

RM number: RM190435
Date: 5 March 2020
Applicant: Waitomo Energy Limited
Agent: Incite Consultants
Address: PO Box 2058
Wellington 6140
Attention: Kathleen Haylock

Brad Greening
Environmental Consents
T 04 570 6902
brad.greening@huttcity.govt.nz
Our reference: RM190435

APPROVAL OF RESOURCE CONSENT TO ESTABLISH AN UNMANNED SERVICE STATION AT 129 AND 131 THE ESPLANADE, PETONE (LOT 151, PT LOTS 149 AND 152 DP 59, AND LOTS 1-3 DP 28950)

Council granted consent for the following reasons:

- The potential traffic effects have been assessed by Council's consultant traffic engineer and drawing from this assessment the potential effects on the roading network are considered will be comparable to that of the existing environment.
- While the proposal will involve removal of the majority of buildings on site and very little in the way of replacement buildings, the proposal is considered to be consistent with the mixed use character of the surrounding area and proposed landscaping will add a visual interest to the site to visually soften the vehicle centric activity and contribute to The Esplanade corridor.
- The potential construction effects will be suitably managed by a Construction Management Plan.
- The applicant has advised that the proposal will comply with Hazardous Substances and New Organisms legislation.
- The applicant has proffered a condition of consent to provide a detailed Site Investigation to ensure the proposal will not pose a risk to human health from contaminants in the soil during construction or after opening of the site to the public.
- The proposal will comply with noise, light and odour requirements from all adjacent properties. While the carwash may breach noise requirements with the street boundary, the potential nuisance effects are considered acceptable.
- Conditions relating to the discovery of Maori and European taonga and artefacts will ensure that potential cultural and archaeological effects will be acceptable.
- Conditions imposed on the consent under section 108 of the Resource Management Act 1991 will control, mitigate and remedy any environment effects caused by the subdivision.
- The proposal is consistent with the policies and objectives of the city's District Plan.

- Council has given due regard to the New Zealand Coastal Policy Statement, any national, regional or proposed regional policy statement and any other regulations in reaching its decision. Council considers there are no other relevant matters that need to be dealt with.
- The proposal is consistent with the purposes and principles of Part II of the Resource Management Act 1991.

1. PROPOSAL

The applicant is seeking resource consent to establish an unmanned service station across 129 and 131 The Esplanade. The applicant has provided an accurate description of the proposal in section 2.2 of their AEE which should be read in conjunction with this report. As a summary, the proposal includes:

- Two 70,000L underground fuel tanks containing;
 - o 70,000L of unleaded 91 petrol
 - o 25,000L of unleaded 95 petrol
 - o 45,000L of diesel
- An above ground 4,800L tank containing Diesel Efficiency Fluid
- A forecourt containing four retail lanes with twelve pumps stations
- A 5.6m² service shed
- A pylon sign with dimensions 9m(H) by 2.8m(W) and three smaller entry/exit signs of 1.5m(H) by 1m(W)
- A 68m² carwash with a height of 4m

All buildings on site are to be demolished except that building on Pt Lot 149 DP 59. To facilitate the proposal, an excavation of 1,165m³ of soil will be required across the site with a maximum cut height of 4.5m in the location of the underground tanks. The excavation site is to be refilled and sealed over at the original ground level.

Access to the site is to be via either a 6m wide vehicle crossing from Fitzherbert Street or a 9m crossing from the western end of the site off The Esplanade. Egress is to be via a 9m wide crossing from the eastern end of the site to The Esplanade.

2. SITE DESCRIPTION

The application site is located at 129 and 131 The Esplanade, Petone. This is a large relatively flat corner site fronting The Esplanade at the end of Fitzherbert and Sydney Streets. The site is 1,895m² in size and contains approximately 660m² of single storey buildings occupied by vehicle related industrial and retail tenancies. The southern portion of the site is largely hard-stand parking.

The site consists of six allotments (being Lot 151, Part Lots 149 and 152 Deposited Plan 59 and Lots 1-3 Deposited Plan 28950) held in Record of Title identifier WN23A/47. The RoT has no interests registered to it that may affect the proposal.

The site is opposite the Special Recreation Activity Area which includes the heritage listed buildings; Petone Wharf; Petone Rowing Club and T.S Tamatoa. A small portion of the south-west corner of the site falls within a significant cultural resource (No.16) which is known as Pito-One Pa. There is another significant cultural resource (SCR) on the opposite side of Sydney Street (No.17) which is known as an Urupa. The nearest General Residential Activity Area is 137 The Esplanade and 1 Nelson Street; 1 block east of Sydney Street.

The subject site is located within the Petone Commercial (Area 2) Activity Area of the City of Lower Hutt District Plan. The site is additionally identified within Appendix Petone Commercial 7 as being exempt from the 10m building setback rule applicable to sites fronting The Esplanade. The site has no other special notations or restrictions registered within the District Plan which may affect this development.

The applicant has provided the following information on contaminants history of the site:

The site is also listed as a HAIL site under the Greater Wellington Regional Council Selected Land Use Register. Lot 2 and Lot 3 DP 28950 are identified as SN/03/190/02, being BP Autostop Petone. The site is categorised as 'contamination acceptable, managed/remediated.' Lot 151 DP 59, Part Lot 152 DP 59, and Part Lot 149 DP 59 are identified as SN/03/760/02, with a verified history of hazardous activity, being motor vehicle workshops. Lot 1 DP 28950 is identified as SN/03/190/02, with a verified history of hazardous activity, being a motor vehicle workshop.

Site History

Council's aerial photograph records from 1939 and 1958 generally indicate that the site contained what were likely dwellings which were spread across the current parcels. In 1968 a service station was established along with various signs, a workshop and a canopy over the pumps. This service station and workshop remained until 2008.

3. RELEVANT PLANNING RULES AND REGULATIONS

District Plan

The District Plan is the appropriate planning instrument with which to assess the proposal. Rules relating to the Petone Commercial (Area 2) activity area, which this proposal falls within, are contained in chapters 5B and 14.

The proposal requires resource consent for the following District Plan non-compliances:

5B 2.2.1.1(d) Landscaping and screening: On sites fronting The Esplanade, a planting strip shall be provided to comply with the following:

- *A minimum width of 2.5m;*
- *Planting shall include at least one specimen tree capable of growing to 5m in height within ten years of planting for every 5m of site frontage;*
- *The planting strip shall provide separation between on-site pedestrian and vehicle activities and on-street pedestrian and vehicle activities.*

The proposal will not involve the planting of specimen trees, and two vehicle crossings will be provided along The Esplanade frontage therefore providing two spaces without physical separation between the site and the street.

14D 2.1(e) Spill containment system of hazardous facilities: The parts of the hazardous facility site described in parts (d)(ii) and (d)(iii) above except for the intentional use of explosives for blasting in a quarry shall be serviced by a spill containment system that is:

- (i) *Constructed from impervious materials resistant to the hazardous substances used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled on site;*

- (ii) *Able to contain the maximum volume of the largest tank used, or where drums or other containers are used, able to contain half of the maximum volume of substances stored; and*
- (iii) *Able to prevent any spill or other unintentional release of hazardous substances, and any stormwater and/or fire water that has become contaminated, from discharging into or onto land and/or water (including groundwater and potable water supplies) unless permitted by a regional resource consent or a regional rule.*

The tanks do not have secondary containment of 110% of the volume of the largest tank.

14A Standard 2(a) Vehicle access: No more than two separate crossings for any front site.

The proposal will involve three vehicle crossings.

14A Standard 2(a) Site access must be designed and constructed in accordance with Section 3 of AS/NZS 2890.1:2004 Parking facilities Part 1: Off-street car parking: Sightlines of 45m are required from vehicle crossings.

Sightlines to the south from the Fitzherbert Street crossing will be approximately 20m.

14A Standard 2(b) Separation distance from intersections: Vehicle crossings must be 20m from intersections on arterial roads and primary collectors.

The eastern crossing on The Esplanade will be approximately 5.7m from the intersection with Sydney Street

The western crossing on The Esplanade will be approximately 8.9m from the intersection with Fitzherbert Street

The crossing on Fitzherbert Street will be approximately 8.4m from the intersection with The Esplanade

14B 2.1.1(b)(ii) Maximum height of freestanding signs: 8m

The proposed pylon will be 9m in height

14B 2.1.1(c) Maximum face area of freestanding signs: 20m²

The proposed pylon will have a face area of 25m²

14C 2.1.2(b) Activities must not exceed the following noise requirements from the site boundary:

- 7am to 10pm: Maximum 65dBA
- 10pm to 7am: Maximum 60dBA

The proposed carwash may generate noise up to 67dBA during the day and 64dBA during the night from the site boundary.

14I 2.1.1(a) Ground level: 1.2m

The ground level will be altered by a maximum height of 4.5m.

14I 2.1.1(a) Quantity: 50m³

The proposal will involve up to 1,165m³ of earthworks

Activity Status

I consider the proposal to be a restricted discretionary activity under rule 5B 2.2.2(a) relating to the construction of new buildings and structures within the Petone Commercial (Area 2) activity area.

I consider the proposal to be a discretionary activity under rule 5B 2.2.3(a) relating to restricted discretionary activities that fail to comply with the relevant permitted and restricted discretionary activity conditions of the Petone Commercial (Area 2) activity area and the General Rules chapter. The proposal will not be able to comply with the landscaping (5B 2.2.1.1(d)) and hazardous facilities (14D 2.1(e)) permitted activity conditions as above.

I consider the proposal to be a discretionary activity under rule 5B 2.2.3(c) relating to service stations within the Petone Commercial (Area 2) activity area.

I consider the proposal to be a restricted discretionary activity under rule 14A 5.1(b) relating to activities that do not comply with the standards of the Transport Chapter.

I consider the proposal to be a restricted discretionary activity under rule 14A 5.1(c) as a service station is a high trip generator.

I consider the proposal to be a discretionary activity under rule 14B 2.4(a) relating to any permitted, controlled or restricted discretionary activity which does not comply with the permitted activity conditions of the Signs Chapter. The proposal is for signage fronting The Esplanade which is a controlled activity under 14B 2.2(d) however will not comply with the relevant permitted activity conditions as above.

I consider the proposal to be a discretionary activity under rule 14C 2.2(a) relating to activities that will not meet the permitted activity requirements of the Noise Chapter.

