

**BEFORE DUNEDIN CITY COUNCIL
LUC-2017-319**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application for resource consent by BP Oil New Zealand Limited for redevelopment at BP Mosgiel, 70 – 76 Gordon Road, Mosgiel, Dunedin

**STATEMENT OF EVIDENCE OF FIONA JO-ANNE MAREE SMALL ON BEHALF OF
BP OIL NEW ZEALAND LIMITED**

PLANNING

Dated: 30 November 2017



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INTRODUCTION

Qualifications and experience

1. My full name is Fiona Jo-anne Maree Small. I am a Senior Resource Management Consultant at Incite (Ch-Ch) Limited, a specialist resource and environmental consultancy. I have been in this role since 2001.
2. I hold a Bachelor of Arts and a Masters in Regional and Resource Planning from Otago University. I am an Intermediate Plus member of the New Zealand Planning Institute.
3. I have been a resource and environmental management consultant for 20 years and have been involved in a number of projects for a variety of clients including district and regional councils, private clients, Crown entities and infrastructure related clients such as Chorus and OnGas. I have been working with the petroleum industry since 1995 and have prepared applications and attended hearings for both new sites and redevelopment of existing service station/truck stop sites throughout the South Island. These involve both district council and regional council consents. I have also prepared applications under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NESCS**). I assisted in the public consultation and preparation of resource consents for the establishment of three new bulk fuel storage tanks for BP Oil New Zealand Limited (**BP**) at the oil terminal in Lyttelton in 2002. In Dunedin City, I have been involved in a number of sites including:
 - (a) 2016 – New service station – 11 Irmo Street, Green Island;
 - (b) 2012 – Decommissioning of existing truckstop site – 97 Fryatt Street;
 - (c) 2012 – Proposed new truckstop – 170 Fryatt Street;
 - (d) 2010 – Redevelopment of Portsmouth Motors – 1 Wharf Street;
 - (e) 2007 – Redevelopment of service station – 134 North Road; and
 - (f) 2004 – Redevelopment of Anthony Motors Ltd – 254 Taieri Road.
4. I worked in Dunedin City between 1994 and 1998 which included a period of secondment to Dunedin City Council to assist with processing of resource consents. I was also involved with the District Plan review of the Dunedin City Plan in 1995, particularly summarising further submissions and preparation of the s42A report on the Rural Section of the Plan. I have lived in Mosgiel twice,

once for a period of 5 years and once for a period of one year so am familiar with the township.

5. In 2015, I was engaged by Petrotec Services Limited to scope the district and regional council consent requirements for the redevelopment of the BP service station at 72 - 76 Gordon Road, Mosgiel. At that time, the proposal was similar to that currently being considered by Dunedin City Council but included relocating the workshop to 70 Gordon Road. In March this year, I was engaged by BP directly, to scope consent requirements for an amended proposal which removed the workshop from the proposal altogether. I undertook a site visit in April 2017 and pre-application meetings were held with Dunedin City Council and the New Zealand Transport Agency (**NZTA**). I prepared resource consent applications to both Dunedin City Council and Otago Regional Council and these were submitted in July 2017. The Otago Regional Council (**ORC**) granted the following consents on 4 August 2017:

- (a) RM17.191.01 – Land use consent to disturb a potentially contaminated site;
- (b) RM17.191.02 – Land use consent to construct a bore for the purpose of dewatering the site to install underground tanks; and
- (c) RM17.191.03 – Water permit to take groundwater for the purpose of dewatering the site during works.

6. In preparing my evidence, I have reviewed:

- (a) Assessment of Environmental Effects (**AEE**): Application to Dunedin City Council for redevelopment at BP Mosgiel, 70 – 76 Gordon Road, Mosgiel, Dunedin, July 2017;
- (b) the written response to the request for further information relating to noise prepared by SLR Consulting NZ Limited, dated 8 September 2017;
- (c) the Council's section 95B report, dated 20 September 2017;
- (d) all submissions received on the land use application to the Council;
- (e) the Council's section 42A Officer's Report and Appendices; and
- (f) evidence prepared by **Mr John Chandler** (BP), **Mr Peter Runcie** (Acoustics), **Mr Chris Rossiter** (Traffic) and **Mr Paul Gilbey** (Lighting).

