



Report

TO: Hearings Committee

FROM: Connor Marner, Planner

DATE: 21 November 2017

SUBJECT: **RESOURCE CONSENT APPLICATION
LUC -2017-319
70, 72 & 76 GORDON ROAD, MOSGIEL
APPLICANT**

INTRODUCTION

- [1] This report has been prepared on the basis of information available on 21 November 2017. This includes the further information supplied in conjunction with the current application, technical advice and reports, and the submissions received. The purpose of the report is to provide a framework for the Committee's consideration of the application and the Committee is not bound by any comments made within the report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision

SUMMARY OF RECOMMENDATION

- [2] For the reasons set out in the report below, I consider that the proposal to expand and redevelop the BP Service Station as described in land use consent LUC-2017-319 will result in a loss of residential amenity and character on the adjacent residential properties compared with the existing service station land use and operation.
- [3] A significant element contributing to the effects above is the proposed extension of the operating hours. I consider that this will result in an increase in the anticipated noise to a level that will have a more than minor effect on the occupiers of adjacent properties during a time (night hours) when there is little constant ambient noise being generated.
- [4] The expansion of the service station onto land at 70 Gordon Road is contrary to the Policies and Objectives of the District Plan. The out of zone activity is not anticipated or envisioned within the residential zone. The effects of the activity at 70 Gordon Road will be at least minor on the surrounding residential properties. The service station is an established land use on 72 and 76 Gordon Road but the expansion onto the adjacent site is not consistent with the policy direction for the development of residential zoned land.
- [5] As a result, I have concluded that the proposed application in the current form should be declined.

DESCRIPTION OF PROPOSAL

- [6] Land use resource consent is sought to redevelop and expand the BP service station currently situated at 72 and 76 Gordon Road. The new BP service station will include additional facilities such as a car wash, vacuum and a Wild Bean café.

- [7] The proposal is to expand the site of the service station operations to include the parcel of land at 70 Gordon Road. This land has a history of residential use, with the previously established dwelling recently demolished.
- [8] The proposed redevelopment and expansion of the site involves the following works described below in paragraphs 9 through to 18 of this report. It is noted that some of the details set out below are amendments to the application that was limited notified, in response to concerns raised in submissions (refer to paragraphs 21-25 of this report).
- [9] The demolishing of the existing buildings on the site at 72 Gordon Road and removing underground tanks holding 50,000L of 91 Octane Petrol, 20,000L of 96 Octane Petrol and 30,000L of Diesel ADO and 4 tonnes of LPG in an above ground tank. The vehicle workshop is proposed to be discontinued and removed.
- [10] The erection of a canopy, approximately 3 times the size of the existing canopy and an 8-lane, hard surfaced forecourt area. The forecourt area will provide 16 petrol filling positions and will be centred on the proposed site (relative to the road frontage), similar to the location of the existing canopy, except covering the forecourt area /full depth of the site to the rear boundary (14m wide, 32m long, 6m high). The canopy will have LED down lights above the petrol dispensers.
- [11] The erection of a new 11m by 6.5m car wash building on the previously residentially occupied property at 70 Gordon Road. The car wash will be 4m in height. It will include a 'service terminal' (adjacent to entry) and an 'amenities island' (to the north of the car wash), which will have the vacuum and air hose. No Idling signs will be located at the car wash entry.
- [12] The erection of a new 292m² retail shop building on the currently vacant parcel of land at 76 Gordon Road. The shop will face southwards, towards the canopy and forecourt area. It will measure 22.8m by 12.8m and have a height of 4.9m. The current retail shop building is around 80m² in area and is located to the rear of the canopy/forecourt area, when viewed from Gordon Road. The new shop will include a 'Wild Bean Café, serving espresso coffee/hot drinks and cabinet food/café style food. The shop will also sell a wider range of convenience products and vehicle merchandise/automotive supplies.
- [13] An LPG swap facility to be located at the front of the proposed shop within 2 cages. One will hold 24 bottles and the other 42 bottles, amounting to a total storage of 594kg of LPG.
- [14] Eight customer parking spaces will be provided along the front of the shop, including one mobility parking space. Four staff parking spaces will be provided adjacent to the retail building, against the site's rear boundary. A further 8 car parks will be provided to the north of the car wash building. A rubbish compound area will also be provided to the west of the shop, which will contain the mechanical plant associated with the shop building (heating, ventilation and air conditioning and refrigeration plant). A low landscaping garden will be provided around the northern and eastern side of the shop.
- [15] The installation of two 100,000L underground tanks holding 150,000L of petrol and 50,000L of diesel. The tanks will be located to the northwest of the forecourt, approximately 2m from the residential neighbour at 37A Irvine Street. The existing tanks are located closer to the existing canopy (further away from residential dwellings).
- [16] The erection of an acoustic fence set back 0.6m along the rear boundary. The fence height is 3m along the boundary with 41A Irvine Street before being

reduced to 2m in height for the remainder of the rear boundary. The proposed acoustic fence along the boundary with 68 Gordon Road is proposed to be located on the BP side of an existing hedge along the boundary at a height of 2m. The remaining side boundary between 76 and 78 Gordon Road will have a 2m high acoustic fence on the boundary.

- [17] Erecting signage, including a 7.5m high pylon internally-illuminated sign (17.4m^2), 2 verge boards (2.3m^2) located in front of the shop and between the 2 vehicle crossings, signage will be erected on the east and road sides of the shop elevation and north, east and west elevations.
- [18] The site is proposed to operate 24 hours a day, with the exception of the car wash, which will operate 7:00am and 9:00pm Monday through Friday and 8:00am to 9:00pm, Saturday, Sunday and public holidays.
- [19] Figure 1 below shows the existing layout and site plan for the existing BP service station located at 72-76 Gordon Road and the adjoining residential property at 70 Gordon Road. It is noted that the dwelling and garage shown hatched on the property at 70 Gordon Road have been demolished.

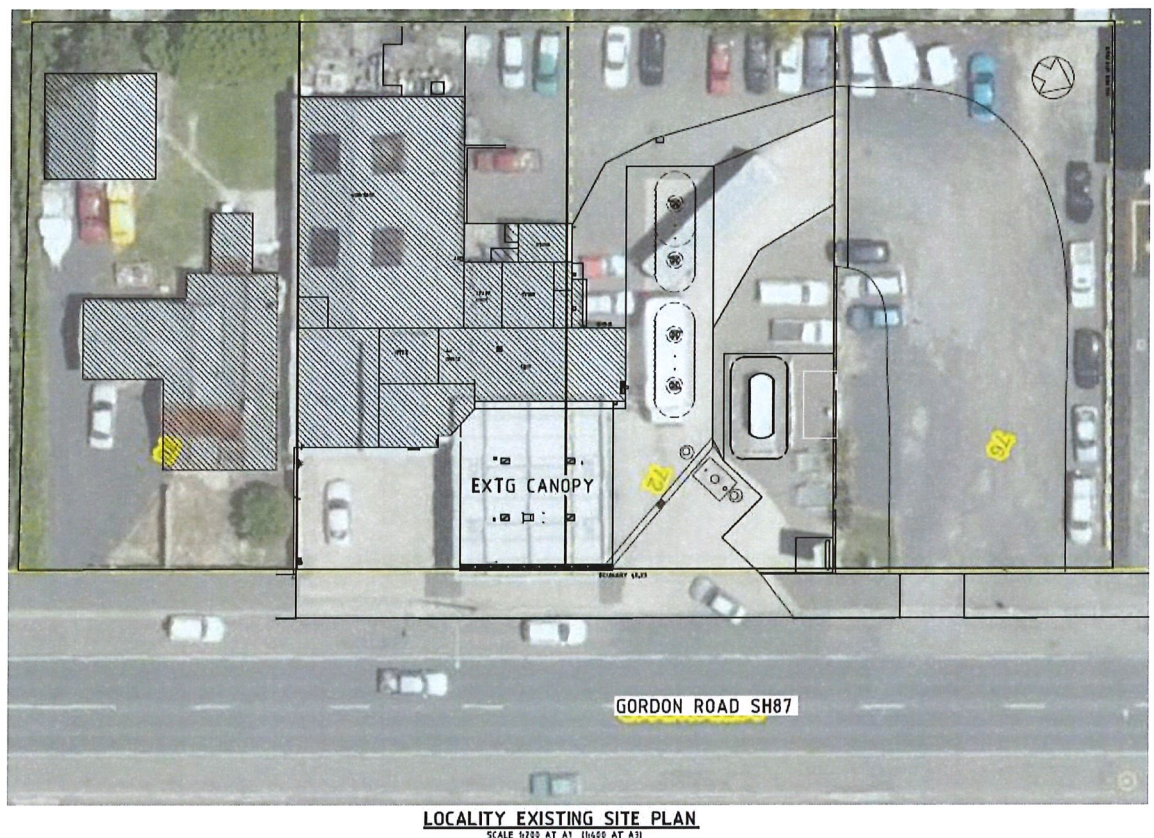


Figure 1: Plan showing existing site development of land at 70-76 Gordon Road, prior to the application.

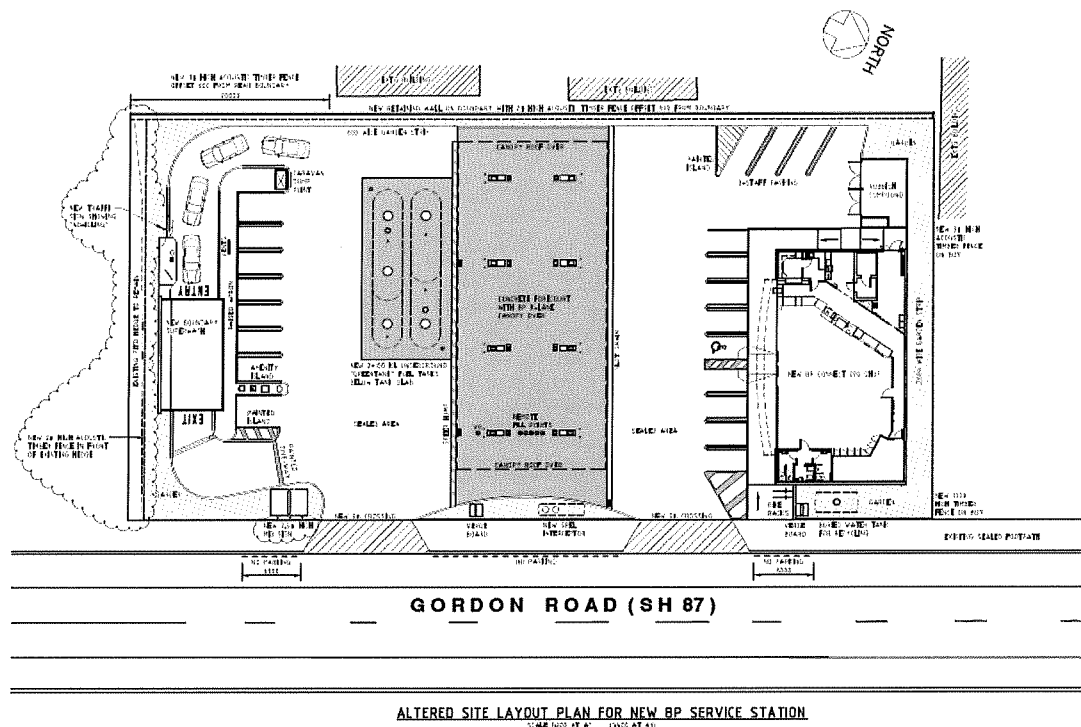


Figure 2: Proposed Site Plan for BP Service Station

- [20] A copy of the application, including larger copies of the figures above is included within this report (refer **Appendix 1**).

AMENDMENTS TO THE APPLICATION

- [21] After correspondence with Dunedin City Council's 3 Waters Commercial and Regulatory Manager (Acting), BP Oil New Zealand Limited agreed that all forecourt discharge shall be to Council's wastewater network and shall not be discharged into the stormwater network. This was offered to Council as a condition and the proposal amended to include this agreement.
- [22] The applicant made an amendment to the proposed volume of LPG gas to be stored on site. Originally, two cages with 24 x 9kg bottles in each were proposed. It is now proposed to have two cages, one storing 24x9kg bottles and one storing 42x9kg bottles. This results in an increase in the amount of LPG to be stored on the site from 432kg to 594kg.
- [23] Further information was requested on 16 August 2017 as a result of comments received from Council's Environmental Health Department. The further information requested was to provide further detail and information for the Acoustic Assessment submitted with the application, prepared by SLR Consulting NZ, dated 13 June 2017. The further information was provided by SLR Consulting NZ and received by Council on 16 August 2017.
- [24] As a result of the applicant consulting with neighbouring property owners and occupiers, the proposed site layout was amended by moving the rear acoustic boundary fence by 0.6m and increasing the height of the fence to 3m adjacent to 41A Irvine Street.
- [25] Further amendments to the application were submitted by the applicant towards the completion of this report (received 16 November 2017). The amendments to the proposal were made by BP as a result of the submissions to the application and included; the retention of the boundary hedge between

the site and 68 Gordon Road, keeping the south-west elevation of the carwash white, erection of 'no idling' signs in the carwash and a reduction in the height of the pylon sign from 9m to 7.5m. These amendments have been incorporated into the report to allow the report to reflect the most update version of the proposal for consideration.