I consider the proposal to be a restricted discretionary activity under rule 14I 2.2(a) relating to earthworks that will not comply with the permitted activity conditions of the Earthworks Chapter.

It is deemed appropriate to bundle the activity statuses and the application has therefore been considered as a discretionary activity.

National Environmental Standards

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC) controls certain activities on sites where an activity identified on the Hazardous Activities and Industries List (HAIL) is being carried out, has been carried out, or is more likely than not to have been carried out. Section 2 of this report identifies the HAIL history of the site. Given this, the site is listed on the Greater Wellington Regional Council's (GRWC) Selected Land Use Register (SLUR).

The proposal will not comply with the following permitted activities of the NESC:

Regulation 8(3) Disturbing soil

(c) The volume of the disturbance of soil of the piece of land must be no more than 25m³ per 500m².

This would allow for approximately 81m³ of soil disturbance. The proposal involves the disturbance of 1,165m³ of soil.

(d) Soil must not be taken away in the course of the activity except;

(i) For the purpose of laboratory analysis, any amount of soil may be taken away as samples.

(ii) For all other purposes combined, a maximum of 5m³ per 500m² of soil may be taken away per year.

This would allow for approximately 16m³ of soil to be taken off site. The proposal involves the removal of 1,133m³ of soil from site.

(f) The duration of the activity must be no longer than 2 months.

The applicant has advised that the excavation works are expected to be carried out within two months however there is a chance that all works will not be completed within this timeframe.

Given the above, the activity is not a permitted activity and as no Detailed Site Investigation has been carried out, the proposal is a discretionary activity under Regulation 11 of the NESCS.

The proposal does not require assessment under any other National Environmental Standards.

4. PERMITTED BASELINE

The permitted baseline in regards to construction for the application site would include demolition of buildings, the alteration, addition and repair of buildings and structures where the gross floor area of the additions is less than 5% of the gross floor area of the existing building, the alteration, addition and repair of buildings that does not change the external building form of the existing building, and minor alterations to existing site activities or land condition. All signs fronting The Esplanade require resource consent as a controlled activity.

The permitted baseline in regards to built form is considered to be of little relevance to the assessment of the proposal.

The permitted baseline in regards to activities on site retail activities between 500-1000m² GFA (due to the high trip generator), commercial activities accommodating less than 300 people and with a GFA of up to 1,000m², warehouses, garden centres, residential activities, brothels, commercial garages, service industry activities, cottage industry activities, household goods service, repair and hire activities, and research for industrial purposes.

The permitted baseline in regards to activities is considered to be of some relevance to the assessment of the proposal in regards to potential character and traffic effects.

Existing environment

The existing environment establishes the context against which a proposal will be assessed, and includes legally established use on the subject site. In this instance the existing environment includes the existing vehicle crossings on site, as well as the existing buildings

on site and associated tenancies. This is considered to be relevant for assessing the effects of proposed access and manoeuvring.

5. NOTIFICATION ASSESSMENT

Council must assess any resource consent application under section 95 of the Resource Management Act 1991 to determine whether a resource consent application should be notified. The Resource Management Act 1991 details a four step process that must be followed, and triggers or precludes notification of applications in certain circumstances. The sections below follow the four step process for public notification (under section 95A) and limited notification (under section 95E).

5.1 - PUBLIC NOTIFICATION STEPS – SECTION 95A

Pursuant to section 95A of the Resource Management Act, this section follows the 4 step process to determine if public notification is required.

Step 1 - Public notification is mandatory in certain circumstances

Public notification is mandatory in certain circumstances.

Has the applicant requested public notification?	No
Is public notification required under s95C?	No
Is the application made jointly with an application to exchange recreation reserve land under s15AA of the Reserves Act?	No

Public notification is not mandatory under step 1.

Step 2 - Public notification is precluded in certain circumstances

If public notification is not required under step 1 it may be precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding public notification?	No
Is the application for one or more of the following (but no other) activities? ▪ A controlled activity ▪ A residential activity with a restricted discretionary or discretionary activity status ▪ A subdivision of land with a restricted discretionary or discretionary activity status ▪ A boundary activity with a restricted discretionary, discretionary or non-complying activity status ▪ An activity prescribed by regulation made under s360H(1)(a)(i) precluding public notification (if any)	No

Public notification is not precluded under step 2.

Step 3 - Public notification is required in certain circumstances

If public notification is not precluded under step 2, public notification may be required in certain circumstances.

Is any activity in the application subject to a rule in a Plan or National Environmental Standard that requires public notification?	No
Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?	No (see assessment below)

Does the activity have, or is likely to have, adverse environmental effects that are more than minor in accordance with s95D?

Public notification is required under step 3 if the activity will have or is likely to have adverse effects on the environment that are more than minor.

In considering if the adverse effects on the environment are more than minor, the effects on persons who own or occupy the land in, on, or over which the activity will occur; or any land adjacent to that land must be disregarded. I have therefore disregarded the effects on the persons who own or occupy properties at 1, 2 and 4 Sydney Street, 4 Fitzherbert Street, 80, 121, 125-127 and 136 The Esplanade, Petone in making an assessment under s95D:

The potential adverse effects are

- Traffic effects
- Construction effects
- Effects from hazardous facilities
- Effects from contaminants
- Noise effects
- Lighting effects
- Odour effects
- Visual amenity and character effects
- Effects on sites of cultural and archaeological significance
- Effects on existing natural features and topography
- Natural hazards effects

The adverse effects on the environment are considered to be less than minor for the following reasons:

Traffic effects

The proposal involves the establishment of a service station on the application site. The District Plan identifies service stations as a high trip generator and assessment of the potential effects on the road network and on-street parking is required. Given the complexities of the proposal in regards to traffic implications, a traffic report prepared by Stantec was provided with the application and Council have had the proposal reviewed by consultant traffic engineer, Laura Skilton of Cardno. The Esplanade is identified as an arterial road within the District Plan and provides an east to west link across Lower Hutt that carries large volumes of traffic.

The applicant has asserted that the proposed service station will draw customers from motorists already using The Esplanade and as such will have a minimal impact on increased congestion along the street. Ms Skilton, in her assessment commented around trip generation stated:

The applicant's traffic impact assessment states that service station trip generation rates are around two to four percent of the passing traffic volumes. I do not disagree with this, however trips will be attracted to the site beyond just the passing traffic due to price and loyalty cards. The number of cars on The Esplanade therefore could increase.

The attraction rate on the near lane (eastbound) will be closer to four percent and the attraction rate on the far lane (westbound) will be closer to two percent. Based on this, the estimated trip generation is tabulated below. Each vehicle will make two movements, one into the site and one out of the site.

Table 1 Estimated Typical Trip Generation

Time Period	Westbound	Eastbound	Total
7:00 – 8:00	14	33	47
Typical hour during the weekday	26	26	52
16:00 – 17:00	22	36	58
Saturday 11:00 – 12:00	20	36	56

Based on data received from Hutt City Council, the applicant has noted that the traffic flow along The Esplanade is as follows:

The road carries about 25,400 vehicles per day ("vpd") on a weekday and about 20,700vpd during the weekend. Peak hour traffic volumes of about 1,600 vehicles per hour ("vph") was recorded during the AM peak at 8am and 2,100vph during the PM peak at 4pm on a weekday. The chart also indicates that the PM peak is generally higher than the AM peak, on weekdays. During the weekend, a peak volume of about 1,900vph was recorded at 12pm.

When considering the number of vehicle movements per day associated with The Esplanade and the potential number of additional vehicles being drawn to the area, it is considered that the effects associated with the additional trips generated will be comparable to the existing situation along The Esplanade with daily variations to the traffic flow being greater than potential new vehicles attracted to the area. It is noted that occasional promotions may pull more vehicles into the area, however these are anticipated will be infrequent.

There is potential for the proposal to result in 'reverse priority' manoeuvring in times of peak traffic whereby slow moving traffic on a road let vehicles onto the road opposite to traditional right of way rules. This has the potential to slow traffic down on The Esplanade to allow for such manoeuvring. However, it is considered that while some slowing down of traffic may occur, it will be to a minor degree given the one-way nature of the proposal in which vehicles will exit the road from the west entry thereby leaving space for vehicles re-entering the road from the east exit allowing for less slowing down by through traffic. It is further noted, that the estimated figure of 63 vehicle movements per hour or approximately 10 movements per minute may not operate as such as customers miss prompts on payment machines and vehicles at the front of queues slow down those at the rear thereby decreasing the number of vehicles able to enter the site. It is anticipated that motorists travelling west on The Esplanade during peak hour traffic are likely to visit one of the two other service stations further east down the road or come back at an off-peak time so for ease of movement.

The applicant has assessed that the likely visitors to the application site will be 63 vehicles per hour. The proposal has the potential to service twelve vehicles at a time, and may be able to accommodate up to nine waiting vehicles on the site. It is likely that patrons will take approximately ten minutes to fill up their vehicles and therefore the potential exists for waiting vehicles to spill out onto The Esplanade causing further congestion. However, good sightlines will be provided into the application site allowing passing motorists to determine in advance whether there is enough space within the site to queue and whether it is worth the wait or to come back later. This is anticipated will ensure that vehicles do not start queuing out onto the road. With particular regard to the Fitzherbert Street entrance there is the potential for conflicts with vehicles queueing at the southern end of Fitzherbert Street turning onto The Esplanade. However, it is considered that this entrance will be predominantly utilised by vehicles traveling south down Fitzherbert Street with the majority of patrons travelling east utilising The Esplanade entrance. In saying this, should patterns prove otherwise that lead to queueing within the road and conflicts at The Esplanade / Fitzherbert Street intersection, the applicant has agreed to a condition of consent allowing the traffic effects associated with the Fitzherbert Street entrance to be revisited and remedied should this entrance prove to create conflicts with the roading network. Further to the above, it is noted that while the proposal will generate a greater number of vehicle movements than the current uses of the site, the provision of narrower vehicle crossings will help to focus traffic movements and reduce potential conflicts for motorists visiting the site. Additionally, the permitted baseline allows for retail and commercial activities with a gross floor area of up to 1000m² that could generate similar levels of traffic levels.

Concern has been raised over the potential for fuel tankers servicing the site to conflict with customers queueing to use the pumps. The applicant has agreed to a condition of consent requiring refilling of on-site tanks by tankers to be carried out outside of peak times to reduce the potential for this conflict. All manoeuvring has been reviewed and noted as suitable by Ms Skilton.