Code of Conduct

7. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2014 and that I have complied with it when preparing my evidence. Other than when I state that I am relying on the advice of another person, this evidence is entirely within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

8. In this brief of evidence, I will discuss:
- (a) BP Mosgiel, the redevelopment proposal and the Council's jurisdiction in relation to the application;
 - (b) the reasons for the consent applications;
 - (c) the consents required from the Council under the Resource Management Act 1991 (**RMA**) and associated statutory policy and planning instruments;
 - (d) potential effects on the environment associated with the redevelopment proposal;
 - (e) submissions received relevant to the application and consultation undertaken (the locations of the land owners and/or occupiers who have submitted in opposition to the proposed redevelopment are identified in red in **Appendix 1** attached to my evidence); and
 - (f) the Council's section 42A Officer's Report (**Officer's Report**) and proposed consent conditions.

EXECUTIVE SUMMARY

9. The application relates to a proposed redevelopment and expansion of the existing BP Mosgiel service station located at 72 - 76 Gordon Road, at the southern edge of the Mosgiel commercial/retail centre.
10. The purpose of the proposal is to address operational issues at the existing service station and to upgrade the facilities to a modern design and quality. The proposal involves a spatial expansion of the existing service station facilities onto one adjoining residential property, recently purchased by BP. This will result in

proposed carwash and amenities island, caravan dump station, parking and associated landscaping being located on the residential property. The existing site will also be upgraded to include a new BP Connect convenience store, new canopy and forecourt, two new underground storage tanks and new site drainage. An existing above ground LPG storage tank will be removed and instead the site will operate a LPG bottle swap facility. The operation and function of the site as a service station will remain largely the same as existing, including in terms of the provision of fuel and convenience goods to customers and management of hazardous substances, albeit significantly enhanced from the existing facilities. It is proposed to increase the hours of operation to 24-hour trading.

11. Resource consent is required from the Council under the operative District Plan for a number of reasons, including the use of residential land for non-residential purposes and non-compliance with the relevant development controls for signage, earthworks, hazardous substance storage, setback requirements and transport. General compliance is achieved with the noise limits of the District Plan and full compliance is achieved with the light spill limits.
12. The application has proceeded on a limited notified basis, with notice being served on 21 neighbouring properties. Ten submissions were received (one of which is in support) raising a number of concerns around encroachment of commercial activities into a residential zone and effects on residential character and amenity. The NZTA provided written approval to the proposal.
13. The existing service station is appropriately located on a busy transport route and at the edge of the Mosgiel commercial centre and this is recognised in the proposed Second Generation District Plan (**proposed 2GP**) through the rezoning of the existing site to Principal Centre (Commercial and Mixed Use Zone). The proposal represents significant investment in a site that has, for many years, accommodated service station activities and where amenity effects associated with its existing residential zone interface have been appropriately managed.
14. In my opinion, sufficient consideration has been given to residential character and amenity effects and the proposal has been specifically designed to ensure it will integrate well with the surrounding Mosgiel commercial centre and residential areas and to ensure amenity effects are managed to acceptable

levels. I consider that the proposed development of the site is in keeping with its setting and context.