DESCRIPTION OF SITE AND LOCATION

- [26] The application site is located at 70, 72 and 76 Gordon Road, Mosgiel. The site is legally described as Lots 6 and Block 9 VII DP 266 and Lots 7 and 8 Block VII, DP 471 and is contained in Certificates of Title OT310/170, OT6C/142 and OT10D/327.
- [27] The application site is located on the western side of Gordon Road, across four parcels of land, in the block between Mure Street and Ayr Street in Mosgiel and has an approximate combined area of 3251m².
- [28] The existing BP Service Station is located on the two middle parcels of land, being 72 Gordon Road. Council records indicate the site at 72 Gordon Road has been used as a service station since approximately 1958.
- [29] The property currently contains a workshop, office, shop, store, forecourt, LPG above ground storage tank and barrier, five dispensing bowsters under canopy, and two underground storage tanks along with associated pipework and underground services.
- [30] The service station's hours of operation are 6:00am to 11:00pm Monday through Friday and 7:00am to 11:00pm Saturday and Sunday. The AA Centre and vehicle workshop are open 9:00am to 5:00pm Monday through Friday and 9:00am to 1:00pm Saturday.
- [31] The property at 76 Gordon Road is a vacant, metalled yard, which has been associated with the use of the service station for some time. The property is used by tanker trucks when manoeuvring through the site to refill the underground storage tanks.
- [32] The proposal includes expanding onto the parcel of land at 70 Gordon Road, which has a history of residential use, with the previously established dwelling and garage recently demolished.
- [33] A veterinary clinic adjoins the site to the north and the properties adjoining the site to the rear and to the south contain residential activities. The properties adjacent to the site on Gordon Road are a mixture of residential activities, a tyre shop, and a church and community hall.

ACTIVITY STATUS

Dunedin City District Plan

- [34] The subject site is zoned Residential 2 in the Dunedin City District Plan. Access to the site is provided from Gordon Road which is designated as State Highway 87 with NZ Transport Agency being the Requiring Authority.
- [35] The proposal, including the retail shop selling packaged food products, vehicle merchandise and a Wild Bean café, is considered to fall within the definition of Service Station.
- [36] Service Stations are excluded from the definition of commercial activities within the definitions of the District Plan. Service Stations are defined by the District Plan as;

'means the use of land and buildings where the dominant activity is the retail sale of motor vehicles fuels and may also include any or more of the following;

- the sale of tyres, batteries, kerosene and other accessories normally associated with motor vehicles, including the hire or trailers; and*
- the mechanical repair and servicing of motor vehicles, including boats; and*
- car wash facilities; and*
- the sale of other merchandise where this is ancillary to the dominate activity on the site.'*

- [37] Service stations are not provided for in any residential zone, including the Residential 2 Zone. Resource consent is required as the proposal is considered a non-complying activity in accordance with Rule 8.8.6(iii) of the Residential 2 Zone rules.
- [38] In addition, resource consent is required for the following non-compliances with the Operative District Plan, detailed in sections 37 to 45 of this report.
- [39] The storage of liquid petroleum fuel in ground tanks is a controlled activity pursuant to Rule 17.5.2(c). The activity is controlled in respect of; location and design of the storage tanks, monitoring system, emergency response plans, and site security and containment.
- [40] The District Plan permits 200kg of LPG in cylinders to be stored outdoors in a Residential zone. The proposal involves the storage of 594kg of LPG outdoors which is an unrestricted discretionary activity pursuant to Rule 17.5.4.
- [41] The proposed earthworks involve cuts of approximately 4.5m in depth for the installation of the underground tanks, located approximately 2m from the rear boundary. Therefore, the depth of the earthworks is not able to comply with the minimum setback to boundary required by Rule 17.7.3(v) which would require an equal setback distance as the depth of a cut supported by a retaining wall. This element of the proposal is considered a controlled activity in respect of; design and engineering of retaining structures and earthworks, effects of stability of land and buildings, effects on the surface flow of water and on flood risk, and effects on underground utilities.
- [42] The proposal involves the excavation of approximately 1800m³ of soil which exceeds the amounts for a permitted or controlled activity status. As such, the volume of soil to be excavated is considered a restricted discretionary activity pursuant to Rule 17.7.5.
- [43] The proposed signage is unable to comply with the conditions attached to permitted signs within the Residential 2 zone as detailed in 19.5.4 of the District Plan. Therefore, the signage is considered a non-complying activity pursuant to Rule 8.8.6, as the signage is not associated with a permitted activity in the zone.
- [44] The proposed acoustic fence is set back 0.6m from the rear boundary of 70 Gordon Road and is 3m in height. Rule 8.6.1(iv) allows fences to be erected on any yard up to a maximum height of 2m. The proposed fence is unable to comply with Rule 8.8.2(i)(a)(ii) which requires a minimum 1m rear yard and Rule 8.8.2(ii) which requires all structures to be contained within a 63 degree height plan angle originating from the boundary. This element of the proposal

is considered to be a restricted discretionary activity in accordance with Rule 8.8.4(i).

- [45] The proposal does not comply with conditions attached to the permitted activities within the Transport Section of the District Plan. The non-compliances relate to parking areas for people with disabilities, design of the loading area and the number of vehicle crossings associated with the site. Proposals which do not comply with the performance standards for permitted activities for Transportation are governed by the rules for the zone in which they are situated. The breaches for this proposal are a restricted discretionary activity under Rule 8.8.4(i) with Council's discretion limited to the conditions or conditions with which the activity fails to comply.
- [46] The Acoustics Assessment submitted in support of the application and the further information received, anticipate that predicted noise levels beyond the site boundaries that exceed the permitted levels during the night time. This breach is considered a restricted discretionary activity pursuant to Rule 21.5.6.
- [47] As the land use is non-complying activity in the zone, The Council's discretion is not limited to the conditions with which the proposal fails to comply. All of the above rules serve as a guide for assessment purposes of the environmental effects of the land use.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("the NES")

- [48] The proposal was assessed in regards to the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES). As a detailed site investigation report was provided in accordance with the requirements, the replacement of the fuel storage system and the soil disturbance is considered a controlled activity pursuant to the requirements of the NES.

Proposed Second Generation Dunedin City District Plan (Proposed 2GP")

- [49] The Proposed 2GP was notified on 26 September 2015. The 2GP zoning maps propose that the majority of the site (72, 76 Gordon Road) be zoned Principal Centre (Commercial Mixed Use Zone) in the proposed plan. The parcel of land at 70 Gordon Road, however, is zoned General Residential 2.
- [50] The application site is also identified as being within the following 2GP mapping overlays; infrastructure constraint mapped area, Wahi Tupuna Site: Kokika o Te Matamata (area surrounding Mosgiel), Archaeological Alert Layer, Hazard 3 (flood) Overlay Zone and the Dunedin Airport Flight Fan Designation. The Mosgiel Mapped Area is also applicable to the parcel of land at 70 Gordon Road.
- [51] The Proposed 2GP was notified on 26 September 2015, and some 2GP rules have immediate legal effect. In this instance, there are no relevant rules to consider in relation to this application.

Activity Status

- [52] The proposal overall is a **non-complying activity**, and some rules of the plan only act as guidance for the assessment of effects of the proposal. Other rules, together with the NES involve a different activity status, but can be considered together as part of the overall land use.

NOTIFICATION AND SUBMISSIONS

- [53] Written approval from the New Zealand Transport Agency was provided subject to three conditions of consent. As written approvals cannot be conditional, the applicant has volunteered to adopt the conditions should the application be granted and the written approval has been accepted on this basis.
- [54] A Section 95 Assessment was undertaken by the Council to determine the impact on the environment for the purposes of notification and provided to the applicant on 15 September 2017. The report concluded that the affected parties included all the adjacent neighbours (including some properties across Gordon Road), as the adverse effects on these properties will at least be minor. It was acknowledged that the effects differ across the different parties in nature and degree.
- [55] The application was limited notified on 22 September to the owners and/or occupiers of the following addresses; 68, 69A, 69B, 71, 73, 75, 77, 78 and 79A Gordon Road, 41A, 39A, 37A and 35C Irvine Street and 2 Mure Street. No other parties were considered to be adversely affected by the proposed redevelopment and expansion of the service station.
- [56] Ten submissions were received following the limited notification of the proposal, eight in opposition of the proposal and two in support. One of the submissions in support of the application has since been withdrawn (refer to paragraph 57 below). These submissions are summarised in the table below. Copies of the submission are appended to this report in Appendix C.
- [57] Further correspondence was received by Council from Rosalie Cabral on 6th November 2017. The letter requested to withdraw written support for the application as after further consideration, Mrs. Cabral concluded there would be detrimental effects on her residence. The letter further detailed her support of the submission lodged by the Kirby residents at 68 Gordon Road.

Submitter	Support/ Oppose	Reasons for submission	Wish to be heard?
1. Rosalie Cabral	Support – Withdrawn as of 06/11/17	The original submission did not state any reasons for support of the application or indicate if the submitter wished to be heard. A letter was sent to the submitter on 26 September 2017 to enable the submission to be more complete. The submission has since been withdrawn due to the submitter feeling there will be detrimental effects on the enjoyment of their property. They also acknowledged support and agreement with the submission received from J and E Kirby (Submission 10).	No comment made
2. Margaret Sutherland	Support	The submission did not state any reasons for support of the application or include if the submitter wished to be heard. A letter was sent to the submitter on 26 September 2017 to enable the submission to be complete but no further correspondence has been received to date.	No comment made
3. Gwendoline B Bambery	Oppose	- The proposal will significantly increase customer traffic resulting in noise nuisance i.e. talking, slamming doors, and engine noise. - Increase of heavy vehicle movements outside of business hours which will generate extra noise. - Noise generated from carwash and mechanical	No.

		plant operations will generate significant noise. • The combination of the current ambient noise levels with the addition of the noise from the proposal will exceed the current requirements. • Noise carries more easily in Mosgiel due to the night air being more still and lack of coastal breeze. • Increase level of luminescence during the night-time due to forecourt and signage illumination. • Vehicle headlights shining into residential properties at all hours, including the submitters. • Do not wish Council to grant the resource consent. • The reports submitted with the application are projected views and theoretical assessments. Real life impacts will be significantly noisier and will be apparent too late. • No information provided about mitigating light pollution. • The noise generated by the car wash and amenity area is 50m from submitter's property. • Inappropriate development within a largely residential area. • Service stations emit harmful airborne particulates and should be a minimum of 100m from sensitive activities, including residential. • Majority of service stations in NZ are bounded by commercial land. • The proposal will have a detrimental effect of residential property values.	
4. Michael J Stuart & Nicola J Stuart	Oppose	• Submitter does not believe a café should be allowed as Countdown were declined one 100m down the road. • Thursday- Saturday is noisy enough now. • The proposal will generate excess noise including from when young people take off in their cars. • No issues with the application if they stick to current hours.	No.
5. Murray G Stephen	Oppose	• The proposal will have an obstructive nature towards the submitter's property. • The application has a lack of defined datum land height specifically in relation to the contour of the land in relation to Gordon Road and the different heights between posts 2-3-4-5 on Plan 3 alc 1-18 received on 2nd October 2017. • The land should be lowered between posts 4-3-2 to the original land contour prior to the garage being built. • Oppose the finished height of the proposed fence and should be 1.8m as it is at present at post section 5.	Yes.
6. Ian Berry	Oppose	• Submitter has been subject to a pneumonectomy and is affected by polluted air. • Objects to exhaust fumes from up to eleven vehicles in the carwash/grooming area in close proximity to Submitter's dwelling and outdoor area. • The entrance to the carwash is approximately 24m from Submitter's outdoor area and rear doors with the 3rd car in the queue area 12m away. • Concern around noise pollution from the carwash and gatherings of young people and their vehicles during the night.	Yes.

		- The proposal should not share a boundary with residential properties and will have an adverse effect on the Submitter's health and enjoyment of their home. - The resource consent should be declined.	
7. Leon D Roff	Oppose	- The proposed changes are more than minor. - The increase in traffic volume and noise along with noise generated from other services on site will make the area less desirable. - Will impact on tenants willing to lease the Submitter's investment property. - The hours should be restricted to 18hrs instead of 24hrs and the car wash and vacuum should operate 8am-6pm.	Yes.
8. Victor James & Gertruda C Mcdonald	Oppose	- A 24/7 service station is not compliant with a Residential 2 zone which is intended for residential activities. - The service station and carwash should operate the same hours as the Countdown Supermarket. - Countdown was granted consent only on the proviso they would operate between socially acceptable hours (8am-9pm). - Mosgiel is already served by a 24/7 service station which is more appropriately located and sited. - The height of the canopy will affect the late afternoon sun to the Submitter's property, particularly in spring and autumn. - The lighting will affect neighbouring properties and is already very noticeable. - The lighting may be 'adjusted' after construction and may be tweaked by the operator. This should be unable to occur. - Long term exposure to LED lighting is injurious to human health and neighbours could suffer from health problems. - The existing service station already causes noise issues but only occasionally to the annoying level. 24/7 service stations are noisy at night, attracting groups of people and noisy car radios, boom-boxes, etc. The carwash will also add considerable noise when operating. - Will not increase safety and will increase crime after 11pm. - The possibility of more frequent and serious car accidents will also rise. - LPG storage should not exceed the permitted 200kg in a residential zone due to the risk to neighbours of fire or explosion. - The loss of street parking will make parking out front of the Submitter's property more difficult and devalue the property even further. - Submitters were not consulted although their property is opposite the proposed development. - The impact of the proposal on the Submitter's lives would be significant. - The application should be declined in its entirety.	Yes.
9. Craig C Byers (On behalf of Byers Family Trust)	Oppose	- The AEE and evidence in supporting reports is lacking in evidential facts. - BP should have resources available to provide data from similar sized redevelopments undertaken elsewhere in NZ as it's a common and proven development configuration.	Yes.