In regards to potential impact of the proposal on pedestrians, it is noted that the existing vehicle crossings cover a large portion of the road frontage (together approximately 64m) and that the proposal will be reducing the width of these crossings to a combined width of 18m on The Esplanade, 6m on Fitzherbert Street and 0m on Sydney Street, thereby reducing the crossing time and area of interaction between vehicles and pedestrians. Further to this the crossings are to be one-way only and will assist with the safe operation of the site. It is noted that there is a light-controlled pedestrian crossing approximately 50m west of the site which serves pedestrians gaining access to the beach front and settlers' museum. Given this crossing is to remain lighted, it is not anticipated that the proposal will impact the ability of pedestrians to cross the road at this point. While the proposed vehicle crossings will be located relatively close to intersections, this is an existing situation and the reduction in size of the crossings will help to increase safety between the site and the road network. It is acknowledged that the proposal will involve a greater number of vehicle movements to and from the site than current activities generate however clear sightlines will exist between the intersections and proposed vehicle crossings mitigating potential conflicts.

The traffic engineer has reviewed the signage and deemed it sufficiently simple so as to not distract drivers along The Esplanade.

From the assessment provided by the traffic engineer, it can be concluded that traffic will be largely drawn from passers-by during peak travel times and will therefore have a comparable effect on traffic in the area as the existing situation. During off-peak traffic, the road network will easily incorporate any additional traffic drawn to the area. Given this, the potential traffic and parking effects are considered will be no more than minor.

Design, external appearance, amenity and character effects

The proposal involves the demolition of most of the existing buildings on the application site and the construction of a courtyard and carwash and storage shed buildings. Given the small scale nature of the buildings, the proposal will not be visually dominant when viewed from the wider environment. Given The Esplanade is an important route into the Lower Hutt District; the site is well positioned to enhance the visual amenity and character of the area. The District Plan sets a design guide for developments within the Petone Commercial (Area 2) activity area which will be discussed in further detail later in the assessment. It is noted that the proposal will provide little in the way of visual interest to the application site and the wider area, given the inherent lack of opportunity to provide design features with an activity involving few buildings. Despite the lack of buildings, the proposal is considered will fit in with the character of the area given the industrial and mixed use nature of the immediately surrounding area and wider environment. Further, it is considered that the proposed landscaping will help to incorporate the development into the surrounding area, by providing a demarcation of the site along the street frontage and visually softening the proposed hard surfaces of the site where there is currently only monotonous sealed surfaces. The District Plan speaks to providing specimen trees at regular intervals along site frontages facing The Esplanade, however, it is considered that plantings of height would compromise traffic safety in regards to sightlines of persons entering and leaving the site, as well as those people deciding in sufficient time whether to visit the site or not. Despite the proposed structures providing little in the way of visual interest to the streetscape, it is acknowledged that service stations are specifically listed as a discretionary activity in the Petone Commercial (Area 2) activity area and the visual effects associated with the proposal are therefore somewhat anticipated by the District Plan. Given the character of the area and the proposed landscaping, it is considered that the potential visual amenity and character effects of the proposal will be no more than minor.

The proposal involves the construction of a pylon on site displaying the company logo and fuel prices. The proposed pylon will have dimensions of 9m in height and a width of 2.8m and will be in the company colours of red and blue with green and black strips drawing attention to petrol and diesel prices. While the proposed pylon will breach height (by 1m) and scale (by 5m²) requirements, the relatively narrow width of the sign will ensure that it does not appear dominant along the streetscape. The sign will also involve relatively bright colours and will therefore be highly visible, however this is not considered to be inherently negative and the simple design is considered will be consistent with what can be expected on a commercially zoned site. Further to the above, the proposed signage will relate to the activity and site to which it is associated. Three smaller entry and exit signs of 1.5m in height and 1m in width will also be placed at the entrances and exit to the site which are considered relatively small in scale and not visually dominant to the streetscape. The potential visual amenity effects from the proposed signage are considered will be less than minor.

The proposal will involve the excavation of 1,165m³ of soil and subsequent filling in of the proposed excavation area back to its original level. No scarring will be visible post completion with the site to be sealed and landscaped. The potential impacts on amenity values from the earthworks will be less than minor.

Lighting effects

The proposal will comply with the lighting requirements of the District Plan in that emission of light shall not exceed 8 lux at the windows of residential activities, and areas of public use on the site will be lit by a minimum of 10 lux to ensure safety.

Noise effects

The proposed service station will be open for use by the public 24 hours a day and seven days a week and will be unmanned by staff. The proposal therefore has the potential to generate noise disturbance. A noise report has been provided with the application from Marshall Day Acoustics which indicates that noise from the general operation of the service station will comply with the District Plan noise standards while noise from the car wash will not. The noise report asserts that this breach will be directly with the boundary of the site and as is compliant by the time the noise has travelled across Sydney Street. Given this, the potential noise effects on the wider environment will be less than minor with a small scale breach only being noticeable in the immediate location of the car wash on Sydney Street which is a transient space and so exposure to noise will be fleeting.

Odour effects

Service stations have the potential to create strong odours from storage and transferring of fuel on-site. The applicant has advised that the following best practice option will be followed to mitigate the potential for odour on site and past the site boundaries:

Industry leading vapour recovery is being installed at this site. Firstly, vapour recovery to capture fumes displaced from the underground tanks during deliveries. This is then transported back to the terminal (Vapour Recovery 1). Secondly, vapour recovery from the dispensers. This captures the vapour displaced from the car tanks when they fill. This is pumped back into the underground tanks and then moved back to the terminal as per the first vapour recovery process (Vapour Recovery 2).

Given the above, it is considered that the potential effects from odour will be less than minor.

Effects on historic heritage and sites of cultural or historical significance

A small portion of the south-west corner of the site falls within a significant cultural resource (No.16) which is known as Pito-One Pa. There is another significant cultural resource (SCR) on the opposite side of Sydney Street (No.17) which is known as an Urupa. The site is also within an area potentially occupied by pre-1900 European settlement. Comment was sought from various Iwi groups as well as Heritage New Zealand. At the time of writing the report, no response has been received from Iwi groups and a recommendation has been received from HNZ for an archaeological assessment to be carried out on the site. It is not considered necessary to require an archaeological assessment as part of this resource consent given the highly modified nature of the site and its use over the years for mostly industrial activities. However, given there is potential for historical artefacts to be present on parts of the site, the applicant has agreed to conditions of consent requiring works to cease and the appropriate

parties alerted should historical artefacts or taonga be discovered on the application site. This measure is considered appropriate to manage the potential uncovering of Maori and European artefacts if present on site. The application site is across the road from the heritage listed buildings; Petone Wharf; Petone Rowing Club and T.S Tamatoa. The proposed structures will be relatively small in scale and will not visually dominate or detract from the heritage values associated with these structures. Additionally, the visual amenity and character effects associated with the proposal will be similar in nature to that associated with the current use of the premises in regards to industrial and retail activities associated with vehicles.

The potential effect on historic heritage and sites of significance is considered to be less than minor.

Effects from contaminants

The proposal involves the disturbance and removal of soil from a site that has been identified as contaminated. The applicant has provided a Preliminary Site Investigation (PSI) with the application prepared by Pattle Delamore Partners which has indicated that a Detailed Site Investigation (DSI) will be required to fully assess the site and provide appropriate mitigation to ensure the safety of workers and the public during construction as well as patrons using the site. The applicant has proffered a condition requiring no works to start until a DSI has been prepared and has agreed to conditions of consent requiring any recommendations made by the DSI to be followed. Given this, it is considered that the potential effects from contaminants on human health will be mitigated to a degree that is less than minor.

Construction effects

Potential construction effects include increased noise, vibration, dust, sedimentation, and vehicles to and from the application site. Given the traffic volume that The Esplanade generates, it is important to consider whether construction vehicles will impact use of the road and footpath. Given the large area of the application site, it is considered that construction vehicles can be safely accommodated within the site and while there will be increased movements to and from the site, this will be temporary in nature and generally consistent with what is expected for redevelopment of a site zoned for a range of uses. The applicant has agreed to implement a construction management plan (CMP) to manage the potential construction effects associated with the proposal. Given the above, it is considered that the potential construction effects will be less than minor.

Hazardous facilities

The proposal involves the storing of fuels on site in association with the service station. The District Plan sets a threshold (being 100,000L of petrol in underground tanks and 50,000L of diesel in underground tanks) on the amount of fuel to be stored on a site whereby assessment of potential risk from the facility to the surrounding area is not required. The proposal involves the storage of 95,000L of petrol on site and 45,000L of diesel, and the design, installation and operation of the tanks will comply with the requirements of the Hazardous Substances and New Organisms Act 1996 (HSNO Act) which is the overarching legislation to control hazardous facilities in New Zealand. The proposal also involves the storage of 4,800L of Diesel Efficiency Fluid in an above ground tank, which is classified as a skin and eye irritant and a vertebrate ecotoxicant, and will therefore also require certification under the HSNO Act. Notwithstanding the above, it is noted that the application site is in a largely industrial area

and is separated from the more sensitive uses of the mixed zone such as residential and recreational activities.

While the proposal will not comply with the District Plan requirements in the way of minimum capacity of spill storage on site, the applicant has advised that:

The tanks do not have secondary containment of 110% of the volume of the largest tank. That said, the tanks are designed to, and comply with, the UL 1316 standard (UG Tank manufacture) and meet the Australian Standard AS 4987 being “The design, installation and operation of underground petroleum storage systems”. The secondary containment of these tanks is monitored 24/7 using the Hydroguard System which is standard in the industry – this is an active monitoring system which monitors leakage around 100% of the tank at all times.

While the proposal will not comply with the District Plan requirements in regards to spill containment, it is considered that the requirements in regards to HSNO legislation will sufficiently manage this aspect of the proposal. The potential effects associated with the risk from spillage are therefore considered will be mitigated to a degree that is less than minor.

Given the above, it is considered that the potential effects from the hazardous facility will be less than minor.

Effects on existing natural features and topography

The application site is flat and almost completely sealed. Upon completion of works, the ground level will be unchanged. The effects on natural features and topography will be less than minor.