- 15.** The evidence of Mr Runcie, Mr Rossiter and Mr Gilbey for BP address noise, traffic and lighting effects, respectively. Mr Runcie concludes that with the inclusion of the identified mitigation measures, predicted noise levels for the service station will be less than minor in effect. Mr Rossiter assesses the transport related effects of the proposed redevelopment and concludes that traffic effects are unlikely to be noticeable against the background volume of traffic on Gordon Road, it will not generate any parking effects on Gordon Road and that the proposal can be supported from a transport perspective. Mr Gilbey assesses the potential light spill and illumination effects of the proposed redevelopment and concludes that the proposed external lighting will comply fully with the performance standards of the District Plan. This evidence supports those conclusions.
- 16.** In my opinion, relying on the evidence of the experts for BP and in accordance with the assessment set out in my evidence, the effects of the proposal on visual amenity, noise, lighting, odour, hazardous substances, earthworks, construction and natural hazards and residential character and amenity will be no more than minor, including in relation to the residential properties adjoining the application site.
- 17.** The relevant and applicable policy framework clearly envisages situations in which non-residential activities can be appropriately established and existing activities can expand in residential areas. This relies on an ability to appropriately manage effects on residential amenity, which I consider is achieved. This is well demonstrated by the expert assessments referred to above. While the proposal will result in the use of an existing residential property for non-residential purposes, this will not undermine the integrity of the residential zone as a whole or the potential for residential intensification around centres which, over time, is likely to balance out the loss of this one residential property. The Officer's Report concludes that the proposal is contrary to objectives and policies of the district plans, it does not sufficiently acknowledge the existing environment or the setting of the proposal, and places insufficient weight on the expert assessments.

18. In my opinion, the proposal to redevelop and expand the existing BP Mosgiel service station onto the adjoining residential property would generate no more than minor effects and would not be contrary to the objectives and policies of the Operative Dunedin City District Plan (**District Plan**) or the proposed 2GP.
19. Therefore, it is my opinion that the recommendation of the Officer's Report should be rejected and the consent should be granted subject to conditions. I support the majority of the conditions recommended in the section 42A Report, but consider some additional amendments are required and these are addressed in my evidence below.

SITE DESCRIPTION AND OVERVIEW OF PROPOSAL

20. A full description of the site and an overview of the proposed redevelopment are provided in the AEE and Section 42A Report. The main points are briefly summarised within the body of this evidence as follows.
21. The main features of the site are:
- (a) the site is generally flat in topography and rectangular in shape;
 - (b) the site has been a service station since at least 1974;
 - (c) the site occupies four parcels of land, three of which are currently occupied by the service station activity and one of which is vacant and previously contained a residential dwelling that has already been demolished (Lot 9 DP 266);
 - (d) the site includes a retail service station, motor vehicle workshop, fuel dispensing area and diesel truck stop;
 - (e) the site is accessed via existing vehicle crossings off Gordon Road;
 - (f) the underground tank systems were upgraded in 1998 and 2005;
 - (g) environmental investigations were undertaken in 1995, 1998 and 2005 and a detailed site investigation was undertaken by Separate Phase Limited prior to the lodgement of this application;
 - (h) the existing service station site is zoned Residential 2 in the District Plan and Principal Centre (Commercial and Mixed Use) in the proposed 2GP; and
 - (i) the adjoining residential property, that forms part of the application site, is zoned Residential 2 in the District Plan and General Residential 2 in the proposed 2GP.

22. It is proposed to redevelop the existing BP service station at 72-76 Gordon Road and expand onto the adjoining site at 70 Gordon Road by constructing a new BP Connect service station and car wash. The proposal is described in detail in the AEE submitted in July 2017. In summary the proposal will include:

- (a) demolition of the existing buildings on the site, which include the convenience store and workshop on the site and the garage on the adjoining residential site. I note the residential dwelling has already been removed from 70 Gordon Road;
- (b) construction of a new BP Connect convenience store incorporating a Wild Bean Café;
- (c) construction of a car wash and vacuum facility;
- (d) construction of a new canopy and forecourt with an eight lane configuration providing 16 filling positions;
- (e) removal of the existing underground fuel tanks and installation of two new underground fuel tanks storing 200,000 litres of fuel;
- (f) removal of the existing above ground LPG storage tank and installation of two cages to store 9kg LPG cylinders to operate as a bottle swap facility;
- (g) new signage on the convenience store, car wash and canopy and free standing signage including a main identification pylon sign;
- (h) consolidation of the vehicle crossings by reducing the number of crossings from five to two crossings;
- (i) an increase in the hours of operation from the current operating hours of 6:00am to 11:00pm to 24-hour operation;
- (j) an increase in traffic generation of approximately 20 vehicles per hour;
- (k) provision of 18 car parks and two bicycle parks;
- (l) acoustic fencing and landscaping on all internal boundaries;
- (m) an upgrade to the stormwater drainage system;
- (n) approximately 1800m³ of earthworks during construction; and
- (o) dewatering as necessary to install the new underground fuel tanks and installation of a SPEL Puraceptor for stormwater treatment.