		• Fails to understand why actual traffic monitoring information was not collected and model analysis statements from paid consultants was used instead. • This is the same with the acoustic evidence. This should have been based from actual level of the noise generated, and proven, as there are instances of this carwash in operation nationally by BP. The report is based on opinions generated from assumptions and a predicted model. • These issues are particularly important as it involves the expansion onto 70 Gordon Road which is a residential property and is also contrary to the strategic objectives of the 2GP and is non-complying under the current District Plan. • The proposal will impact the property at 68 Gordon Road's outdoor amenity and enjoyment of the property and should be taken into consideration. • The disruption and concern for the previous few years associated with the proposal has delayed the construction of a dwelling at 68 Gordon Road which was issued Building Consent in 2014. • The property at 68 Gordon Road has been in the same family since 1940s and there is a long term connection with the site for residential occupation and with many family memories. • The 9m sign is out of context, disproportionate to the surrounds, will have a negative visual impact on streetscape and is overbearing on adjacent properties. • No need for a 9m sign as the AEE states most cars that visit are already on the road and the service station is known, having existing for years. • The green BP fascia around the carwash is unnecessary and not appropriate next to a residential property as it is not consistent with residential zoning colour palette. • The minimum possible increase of 32% or more traffic volume is significant and not 'minor' as suggested by TDG. • The major redevelopment of the site would not be undertaken for minor increases in customer numbers and the doubling of the fuel browsers is evidence of the expectation to increase the frequency and number of visits of customers. • Statistical concerns were raised in regards to page 13 of the Traffic Management Report, particularly in regards to peak predictions of traffic generated and average figures used from other sites in comparison. • It is key to the assessment of the proposal that a comparison between the commercial revenue generation vs the impact on residential properties determine if the proposal is appropriate. • The increased vehicle movements will create a much more hazardous pedestrian environment and Gordon Road is a key pedestrian and cycle route. • Concerns about environmental management and heavy discharges to the local sewer network and	
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		if the existing infrastructure can support this. • The residential zoned buffer at 70 Gordon Street should not be rezoned to allow a non-complying activity which has negative effects on the surrounding properties and is wholly inappropriate. • The carwash is lacking in detail to enable proper assessment given its close proximity to 68 Gordon Road. • No information has been provided on the noise impact from the air hose. • The proposed planting between the carwash and 68 Gordon Street is minimalistic at best with low growing natives providing no visual screening from adjacent properties. • It is inappropriate for the carwash and amenity island to operate outside of 8am-6pm and on Public Holidays due to the impact on residential properties. • The proposal by SLR that Sundays and Statutory Holidays should be treated the same as Saturdays with respect to noise limits is inappropriate. • Details of carwash construction have not been provided to demonstrate that proposed mitigating design features will have a benefit. Even with mitigating features, the noise from the carwash will exceed the District Plan levels and impact indoor and outdoor amenity of 68 Gordon Road. • The noise predictions and assumptions appear fanciful and an assessment of real data should be undertaken due to the importance of the issue. • The application should be declined for the above reasons.	
10. Judith & Eric Kirby	Oppose	• The proposal will negatively impact our enjoyment of our residence we have resided in for many years. • The increased noise will be a significant change to the quiet residential property. • The visual impact from the carpark fascia signage is also a concern. • The proposal will attract more traffic movements at all times of the day creating adverse effects. • The large sign proposed next to Submitter's property is too large and unnecessary. It will be overly visible from Submitter's property and is not appropriate. • The application should be declined due to adverse effects on the residential area. • Proposal should be altered if not declined to include mitigating options such as excluding the activity on 70 Gordon Road, reduce height of sign, increase planting at boundary, improve acoustic performance, limit hours of operation and no idling signs in carwash.	No.

ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

[58] Section 104(1)(a) of the Act requires that the Council have regard to any actual and potential effects on the environment of allowing the activity. 'Effect' is defined in Section 3 of the Act as including-

- a) *Any positive or adverse effect; and*
- b) *Any temporary or permanent effect; and*
- c) *Any past, present, or future effect; and*
- d) *Any cumulative effect which arises over time or in combination with other effects–*
regardless of the scale, intensity, duration or frequency of the effect, and also includes –
- e) *Any potential effect of high probability; and*
- f) *Any potential effect of low probability which has a high potential impact.*

[59] This section of the report assesses the following environmental effects in terms of the relevant assessment matters in Sections 8.13 (Residential), 17.8 (Earthworks), 17.6 (Hazardous Substances), 19.6 (Signs) and 21.6 (Environmental Issues) of the District Plan. Accordingly, assessment is made of the following relevant effects of the proposal:

- Permitted Baseline Assessment
- Sustainability (Assessment Matter 8.13.1);
- Noise (Assessment Matter 21.6.1);
- Lighting (Assessment Matter 21.6.3);
- Bulk and Location of Buildings or Structures (Assessment Matter 8.13.3)
- Hours of Operation (Assessment matter 8.13.9)
- Amenity Values and Character (Assessment Matter 8.13.5, 19.6.1)
- Signs (Assessment matter 19.6)
- Transport and Traffic Safety (Assessment matter 19.6.2, 19.6.3 and 8.13.7)
- National Environmental Standard (NES 2011)
- Earthworks (Assessment Matter 17.8)
- Hazardous Substances Storage (Assessment Matter 17.6)
- Infrastructure and Services (Assessment matter 8.13.10)

Permitted Baseline

[60] As part of the assessment of effects, the committee may choose to apply the permitted baseline assessment. This requires consideration of what can occur as of right on the site (permitted activity) and the determination of the existing lawfully established development of the site. Any effect from an activity that is equivalent to that generated by an activity falling within the permitted baseline can be disregarded.

[61] The Residential 2 Zone provides for medium residential activity at a density of not less than 300m² of site area per residential unit. Recreational activities are also provided for in the Residential 2 Zone. Community support activities and commercial residential activities are discretionary activities in the Residential 2 Zone. It is not considered that service stations meet the definition of community support activities (or residential or recreation activities) and as such no permitted baseline exists for a service station within a Residential zone. The permitted baseline effects are for development of the land for a land use with effects that are entirely different in nature and scale.

[62] Signage is permitted within the Residential 2 zone associated with a permitted activity providing there is only one sign per site, does not exceed 0.5m² and is not illuminated. The proposal involves the erection of 46.80m² of signage, including the 17.40m² associated with the BP pole sign, carwash signage and shop signage. Some of the signage is proposed to be illuminated and none of the signage is associated with a permitted activity.

- [63] The existing service station activity on 72-76 Gordon Road was lawfully established and considered to have had existing use rights, prior to its authorisation via resource consent. The service station activity has been authorised by resource consents (e.g. RMA-2005-0337) for establishing the existing pylon sign and replacing the storage tanks which represented an increase in intensity and scale of the pre-existing activity at that time.
- [64] The established effects of the service station activity on 72-76 Gordon Road form part of the existing receiving environment. It is the effects above and beyond those established by the existing service station that should be considered as part of the assessment. Applying the baseline is at Council's discretion.
- [65] There is no permitted or consent baseline applicable to the expansion of the proposal onto 70 Gordon Road as this property's history has previously only been residential with no effects associated with the service station generated from this property.
- [66] The following parts of this report represent my views on the effects of the proposal, having regard to the application, the submission, and my visit to the site.

Sustainability

- [67] The District Plan clearly demonstrates in the Sustainability Section that the Council wishes to protect the existing amenity and character of the various parts of the District. Primarily that will be achieved through managing the density and intensity of development. The expansion of the service station site on to a Residential Zone property can have negative impacts on the amenity and sustainability of the residential environment.
- [68] One of the reasons for adopting zoning as outlined in the Sustainability Section is so that people and communities within Dunedin City have a high degree of certainty as to the amenity provided within different parts of the City. The adoption of zoning is a technique used to provide such certainty and to ensure that the adverse effects of incompatible activities are avoided, remedied or mitigated.
- [69] The proposed activity is out of the zones where the activity is provided for in the operative District Plan while the land use is established on part of the land, the expansion onto a site used previously for residential activity changes the amenity of this location. The increase in intensity of operations within the existing service station site conflicts with the amenity anticipated by the zoning. The proposed activity will compromise the levels of amenity that are provided for within a Residential Zone.
- [70] It is expected that in some areas, especially those close to town centres, that pressure to move non-residential activities into these areas will increase over time. This threatens the certainty of continued provision of residential amenity that would usually be associated with living in a residential zone. When living in a residential zone it is fair and reasonable to expect that the amenity and character of that zone will be sustained and not worsened over time. This matter is addressed further in paragraph 112-126 of this report under the heading Amenity Values and Character.
- [71] Overall, the proposed redevelopment and expansion of the BP service station cannot be seen to be a sustainable use of Residential zoned land.

Noise

- [72] The applicants have provided a noise assessment report carried out by SLR Consulting NZ Ltd which details the calculations of potential noise emissions and the assessment of noise emissions from the proposed development on the surrounding sites.
- [73] The proposed activities on site have been assessed in terms of applicable noise criteria including the Dunedin City District Plan and relevant New Zealand Acoustic Standards.
- [74] The District Plan requires the following noise limits to be met in regards to permitted, controlled and discretionary (restricted) activities in the Residential 2 Zone:

'Rule 21.5.1(i)(a) requires the maximum noise limits generated by any activity to not exceed the maximum day-time, night-time and shoulder period L10 noise limits identified on District Plan Maps 62 to 70, measured at the boundary or within any other property within the same noise area. The site is subject to a 50Dt/40Nt dBA, 45SP dBA noise limit.

Rule 21.5.1(i)(b) requires that between 9.00 pm on any night and 7.00 am the following day no noise shall exceed an Lmax of 75 dBA measured at the boundary of the site or within any other site.

The District Plan definitions relating to noise are as follows:

Day- time - means the period between the hours of 7:00 am and 9:00 pm, except that where any shoulder period applies day- time is between the hours of 8:00 am and 6:00 pm.

dBA - means A- frequency weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals which aims to simulate typical human auditory responses.

Night-time - means the period between the hours of 9:00 pm on any night and 7:00 am the following day and includes 24 hours on Sundays and statutory holidays.

Shoulder Period- means the period between 7:00 am and 8:00 am and between 6:00 pm and 9:00 pm, Monday to Friday and between 6:00 pm and 9:00 pm Saturday.'

- [75] While the activity is a non-complying activity, these standards provide a logical frame of reference for determining an acceptable level of noise from the proposed activity.
- [76] Noise expected to be generated by the service station has the potential to have effects on the surrounding environment. These noises include vehicle movements, fuel deliveries and tank refilling, plant equipment associated with the carwash and vacuum, air service pump, and plant equipment associated with heating, ventilation and air conditioning and people noise.
- [77] A major component proposed to contain noise within the site is the 2-3m high acoustic fence along the side boundaries. The acoustic fence is intended to mitigate the noise effects from the carwash and vacuum on the residential properties. The carwash doors have also been designed to close on the commencement of a wash cycle to try and prevent noise escaping via the entrance and exit openings.

- [78] The applicant's assessment concludes that overall the proposed development is predicted to generally comply with the established limits and the effects are considered to be acceptable in terms of the context in which it is proposed to operate. The report states there will be an imperceptible exceedance of 1-2 dBA, at four locations being 35 Irvine Street, 71, 73 and 75 Gordon Road.
- [79] The majority of submissions comment on potential noise effects especially in relation to noise associated with heavy traffic movement to and from the site and the continuous plant noise, particularly in regards to the proximity of the car wash to residential properties. The submissions about noise effects are not only in relation to loud noises but in relation to noises in association with day to day operating noise and the effect that these noises will have on their peace and quiet on their respective sites, especially in the night time when the current ambient noise is virtually non-existent on the site due to no activity occurring.
- [80] The report was referred to Council's Environmental Health Department for comment. Council's Environmental Health Department raised the following concerns about the noise assessment;
- the lack of review of the existing ambient noise levels;
 - that current vehicle movements rates were used instead of predicted rates post development (as provided in the traffic assessment);
 - no indication of whether increased hours would bring additional activity onsite and the effects of this additional activity; and
 - little information was provided about how the acoustic fence will lower the noise levels, particularly behind the proposed carwash and vacuum.
- [81] As a result of the concerns raised, a request for further information was sent on 16 August 2017 and further information in support of the noise assessment was provided on 11 September 2017.
- [82] The further information and noise assessment concluded that the properties located at 35 Irvine Street, 37A Irvine Street, 71 Gordon Road, 73 Gordon Road and 75 Gordon Road would be subject to noise above the permitted 40 dBA permitted during the night time period. The level of noise emanating from the site will increase from none presently between 11pm and 6am Monday to Friday, to at least a minor level.
- [83] The application states that these properties exceed the permitted thresholds by no more than 2dBA, which the assessment states should be considered negligible as it is imperceptible to compliant levels. Applying this logic, the following properties have been identified as 40dBA or less than 2dBA of the threshold; 37 Irvine Street, 39A Irvine Street, 41A Irvine Street, 68 Gordon Street, 69 Gordon Street, 77 Gordon Road, 78 Gordon Road and 79 Gordon Road. It is considered the change in the noise environments to the maximum permitted levels or close will have at least minor effects on these properties due to the frequency of the noise and the length of time that the noise is occurring, as well as those properties identified as being subject to predicted noise above the permitted levels.
- [84] Council's Environmental Health Department made the following comments in regards to the further information provided;

'Ambient Noise

The applicant has provided additional information regarding the noise assessment report carried out by SLR Consulting NZ Ltd.

