction works, the site will be screened by vegetation.*
- The earthworks will not remove any existing vegetation. An erosion and silt management plan will ensure construction works do not adversely affect water quality*
- The earthworks are an essential component of the installation of the proposal. They are temporary in nature.*
- Whilst the site is bordered by a flood hazard area, the earthworks are not located in this area and will not increase flood hazard.*

- *The proposed earthworks will have less than minor adverse effects, no parties are considered affected and therefore consultation with Tangata Whenua has not been undertaken.*

While the site is a HAIL site, as discussed above the Preliminary Site Investigation provided with the application concluded that the soil disturbance does not require resource consent. Based on the report provided the only potentially contaminated area is a small area in the middle of the site, where only minor trenching to lay stormwater drainage is proposed. No sources of contamination were located in the vicinity of the proposed tank pits.

The report stated the following:

Based on the proposed development plans, workers in ground contact, and passengers at the adjacent railway station, are potential receptors for a limited period during development, albeit of low sensitivity.

Future site users, who in any case will only be present for short periods of outdoor refuelling or site maintenance, will not be significantly exposed to any contamination while the site remains sealed.

Based on the conceptual site model, the proposed development will be regulated under the NES-CS. Soil disturbance to install the underground fuel storage systems will involve minor trenching to install stormwater drainage within a 'piece of land' – the vicinity of the former garage and USTs. Providing that permitted activity standards are met, including volumetric limits on soil disturbance and disposal, and controls to minimise the exposure of workers to any mobilised contaminants, in HAIL Environmental's view this soil disturbance should be a permitted activity and no resource consent should be required.

While the site contains a 'piece of land' where an activity or industry described in the HAIL has been undertaken, and the use of this piece of land will change in the proposed development, the change of use is not reasonably likely to harm human health (refer Regulation 5) because the site will be fully sealed, unmanned, and visited only briefly by end users. Hence this change of use does not trigger the NES-CS.

Based on the scope of work performed, HAIL Environmental considers that:

- A small area of the site, in the vicinity of a former workshop and USTs, has been used for HAIL categories F4 and F7 and is deemed a 'piece of land' for the purposes of the NES-CS. There is insufficient information to determine whether soil or groundwater contamination has actually resulted in this area. Proposed minor works in this area should be undertaken as a permitted activity subject to a construction management plan.
- Shallow fills elsewhere on site showed slightly elevated levels of typical transport and urban contaminants, which would prevent disposal as cleanfill. Underlying natural clay is likely to be suitable for disposal to cleanfill.
- Dewatering may not be necessary given the apparent groundwater table (Cook Costello) is below the base of the UST pit (approximately 4 m bgl). However, if significant groundwater is encountered while excavating the tank pit, resource consent for dewatering under the proposed Natural Resources Plan could be necessary.

I agree with the applicant's assessment that the construction effects of the proposed service station will be temporary and **less than minor** and no more than what could be reasonably expected for the redevelopment of a site in this location.

In accordance with the assessment provided by Hail Environmental (June 2018), resource consent is not required under the NESCS for the minor trenching required in the location on the site which is potentially contaminated and provided the permitted activity standards of the NESCS are met the works are likely to have a **less than minor** adverse effect on human health.

## 9.5 Conclusion

The proposal is considered to have **less than minor** adverse effects on character and visual amenity. The proposed signage is unlikely to result in a cumulative effect.

The proposed development and operation of the site is likely to have **less than minor** adverse effects on the flood and earthquake hazards on the property and will not increase the risk associated with the hazards on any other property or on the public.

Any construction effects associated with the proposed activity will be temporary and **less than minor**.

As discussed above, the effects of the current proposal on the transportation network, and in particular on traffic, cyclist and pedestrian safety are considered to be **more than minor**.

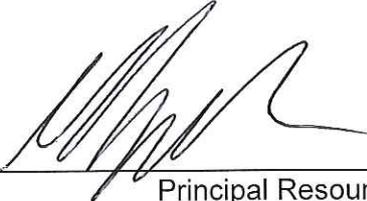
Given the **more than minor** effects on the transportation network and road safety, it is my opinion that the application should be **publicly notified**.

## 9.1 Public Notification Recommendation

That pursuant to Section 95A the application shall **be publicly notified** for the reasons set out above.

Reported and Recommended by:  Yolanda Morgan  
Consultant Planner

**Decision:** *"That the above recommendation be adopted."*

Delegated Officer  Marnie Rydon  
Principal Resource Consents Planner