Natural hazards

The application site is flat and while the proposal involves a large amount of excavation of the site, particularly in the location of the underground tanks, it will be refilled to the same level as existing and the tank pit is to be retained using sheet piles. The applicant has agreed to a condition requiring a construction management plan which will manage the methodology of the earthworks to ensure the ongoing stability of the surrounding area.

Given the above, the potential hazard effects are considered will be less than minor.

Public notification is not required under step 3.

Step 4 – Public notification is required in special circumstances

If public notification is not required under step 3 it may still be warranted where there are special circumstances.

Do special circumstances exist that warrant public notification?	No
--	----

Special circumstances have been defined as circumstances that are unusual or exceptional, but may be less than extraordinary or unique. The proposal relates to the construction of a service station in an area zoned for retail, commercial and industrial use. The District Plan is considered to provide clear policy direction and assessment matters relevant to the proposal, and it is considered that public notification will not reveal any new information relevant to determination.

On this basis, it is not considered necessary to publically notify the application due to special circumstances.

Conclusion

Public notification is not required.

5.2 - LIMITED NOTIFICATION STEPS - SECTION 95B

As determined in section 5.1, public notification is not required. Pursuant to section 95B of the Resource Management Act, a 4 step process must therefore be followed to determine if limited notification is required.

Step 1 – Certain affected groups/persons must be notified

Limited notification is mandatory for certain groups/persons.

Are there affected customary rights groups?	No
Are there affected customary marine title groups (for accommodated activities)?	No
Is the proposal on or adjacent to, or may affect, land that is subject to a statutory acknowledgement and whether the person to whom the statutory acknowledgement is made affected under section 95E?	No (see assessment below)

Limited notification is not required under step 1.

The application site is adjacent to the Petone foreshore and as such is in a statutory acknowledgement area. As such, the Port Nicholson Block Settlement Trust and Ngati Toa were alerted to the application. At the time of writing this report no comments have been received from either party. In any case it is considered that the proposal will have an impact on any person that is less than minor as the site has been largely modified in the past, and the applicant has agreed to an accidental discovery condition requiring works to stop should any artefacts be found during earthworks. Further, the proposal will comply with HSNO requirements which will minimise the potential for contamination of the water system.

Step 2 – Limited notification is precluded in certain circumstances

Limited notification to any other persons not referenced in step 1 is precluded in certain circumstances (unless special circumstances apply under step 4).

Are all activities in the application subject to a rule in a Plan or National Environmental Standard precluding limited notification?	No
Is the application for either or both of the following, but no other activities: ▪ A controlled activity (other than a subdivision) under the District Plan ▪ An activity prescribed by regulations made under s360H(1)(a)(ii) precluding limited notification (if any)	No

Limited notification is not precluded under step 2.

Step 3 – Certain other persons must be notified

If limited notification is not precluded under step 2, limited notification is required for any persons found affected under s95E.

Are any of the following persons 'affected' under s95E? ▪ For 'boundary activities' an owner of an allotment with an 'infringed boundary' ▪ In the case of any activity prescribed under s360H(1)(b), a prescribed person in respect of the proposed activity.	No
For all other activities, are there any affected persons in accordance with s95E?	No (see below assessment)

In accordance with s95E are there any affected persons?

Section 95E(3)(a) stipulates that those individuals who give written approval to a proposal cannot be considered to be an affected person/s. No persons have given written approval.

In accordance with section 95E, I have considered whether the proposal could adversely affect any other persons. I consider there to be no affected persons as the potential environmental effects will be less than minor for the following reasons:

All persons

- The proposal will draw the majority of patrons from motorists already passing the application site. As assessed in section 5.1 above, while the proposal may slow traffic down somewhat with vehicle movements to and from the application site, however this is considered to be comparable to the existing situation The Esplanade experiences and will be mitigated by the one way nature of the operation allowing for space established by vehicles leaving the road to be filled by those entering the road. It is not anticipated that the proposal will impact the ability of surrounding persons to enter and exit their respective sites beyond the existing situation. However, should conflicts occur with the proposed Fitzherbert Street entrance creating queuing on the road, a condition of consent agreed to with the applicant will allow this entrance to be reassessed and remedied.
- The proposed bulk and design of the buildings and structures will not be visually dominant to any persons. Further, the proposed landscaping will help to integrate the development into the streetscape and provide a greater visual interest than exists on site at present.
- While the proposed signage may appear prominent on site due to the lack of buildings, it is of a scale and design consistent with the commercial zone of the site and is of a colour and design that will not detract from the character of the area.
- The proposal will comply with HSNO requirements thereby mitigating potential effects from hazardous materials on site. It is noted that the proposal will involve the storage of fuel on site that is deemed acceptable by the District Plan in regards to potential risk to the surrounding area. Notwithstanding this, it is noted that the potentially sensitive site of Lollipops play centre to the west is physically separated from the site by Fitzherbert Street and 125-127 The Esplanade, the closest residential zone to the east is separated by Sydney Street and 2-4 Sydney Street, and users of the Petone foreshore will be separated by The Esplanade.
- A noise report was provided with the application indicating that proposed carwash will not comply with the noise requirement from the application site boundary however the noise will have dissipated to a compliant level by the time it reaches all surrounding property boundaries. Noise from the general operation of the service station will comply with District Plan noise requirements. This will include noise at night when the ambient noise reduces due to the corresponding drop in patronage.

- The proposed lighting will comply with the District Plan requirements and will therefore not result in overly bright lighting or glare on residential properties.
- Potential construction effects include increased noise, vibration, dust, sedimentation, and vehicles to and from the application site. Given the large area of the application site, it is considered that construction vehicles can be safely accommodated within the site so construction vehicles will not have to park on the street. Additionally, the construction effects will be temporary in nature. A construction management plan (CMP) is to be prepared and adhered to by the applicant to manage the potential construction effects associated with the proposal.
- A DSI is to be prepared by the applicant and any recommendations made by the suitably qualified person adhered to so as to avoid potential impacts from contaminants on human health during and after construction works.
- All exposed earthworks will be sealed or landscaped upon completion of works.
- The proposal will not exacerbate the risks from natural hazards to the surrounding area.
- The site is relatively flat and has previously been highly modified. The ground level of the site is to remain the same after completion of works. Should any Maori or European artefacts be found on site, works are to stop immediately and interested parties alerted.

Limited notification is not required under step 3.

Step 4 – Limited notification is required under special circumstances

If limited notification is not required under step 3, limited notification may still be warranted where there are special circumstances.

Do special circumstances exist that warrant notification of any persons to whom limited notification would otherwise be precluded?	No
--	----

For the reasons outlined under step 4 in section 5.1 above I do not consider there to be any special circumstances that warrant limited notification of this proposal.

Conclusion

Limited notification is not required.

5.3 - NOTIFICATION DECISION

In accordance with the notification steps identified in sections 5.1 and 5.2, the application shall proceed on a non-notified basis.

6. DETERMINING THE APPLICATION

Section 104 requires, when considering a resource consent application, that Council must, subject to Part 2, have regard to any actual or potential effects on the environment; any measure agreed or proposed by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any negative effects; any relevant provisions of a National Environmental Standard; other regulations; a National Policy Statement; a New Zealand Coastal Policy Statement; a Regional Policy Statement or proposed Regional Policy Statement; a plan or proposed plan; and any other matter the consent authority considers relevant and reasonably necessary to determine the application.

6.1 - ASSESSMENT OF ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT UNDER S104(1)(A)

For the reasons given in sections 5.1 and 5.2 above, I consider the actual and potential environmental effects to be acceptable under s104(1)(A).

The following points are included additional to the assessment carried out in sections 5.1 and 5.2 of this report:

Natural hazards

The application site is in an area identified by the District Plan as potentially susceptible to seismic hazards. The application site is not located within proximity of the Wellington Faultline and given the retaining of the underground tanks, the finished ground level remaining the same, the minimal structures on site, and the inclusion of a condition of consent requiring certification of the proposed fill by a suitably qualified engineer, it is considered the potential risks from ground-shaking, subsidence and liquefaction will be suitably mitigated. Additionally, the proposal involves minimal and open structures on site, and so is considered the potential risks associated with flooding and inundation will be negligible.

The city's infrastructure capacity

The application has been assessed by Wellington Water in regards to the potential effects on the capacity of the city's infrastructure. WWL have recommended stormwater neutrality if the application is diverting a greater level of water into the stormwater system. As the site is currently fully sealed, the stormwater captured on site will not be increasing. Minimum floor levels have also been provided however this is considered unnecessary given the proposed structures on site are to be open and not sensitive to flooding. No issues have been raised in regards to water supply or wastewater. The potential effects on the city's infrastructure are considered acceptable.

Conclusion

I consider the actual or potential effects on the environment to be acceptable for the reasons outlined above.

6.2 - ASSESSMENT OF THE RELEVANT PROVISIONS OF THE DISTRICT PLAN UNDER S104(1)(B)

Design guide assessment

New buildings and structures within the Petone Commercial (Area 2) activity area trigger assessment against the Petone Mixed Use Activity Area design guide. Given the nature of the proposal, the only buildings included in the application are the carwash and storage shed, and as such the opportunity to apply the design guide is inherently limited. As such, much of the design guide is considered to be of little relevance to the assessment of the proposal.

2.1 Building Form and Bulk

1. *Continuous horizontal walls on a building's street frontage should be 'relieved' by articulating the frontage with contrasting projecting and recessive elements that visually break it up into identifiable parts this can be expressed further through the use of different materials, patterns and colours;*

2. *Facades, front and side elevations of multistorey buildings, should visually describe a vertical hierarchy of a base (ground floor), a middle (upper floors) and a top (roof, parapet, cornice, pediment) which is consistent in its expression from the base to the top;*
3. *Buildings should respond to the horizontal elements of adjacent buildings;*
4. *Natural light and ventilation to habitable rooms should be provided for by opening windows. Natural light and ventilation should be protected from blocking out by adjoining developments by either providing wall setbacks from site boundaries; and/or by designing building forms that have internal open spaces or internal light wells; and*
5. *Large scale buildings should be expressed as a collection of forms rather than a single large box form.*

The proposal involves few buildings which are of modest scale and so the potential to achieve the outcomes of this heading are limited.