Table 2 in the additional information shows averaged LA10 and LA90 results for both the shoulder and night-time periods. Because the results have been averaged over a long night-time period it is very difficult to draw a meaningful understanding of noise level trends within that time. For example this does not allow you to compare levels just after the shoulder period with those from mid-night to 6am. The LA10 result of 41dB given for entire night-time period is very similar to the District Plan permitted night time noise level of 40dB. However the LA90 is much lower (28dB) which is possibly indicative of the very quiet nature of the area for the majority of the night-time period.

We have attempted to undertake our own noise assessment but unfortunately due to equipment failure we were unable to produce a result. Ambient noise readings taken for another recent development on Gordon Road with similar residential boundaries also showed much the same averaged L10 result. However, these results were displayed graphically and did show a significantly lower L10 result between midnight and 5am.

Acoustic fence

The original application stated the carwash to be approximately 4m in height with a proposed boundary acoustic fence 2m in height running along all boundaries.

The additional information has stated the acoustic fence height has now been increased to 3m in certain areas (around the carwash unit) and pulled back from the boundary by an additional 0.6m. Detail showing the methodology behind the proposed reduction of 5dBA to 13dBA still appears to be fairly limited.

Whilst it was stated that no vents or ventilation fans are contained within the carwash, no additional information was provided about where the actual carwash plant equipment is located, for example if the principle noise source is at the roof level the benefits of an acoustic fence would be reduced.

Mechanical Plant screening

No additional information on the nature of the compound screening of plant equipment was provided.'

- [85] In my opinion, the effect of the increase of noise levels during the evening time to the maximum levels permitted and/or marginally exceeding them is not a reasonable effect within a residential area. The change in noise environments during the night time hours will be significantly different and will affect the adjoining properties amenity levels and expectations.
- [86] I consider that the proposed operating hours are excessive in relation to the Residential Zone and will contribute to more effects from noise associated with the service station as early morning and late evenings are usually considered sensitive times in a residential environment when people may be trying to sleep or relax in a pleasant residential environment. The presence of the existing service station may be an accepted part of the existing environment

on the basis that there is minimal or no activity in the late evenings and early hours of the morning.

- [87] Objective 8.2.1 of the residential zone explains the need to ensure that adverse effects of activities on amenity values and the character of residential areas are avoided, remedied or mitigated: Amenity values in residential areas arise from access to sunlight, density, adequate parking, privacy, peace and quiet, landscaping and space between buildings. These values contribute to residential areas as pleasant places to live. It is essential that these values be maintained and in some instances enhanced to sustain the efficient use of the housing resource and contribute to the health, safety and wellbeing of the residents.
- [88] Concerns were raised by submitters in regards to the methodology used in the acoustic assessment. The main theme and concern was that the report was based on prediction modelling and was not site specific or using known noise levels from the carwash operating in real conditions. Concerns were also expressed that BP should have access to real life examples that could be used rather than prediction modelling.
- [89] I consider that the noise effects assessment is lacking assessment on noise effects on surrounding properties and is incomplete. Based on the information provided to date I would consider the effects to be adverse but further evidence may prove otherwise.
- [90] A condition of consent would be required to ensure that the activity comply with the performance standards related to noise, glare and lighting as outlined by Rules 21.5.1 and 21.5.3 of the District Plan. This is necessary as non-complying activities are not automatically subject to the performance standards of the District Plan
- [91] Construction noise is exempt from the above performance standards. The New Zealand Standard Acoustics - Construction Noise (NZS 6803:1999) states that "typical duration" of construction, means construction work at any one location for more than 14 calendar days but less than 20 weeks.
- [92] If a consent is granted, construction noise should be addressed by a condition of consent. Construction should be limited to the times set out below and should comply with the following noise limits for 'typical duration' for construction noise received within a residential or rural area as per New Zealand Standard Acoustics – Construction Noise NZS 6803:1999:

Time of Week	Time Period	Leq (dBA)	L max (dBA)
Weekdays	0630-0730	60	75
	0730-1800	75	90
	1800-2000	70	85
	2000-0630	45	75
Saturdays	0630-0730	45	75
	0730-1800	75	90
	1800-2000	45	75
	2000-0630	45	75
Sundays and Public Holidays	0630-0730	45	75
	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

Lighting

- [93] The District Plan controls the effect that lighting has on the character, harmony and pleasantness of an area. The plan also controls the effect of lighting and its role on the safety of people who use the area.
- [94] LED lights onto the forecourt will be on all night as well as the pylon sign and canopy being illuminated. A lighting assessment, provided in support of the proposal, specifies controls in relation to cut-off distribution lighting associated with the canopy lights to limit the spill outside of the site to ensure compliance with Rule 21.5.4 of the District Plan. However, it does not specify controls for the pylon sign which may have light spill onto the adjoining property at 68 Gordon Road.
- [95] The applicant has stated that compliance is achieved on the western boundary of the site by dimming the light output of three of the lights in the outer row to 30% and turning one light off completely. In the second row from the western boundary, one light will be reduced to 30% output. All other lights will remain at 100% output.
- [96] The assessment states a maximum value of 7.9 lux on the vertical plane at the adjacent western boundary is likely to occur, however the maximum spill light onto the adjacent property is calculated as 6.7 lux. While this is within the permitted 8 lux limit, it is still consider a significant change to the existing light environment which is likely to have minor effects on the properties at 35 and 37A Irvine Street.
- [97] It is noted that the lighting assessment appended to the application considers the effects of the canopy lighting only, it does not consider the effects of the illuminated pylon sign. It is considered that the potential adverse visual amenity effects of the pylon sign include the effects of illumination in addition to the size and visual character of the sign.
- [98] Some submitters raise concerns about the canopy and illuminated signage creating light pollution and are concerned about the lights (outdoor) specifically remaining on 24/7 and how it can be ensured the lights required to be dimmed for compliance stay at a compliant level.
- [99] Even with compliance with the District Plan standards, the illumination of the proposed building, signage and car park will create amenity effects on the character of the neighbourhood. As the activity subject to the application is not provided for in the zone, these effects cannot be disregarded as effects anticipated by the District Plan. These effects are discussed in the Amenity Values and Residential Character assessment matter.

Bulk and Location of Buildings or Structures

- [100] The bulk and location of the proposed buildings and structures complies with the conditions attached to permitted activities within the Residential 2 zone with the exception of the front boundary and the fence to the rear of 70 Gordon Road. However, it is noted that the proposal is not a permitted activity and the conditions attached to permitted activities should serve only as guidance in the assessment of applications. Greater setbacks may be appropriate depending on the nature and scale and other effects of the proposed buildings and structures.
- [101] The redevelopment of the site involves the demolition of the existing canopy which was constructed to the front boundary and the construction of a 14m x 32m replacement canopy. The proposed canopy will be set back approximately 4.5m from the front boundary which complies with the expectations of the

Residential 2 zone. However, the proposed buildings and signage are not of a design and style commensurate with residential activity.

- [102] There is an existing 7.5m illuminated pole sign located towards the front of the site on the boundary between 72 and 76 Gordon Road. This sign is proposed to be removed and a 7.5m illuminated pole sign located towards the front of the site at 70 Gordon Road is to be erected. This results in the sign being located approximately 56m to the south, further from the commercial centre of Mosgiel and onto a residential zoned property with no previous history of use other than residential.
- [103] The new proposed service station will have the bulk of buildings and structures spread further across 4 parcels of land. This bulk will be on a much larger scale as well, with the canopy tripling in size which will have at least minor effects on the properties located across from the subject sites. Specifically, the properties at 69A and 69B, as the outlook of these properties facing the site were previously residential, which will change to a car wash.
- [104] The acoustic fence to the rear of 70 Gordon Road is proposed to be 3m in height and located 0.6m off the boundary. The rear fence is permitted to 2m in height and does not comply and is required to be considered a structure. As such, it breaches the height plane angle by approximately 1.8m (98 degree height plane angle) and the rear yard by 0.4m. However, as a 'fence' it would not be subject to the rear yard requirements and exceeds the permitted height by 1m. It is the extra 1m in height and the effects as a result that are to be considered.
- [105] The increased height of the fence will result in an increase shadowing of the side yard of 41A Irvine Street in the mornings. The off-set of the fence by 0.6m from the boundary will mitigate some of the effects of shading on the property at 41A Irvine Street. The height of the fence will help maintain a degree of privacy and separation between the two properties. Overall, I considered the effects of the height of the fence will be less than minor.
- [106] The District Plan describes the Residential 2 Zone as follows:

'The average size of residential sites is smaller than those in other residential zones. This area generally has narrower streets with sites having a smaller front and rear yard. Side yards of 900mm to 1m are common. The domination of single-storeyed structures keeps development in scale. Small areas of amenity open space and narrow road widths impact on the amount of space available for recreation.'

- [107] The proposed development is out of scale with the surrounding environment in regards to bulk and location from the expansion onto the adjoining residential property. The proposed landscaping will have little to no mitigation for the development because of its contrast with the surrounding character and size and bulk of existing developments in the immediate vicinity.

Hours of Operation

- [108] As discussed, the uses of the two internal parcels of land subject to the proposal have an established history of use as a service station. The expansion of the operation to the adjoining parcels either side shows a significant expansion of the activity. This is also reflected in the hours of operation with the new service station proposed to be open 24hrs, with the exception of the car wash which will have restricted times.
- [109] The car wash and vacuum is proposed to operate between 7am-9pm Monday to Friday and 8am-9pm Saturday, Sunday and public holidays. This is a new

activity that is occurring on site with no baseline established for the hours of operation. The increase in the hours of operation and the introduction of new activities to the site which will operate into the evening period is likely to have at least minor effects on the adjoining and adjacent properties to the subject site with frontage to Gordon Road.

- [110] The proposed hours of operation are excessive in the context of the residential environment. A common theme in the submissions received by Council was concern in regards to the increased hours and the likelihood that it would increase the noise levels during the evenings and night where there had previously been no noise generating activities occurring after 11pm.
- [111] The hours proposed for the carwash and vacuum restricts the use after 9pm. However, the significant noise generated from these activities within a few metres from the boundary of residential activities is a fairly significant change during the late evenings, on a week night.

Amenity Values and Character

- [112] The District Plan controls the degree to which the design and appearance of any buildings, structures, landscaping or site topography has an adverse effect on the character and amenity of residential areas in terms of the immediate neighbourhood. It also controls the extent to which the design maintains and preserves the general residential scale and character in the surrounding area.
- [113] Gordon Road is a busy thoroughfare, with relatively high volumes of traffic and a mix of land-uses, which influence existing amenity values. Nevertheless, there is a requirement under the operative district plan to maintain or enhance the amenity of existing residential areas and minimise adverse effects of development.
- [114] The redevelopment will give rise to substantial change to the appearance from Gordon Road. While the current station has signage, including an illuminated 7.5m pylon sign, and canopy, the current service station is focused across 2 middle parcels of land in terms of bulk and has a more confined or recessive character from street view and adjacent properties.
- [115] The proposed canopy will have a green strip around the top and all elevations, except the rear elevation and green bullnose cladding attached to the fascia of the canopy. The base colour of the fasciae on which signage will be mounted will be either the BP corporate green or white. It is not considered that this colour scheme is in keeping with a residential colour palette and will be visually dominating.
- [116] For those properties that border the site to the west on Irvine Street, it is considered that the proposed development will not cause unacceptable adverse effects on their existing visual amenity. The eastern boundaries of these sections are currently lined by relatively tall fencing. The proposed 2m high timber acoustic fence will be somewhat higher than the existing fences in places and will provide appropriate visual screening of the expanded service station. It is noted that all structures within the site meet the required building setbacks and height recession planes. Further, the narrow faces of the canopy, shop and carwash will face in the direction of these properties, reducing the apparent visual bulk of the development.
- [117] For residents opposite the site, the proposed development will likely form a more noticeable feature than the existing service station due to the increase in the scale of the operation, the proposed relocation of the shop and pylon sign and the proposed extension of hours. Effects are expected to be most noticeable from the flats at 69 Gordon Road, located opposite the proposed

carwash facility and pylon sign, and 77 Gordon Road, located opposite the proposed shop. From 69 Gordon Road, unobstructed views will be afforded towards the carwash. This will represent a shift in visual character from the pre-existing view towards a residential section.

- [118] For the residents of 77 Gordon Road, existing views to the metaled yard will be replaced with views towards the eastern face of the proposed shop. While the proposed development will create a more enclosed view from 77 Gordon Road, existing amenity derived from views of the metaled yard and parked/manoeuvring vehicles are relatively low. As such, effects of the proposed development on existing visual amenity from this location are considered to be low.
- [119] From 68 Gordon Road, effects will be associated with the installation of a 7.5m pylon sign within 70 Gordon Road. The existing boundary hedge between 68 and 70 Gordon Road will be retained with an acoustic fence being constructed on the BP side of the hedge. With regards to the fence and hedge, it is considered that it will screen views of vehicles using the carwash and service station from 68 Gordon Road and the majority of the carwash itself. A more noticeable effect on visual amenity will be associated with the new pylon sign.
- [120] Whereas the existing 7.5m sign is located approximately 70m from the northern boundary of 68 Gordon Road, the proposed sign will be only 16m from this boundary. In the proposed location, the new sign, which will be aligned perpendicular to the road, will likely form a prominent feature from locations within 68 Gordon Road.
- [121] The proposed carwash facility will have potential adverse visual effects associated with the movement of vehicles passing through the carwash in the direction of this property and the erosion of existing residential visual character. Proposed planting in front of the car wash is identified in the application as low growing species in order to maintain sight lines at the entrance/exit to the site. As such, it will not provide useful screening of the facility.
- [122] It is considered that the applicants have not achieved a design that reflects the character, scale and amenity of the surrounding area. Especially when viewed from neighbouring properties and from opposite Gordon Road. The development is not human scale; it is designed to appeal to passing motorists from a distance.
- [123] The structures and associated signage dominates the environment and its lack of interaction with residential activities creates adverse amenity effects on the character of the area especially in regards to visual clutter as a result of the significant amount of signage.
- [124] The illumination of the proposed building, signage and car park will create amenity effects on the character of the neighbourhood by dominating the streetscape and intensifying activities that would usually quieten down in a Residential Zone as it gets darker.
- [125] Submitters have raised concerns about the amenity effects of the proposal. They are already concerned about the changing land use patterns in the area. They are not entirely opposed to change but are concerned about the level of residential amenity enjoyed at their property and believe that it is being eroded. Increased activity in the weekends and late in the evenings will have an impact on their quality of life, ability to rent property and will decrease the value of home.