23. As detailed in the evidence of Mr Chandler, the purpose of the redevelopment is to address several operational issues currently experienced at the service station including congestion during peak times, lack of parking and existing buildings and facilities that are not of modern design or quality.

24. Following receipt of submissions to the application and the section 42A Report, BP proposes to amend the application to incorporate the following changes:

- (a) retention of the existing boundary hedge with 68 Gordon Road with erection of the acoustic fence on the BP side of the hedge;
- (b) planting a 1.2m high box hedge in front of the car wash to mitigate headlight glare and screen the car wash;
- (c) changing the colour scheme on the south west elevation of the car wash so it remains white;
- (d) reducing the height of the main identification pylon sign from 9m to 7.5m which is the same as the existing pylon sign;
- (e) relocating the pylon sign to the landscaped area between the two vehicle crossings so that it is approximately 38m from the northern boundary of 68 Gordon Road;
- (f) removing the proposed verge board sign from the landscaped area between the two vehicle crossings and locating it in the original position of the pylon sign;
- (g) removing the verge board sign outside the shop; and
- (h) erecting “no idling” signs at the entrance to the car wash.

25. These changes are shown on the amended plans attached in **Appendix 2**. These are all mitigation measures and I do not consider that any issues of scope arise. I note that the height and location of the rear boundary fence was amended following lodgement of the application but prior to limited notification.

REASONS FOR LAND USE CONSENT APPLICATIONS TO DUNEDIN CITY COUNCIL

26. A full analysis of the resource consents required from the Council under the District Plan and the NESCS in order to undertake the demolition, construction, earthworks, storage of hazardous substances, signage, operation and landscaping activities associated with the proposed redevelopment is included in the AEE dated July 2017.

27. In summary, land use consent is required under the District Plan under the following rules:

- (a) Rule 8.8.6 – Service station activity on 70 Gordon Road not specifically provided for as a permitted, controlled or discretionary activity in Residential 2 Zone – non-complying activity;
- (b) Rule 8.6.2(i)(a)(ii) and 8.8.2(ii) – Fencing within the minimum setback and height plane requirements – restricted discretionary activity;
- (c) Rule 17.5.2(c) – Storage of liquid petroleum fuels in below ground tanks – controlled activity;
- (d) Rule 17.5.4 – Storage of 594kg of LPG in cylinders (200kg permitted) – discretionary activity;
- (e) Rule 17.7.3(v) – Minimum setback to boundary for earthworks – controlled activity;
- (f) Rule 17.7.5(ii) – Excavation of more than 250m³ of soil – restricted discretionary activity;
- (g) Rule 19.5.11 – Signage that exceeds the permitted area and number and is illuminated –non-complying activity (Rule 8.8.6(iii));
- (h) Rule 20.5.5(iii) - Parking Spaces for People with Disabilities;
- (i) Rule 20.5.6(i) - Design of Loading Areas;
- (j) Rule 20.5.7(i) - Number of Vehicle Crossings; and
- (k) Rule 21.5.6 – Exceedance of the night time noise limit - restricted discretionary activity.