2.2 Large Sites

1. *Large blocks of land (including large street blocks) should be divided to create new streets, lanes and open spaces in conjunction with new building forms;*
2. *Reference should be made to the existing street pattern in the eastern area of Petone West when considering the number and spacing of new streets;*
3. *Design of a development should be undertaken comprehensively, and consider the relationship between building forms and the open spaces between them, parking layout, amenity for building occupants, energy efficiency and other sustainable initiatives;*
4. *Consideration should be given to the development aspirations of adjoining site owners (if known); and*
5. *Early discussion with HCC should be undertaken to look for ways to generate mutual benefits from new street connections, open spaces and reduced block size.*

The application site is not particularly large and as the proposal does not involve a comprehensive development, it is considered there is limited potential or need to achieve to achieve the guidelines of this heading. Further, the site is surrounded by public space on the east, south and west and therefore public lanes through the site would provide little value to the area.

2.3 Prominent Sites

1. *Buildings on sites at the end of a street should have a form and facade treatment that responds to the terminating street's vista;*
2. *Buildings on corner sites should respond to their corner location (such as stepping down in height from the corner or extending a common facade surface treatment around the corner); and*
3. *Buildings on corner sites should be designed to complement existing buildings on the opposite corner.*

The application site represents a prominent site being located at the end of a street and fronting a major road. Given the proposal involves the demolition of buildings and the construction of a large courtyard in its place it will not meet the guidelines associated with this heading.

2.4 Street Frontage

(A) – Continuity, Visual Connections and Entries

1. *Buildings containing commercial, business and service activities should be parallel with and consistently aligned relative to the street frontage;*
2. *Buildings should have active frontages;*
3. *Continuous blank walls, opaque glazing, blanked out windows and doors, security shutters and roller doors on building frontages at street level should be avoided;*
4. *Buildings of more than one level should have windows on upper levels that overlook streets, parks, or lanes;*
5. *Entrances to buildings should be easily recognised and sheltered such as by the use of doorways within inset setbacks, bays and porches; or by the extension of canopies out to reflect the doorway positioning;*
6. *Separate door entrances for commercial and residential uses should be provided where the building has both activity types;*
7. *Entry areas should be designed as a transition from the public space of the street to the private or semipublic space of the building inside;*
8. *Entrances should be able to accommodate push chairs, mobility scooters and bicycles; and*
9. *Consideration should be given to the provision of bicycle parking.*

As above, the proposal involves few buildings and the potential to achieve the outcomes of this heading are limited.

(B) - The Esplanade:

1. *Buildings should be of a high architectural standard and quality;*
2. *New buildings should have a modulated building form to prevent the appearance of a solid wall of buildings along The Esplanade frontage;*
3. *A frontage setback of 10 metres (except for those sites identified in the District Plan) should be provided and designed in conjunction with the building. This setback space may be used as open amenity space or parking;*
4. *The front boundary to the Esplanade is to have a minimum of a 2.5m wide planted strip incorporating trees (e.g. pohutakawa) capable of growing to 5m in height. Trees should be spaced no less than 10m apart and maintained with a clear stem to enable visual connections beneath the canopy from The Esplanade into the site;*
5. *Developments should make the most of the views of the beach and face towards The Esplanade and beach with windows and doors that address The Esplanade; and*
6. *The access for vehicles to each site should occur from side streets where practicable, so as not to increase the number of vehicle crossings to The Esplanade.*

As above, the proposal has limited opportunity to meet aspects of this heading due to the lack of buildings. In regards to point 3, as discussed in section 3 of this report, the application site is exempt from this setback requirement. In regards to point 4, The Esplanade is considered an important route into the city and landscaping is anticipated to enhance this corridor. Relatively low-lying shrubs and bush are proposed along the front of the site whereas the guidelines speak to the provision of specimen trees at regular intervals. Despite this, the proposed landscaping is considered to be more appropriate for the proposed use of the site

as unimpeded views into the site are integral to the safe and efficient use of the service station by motorists. While not of a height anticipated by the design guide, it is considered that the proposed landscaping will provide a visual demarcation of the street frontage that does not exist at present and will provide a visual interest to the street. In regards to point 6, while two vehicle crossings will be provided directly from The Esplanade, this will be on a scale reduced from the existing situation whereby the street frontage is dominated by vehicle crossings.

(C) – Jackson Street

The application site is not on Jackson Street.

(D) – Residential Development

The proposal does not include residential development.

2.5 Adjacent Uses

(A) – Buildings Adjacent to the Urupa

The application site is not adjacent to Te Puni Urupa.

(B) – Buildings Adjoining Residential Neighbourhoods

The application site is not adjoining residential sites.

2.6 Open Space and Greening

(A) – Residential Outdoor Area

The proposal does not include residential development.

(B) – Public Open Space

The proposal does not include public space and it is considered that there is little opportunity for public space to be provided.

(C) – Greening Design Objective

1. *Roof gardens and vertical green treatment is encouraged. The spaces created can either be publicly accessible (e.g. as part of the open space network), semipublic (e.g. for residents of a building) or not for use (design feature). If green roofs, roof gardens and vertical green treatments are to be provided, consideration should be given to:*
 - a. *Waterproofing, drainage systems and structural strength to support weight loadings;*
 - b. *Plant species that are resistant to severe environments (wind and drastic changes in temperature), require low maintenance and low water use;*
 - c. *Soil mix and depth;*
 - d. *Maintenance procedures and access;*
 - e. *Opportunities to use collected rainwater for irrigation; and*
 - f. *Plant types that maximise solar access in winter and control solar infiltration in summer.*

The proposal does not involve buildings of substance and so there is little opportunity for roof or vertical greening, however it is noted that the proposal will involve landscaping of street edges where there is currently only hard surfaces.

2.7 Stormwater

1. *Measures to improve stormwater quality and reduce the volume of stormwater should be considered at the design phase of development;*
2. *Low impact design (LID) practices should be considered in order to reduce the volume of stormwater runoff and improve the quality of stormwater runoff. A range of LID techniques can be used including storage of water in larger gutters, storage and reuse on site for toilet flushing or plant watering, increasing onsite infiltration, and the use of swales and rain gardens;*
3. *Permeable surfaces are encouraged to reduce the volume of stormwater ;*
4. *Rainwater collection from roofs is encouraged, as a source of water for watering gardens and flushing toilets; and*
5. *The future management of LID devices to ensure their ongoing effectiveness should be provided for in their design, such as access for cleaning and replacement of elements.*

The proposal includes the provision of on-site catchment for stormwater which shall pass through an interceptor to separate out potential contaminants before returning water to the stormwater system. While the application site will be mostly sealed, more areas of permeable surface than currently exist on site will be provided.

2.8 Car Parking

(A) - Locating On-Site Car Parking within a Building

The proposal will not involve car parking within buildings.

(B) – Surface Car Parking

1. *Location of surface car parking behind buildings is encouraged;*
2. *Surface parking should not exceed more than 50% of the site's frontage;*
3. *Trees and planting should be located to alleviate the negative visual effects of car parking and to provide shading for cars and pedestrians;*
4. *Surface car parking should aim to provide 1 tree per 4 parking spaces, along with low maintenance shrubs; and*
5. *Permeable surfaces including porous pavement (permeable pavers, concrete and asphalt) and grasscrete are encouraged.*

The proposal will not involve substantial buildings on site and technically will not involve car parks themselves, however it is acknowledged that the proposal will be heavily car-centric and cars will be highly visible from the surrounding area while on site. As such, the proposal will largely be inconsistent with the aim of this heading which is to hide cars from view. However, it is considered that the proposal will go some way to meeting the requirements of this heading as landscaping is to be provided along the street edges to visually soften the cars in their transient use of the site.

2.9 New Connections

1. *New connections are encouraged, with the aim being for across block connections to be no more than 100metres apart;*
2. *Large sites should be comprehensively planned to include new connections;*
3. *Paving, lighting, landscaping, servicing and provision for pedestrian, vehicle and cycle movements should be considered for all new connections; and*
4. *New connections should reflect expected traffic volumes. Smaller scale streets and lanes are encouraged to provide a 'hierarchy' of connections within the area.*

The proposal does not involve the subdivision of land into smaller lots and as stated above, is a relatively small lot that is surrounded by public space thereby negating the need for links through the site.

2.10 Wind

1. *Buildings should be designed with reference to the existing wind patterns of the site and not increase wind speed at ground level;*
2. *Projecting and recessive elements (such as balconies, verandahs, setbacks) should be used to reduce the adverse effects of wind at street level; and*
3. *Consideration should be given to providing sheltered open spaces which respond to the predominant wind directions.*

The proposal will not involve shelters, however is considered will be transient space whereby patrons are not expected to be on site for long periods of time. As such, it is not considered necessary to provide shelter from wind on site.

2.11 Amenity

(A) – Light, Ventilation and Energy Use

The proposal does not involve reasons to stay long term on site and therefore the need for on-site amenity is limited.

(B) – Waste Management

The proposal will not generate waste.

(C) – Noise

1. *The potential noise context of the site should be considered in the building design;*
2. *Acoustic design should address potential for noise to be created within the building (e.g. between tenancies or units). Available options include insulation of floors and walls and arranging uses to provide a degree of separation between the quietest and noisiest areas.*
3. *Consideration is given to minimising noise generated by external appliances and equipment associated with the use of buildings (such as air conditioning, utility cabinets and extraction/ventilation equipment), so as to avoid noise disturbance to occupants of residential units/dwellings.*

The proposal will not be sensitive to external noise, and as discussed earlier in the report will not create noise of a level to disturb nearby residential sites.

(D) Quality of Internal Residential Space

The proposal will not involve residential space.

2.12 Adaption and Resilience

(A) – Design Adaptation and Change

The proposal will not involve buildings easily adapted to other purposes however are not considered will be a hindrance to development in the future.

(B) - Natural Hazards

- 1. Developers/landowners should investigate and understand potential natural hazards affecting their site;*
- 2. Building design should appropriately respond to the potential risks from natural hazards the area presents (including seismic risk, sea level risk and other potential climate change effects); and*
- 3. A precautionary approach should be adopted in relation to use or development affected by potential natural hazards.*

The proposal will involve few buildings on site and none of particular sensitivity to natural hazards. In regards to the underground tanks, these will be constructed in accordance with HSNO requirements and the space supported by sheet piles for stability. Additionally, the proposed fill on site will be designed and supervised by a suitably qualified engineer to ensure the ongoing stability of the site and mitigate the risk from liquefaction and subsidence.