- [126] The measures proposed by the applicant do not in my opinion mitigate the scale and intensity of use of the redevelopment, particularly onto residential land. They do not mitigate the effects of the development that are not contained within the subject site and they are not in keeping with the scale and character the residential environment. The proposed development will dominate the environment and will decrease the amenity and quality of life of the surrounding properties to an extent that is not acceptable in my view.

Signs

- [127] The assessment matters for signage note that Council may not grant consent to any sign that detracts from the amenity values of the zone in which they are located or is visible from.
- [128] The applicants have provided detailed information relating to the signs proposed on the site. The proposed pylon sign and signage on the wall of the proposed retail shop are the largest and most dominant signs in relation to this development. There is however a number of other directional and information signs located throughout the site which is essential for the functioning of the service station. These signs are all in the BP colour palette and most have the BP or Wild Bean Café logo on them. Even though these signs are to be located on the site they will be visible from the street and highly visible from neighbouring properties.
- [129] Signage associated with the proposal which is to be located on structures includes the following;

Sign	Location	Area
Shop		
BP Connect	Shop frontage	8m ²
Wild Bean Café	Shop front elevation	1.7m ²
Wild Bean Café	Shop east elevation	1.7m ²
2 x Poster Boards	Shop front elevation	2 x 0.7m ²
2 x Poster Boards	Shop east elevation	2 x 0.7m ²
Helios Button	Shop frontage	2.2m ²
Carwash		
Superwash	North Elevation	5.5m ²
1 x Poster Board	North Elevation	0.7m ²
Enter	East Elevation	2.4m ²
Exit	West Elevation	2.4m ²
Carwash Information Board	East corner of building	2m ²

- [130] The pylon sign proposed to be erected on 70 Gordon Road has a height of 7.5m, width of 2.28m and will be internally illuminated. The sign will be double sided and have an area of approximately 17.4m² and consist of the BP Helios logo followed by panels stating 'BP Connect', 'Wild Bean Café' and the usual product, fuel prices and services information.
- [131] A verge board will also be located within the garden area between the two vehicle crossings and in the garden area out front of the proposed retail store. These will have changeable marketing material and will have a height of 2.3m, width of 1m with an area of 2.3m².
- [132] No consent baseline applies to the proposed activity expanding on to 70 Gordon Road and as such no potential effects from the activity on this site can be disregarded. The proposed pylon sign is located in a new position compared with the existing pylon sign at 72 Gordon Road, which will help give rise to a corporate and conspicuous character that is more pronounced than the buildings/structures currently on-site. This is largely due to the proposed proliferation of signage on the shop and car wash building and within the front boundary.
- [133] Council's Urban Design Planner made the following comments in regards to the pole sign;

'Potential adverse effects of the sign on the residents of 68 Gordon Road are primarily related to the close proximity of the sign, its large surface area and the fact that it will be illuminated. In combination, these features will draw attention to the sign, detracting from the pre-existing more residential character of views. The rules of the Operative District Plan regarding permitted signage in Residential 2 zoned land allow a maximum size of 0.5m² and no sign illumination (Rule 19.5.4). As such, the sign greatly exceeds the expectations of the zone regarding signage and will contrast with the pre-existing residential character of 70 Gordon Road.'

While it is likely that the proposed 2m high acoustic fence and the walls of the carwash will provide some visual screening of the sign and wider site features, such as the canopy, the sign is likely to be at least partially visible. Additional screening of the sign could be provided by planting within the 3m wide garden area on the southern boundary of the site. However, tall planting in this location would also have the effect of shading the northern side of the dwelling at 68 Gordon Rd and northern parts of the section.

It is noted that the potential adverse visual amenity effects of the proposed pylon sign on the residents of 68 Gordon Road could be reduced by maintaining the existing location of the sign, near the western boundary of 72 Gordon Road, rather than the proposed location in front of the carwash.'

- [134] I concur overall with the Urban Design Planners comments in regards to the location of the proposed pole sign. It is considered that the proposed location will generate effects that would be minor or more than minor on the property at 68 Gordon Road. This is due to the permanent illumination of the sign, the visually demanding nature of the sign due to height and the inappropriateness of locating such significant signage within a residential zone.
- [135] During the assessment of the existing pole signage (resource consent RMA-2004-1091), the application stated that the 7.5m sign was design and located to allow it to be seen over the top of the canopy when approaching to the south. Given the proposed canopy will be set further back than the existing one, and no further development has occurred that would impacted the

visibility of the sign, the existing location of the sign is considered to be a much more appropriate location as the sign is easily visible when approaching from the south and does not need to be in such close proximity to residential activities.

- [136] It is noted that a significant amount of signage is associated with the existing service station activity which has been lawfully erected. However, this signage is restricted to the two parcels of land associated with 72 Gordon Road and is significantly less than what is being proposed.
- [137] The signage associated with the proposed new activities, i.e. carwash and café, as well as the corporate rebranded of the service station is considered to be above and beyond the signage that forms part of the consented baseline.
- [138] The large instantly recognisable corporate branding is not in keeping with the surrounding environment it is designed to dominate the surrounding environment. The signs are in keeping with the proportions of the activity and structures on which they are attached or referenced to. But this activity and associated structures is out of character with the scale of other buildings in the residential zone and therefore the large amount signage cannot be considered acceptable in terms of effects on the surrounding environment.

Transport

- [139] Gordon Road is classified as a National Road (State Highway 87) by the Dunedin City Council and New Zealand Transport Agency is the road controlling agency. Gordon Road is a two way road with a lane traveling in each direction. On street parking is available on both sides of the road. Gordon Road is a main route through Mosgiel and is also utilised by pedestrians, cyclists and the bus network, with footpaths located on both sides of the road.
- [140] Transportation not only deals with vehicles using the transportation network but also the design of vehicle and pedestrian access, the assessment of adequate parking, the effects of signage on the transportation network and the viability of the public, pedestrian and cycle transport system.
- [141] Transportation effects relating to this proposal are complex and as such, a Transportation Assessment Report (TAR) was undertaken by Traffic Design Group (TDG) was provided by the applicant.
- [142] NZTA provided affected party approval subject to three conditions either included as a substantive part of the application or promoted to the consent authority as conditions of consent. The applicant has requested they be included as consent conditions or advice notes if the resource consent is approved. The conditions offered are as follows;
 - *The NZ Transport Agency notes that the changes to the Traffic Control Devices required to implement the resource consent will be require an amendment to the NZ Transport Agency (Traffic Controls on State Highways) Bylaw 2017. Any amendments to that Bylaw will be the subject of consultation in accordance with the Land Transport Act 1998 and decisions will be made by the Transport Agency on the proposed amendment in accordance with the statutory requirements and good administrative practice.*
 - *That the vehicle entry and exit points are clearly marked with painted lines and or signs for driver awareness.*
 - *An application to carry out works within the State highway corridor road reserve and an appropriate traffic management plan shall be*

submitted to our network management contractor MWH (now part of Stantec), at least seven working days prior to the works commencing.

- [143] The District Plan requires the proposal provide two accessible parking spacing in accordance with Rule 20.5.5(iii). The proposal involves the creation of one accessible car park located near the shop entrance. The short-fall of one accessible car park will have less than minor effects as it is understood that one space is typically sufficient to meet the expected demand at the proposed activity. In the event that the accessible car park is occupied, it is considered there is sufficient parking provide onsite to be able to take the temporarily over spill. It is unlikely that the parking 20 parking spaces to be provided will fully occupied and unable to serve as an accessible park if needed.

- [144] The District Plan requires that the removal of rubbish shall be undertaken in a manner that will not conflict with car parking arrangements or with pedestrian movements. However, the removal of the rubbish located to the rear of the retail shop will result in the obstruction of the staff car parks.

- [145] The effects of the car parks being obstructed will be less than minor as it will be temporary in nature and will only occur a few times per week. It is further noted that as the car parks are for staff members, there is an expectation that there will be few traffic movements in these parks which would conflict with the removal of the rubbish.

- [146] The proposal is not able to comply with Rule 20.5.7(i) which restricts the site to a maximum of one vehicle crossing. Currently the site has a total of four vehicle crossings, with two proposed to be removed. The application states that the removal of the crossings will improve safety and efficiency of the road network. This position appears to be supported by NZTA who made the following comment;

'Our Senior Safety Engineer has considered the application and notes the reduction in the number of existing accesses would be positive and in this instance the proposed new accesses should be designed to the appropriate Dunedin City Council standard.'

- [147] Transport non-compliances also include the potential for manoeuvring areas to be obstructed when fuel tankers are onsite and the fuel tanker and rubbish truck loading bay exceeding the dimensions within the District Plan. However, there is still plenty of provision for onsite manoeuvring should a tanker be onsite and the application states that the management of fuel tankers would ensure that there are no problems in terms of safety or efficiency. This position is accepted and this is a common situation at service stations. This is also the case in regards to the dimensions of the loading bay, with the scale being proportionate to the proposed development. In my opinion, it is unlikely these breaches will have a detrimental effect on the surrounding area.

- [148] The TAR concluded that the service station redevelopment and expansion will not create any noticeable effects on the road network and that the increase in the number of fuel tanks is not expected to increase the number of driveway movements as this is influenced by passing traffic. The report went on to conclude that the additional services provided by the larger shop are likely to create a small increase in the traffic generation of the site. The report states an additional 20 driveway movements per hour across the whole site is anticipated. This represents one extra movement every few minutes and the TAR states this would not be noticeable to drivers because this variation occurs daily.

- [149] The TAR fails to acknowledge that even if the increase of traffic is considered minor, this fails to take into account that after 11pm in the evenings there is

no traffic movements occurring to and from the site. Any increase, no matter how minor it is perceived, will be highly noticeable in contrast to the existing environment.

- [150] A copy of the TAR was referred to Council's Transport Planner for comment. No comments or concerns were raised by Council's Transport Planner in regards to the methodology in the TAR or the traffic movement data used in the findings. The following comments were provided by Council's Transport Planner;

'Access

The site has four existing vehicle crossings to Gordon Road. The service station expansion proposes two vehicle accesses onto Gordon Road, reducing the number of vehicle crossings serving the site. It is stated in the TAR that the reduction of the number of vehicle crossings is expected to improve safety and efficiency, which Transport generally agrees with. Swept path diagrams included with the application show that a 10m rigid truck will be able to enter and exit the site in an acceptable manner.

Overall, the proposed vehicle access arrangements are considered to be acceptable. Consent conditions are recommended, below, requiring the proposed vehicle accesses to be constructed to an appropriate standard, and for the redundant vehicle crossings to be removed.

Parking and Manoeuvring

The TAR states that since parking standards for service stations are not contained within the Residential 2 zone, reference has been made to relevant Industrial 1 zone rules of the District Plan which do contain parking standards for service stations. Transport considers this to be a reasonable approach.

Based on rules for the Industrial 1 zone, the proposed service station would require 10 on-site parking spaces. As noted within the TAR, the proposed redevelopment will include 20 on-site parking spaces. Transport therefore agrees with the TAR that sufficient on-site parking is provided for the service station. It is noted that the service station will meet the requirements of NZS 4121 and AS/NZS 2890.6 with respect to mobility parking, which is accepted.

The surface of all parking, associated access and manoeuvring areas shall be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked in accordance with the application plans.

Servicing

Truck servicing arrangements are detailed in Section 7.1.7 of the TAR, and will be actively managed by the operator of the service station. The proposed servicing arrangements are considered to be acceptable.

Generated Traffic Effects

Section 6.1 of the TAR provides details regarding traffic generation, and it is unnecessary to repeat these details in this memorandum. We note, however, that traffic generation increases are impossible to calculate with absolute certainty.

Statements are contained within the TAR relating to traffic generation for service stations correlating with volumes of passing traffic, and that the proposed service station is primarily aimed at better catering for existing demand. The TAR estimates that traffic generation will increase by about 25% as a result of the increased shop size and goods on offer.

Transport has no reason to significantly question the overall validity/appropriateness of the assessment provided, and that we generally consider the assumptions made to be reasonable. We would, however, note that residential development to the east and south-east of Mosgiel may further increase traffic volumes on Gordon Road, which may in turn generate an additional increase traffic visiting the site not anticipated in the TAR. Transport would consider such an increase to have minor effect, at most, and we note that the NZTA have provided their written approval with respect to the development.

Overall, Transport notes, and generally accepts, that the proposed service station will generate only a small increased volume of traffic and will therefore have negligible adverse effect on the safety/efficiency of the transport network.