28. With regard to the activity status of the transportation non-compliances¹, the Residential 2 Zone rules include conditions attached to permitted activities (Rule 8.8.2) which require compliance with the minimum car parking, loading and access rules of Section 20 (Transportation). As service stations are not a permitted activity, these conditions do not apply. The notes to plan users in Section 20.5 Rules, state that the performance standards for parking, loading and access listed in Rules 20.5.5 to 20.5.7 apply as specified in the zone rules. However, as noted above, compliance with these rules is only required for permitted activities. I note that the Planning Officer has determined in her s42A report that these non-compliances are a restricted discretionary activity under Rule 8.8.4(i) (paragraph 45).

29. Overall, the proposed redevelopment is a non-complying activity due to its activity status in the Residential 2 Zone, noting that the site has a split zoning under the proposed 2GP. The activity status of the application is addressed in

¹ Rules 20.5.5(iii), 20.5.6(i), and 20.5.7(i)

paragraphs 46 – 52 of my evidence where I conclude that the proposal meets both threshold tests of section 104D of the RMA.

- 30.** According to Council records, the existing service station has existed on the site since at least 1974 and is considered to be lawfully established and to have had existing use rights, prior to authorisation by various resource consents. These consents include:
- (a) 2005 – Replace three existing tanks of 41,000 litres petrol and 9,000 litres diesel with three new double skin tanks of 50,000 litres petrol 91, 20,000 litres petrol 96 and 30,000 litres diesel (RMA-2005-368953);
 - (b) 2004 – New freestanding sign (RMA-2004-368497);
 - (c) 1988 – Illuminated signage greater than 2m² (LUC-1988-354639);
 - (d) 1982 – Extend forecourt canopy (LUC-1982-384389);
 - (e) 1979 – Erect a versatile garage 9m x 7.8m at the rear of the property (LUC-1979-354124);
 - (f) 1968 – Sale of new and used motor vehicles (LUC-1968-353920);
 - (g) 1967 – To use building for car repairs & for effecting minor motor body work repairs (LUC-1967-353884); and
 - (h) 1967 – Alter and modify garage and service station buildings (LUC-1967-352884).

NESCS

- 31.** The NESCS controls soil disturbance on land where an activity is on the Hazardous Activities and Industries List (**HAIL**). As service stations are identified as HAIL land, the provisions of the NESCS apply to the existing service station site.
- 32.** A detailed site investigation (**DSI**) was undertaken by Separate Phase Limited and is attached as Appendix H to the AEE. As a DSI exists which demonstrates that soil contamination does not exceed the applicable standard for industrial/commercial use in regulation 7 of the NES, consent is required for the replacement of the fuel storage system and disturbing of 1800m³ of soil as a controlled activity.
- 33.** I note that the Officers Report concurs with the above assessment of consents required.

STATUTORY ASSESSMENT – RESOURCE MANAGEMENT ACT 1991

- 34.** Relevant land use considerations include amenity values, noise, traffic generation, lighting, odour, hours of operation, hazardous substance storage, fencing, signage and residential coherence.

Part 2 of the RMA

- 35.** Part 2, consisting of sections 5 to 8, sets out the purpose and principles of the RMA.

Section 5

- 36.** Section 5 identifies that the purpose of the RMA is to promote the sustainable management of natural and physical resources. This means enabling people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of the environment and avoiding, remedying, or mitigating any adverse effects of activities on the environment.
- 37.** There are direct and indirect social and economic benefits associated with the redevelopment and continuing operation of BP Connect Mosgiel described in paragraph 21 of the evidence of Mr Chandler.
- 38.** The continued but improved operation of the site will provide local employment and support households and businesses with fuel requirements and ancillary goods. The service station redevelopment will enable people and communities to provide for their health and safety by providing continued fuel supply for motor vehicle use, necessary for day to day activities. This is further discussed in paragraph 64 below. The ability to store increased quantities of fuel on site provides efficiency gains and resilience, including reducing the frequency of delivery vehicles refuelling on the site. Modern and well-functioning service stations are increasingly seen as important facilities given the need to ensure a secure supply of fuel, and the proposed 24-hour operation will increase convenience and ensure that the community's needs can be met.