2.13 Large Format Retail

- 1. The following poor urban design practices are to be avoided: featureless walls on street edges, 'boxlike' bulky buildings, inactive street frontages, large setbacks of buildings into sites with little or no street connection, and large areas of surface car parking fronting streets or without landscaping;*
- 2. Where proposed development has a frontage exceeding 100m in width, a through block pedestrian link or new street should be provided; and*
- 3. Car parking within structures or on roof tops is encouraged.*

As mentioned above, the inherent nature of the proposal provides little opportunity for these guidelines to be met. The frontage to the road will not exceed 100m in any one direction (the frontage to The Esplanade being 60m).

2.14 Signage

- 1. Signs are encouraged to be:*
 - a. Consistent with the building design as a whole;*
 - b. Not obstructive to pedestrian movement;*
 - c. Of a size, scale and materials that does not dominate the street environment; A good fit with architectural features or ground floor windows;*
 - d. Located below the parapet or roof line of a building; and*
 - e. Suitable number and type for the site area, to avoid a proliferation of signage and visual clutter.*

The proposed signage is considered will be of a design compatible with the activity, will not obstruct pedestrians, will be of a human scale, and will not be too numerous.

Overall

While the proposal represents an opportunity missed in the way of enhancing this entrance route into the city through the inclusion of a notable building/s, it is considered that the proposal will improve upon the existing visual interest of the site through the implementation of landscaping which will help to visually soften the proposed activity and define the street edge where presently there is only sealed surfaces and vehicle crossings.

Given the above, it is considered that the proposal while missing elements of the design guide will meet enough of the desired outcomes to be generally consistent with the Petone Mixed Use Activity Area design guide.

Objectives and policies of the District Plan

I consider the proposal is consistent with the relevant District Plan objectives and policies identified below:

5B 1.1.2A Area Generally Bounded by Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade – Activities

Objective

To provide for a mixed use activity area within Petone which caters for a range of complementary commercial, small scale or low intensity light industrial, business and service activities, residential and large format retail activities, increasing the number of residents and workers in Petone, and avoiding or mitigating adverse effects so that amenity values and character of the area, neighbouring areas and the overall environment are maintained or enhanced.

Policies

- (a) Provide for a range of residential, commercial, small-scale or low intensity light-industrial, business and service activities, and large format retail activities, provided their effects are compatible with each other and the character and amenity values of the area.*
- (b) Manage larger scale retail activities to ensure they do not detract from the vibrancy and vitality of Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1) and Hutt City's Central Commercial Activity Area and create an attractive and public focused environment.*
- (c) Restrict smaller scale retail activities to ensure they do not detract from the vibrancy and vitality of the Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1) and Hutt City's Central Commercial Activity Area.*
- (d) Provide for residential activities which have quality living spaces for residents, meet the service needs of this type of activity, and adopt on-site measures to mitigate potential incompatibility issues with other activities.*
- (e) Restrict residential activities at ground floor level along Jackson Street, thereby retaining retail and commercial activities along the Jackson Street pedestrian focused frontage.*
- (f) Restrict activities, including heavy industrial or late-night activities, which may be incompatible with residential and other activities and/or degrade the character and amenity values of the Petone Mixed Use Area.*

- (g) Ensure that effects likely to be generated by each activity, such as noise, dust, odour and traffic, are managed to avoid or mitigate adverse effects on the amenity values and character of both the area and properties within the mixed use area and in nearby Residential Activity Areas.*
- (h) Ensure that effects likely to be generated by each activity are managed to avoid or mitigate any adverse effects causing harm or damage to the receiving environment.*
- (i) Manage the effects of development on the supply and demand of local infrastructure, including drainage infrastructure, to ensure that development is within capacity limits or the infrastructure capacity is upgraded.*

The proposal will provide a retail activity consistent with the scale and character of surrounding activities with the mixed use zone. Despite the 24/7 nature of the activity, the proposal will be sufficiently separated from residential properties so as to have minimal adverse amenity effects on these properties. In regards to other properties located closer to the site, the proposal will comply with noise, lighting, dust and odour requirements from adjacent boundaries. Traffic effects as discussed in sections 5.1 and 5.2 will be acceptable. The proposal will comply with HSNO requirements which are suitable to ensure hazardous substances will not affect the environment. WWL have reviewed the application and do not have any concerns in regards to infrastructure capacity. The proposal is considered to be consistent with the above objectives and policies.

5B 1.1.2B Natural Hazards

Objective

To avoid or mitigate the vulnerability and risk of people and development to natural hazards to an acceptable level.

Policies

- (a) Restrict the establishment of certain activities such as emergency facilities, childcare centres, places of assembly, commercial activities accommodating large numbers of people, education and training, housing for the elderly, and residential facilities in recognition of their higher vulnerability to natural hazard risks and potential for higher consequences in the event of a natural disaster occurring.*
- (b) Manage developments containing higher numbers of people, more vulnerable types of development and developments with higher consequences in the event of a natural disaster, to ensure that the use and development avoids or mitigates the risks posed by seismic hazards to a degree considered acceptable by the Council.*
- (c) Ensure that new development does not occur without an understanding of natural hazard risks.*
- (d) New development does not take place without appropriate precautions and mitigation measures against natural hazard risks.*
- (e) Ensure developments, including buildings and structures, are located, designed and constructed to reduce the risk to building failure and loss of life from seismic hazards, including fault rupture hazard, subsidence, liquefaction and tsunami inundation.*
- (f) Ensure the design and layout of developments, including buildings, avoids or mitigates the effects of sea level rises, taking into account rises to such levels as a result of climate change.*

The proposal will involve few buildings on site and none of particular sensitivity to natural hazards. In regards to the underground tanks, these will be constructed in accordance with HSNO requirements and the space supported by sheet piles for stability. The site is not located within the Wellington faultline area. Additionally, the proposed fill on site will be designed and supervised by a suitably qualified engineer to ensure the ongoing stability of the site and mitigate the risk from subsidence and other seismic hazards. The proposal is considered to be consistent with the above objectives and policies.

5B 1.1.3 Main Entrance and Gateway Routes

Objective

To recognise and enhance the image and visual appearance of the main entrances and gateways of the City where they pass through Area 2 – Petone Mixed Use.

Policies

- (a) Ensure that the design, external appearance, and orientation of structures and buildings maintain and enhance the image and visual appearance of the main entrances and gateways to the City.*
- (b) Ensure that buildings are designed in a manner that maintains and enhances the safety, convenience, accessibility, amenity and linkages within Area 2 - Petone Mixed Use.*
- (c) Manage prominent sites to maximise sense of identity, act as gateways, provide visual interest and provide a visual point of reference in the landscape/streetscape. To be achieved by managing the design and appearance of new buildings and developments, including additions and alterations.*
- (d) Ensure the use of quality urban design directed at enhancing the relationship of buildings with public open space within streets having regard to the role, character and values of each main entrance and gateway route.*

The Esplanade is an important route into the city connecting the west to the east along the water front. It is acknowledged that the proposal is not fully consistent with this objective and policies as it will involve no buildings to enhance the streetscape through design. The proposal will provide landscaping in the form of low-lying shrubs and bush and while this will not be of the scale anticipated by the District Plan, it will provide an edge to the street frontage and provide visual interest that does not currently exist on site.

5B 1.2.3 Character and Building Form and Quality within Area 2

Objective

To ensure that the form and quality of buildings, structures, open space and development overall within the Petone Mixed Use Area maintain and enhance the character, amenity values and quality of the environment, whilst recognising and protecting the values and features of adjoining areas.

Policies

- (a) Provide for alterations and minor additions to existing buildings, subject to minimum standards, and encourage a high quality urban and built form design for these building modifications.*
- (b) Manage new buildings and developments and larger additions to existing buildings to be well designed and to contribute to the creation of an integrated, safe and attractive mixed use environment with a high standard of streetscape and amenity.*
- (c) For Jackson Street, require buildings to provide and maintain an active, transparent and continual frontage, as well as shelter, to provide a pedestrian focused environment along this main gateway route.*
- (d) Manage the height and location of buildings to respond to their context and locality, with lower building heights for the areas:*
- (e) Adjoining and close to Residential Activity Areas to minimise effects on the amenity values, including shading, over dominance and privacy; and*
- (f) Along the Jackson Street front road boundary with taller buildings setback from the street, thereby creating a streetscape with lower level buildings and protecting sunlight to public spaces within the street.*
- (g) Manage the height, location and design of buildings and development on The Esplanade to create a landscaped street frontage and protection of sunlight access to the beach to avoid overshadowing.*
- (h) Encourage all new buildings to provide appropriate levels of natural light to occupied spaces within the building.*
- (i) Require a minimum level of amenity for future occupiers of residential buildings through the use of a permitted activity standard regarding outdoor space. In addition to encouraging good quality and amenity by guiding their design to ensure current and future occupants have useable internal space, ongoing access to daylight, and an external aspect.*
- (j) Manage new buildings to be designed to manage adverse effects on amenity value, including visual, wind and glare.*
- (k) Restrict the height of buildings and structures at the interface with adjoining residential areas to minimise effects on the amenity values, including shading, over dominance and privacy.*
- (l) Ensure that new buildings higher than 12 metres are designed to avoid, remedy or mitigate any wind problems that they create (including cumulative effects with other buildings) and where existing wind conditions are dangerous, ensure new development improves the wind environment as far as reasonably practical.*
- (m) Encourage buildings to be designed and located in a manner that enhances the safety, convenience, accessibility and amenity of pedestrian spaces and linkages within the Petone Mixed Use Area.*
- (n) Manage the effect of development on adjacent areas identified for their historic heritage, cultural, and distinctive character and built form values.*
- (o) Ensure developments, including buildings and structures, are located, designed and constructed to reduce the risk to building failure and loss of life from seismic hazards, including fault rupture hazard, subsidence and liquefaction.*

The buildings and structures on site will be modest in size and are considered will have minimal impact on amenity values, shading, privacy, heritage, and will be at minimal risk from hazards. The proposal is considered to be consistent with the above objective and policies.

5B 1.2.4 Carparking

Objective

To ensure that adverse visual effects arising from car parking areas are avoided or mitigated.

Policies

- (a) Manage the design, location and scale of car parking, servicing, manoeuvring and access to maintain and enhance the streetscape and visual amenity values of the Petone Mixed Use Area.*

While the proposal technically will not involve any carparking, the proposal will include landscaping to help visually soften the vehicle-centric activity. The proposal is considered to be consistent with the above objective and policies.