Conclusion

Transport considers that the proposed service station redevelopment is unlikely to give rise to adverse effects on the safety/functionality of the transport network that could be considered to be "more than minor". The following consent conditions are recommended:

Conditions

- (i) Each proposed vehicle access shall be constructed to a heavy duty standard, generally in accordance with the layout proposed within the application plans.*
- (ii) The vehicle crossings made redundant by the proposed redevelopment shall be reinstated as footpath, kerb, and channel.*
- (iii) The surface of all parking, associated access and manoeuvring areas shall be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked in accordance with the application plans.*

Advice notes

- (i) The vehicle crossings, between the road carriageway and the property boundary, are within legal road and are therefore required to be constructed in accordance with the Dunedin City Council Vehicle Entrance Specification (available from the DCC Transport Group), and any further requirements of the NZTA.'*

[151] I concur overall with the Transport Planner's assessment and the recommended conditions will be included on any decision certificate if the proposal is to be approved.

NES

[152] As the site is an existing service station, which is an activity included within the Ministry for the Environment's Hazardous Activities and Industries List, the NES regulations apply to the site.

[153] The following conditions must be met for the proposed earthworks to be permitted under the National Environmental Standard:

'Disturbing soil

(1) Disturbing the soil of the piece of land is a permitted activity while the following requirements are met:

(a) Controls to minimise the exposure of humans to mobilised contaminants must—

- (i) Be in place when the activity begins:*
- (ii) Be effective while the activity is done:*

- (iii) *Be effective until the soil is reinstated to an erosion-resistant state:*
- (b) *The soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:*
- (c) *The volume of the disturbance of the soil of the piece of land must be no more than 25 m³ per 500 m²:*
- (d) *Soil must not be taken away in the course of the activity, except that,—*
 - (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 5 m³ per 500 m² of soil may be taken away per year:*
- (e) *Soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:*
- (f) *The duration of the activity must be no longer than 2 months:*
- (g) *The integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.'*

- [154] The proposal will exceed the permitted activity thresholds provided for in Regulation 8(3), as described above. The thresholds in Regulation 8 (3)(c) and (d) allow the disturbance of 25m³ per 500m² of site and the removal of 5m³ per 500m² of site per year. As the application site occupies an area of 3251m², this provision enables 162.55m² of soil to be disturbed and 32.51m³ of soil to be removed.
- [155] An application can be considered as a controlled activity under regulation 9 if it cannot meet the requirements of a permitted activity, and if a detailed site investigation shows that the soil contamination does not exceed the applicable standard for the current or intended land use.
- [156] A detailed site investigation (DSI) was undertaken by Separate Phase Ltd and the report was submitted in support of the application. The report concluded that the concentrations of heavy metals were well below national guidelines for commercial/industrial land and it is unlikely that soil and groundwater have been impacted by contaminants of concern. Separate Phase Ltd recommended that environmental hazards should be managed using a site specific Environmental Management Plan (EMP) which was provided as part of the application.
- [157] A review of the DSI and EMP was undertaken by Council's Senior Environmental Specialist Consultant, whom made the following comments;

'The results therefore endorse the findings of the previous investigations undertaken and provide conclusive evidence for the uncontaminated nature of the site. In keeping with the minimal findings of the DSI the report contains a single recommendation, this being that 'environmental hazards should be managed using a site-specific environmental management plan', and with this being made available for use on the site during future construction activities.

BP Oil has prepared a generic EMP document for use at its sites and it is this document that has been included with the consent application documentation. As such it is not the "site-specific document" that SPL has suggested; however the generality of the EMP makes it perfectly suitable for application to activities at the 70 – 76 Gordon Rd site and in fact there are no site-specific peculiarities at the subject site that require any particular matters to be addressed.

In any event the generic EMP is eminently suitable for its proposed purpose to act as a controlling plan for the potential environmental impacts that might occur at the BP Gordon Rd site.'

- [158] The application and DSI was also referred to Otago Regional Council's Senior Environmental Officer who provided the following comments;

'I didn't have any concerns with the proposal or investigations. The scope of the sampling as part of the DSI was limited to the areas of proposed disturbance (outside the existing tanks), but supplements the existing information on file from the 2005 tank removal. Additional sampling will be completed as part of the removal of the existing tanks. This will provide a good basis for a full, up to date assessment of contamination status of the property.'

- [159] Overall, I concur with the assessment of the Council's Senior Environmental Specialist Consultant and Otago Regional Council's Senior Environmental Officer that the DSI and EMP were prepared in accordance with the legislative requirements. It is reasonable to assume that subject to compliance with the requirements of the DSI and EMP, the effects of the proposed earthworks in regards to the NES will be temporary in nature and is unlikely to increase the risk to human health from soil contaminants as a result of the works.

Earthworks

- [160] The removal and excavation of 1800m³ of soil does not comply with the requirements of the District Plan, with the permitted threshold being 100m³ or the controlled threshold of 250m³.
- [161] The approximate volumes of soil to be removed relate to; 400m³ for the new shop floor, 600m³ for the new tank pit area and 800m³ for the remainder of the works including drainage, interceptor and sumps.
- [162] Cuts supported by retaining walls are required to be offset from the boundary by a distance at least equal to the height of the retaining wall, unless the retaining walls have been granted building consent. The excavation for the underground fuel tanks will require cuts of approximately 4.5m in depth and is located approximately 2m from the rear boundary.
- [163] It is considered reasonable to consider the underground fuel tank and associated sheet piles will act similar to a retaining wall in these circumstances. The cut will be temporarily retained by the sheet piling to create a tank pit. Once the tanks are installed, the excavation will be backfilled and existing ground level restored and sealed with an impervious surface.
- [164] During the construction and associated earthworks, temporary effects will occur such as noise and dust. The works will be undertaken during business hours to minimise nuisance and other mitigation methods will be utilised as described within the EMP. These include procedures for soil disposal and fill control, erosion and sediment control and stormwater control.
- [165] In my opinion, the effects of the earthworks will be temporary in nature and appropriate mitigation methods have been provided which would enable the effects to be mitigated to a level that I considered to be less than minor, subject to compliance with the EMP.

Hazardous Substances

- [166] The proposed storage of 594kg of LPG outdoors exceeds the permitted volume of 200kg in a residential area. It is acknowledged that in a

commercial/industrial area the permitted volume of LPG that can be stored outside is 450kg.

- [167] Although the volume proposed to be stored exceeds those envisioned by the District Plan, I consider the adverse effects from the storage of the LPG less than minor. This is due to the site being subject to the requirements of Hazardous Substances Regulations, specifically AS/NZS 1596, which will ensure the storage of the LPG is undertaken in a manner which will minimise risk to an acceptable level. It is further noted that the LPG cages will be securely locked to prevent unauthorised entry and in a highly visible position which would allow visual monitoring.
- [168] The new tanks will be underground secondary contained Maskell or Greentank brand tanks which comply with the requirements of the Hazardous Substances and New Organism Act 1996, Hazardous Substance Regulation 2001 and the applicable Codes of Practice, including the Code of Practice for the Design Installation and Operation of Underground Petroleum Storage Systems.
- [169] The application states that the site will be operated in accordance with the Operational Environmental Management Plan (OEMP) which was submitted with the application. The plan includes emergency procedures and spill management procedures.
- [170] I consider the storage of liquid petroleum fuel in ground tanks will have less than minor effects on the surrounding environment as they are replacing existing tanks and the storage will be undertaken in accordance with the OEMP and the respective Hazardous Substance regulations.

Infrastructure and Services

- [171] An assessment of the pre and post development demand has been undertaken for sewer and stormwater discharges by Philip McConchie of Spencer Holmes Limited and a copy of the calculations used for the assessment was provided with the application.
- [172] A copy of the application including the pre and post development calculations was forwarded to Council's Water and Waste Services Department for review and comment and the following comments were received;

Water Services

This property has a current 20mm metered water supply. Due to the proposed changes and increased water demand, this connection will need to be upsized to a minimum of 25mm.

The applicant is required to submit an "Application for Disconnection of a Water or Sewer Connection" to disconnect the current water service. An "Application for Water Supply" is required to install the new upsized connection. The new water connection must have a meter and boundary backflow prevention device installed. The backflow device must be installed immediately downstream of the water meter, just inside, and as close as practicable to, the customer's property boundary.

All new water service connections to the proposed development must be in accordance with the requirements of Section 6.6.2 of the Dunedin Code of Subdivision and Development 2010.

Firefighting Requirements

All aspects relating to the availability of water for firefighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies.

There is a Fire Hydrant (WFH03229) 42 metres from the development entrance. Based on SNZ PAS 4509:2008 a W3 (25l/s) zone requires a Fire Hydrant within 135 m and a second within 270 m. These Fire Hydrants requirements are compliant for the development.

Stormwater and Wastewater Discharges

Water from the forecourt area will be drained into separate sumps and an SPEL Purceptor. The applicant proposed for this to be discharged into the stormwater network, however after discussion with WWS it has been agreed that this discharge will be piped into the wastewater network. This will require trade waste consent.

Stormwater collected from the roof areas will be recycled via a 10,000L capacity tank with overflows discharging to the stormwater network. Stormwater from the vehicle manoeuvring and carpark areas will be collected in sumps and directed to the DCC stormwater network.

The carwash will recycle 60% of the water it uses and the remainder will be discharged to the wastewater network via interceptors.

Due to the earthworks being proposed on the site it is important that erosion and sediment control measures are utilised to control and contain sediment-laden stormwater run-off into neighbouring properties and the Council stormwater network from the site during any stages of site disturbance associated with this development. This could include diversion drains, sediment fencing, erosion control blankets etc.

Trade Waste

The Dunedin City Council Trade Waste Bylaw 2008 came into effect on 1 July 2008. Trade Waste requirements for any new activity within the proposed lots should be discussed with the Senior Education and Compliance Officer (Waste), Water and Waste Services.

Trade waste consent is required for the discharge from the site to the wastewater network as discussed in the previous section.

Private Drainage

Any private drainage matters will be dealt with at the time of building consent.'

[173] Council's Water and Waste Services Department have not identified any issues that would prevent the resource consent being issued from a water and waste services perspective and have recommended the following conditions be adopted if a resource consent is to be issued;

- 1. An "Application for Disconnection of a Water or Sewer Connection" is to be submitted to the Water and Waste Services Business Unit to cut and plug the existing water connection to the 40mm water pipe in Gordon Road.*
- 2. An "Application for Water Supply" is to be submitted to the Water and Waste Services Business Unit for approval to establish a new water connection with a minimum size of 25mm to the development.*

3. *Upon approval by the Water and Waste Services Business Unit, water service connections shall be installed in accordance with the requirements of Section 6.6.2 of the Dunedin Code of Subdivision and Development 2010.*
4. *The new water supply must have a water meter installed.*
5. *A Reduced Pressure Zone (RPZ) boundary backflow prevention device must be installed on the new water connection servicing the proposed development. The RPZ device must be installed immediately downstream of the water meter, just inside, and as close as practicable to, the customer's property boundary.*
6. *Following installation, the consent holder must advise WWS by completing the New Boundary Backflow Prevention Device form so the device can be inspected and tested by the Education and Compliance Officer (Water), Water and Waste Services.*
7. *The SPEL Puraceptor must discharge to the DCC wastewater system. Trade waste consent will be required for this.*

[174] Overall I agree with the assessment, comments and conditions that have been put forth by Council's Water and Waste Department and consider the conditions appropriate and practical to mitigate any potential adverse effects on Council infrastructure.

Effects Assessment Conclusion

[175] After considering the likely effects of this proposal above, overall, I consider the effects of the proposal on the surrounding residential properties cannot be appropriately mitigated as to be no more than minor and will result in a loss of amenity to the surrounding residential activities. This is mainly due to the increase in hours and the introduction of adverse effects such as noise and lighting during the hours of 11pm-7am when no such effects currently exist.

[176] It is the increased effects from the change in intensity and scale of the service station in close proximity to dense residential activity and the expansion onto a residential property that has a potential to generate adverse effects. Overall, these effects are considered to be at least minor during the proposed evening hours, having regard to the receiving environment and the site development proposed and current hours of operation.

[177] The expansion of the service station onto a residential property is contrary to the expectations of the District Plan for residential zoned land. The introduction of car washing facilities, vacuum and 7.5m pole signage onto the site cannot have been envisioned by the surrounding properties. This is evident in the volume of submissions received and the concerns and issues raised.

OBJECTIVES AND POLICIES ASSESSMENT

Assessment of Objectives and Policies of the District Plan (Section 104(1)(b)(vi))

[178] In accordance with Section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Dunedin City District Plan and the proposed 2GP were taken into account in assessing the application.

Dunedin City District Plan

- [179] The following objectives and policies of the Dunedin City District Plan were considered to be relevant to this application:

Sustainability Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 4.2.1 Enhance the amenity values of Dunedin.	I consider that the proposal is contrary with the policy framework set out in the sustainability section. The expansion of the service station onto the residential property at 70 Gordon Road is an out of zone activity and is not considered a sustainable use of residential land and will not maintain or enhance the amenity values provided within a Residential 2 zone. A 24/7 service station cannot be considered to be a use and development of land that is compatible for a residential area that the application site borders onto. There are some non-residential activities that occur close to the site but the Residential Zone has not been modified to an extent where the proposed redevelopment (in its current form and intensity of operation) could be absorbed into the existing environment without compromising the amenity values of the zone. It is noted that the proposal is not contrary to the Sustainability objectives and policies in regards to the standard of the provisions of infrastructure services but remains being considered contrary overall.
Policy 4.3.1 Maintain and enhance amenity values.	
Objective 4.2.3 Sustainably manage infrastructure	
Objective 4.2.5 Provide a comprehensive planning framework to manage the effects of use and development of resources.	
Policy 4.3.5 Require the provision of infrastructure services at an appropriate standard.	
Policy 4.3.7 Use zoning to provide for uses and developments which are compatible within identified areas.	
Policy 4.3.8 Avoid the indiscriminate mixing of incompatible uses and developments.	
Policy 4.3.10 Adopt an holistic approach in assessing the effects of the use and development of natural and physical resources.	