14A Objectives 3.4 and 3.5 and Policies 4.2, 4.5 and 4.6

The above objectives and policies speak to ensuring that land uses do not impact upon the safe and efficient use of the roading network. It is noted that The Esplanade is an arterial road that receives much traffic and can get congested at times. While it is acknowledged that the proposal has the potential to add slightly to the congestion along the street, it is considered that this will be to a level that is comparable to the existing situation along the street as very little traffic will be drawn to the site at peak times and the one-way nature of the proposal will help vehicles to enter and exit the site safely and efficiently. The proposal is considered to be consistent with the above objectives and policies.

14B Amenity Values

Objective

To provide for appropriate signs, while avoiding, remedying or mitigating any significant adverse effects on visual amenity values of the area in which they are located.

Policies

- (a) To allow a wide range of signs within the commercial and business activity areas, while protecting visual amenity values.*
- (b) To restrict the size, location and frequency of signs in activity areas where visual amenity values are sensitive.*
- (c) To manage the size, location, frequency and appearance of signs at the interface between commercial/industrial activity areas, and all other activity areas.*
- (d) To manage illuminated signs to ensure the containment of light spill and glare within the boundaries of the site concerned.*
- (e) To ensure that lettering on signs is neat in appearance, and legible.*
- (f) To protect identified Urupa sites from inappropriate signs on neighbouring sites.*
- (g) To manage the adverse effects of off site signs in residential areas.*

14B 1.2 Traffic Safety and Visibility

Objective

To ensure that signs do not interfere with the safe and efficient use of all roads, cycle ways and pedestrian ways.

Policies

- (a) To discourage all signs being located where they will obstruct a roadway, pedestrian or cycle way, or obstruct drivers vision of an intersection or driveway.*
- (b) To encourage the use of directory boards to avoid a visual clutter of signs on one site.*
- (c) To manage the illumination of signs to ensure they do not distract drivers.*

14B 1.3 Main Entrance Routes

Objective

To ensure that signs do not affect adversely the visual amenity values and sense of place associated with the main entrance routes to the city.

Policy

- (a) To manage the location, appearance and frequency of signs along the main entrance routes to the city.*

The proposed signage is considered will be of a suitable scale, design and colour for the application site and will not dominate the entrance route into the city. The signage is simple enough so as not to distract motorists. The proposal is considered to be consistent with the above objectives and policies.

14C 1.1 Maintaining or Enhancing Health and Amenity Values

Objective

To maintain or enhance the amenity value of all activity areas by ensuring that the adverse effects of excessive noise on the environment are avoided or mitigated.

Policies

- (b) To recognise that background noise levels are markedly different throughout the City.*
- (c) To recognise that acceptable noise levels will vary according to the nature of the principal activities occurring within activity areas.*
- (d) To ensure that residential activity areas are protected by establishing appropriate noise levels at the interface between residential activity areas and non residential activity areas.*
- (e) That maximum noise levels are established within each activity area to ensure that amenity values are protected.*
- (f) To make provision for those situations where there has already been considerable history to the establishment of specified noise conditions.*
- (g) To recognise that noise levels may be different through a construction phase.*
- (h) To recognise that Noise Management Plans may be appropriate to manage matters beyond those addressed in this District Plan.*

While the proposed carwash will not comply with the noise requirement associated with its directly adjacent boundary, the proposal will comply with noise requirements from all receiving properties. The proposal is considered to be consistent with the above objective and policies.

14D 1.1.1 Risk Associated with Hazardous Substances

Objective

To protect the community and the receiving environment from the risk associated with the location and operation of hazardous facilities.

Policies

- (i) That the location of hazardous facilities be managed to avoid or mitigate an unacceptable level of risk to the community and the receiving environment.*
- (j) That those hazardous facilities which have a low probability of a hazardous incident, but have a high potential impact, be managed by the provisions of the Special Business Activity Area in Seaview/Gracefield.*
- (k) That effects likely to be generated by hazardous facilities are managed to avoid adverse effects from creating an unacceptable level of risk to the community and/or causing irreversible damage to the receiving environment.*
- (l) That appropriate safety measures be adopted by activities using, handling and storing hazardous substances and hazardous wastes to avoid or mitigate any adverse effects on human health and the receiving environment.*
- (m) That appropriate measures be taken during transportation of hazardous substances and wastes to ensure the safety of the general public and the environment.*
- (n) That the disposal of hazardous wastes be undertaken in an environmentally safe manner and where codisposal is necessary, in compliance with the requirements of the Silverstream landfill to protect human health and the receiving environment.*
- (o) That hazardous facilities within the Wellington Fault Special Study Area be managed to avoid adverse effects from creating an unacceptable level of risk to the community and/or causing irreversible damage to the receiving environment.*

The proposal is considered to be of a scale that will pose little risk to the public in regards a potential hazardous incident, and notwithstanding this, is considered to be suitably placed in an area of predominantly industrial use. The proposal will comply with HSNO legislation thereby mitigating risk of spills and ill-designed containment. The proposal is considered to be consistent with the above objective and policies.

6.3 - ASSESSMENT OF THE RELEVANT PROVISIONS OF OTHER STATUTORY PLANNING DOCUMENTS UNDER S104(1)(B)

The Wellington Regional Policy Statement seeks to provide direction in regards to sustainable use of the regions natural resources as well as the maintenance of regionally significant roads.

Objective 9 and the corresponding policies of the RPS speak to reducing dependency on fossil fuels; and (e) reduce greenhouse gas emissions from transportation.

It is acknowledged that the proposal is not consistent with this objective, however, the reception of this application is proof of the current market for the provision of fossil fuel and infrastructure and alternatives needed to move the public away from private vehicles.

Objectives 10 and 22, and corresponding policies speak to protection of regionally significant roads to provide for social, cultural, and environmental benefits. Despite the potential for a

slight increase in congestion from the proposal it is considered that the proposal will be consistent with this proposal as per the assessment in sections 5.1 and 5.2 of this report.

Objectives 15 and 23 to 28 and corresponding policies speaks to the protection of historic heritage and resource management with tangata whenua. The application was alerted to local iwi groups and at the time of writing no comments have been received. Notwithstanding the highly modified state of the site, there is potential that the site does still hold important artefacts and it is considered appropriate to include accidental discovery protocols on the consent to protect any artefacts or taonga.

Objectives 19 to 21 and corresponding policies speak to reducing risks from natural hazards and creating resilient communities. The proposal is considered to be consistent with these objectives and policies as the activity is not in the faultline area, appropriate engineering practices will ensure ongoing stability of the site and the buildings are of low sensitivity to flooding.

I consider that there are no other relevant provisions of national environmental standard, other regulations, national policy statement, New Zealand Coastal Policy Statement or regional policy statement or proposed regional policy statement that regard must be had.

6.4 – PURSUANT TO S104(1)(C) ARE THERE ANY OTHER MATTERS RELEVANT AND REASONABLY NECESSARY TO DETERMINE THE APPLICATION?

I consider there are no other matters relevant and reasonably necessary to determine the application.

Precedent

Precedent effects arise where a decision on an application creates a high probability that similar applications subsequently lodged will attract the same tenor of decision, and in doing so will undermine the integrity of the District Plan.

I consider that the issue of precedent is, to an extent, determined by the activity status of a proposal; it is considered that Non-Complying and Prohibited activities are not anticipated by the District Plan whereby precedence is a highly relevant consideration. The proposed activity has a Discretionary activity status, and whilst this provides the consent authority with full discretion over assessment matters and determination, it follows that the District Plan does anticipate such activities (in this instance, a service station and signage on a site zoned for Commercial use).

As the proposal, opens up the site and does not result in an enhancement of streetscape or amenity through building design and substantial landscaping as per Objective 5B 1.1.3 Main Entrance and Gateway Routes and associated policy (c), I have considered precedent. In considering precedent, I have had regard to the characteristics of the site and surrounds, the defined edge that the activity will achieve through smaller scale landscaping, as well as the consistency with all other objectives and policies in the District Plan. In addition, I have had regard to the adverse and positive effects that result. In weighting up all matters, I have considered that while not entirely consistent with one policy, the proposal is consistent with all other objectives and policies of the District Plan, and that any adverse environmental effects

can be mitigated to an acceptable level. For any subsequent proposal, any such application will be assessed on its merits. While the present proposal might not contribute to the streetscape sought by the District Plan, if any future application sought to do something similar, then that application would need to be closely assessed in terms of the cumulative impact on The Esplanade in terms of moving away from a sense of street on an important entrance route. I do not consider this application to be at that tipping point and consider that each application should be assessed on its own merits.

I consider there are no other matters relevant and reasonably necessary to determine the application.

6.5 - PART 2 OF THE RESOURCE MANAGEMENT ACT

I consider the proposal meets Part 2 matters of the Resource Management Act 1991.

6.6 - SUBSTANTIVE DECISION

In accordance with s104B I have considered the application for a discretionary activity and have decided to grant the application subject to conditions under s108.

7. CONDITIONS OF RESOURCE CONSENT

In accordance with s108 of the Resource Management Act, resource consent has been granted subject to the following conditions:

1. That the proposal is carried out substantially in accordance with the information and approved plans submitted with the application and held on file at Council:
Plans prepared by Petroleum Solutions (Job no. 169)
 - Drawing 110-04, Rev. A, dated 14.08.19
 - Drawing 210-01, Rev. G, dated 12.02.20
 - Drawing 210-07, dated 15.12.19
 - Drawing 210-08, Rev. B, dated 12.02.20
 - Drawing 230-01, Rev. C, dated 03.12.19Plans prepared by Stantec
 - Drawing 310203738-SK1 (Figure 1), Rev. A, dated 14.02.20
 - Drawing 310203738-SK1 (Figure 2), Rev. A, dated 14.02.20
 - Drawing 310203738-SK2 (Figure 5), Rev. A, dated 14.02.20
2. That the consent holder advises Council (enforcement@huttcity.govt.nz or 04 560 1044) at least two working days before any work starts on site; and that the consent holder also supplies the name, phone number and address of the main contractor and, if applicable, the same details for the earthworks company.

Important notes:

- When given notice of a start date, a compliance officer will suggest an on-site meeting to run through a checklist of things to make sure the project runs as smoothly as possible. This service is included in the resource consent application fee. Using it could avoid difficulties later on. Please note that additional monitoring visits will be charged at \$160 per hour.

- Notification of work commencing is separate to arranging building inspections.
3. That the consent holder submits a landscaping plan to the council for consideration and approval before starting any site works. The plan is to be generally in accordance with the approved plan (Drawing 210-08 referenced in condition1) however will include the provision of at least two additional species of flax throughout the landscaping areas to provide visual interest and the south-west corner of the site shall be grass as opposed to riverstones to provide further greening of the site. The proposed vegetation must be of a density and size to cover the proposed landscaping areas when established. The proposed landscaping must not impede views of the Sydney Street intersection from vehicles turning out of the site. The plan must include information about: the location and size of the planting area; the name of each species to be planted; the number, size and spacing of each species to be planted; and the time and method of planting and post-planting maintenance. The plan must be implemented as soon as the seasons make practicable, but must be finished within six months of the completion of works.
 4. Prior to any works being carried out on site, the consent holder shall submit a Detailed Site Investigation prepared by a suitably qualified person to the Team Leader Resource Consents for approval. The DSI shall take into consideration those matters raised in the Preliminary Site Investigation provided with the application (held on Council record RM190435-3) and the consent holder shall carry out any recommendations made in the DSI. Should the DSI recommend further reporting, any reports required to direct works (such as a site management plan etc.) shall be submitted to the Team Leader Resource Consents for approval prior to any works being carried out on site, and any reports required post works (such as a site validation report or ongoing monitoring report) shall be submitted to the Team Leader Resource Consents no later than three months after the completion of works.
 5. Written confirmation from the author of the DSI that works have been carried out in accordance with the recommendations of the DSI shall be provided to the Team Leader Resource Consents no later than three months after the completion of works.
 6. That the consent holder shall ensure that in the event that any contaminated materials are disposed off-site that they shall be disposed of at a facility which can accept potentially contaminated materials. Prior to its disposal the consent holder shall advise in writing of the location of this disposal including its quantity shall be submitted to the Team Leader, Resource Consents.
 7. No refilling of on-site tanks is to take place between the hours of 7.00am to 10.00am and 4.00pm to 7.00pm.
 8. Signage shall be displayed in a prominent location on site indicating to customers to take care of noise produced on site given the location of residential activities in the general area. The sign shall be installed prior to the service station opening to the public.

9. Entry and exit signs of the dimension and design of 'Sign 02' as shown in Figure 4 of the applicants AEE shall be provided in the locations indicated on approved site plan (Drawing 210-01, Rev. G, dated 12.02.20) for each vehicle crossing as follows:
- Fitzherbert Street crossing: Entry only
 - The Esplanade western crossing: Entry only
 - The Esplanade eastern crossing: Exit only

This shall take place prior to the service station opening to the public.

10. That the consent holder installs extra heavy duty vehicle crossings in accordance with Council Standard Plan no. CM1005-27R (<http://portal.huttcity.govt.nz/Record/ReadOnly?Uri=3589599>).
11. Redundant sections of kerb crossing must be reinstated with full height kerb and channel in accordance with Council's codes and standards at the consent holder's expense prior to the activity becoming operational.
12. That if the consent holder finds taonga (a thing of tangible or intangible value treasured in Maori culture) or early European artefacts on the site, the consent holder must contact the Tenth Trust, Port Nicholson Block Settlement Trust, Ngati Toa, Heritage New Zealand and the Council within 24 hours. All work in the area must stop immediately and may not resume until representatives from the above Iwi groups, Heritage NZ and the Council staff have carried out a site inspection and the Resource Consents Team Leader gives approval for works to continue.
13. That if the consent holder uncovers skeletal remains or similar material on the site, all work in the area must stop immediately and the consent holder must contact the police, Tenth Trust, Port Nicholson Block Settlement Trust, Ngati Toa representatives, Heritage New Zealand and the council. Work may not resume until the Resource Consents Team Leader gives approval for works to continue.
14. That, prior to the commencement of works onsite, the consent holder shall prepare and submit a Construction & Traffic Management Plan prepared by a suitably qualified person for approval by the Team Leader Resource Consents. All construction works (and associated activities) shall be undertaken in accordance with the approved construction and traffic management plan. The plan must address, but is not limited to, the following matters:
- Detail construction hours;
 - Detail how any adverse effects arising from construction will be managed to avoid and mitigate effects from dust, noise, vibration and construction traffic. This includes how the proposal will comply with the NZS 6803:1999 Acoustics - Construction Noise. Please note that machinery operating hours, including machinery start-up times, are limited to between 7am and 6pm Monday to Saturday, with no work on Sundays or public holidays except for remedial or preventive work as required;
 - Identify what sediment and erosion control measures will be installed onsite to ensure that dust is suitably controlled to minimise dust hazard or nuisance and sediment prevented from entering any stream, waterway, or the stormwater network. This shall include methods to prevent the deposition of any earth, mud, dirt or debris on any

public road or footpath. Sediment and erosion control shall be undertaken in accordance with Greater Wellington Regional Council's erosion and sediment control guidelines issued in September 2002 and reprinted in June 2006.

- Details of the proposed earthworks construction methodology.
- Details of how stormwater and surface water will be controlled during site works to ensure they do not affect adjoining properties.
- Details of a contact person available to take feedback/complaints.

Please note: The consent holder should consult with Council's Environmental Health Team to discuss the construction method and ways to minimise noise and vibration disturbance to the surrounding properties.

15. That the consent holder ensures earthworks do not affect the stability of adjoining properties.
16. That the consent holder engages a chartered professional engineer with appropriate geotechnical experience to design and supervise all earthworks. The engineer must make sure the site is in a safe condition at the end of all works and must submit a geotechnical completion report to this effect. This report shall be submitted to Team Leader Resource Consents for consideration and approval within three months of the completion of site works.
17. That the consent holder ensures vehicles and machinery leaving the site do not drop dirt or other material on roads or otherwise damage road surfaces; and that if such spills or damage happen, the consent holder cleans or repairs roads to their original condition to the satisfaction of the Team Leader Resource Consents, being careful not to discharge the material into any stream, stormwater system or open drainage channel in the process. (The term "road" includes footpaths, vehicle crossings and berms).
18. That the consent holder carries out all earthworks in a way that prevents dust blowing beyond site boundaries. Control measures may include use of a water cart, limiting the vehicle speed to 10 kilometres an hour, applying water to exposed or excessively dry surfaces, or applying a coating of geotextile, grass, mulch or the like.
19. That during site works the consent holder takes measures to ensure stormwater and surface water run-off does not affect adjoining properties, and that afterwards surface water is controlled in accordance with HSNO regulations.
20. That the consent holder paves, or plants all areas exposed by earthworks, trenching or building work as soon as possible after excavation.
21. That the council may, in accordance with section 128 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent to remedy adverse effects not anticipated from the exercise of the consent. The adverse effects are around traffic effects on the road network with particular regard to the access from Fitzherbert Street and the servicing hours of refuelling trucks.

This notice may be served within 12 months of the consent holder starting work on the site.

Note: The applicant has agreed to the above conditions of consent with the exception of aspects of condition 3 and 14, and the whole of condition 16. In regards to condition 3, the clarification has been added around the density of vegetation to be provided to ensure quality visual amenity. The south-west corner has also been required to be grass as opposed to riverstones to increase greening on the site and visually break up the sealed surfaces creating a better street edge. In regards to condition 14, new wording was requested around the dust and sediment management. I have partially incorporated this to bring the dust management more in line with the District Plan requirements and have maintained the wording around sediment control to ensure no sediment enters the stormwater network. An earthworks construction methodology is considered necessary to mitigate the potential effects from the proposed earthworks ensuring no surrounding properties or public space is impacted. Condition 16 is considered necessary to mitigate potential impacts from seismic hazards which Petone is identified as being susceptible to and to ensure the ongoing stability of the site.

Processing Planner:



Brad Greening
Intermediate Resource Consents Planner

Peer reviewer:



Peter McDonald
Intermediate Resource Consents Planner

Application lodged: 17 December 2019

Application approved: 5 March 2020

No of working days taken to process the application: 16

8. NOTES:

- Advice note from Heritage New Zealand: The property has, or is likely to have been occupied prior to 1900. Any disturbance of land or damage or destruction of any building or structure associated with human activity prior to 1900, may require an archaeological

authority from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014. Please contact Heritage New Zealand for further information.

- The applicant has recommended the removal of the on-street parking space directly adjacent to the application site. This is outside of the resource consent process and will need to be approved by the Council Road & Traffic subcommittee.
- In accordance with section 357 of the Resource Management Act 1991, the consent holder is able to object to the conditions of the consent. The consent holder must submit reasons in writing to Council within 15 working days of the date of this decision.
- The consent lapses, in accordance with section 125 of the Resource Management Act 1991, if the proposal is not given effect to within five years, that is, by 5 March 2025.
- The consent applies to the application as approved by Council. The consent holder should notify Council if there are changes to any part of the plans. Council may require that the consent holder submits a new resource consent application.
- The proposal has been assessed against the requirements of the city's District Plan. Bylaws may apply to the proposal that may require separate approval from Council before starting any site works. See huttcity.govt.nz for a full list of bylaws.
- The proposal has not been checked for compliance with the Building Act 2004. No associated building work should start without first getting a building consent.
- The consent is not a licence to create adverse effects such as unwarranted dust, noise or disruption. It does not change the legal duty to avoid, remedy or minimise such effects. Council may enforce the provisions of the Resource Management Act 1991 if the consent holder fails to meet this obligation.
- Failure to comply with an abatement notice may result in Council imposing an infringement fine or initiating prosecution.
- Before commencement of any work within the legal road corridor, including the laying of services, application is to be made for a Corridor Access Request (CAR). A CAR request can be made through contacting BeforeUdig either on their website: beforeudig.co.nz or 0800 248 344. Work must not proceed within the road reserve until the CAR has been approved, including the approved traffic management plan if required.
- Constructing, modifying or repairing a vehicle crossing requires separate Council approval, in addition to the approved resource consent. The vehicle crossing is to be constructed in accordance with Council's standards and codes. For more information contact the Transport Division via (04) 570 6881 or click the following link: <http://iportal.huttcity.govt.nz/Record/ReadOnly?Tab=3&Uri=3702089>