Residential Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 8.2.1 Ensure adverse effects on amenity values and character of residential areas is avoided, remedied or mitigated.	The Act requires the Council to have particular regard to the maintenance and enhancement of amenity values. Amenity values in residential areas arise from access to sunlight, density, adequate parking, privacy, peace and quiet, landscaping and space between buildings. These values contribute to residential areas as pleasant places to live. It is essential that these values be maintained and in some instances enhanced to sustain the efficient use of the housing resource and contribute to the health, safety and wellbeing of the residents. The loss or lack of any of these values and characteristics lowers the total amenity value, which can also be affected by other environmental problems such as noise and lighting. Their retention or enhancement helps maintain it and raises the quality of an area and contributes to the health, safety and wellbeing of the community. The design and scope of the redevelopment currently proposed is such that it will have adverse effects in the form of noise, hours of operation, intensity of use, and design and appearance. The proposed development of the residential site is contrary to this objective and policy. The proposed expansion onto 70 Gordon Road
Policy 8.3.1 Maintain or enhance the amenity values and character of residential areas.	
Objective 8.2.4 Ensure that the existing urban service infrastructure servicing residential areas is sustained for the use of future generations.	

	results in the loss of a residentially zoned lot. There is a demand for residential development in Mosgiel. It is considered that the use of this land for a service station activity is contrary with the Residential objectives and policies.
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Environmental Issues Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 21.2.2 Ensure that noise associated with the development of resources and the carrying out of activities does not affect public health and amenity values.	The proposal has been designed to ensure that it can meet the District Plan noise limits on the site with the exception of a 2dBA breach of the noise limits during the night time hours at four locations. Even given the general compliance with noise limits for permitted activities, the noise of operating a service station is different to that of permitted residential activity and could be considered annoying. The proposed hours of operation are not conducive to the protection of surrounding residences amenity. It is considered that the proposal is contrary to this objective and policy.
Policy 21.3.3 Protect people and communities from noise and glare which could impact upon health, safety and amenity.	
Policy 21.3.7 Encourage the establishment of buffer areas around activities giving rise to adverse effects on adjoining areas.	
Objective 21.2.3 Ensure that the finishing of structures, the construction of signs and the shielding of light sources avoids remedies or mitigates nuisance glare.	The proposed lighting is able to comply with the limits of the District Plan but will result in a significant increase of light onto residential properties above the current situation. With the proposed lighting, and the fact some portion of the lighting will be on at all times associated with the activity, it is considered that the proposal cannot be considered to have successfully mitigated light spill to a level that it would not cause a nuisance to adjoining residential properties. Therefore, the proposal is inconsistent with this objective and policies.

Hazards, Hazardous Substances and Earthworks Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 17.2.1 Ensure the effects on the environment of natural and technological hazards are avoided, remedied or mitigated.	The proposal involves a large area of hard surfacing and modification. The applicants provided a pre and post development services assessment and agreed to a condition restricting discharges into Council's stormwater network. No other concerns were raised in regards to effects on the environment from natural and technological hazards. I consider the proposal is generally consistent with the hazards objectives and policies.
Objective 17.2.2 Prevent or mitigate the adverse environmental effects and risks arising from facilities and activities involving the storage, use, or transportation of hazardous substances.	The application was supported by an Environmental Management Plan and an Operational Environmental Management Plan. These details the procedures and policies in place to mitigate the potential risks of the storage and transport hazardous substances.
Policy 17.3.8 Control activities involving the storage, use, and transportation of hazardous substances, and identify sites where hazardous substance processes and facilities which require resource consent are located.	
Objective 17.2.3 Earthworks in Dunedin are undertaken in a manner that does not put the safety of people or property at risk and that minimises adverse effects on the environment.	The proposal involves the excavation of approximately 1800m ³ of soil. An Environmental Management Plan was provided with the application which detailed how the earthworks are able to be undertaken in a manner that does not put the safety of people or property at risk and steps taken to mitigate potential adverse effects on the environment. I consider the proposal is consistent with the earthworks objectives and policies.
Policy 17.3.9 Control earthworks in Dunedin according to their location and scale.	

Transportation Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 20.2.2 Ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.	The proposed residential activity is not considered to adversely affect the transportation network and the removal of two excess vehicle crossings will have positive effects. NZTA and Council's Transport department have provided comment in regards to the standard of construction required for access to ensure the safe and efficient operation of Gordon Road. The proposal is consistent with these objectives and policies.
Objective 20.2.4 Maintain and enhance a safe, efficient and effective transportation network.	
Policy 20.3.4 Ensure traffic generating activities do not adversely affect the safe, efficient and effective operation of the roading network.	
Policy 20.3.5 Ensure safe standards for vehicle access.	
Policy 20.3.8 Provide for the safe interaction of pedestrians and vehicles.	

Sign Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 19.2.1 Avoid, remedy or mitigate the adverse effects of signs on amenity values.	The proposed signage is large, dominating and out of character with the surrounding residential environment. It is considered that the proposed signage is contrary to this objective and policy in regards to adverse effects on amenity values. The proposed signs are very large, the design of the building and colour scheme proposed add to the dominance of the proposed signage compared with the existing signage. The location of the new pylon sign in particular is more intrusive on the established residential environment. Proposed landscaping to mitigate the proposal is designed so that the signage on the building is still the dominant feature of the environment. The proposed signage is considered to be contrary to this policy. The proposed signage has been designed so that it has instantly recognisable branding and icons. The font size and content of the signs are compatible with the safe efficient use of the road network. It is considered that the proposed signage is consistent with this objective and policy regarding effects on the road network. The applicant proposes a number large signs including free standing and signs attached to the proposed building façade. The use of a pylon sign to convey several messages has less clutter than individual signs. The façade signage is clear and simple and easy to understand. However, the scale, number and position of the signs do not manage the adverse effects of visual clutter. It is considered that the proposed signs are inconsistent with this objective and policy.
Policy 19.3.1 Ensure that signs do not detract from the amenity values of the area in which they are located and the amenity values of areas from which they are visible.	
Policy 19.3.2 Control the design, location, size and number of signs erected at any given location to avoid remedy or mitigate any adverse effects.	
Objective 19.2.2 Ensure that signs do not adversely affect the safe and efficient functioning of the road network.	
Policy 19.3.4 Promote simplicity and clarity in the form of the sign and the message the sign conveys.	
Objective 19.2.4 Promote the efficient use of signs by managing the adverse effects of visual clutter.	

[180] The objectives and policies assessment above indicates that because the site is serviced and has access to a State Highway network, that has potential capacity for the development, that the proposal is seen to be consistent with a number the District Plans technical sections. This is because ultimately there

is usually some form of engineering or detailed design that can provide certainty that the effects on these particular sections of the plan can be avoided, remedied or mitigated.

- [181] In contrast, determination of the proposal against provisions for sustainability, amenity, noise and lighting relies on a judgement of matters that are more subjective in nature, with effects depending on personal opinions, assumptions, interpretations and beliefs. This is not to say that all aspects of these sections are immeasurable or difficult to quantify but it does make for a more sensitive environment and effects can be perceived to be greater in relation to proposed out of zone activities.
- [182] In this case, the scope and extent of the effects of the redevelopment as currently proposed does conflict with the existing amenity of adjacent residential properties and it is difficult to see how amenity values of the residential environment can be maintained or enhanced by the proposal without modification to the scale and intensity of the activity sought.
- [183] Looking at the relevant objectives and policies individually, and considering these overall, the above assessment indicates that the application is contrary to key provisions relating to amenity and inconsistent with other objectives and policies.

Proposed 2GP

- [184] The majority of the site (72, 76 Gordon Road) is zoned Principal Centre (Commercial Mixed Use Zone) in the proposed plan. 70 Gordon Road, however, is zoned General Residential 2. Decisions are pending on the rules of this zone and on the rules applying to these zones. The outcome of any submissions on the plan to the rules is not known therefore the final makeup of the rules is unclear.
- [185] The following mapping overlays apply to the application site:
 - Infrastructure constraint mapped area
 - Wahi Tupuna Site (Kokika o Te Matamata (area surrounding Mosgiel)
 - Archaeological Alert Layer
 - Hazard 3 (flood) Overlay Zone
 - Dunedin Airport Flight Fan Designation
 - Mosgiel Mapped Area (70 Gordon Road only)
- [186] Service stations are a discretionary activity in the Principal Centre Zone, pursuant to Rule 18.3.3.11. Service stations are not specifically mentioned within the activity status table of the Residential Zones, and thus fall into the 'all other commercial activities' category, as they are a sub-activity of commercial activities according to the nested tables in Section 1.6 of the proposed plan. The 'all other commercial activities' category has a non-complying activity status in accordance with Rule 15.3.3.21.
- [187] The objectives and policies of the 2GP must be considered alongside the objectives and policies of the current district plan. The following 2GP objectives and policies were considered to be relevant to this application:
- [188] **Objective 2.2.6 and Policy 2.2.6.1, Policy 2.2.6.2, Policy 2.2.6.3 (Public Health and Safety)** seek to ensure the risk to human health from contaminated sites, hazardous substances and high levels of noise or emissions is minimised. The proposal is considered to be **consistent** with this objective and policy in regards to the hazardous substances and the management of contaminated land but **inconsistent** with the policy in regards to noise and light emissions.

- [189] **Objective 6.2.3 and Policies 6.2.3.1, 6.2.3.3, 6.2.3.4, and Policy 6.2.3.9 (Transportation)** seek to land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods. The proposal is considered to be generally **consistent** with this objective and these policies with minor areas of non-compliance in regards to the loading and unloading areas, however the effects of the non-compliances with the transport requirements will have less than minor effects.
- [190] **Objective 15.2.1 and Policies 15.2.1.2, 15.2.1.5 and 15.2.1.6 (Residential Zones)** seeks to reserve residential zones for residential activities and only provide for a limited number of compatible activities, including: visitor accommodation, community activities, major facilities, and commercial activities that support the day-to-day needs of residents and to avoid other activities not provided for. The proposal is considered to be **contrary** with this objective and these policies as the proposal involves an out of zone activity not provided for within the residential zone.
- [191] **Objective 15.2.3 and Policies 15.2.3.1 (Residential Zones)** seek to ensure activities in residential zones maintain a good level of amenity on surrounding residential properties and public spaces. I do not consider the proposed redevelopment and expansion of the service station maintains, let alone provides, a good level of amenity on the surrounding residential properties. The proposal is considered to be **inconsistent** with this objective and these policies.
- [192] **Objective 15.2.4 and Policies 15.2.4.1, 15.2.4.5, 16.2.3.9 (Residential Zones)** seek to ensure subdivision activities and development, maintain or enhance the amenity of the streetscape, and reflect the current or intended future character of the neighbourhood. It also seeks to ensure signs maintain residential amenity by being of an appropriate size and number to convey information about the name, location and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for what is necessary for that purpose. The proposal is **inconsistent** with this objective and policy as, in my opinion; the proposal will affect the streetscape and the future character of the neighbourhood. It is further noted that signage is not considered a suitable size within the residential zone.
- [193] **Objective 15.2.5 and Policy 15.2.5.1, 15.2.5.2 and 15.2.5.3 (Residential Zones)** seeks to ensure earthworks necessary for permitted or approved land use and development are enabled, while avoiding, or adequately mitigating, any adverse effects. The proposal is considered to be **consistent** with this objective and policies as sufficient evidence has been provided to ensure confidence that the earthworks can be undertaken in a manner which will avoid adverse effects.

Overall Objectives and Policies Assessment

- [194] The objectives and policies associated with the Residential Zone of the proposed 2GP, while having legal effect, have been submitted against and I have therefore given them little weight in comparison to the provisions of the operative plan.
- [195] The key objectives and policies are those outlined within the residential zone, environmental issues, hazardous substances and earthworks and signs sections of the Operative Plan. Having regard to the relevant objectives and policies, the above assessment indicates that the application is generally consistent with the policy provisions relating to technical matters but is **contrary** with those provisions relating to residential amenity values. The application will generate adverse effects on the amenity of the residential environment that will not maintain or enhance the area.

Assessment of Regional Policy Statements (Section 104(1)(b)(v))

- [196] The Operative and Proposed Regional Policy Statements for Otago are a relevant consideration in accordance with Section 104(1)(b)(v) of the RMA. The Proposed Regional Policy Statement (notified 23 May 2015) is in the appeals phase. Given their regional and natural resource focus, the regional policy statements do not have a great bearing on the current application, which is primarily concerned with the site specific effects within an urban environment.
- [197] However, Chapter 5: Land is considered relevant in that it seeks to promote the sustainable management of infrastructure to meet the present and reasonably foreseeable needs of Otago's communities.
- [198] As such, the proposal is considered to be **consistent** with the relevant objectives and policies of both the operative and proposed regional policy statements.

DECISION MAKING FRAMEWORK

Part 2 Matters

- [199] Given there is no ambiguity, incompleteness or illegality in the Operative Dunedin City District Plan, it may not be considered necessary to go back to Part 2 Matters of the Resource Management Act 1991.

Section 104

- [200] Section 104(1)(a) states that the Council shall have regard to any actual and potential effects on the environment of allowing the activity. This report assessed the environmental effects of the proposal and concluded that the likely adverse effects of the proposed development overall will at least be minor and cannot be mitigated to a level less than minor by way of conditions.
- [201] Section 104(1)(b)(vi) requires the Council to have regard to any relevant objectives and policies of a plan or proposed plan. This report concluded that the application would be generally **contrary** with the key objectives and policies relating to both the Dunedin City District Plan and the Proposed 2GP regarding residential amenity.
- [202] Section 104(1)(b)(v) requires the Council to have regard to any relevant regional policy statement. In this report it was concluded that the application is **consistent** with the relevant objectives and policies of the Operative and Regional Policy Statement for Otago.
- [203] Cumulative effects, bulk and location, visual impact, reverse sensitivity, amenity and sustainability have also been considered earlier in this report. It is noted that the proposal is assessed overall as being contrary with the relevant objectives and policies relating to amenity values in the Sustainability Section, Residential Zones Section, Environmental Issues Section, Signs Section and consistent with other policy provisions including those in the Hazards and Earthworks Section and Transportation Section of the District Plan.
- [204] Section 104D of the Act specifies that a resource consent for a non-complying activity must not be granted unless the proposal can meet one of two limbs. The limbs of section 104D require that the consent authority be satisfied that either the adverse effects on the environment will be no more than minor, or that the activity will not be contrary to the objectives and policies of either the relevant plan or the relevant proposed plan.

- [205] Overall I consider that the actual and potential effects associated with the proposed development on the amenity of neighbouring residential properties will be significant and are unlikely to be mitigated with proposed conditions. I consider that the effects of the proposal will be at least minor on the immediate surrounding environment but less than minor on the wider environment. Overall the proposal is contrary with key objectives and policies of the operative District Plan and therefore only one limb of the 'gateway' test is considered to be passed.

Other Matters

- [206] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application.
- [207] Case law requires that for the Council to grant consent to a non-complying activity, the application needs to be a 'true exception', otherwise an undesirable precedent may be set and the integrity of the District Plan may be undermined.
- [208] In this regard, I consider that the proposed activity in its current form and intensity represents a challenge to the integrity of the District Plan. In my opinion, allowing the service station to be expanded to the extent currently proposed will undermine amenity values of the residential zone and public confidence in the plan's provisions.
- [209] The applicant states that the consented baseline is considered to be applicable due to the service station currently existing on 72 and 76 Gordon Road. This is not a true baseline argument as the proposal involves the expansion onto a residential property at 70 Gordon Road that does not form part of the consented baseline. Further, there is also a significant increase proposed to the hours of operation. The only permitted baseline activity on 70 Gordon Road are those activities permitted in the Residential 2 Zone.

CONCLUSION

- [210] The majority of submissions received as a result of notifying this application were in opposition to the proposal. My analysis is that the increased hours and expansion onto the property at 70 Gordon Road have resulted in the general concern about effects on residential amenity. The applicant has negotiated with some submitters in the effort to allay their concerns which has resulted in the modification of a fence height to the rear of 70 Gordon Road, the retention of the existing hedge near 68 Gordon Road, the inclusion of 'no idling' signs in the carwash and the reduction of the pole sign from 9m to 7.5m.
- [211] I consider that the current proposal will nevertheless still have significant adverse effects on the surrounding residential areas amenity levels and will not maintain or enhance the amenity.
- [212] The applicant implies that the amenity of the receiving environment is very much 'functional' in nature, and not particularly sensitive to changes in land use, at least in terms of visual amenity. In reference to the proposed service station redevelopment and expansion, the applicant considers that the development will maintain and enhance the amenity values of the area. I disagree with this statement and believe that the applicant has made no substantial concessions in terms of designing a development that can integrate with, rather than dominate the residential environment, especially in regards to the introduction of a 7.5m sign and carwash, vacuum and air hose on a residential property. Until the design is varied to accommodate a more suitable scale I consider that the effects cannot be mitigated through

landscape softening or screening, even with strict controls and conditions imposed as suggested by the applicant. The proposed operational hours do not offer the submitters any meaningful respite from the potential adverse effects such as noise disturbance.

- [213] Looking at the relevant objectives and policies individually, and considering these overall, the above assessment indicates that the application is inconsistent with those provisions as the proposal involves adverse effects on a more sensitive environment which are considered to outweigh the positive effects sought by the applicant.
- [214] Having regard to the decision making framework overall, I consider that the proposal will undermine the integrity of the District Plan and will set an undesirable precedent. As such I recommend that the application be declined in the current format.
- [215] A revised application that did not include the property at 70 Gordon Road and/or proposed to operate with hours similar of the same as the existing service station operation would be considered more in keeping with the current level of development and be able to maintain the amenity of the environment consistent with the existing zoning, subject to appropriate conditions to mitigate adverse effects.

REASONS FOR RECOMMENDATION

- [216] I consider that the likely adverse effects of the proposed activity on adjacent properties cannot be mitigated to an acceptable level by conditions of consent, although the effects on the wider surrounding environment will be no more than minor.
- [217] The proposal is considered to be contrary with the key relevant objectives and policies of the District Plan relating to maintain or enhancing the amenity values of the residential zone, but consistent with other policy provisions.
- [218] The proposal was found to be generally consistent with the objectives and policies of the Regional Policy Statement for Otago.
- [219] I consider the proposal does meet one of the 'limbs' of the section 104D 'threshold test'. Consideration can therefore be given to the granting of consent to the proposal.
- [220] Overall, the proposed development, in its present form has been assessed as being likely to undermine the integrity of the operative District Plan because it does not protect existing amenity values enjoyed by residents living in the vicinity of the site.
- [221] I, therefore, recommend that resource consent is declined in the proposal's current format.
- [222] If the Committee are minded to grant consent, I have set out recommended conditions below.

DRAFT CONDITIONS

(To assist the Committee in the event a consent is granted)

Conditions:

1. *The proposal must be constructed generally in accordance with the plans and relevant details submitted with the resource consent application received by Council on 10 July 2017 and the further information received on 5 September 2017, 11 September 2017, and 16 November 2017 , except where modified by the following conditions;*
2. *The activity authorised by this consent must produce no greater than 8 lux of light onto any other site used for residential activity during nighttime hours pursuant to Rule 21.5.4 (i)(b) of the District Plan.*
3. *The consent holder must ensure noise from activity taking place on the site will not exceed the performance standards for permitted activities set out in Rule 21.5.1 of the District Plan.*
4. *Construction shall be limited to the times set out below and shall comply with the following noise limits for 'typical duration' for construction noise received within a residential or rural area as per New Zealand Standard Acoustics – Construction Noise NZS 6803:1999:*

Time of Week	Time Period	Leq (dBA)	L max (dBA)
Weekdays	0630-0730	60	75
	0730-1800	75	90
	1800-2000	70	85
	2000-0630	45	75
Saturdays	0630-0730	45	75
	0730-1800	75	90
	1800-2000	45	75
	2000-0630	45	75
Sundays and Public Holidays	0630-0730	45	75
	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

5. *The hours of operation for the service station must be restricted to 6am to midnight, 7 days a week. The carwash must be restricted to the following hours of operation; 7am to 7.30pm weekdays and 8am to 7.30pm on Saturdays, Sundays and public holidays.*
6. *The 7.5m pole sign must be located on Lot 6 or Lot 7 Block VII DP 471and must not be located on either Lot 8 or Lot 9 DP 471.*
7. *An "Application for Disconnection of a Water or Sewer Connection" is to be submitted to the Water and Waste Services Business Unit to cut and plug the existing water connection to the 40mm water pipe in Gordon Road.*
8. *An "Application for Water Supply" is to be submitted to the Water and Waste Services Business Unit for approval to establish a new water connection with a minimum size of 25mm to the development. The new water supply must have a water meter installed.*
9. *Upon approval by the Water and Waste Services Business Unit, water service connections shall be installed in accordance with the requirements of Section 6.6.2 of the Dunedin Code of Subdivision and Development 2010.*

10. *A Reduced Pressure Zone (RPZ) boundary backflow prevention device must be installed on the new water connection servicing the proposed development. The RPZ device must be installed immediately downstream of the water meter, just inside, and as close as practicable to, the customer's property boundary.*
11. *Following installation, the consent holder must advise WWS by completing the New Boundary Backflow Prevention Device form so the device can be inspected and tested by the Education and Compliance Officer (Water), Water and Waste Services.*
12. *The SPEL Puraceptor must discharge to the DCC wastewater system. Trade waste consent will be required for this.*
13. *All works must be undertaken in accordance with the Environmental Management Plan and Detailed Site Investigation reports submitted with the application.*
14. *The ongoing operation of the site must be undertaken in accordance with the Operational Environmental Management Plan submitted with the application.*
15. *Each proposed vehicle access shall be constructed to a heavy duty standard, generally in accordance with the layout proposed within the application plans.*
16. *The vehicle crossings made redundant by the proposed redevelopment shall be reinstated as footpath, kerb, and channel.*
17. *The surface of all parking, associated access and manoeuvring areas shall be formed, hard surfaced and adequately drained for their entirety, and parking spaces permanently marked in accordance with the application plans.*
18. *The vehicle entry and exit points must be clearly marked with painted lines and or signs for driver awareness in accordance with the recommendations of the NZTA.*
19. *An application to carry out works within the State highway corridor road reserve and an appropriate traffic management plan shall be submitted to NZTA network management contractor MWH (now part of Stantec), at least seven working days prior to the works commencing.*
20. *The earthworks and construction work is to be under the control of a nominated and suitably qualified person (civil/environmental engineer or technician).*
21. *Any change in ground levels is not to cause a ponding or drainage nuisance to neighbouring properties.*
22. *The consent holder's engineer must be engaged to determine any temporary shoring requirements at the site during earthworks construction and the consent holder must install any temporary shoring recommended by the engineer.*
23. *The earthworks must be undertaken with the principles of industry best practice applied at all stages of site development including site stability, stormwater management, traffic management, along with dust and noise controls at the sites.*
24. *To ensure effective management of erosion and sedimentation on the site during earthworks and as the site is developed, measures are to be taken and devices are to be installed, where necessary, to:*
 - a. *divert clean runoff away from disturbed ground;*
 - b. *control and contain stormwater run-off;*
 - c. *avoid sediment laden run-off from the site; and*

- d. protect existing drainage infrastructure sumps and drains from sediment run-off.*
- 25. *All loading and unloading of trucks with excavation or fill material is to be carried out within the subject site.*
- 26. *Surplus of unsuitable material is to be disposed of away from the site to a Council approved destination.*
- 27. *The consent holder must:*
 - a. be responsible for all contracted operations relating to the exercise of this consent; and*
 - b. ensure that all personnel (contractors) working on the site are made aware of the conditions of this consent, have access to the contents of consent documents and to all associated erosion and sediment control plans and methodology; and*
 - c. ensure compliance with land use consent conditions.*
- 28. *If at the completion of the earthworks operations, any public road, footpath, landscaped areas or service structures that have been affected/damaged by contractor(s), consent holder, developer, person involved with earthworks or building works, and/or vehicles and machineries used in relation to earthworks and construction works, must be reinstated to the satisfaction of Council at the expense of the consent holder.*
- 29. *The consent holder must advise the Council, in writing, of the start date of the works. The written advice must be provided to Council at rcmonitoring@dcc.govt.nz at least five (5) working days before the works are to commence.*

Advice Notes:

- 1 In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through Sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
- 2 Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
- 3 The lapse period specified above may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.
- 4 It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in Section 339 of the Resource Management Act 1991.
- 5 This is a resource consent. Please contact the Council's Building Control Office, Development Services, about the building consent requirements for the work.
- 6 Neighbouring property owners should be advised of the proposed works at least seven days prior to the works commencing.
- 7 The NZ Transport Agency notes that the changes to the Traffic Control Devices required to implement the resource consent will be require an amendment to the NZ Transport Agency (Traffic Controls on State Highways) Bylaw 2017. Any amendments to that Bylaw will be the subject of consultation in accordance with

the Land Transport Act 1998 and decisions will be made by the Transport Agency on the proposed amendment in accordance with the statutory requirements and good administrative practice.

- 8 The vehicle crossings, between the road carriageway and the property boundary, are within legal road and are therefore required to be constructed in accordance with the Dunedin City Council Vehicle Entrance Specification (available from the DCC Transport Group), and any further requirements of the NZTA.
- 9 It is recommended that the applicant confirms a minimum floor level to ensure that any development meets Building Act requirements to avoid potential inundation (including flooding, overland flow, and ponding) on the land on which the building work is to be carried out or adjacent landowners property. This proposed level must therefore address the potential for egress of water from the property via secondary flow paths, ensure that construction is not proposed in low-lying areas and that the path of storm water is not displaced from ephemeral flow paths into neighbouring properties.
- 10 All aspects relating to the availability of water for fire-fighting should be in accordance with SNZ PAS 4509:2008, being the Fire Service Code of Practice for Fire Fighting Water Supplies, unless otherwise approved by the New Zealand Fire Service.
- 11 Trade waste consent is required for this development prior to the operation commencing. More information and a Trade Waste Consent Application Form is available on the Dunedin City Council website: <http://www.dunedin.govt.nz/services/wastewater/tradewaste> or by contacting the Senior Education and Compliance Officer, Water and Waste Services.
- 12 The following documents are recommended as best practice guidelines for managing erosion and sediment-laden run-off:
 - Environment Canterbury, 2007 "Erosion and Sediment Control Guideline 2007" Report No. R06/23.
 - Dunedin City Council "Silt and Sediment Control for Smaller Sites" (information brochure).
- 13 All measures (including dampening of loose soil) should be undertaken to ensure that dust, resulting from the proposed earthworks, does not escape the property boundary.
- 14 Where there is a risk that sediment may enter a watercourse at any stage during the earthworks, it is advised that the Otago Regional Council be consulted before works commence, to determine if the discharge of sediment will enter any watercourse and what level of treatment and/or discharge permit, if any, may be required.

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21 November 2017

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