- 39.** Further, the redevelopment of the service station will reduce existing congestion at peak times through improved layout and hence will assist in maintaining the operational efficiency of State Highway 87 through Mosgiel.
- 40.** BP are proposing a number of measures to avoid, remedy or mitigate potential adverse effects and these are discussed in detail later in this evidence. In summary, these include:
- (a) careful design and layout of buildings on site to minimise elevations facing residential properties;
 - (b) siting the carwash, which has restricted hours of operation, on that part of the site adjacent to residential development to reduce noise and lighting effects after 9pm;
 - (c) improving landscaping around the site, and particularly around the carwash;
 - (d) ensuring general compliance with the District Plan noise limits and full compliance with the proposed 2GP limits;
 - (e) ensuring full compliance with the District Plan light spill limits;
 - (f) improving passive surveillance of the area through 24-hour operation with resulting public safety benefits;
 - (g) improving safety and efficiency of the road network by reducing the number of vehicle crossings;
 - (h) ensuring compliance with the Hazardous Substances and New Organisms Act 1996 (**HSNO**) and NES regulations; and
 - (i) amending the size and location of the proposed pylon sign.

Sections 6 and 7

- 41.** Section 6 of the RMA identifies matters of national importance, while section 7 identifies "other matters" which decision makers are required to have particular regard to. With regard to the proposed land use activity I consider there are no relevant section 6 matters, and only the following section 7 matters are of relevance:

- (b) *the efficient use and development of natural and physical resources:*
- (c) *the maintenance and enhancement of amenity values:*

(f) *maintenance and enhancement of the quality of the environment:*

- 42.** I consider that the proposed redevelopment represents an efficient use and development of the subject site without compromising amenity values or the quality of the environment by a more than minor extent.
- 43.** The site is an existing service station with infrastructure in place. The upgrading and redevelopment of this existing activity represents an efficient use and development of a physical resource. The site is well located at the interface between the Mosgiel retail centre and the adjoining residential zone. It is also well located on a busy main road classified by the Operative Plan as a 'National Road' (State Highway 87) to serve passing vehicles and will promote the efficient use of the existing roading network. The location of the existing and proposed facility is an important part of the context and environmental setting against which both effects and the relevant planning documents need to be assessed.
- 44.** The proposal will have a good standard of on-site amenity, through the use of attractive building design, site layout and landscaping. The surrounding area will be protected from adverse effects through the control of earthworks at the time of construction, appropriate management of any soil contaminants, compliance with relevant legislative requirements relating to service stations, including the HSNO, and by the provision of landscaping and acoustic fencing. As I noted earlier, service stations have strategic importance for the community as they provide essential products and services, and hence contribute to community resilience. The proposed 24-hour operation will enable passive surveillance of the surrounding area, with public safety benefits.
- 45.** Having regard to the above, the proposal enables the wider community to provide for its social and economic wellbeing and health and safety while sustaining the potential of adjoining sites to be used for commercial and residential purposes and without generating more than minor adverse effects on the local environment.

Section 104

46. Section 104 of the RMA sets out matters that the consent authority must, subject to Part 2, have regard to when considering an application for a resource consent and any submissions received. Those matters include:
- (a) any actual and potential effects on the environment of allowing the activity;
 - (b) any relevant provisions of a national environmental standard, other regulation, any national policy statement, regional policy statement(s) and plan(s);
 - (c) and any other matter the consent authority considers relevant in determining the application.
47. In this application consideration must include:
- (a) the District Plan;
 - (b) the proposed 2GP;
 - (c) the NESCS;
 - (d) the operative Otago Regional Policy Statement (**operative RPS**); and
 - (e) the proposed Otago Regional Policy Statement (**proposed RPS**).
48. I understand that other than giving pre-eminence to Part II, section 104 gives no priority to other matters. They are all matters to have regard to and the Commissioners must exercise their discretion as to the weight that they give certain matters, depending on the circumstances of the case.
49. Under Section 104D, when considering this application for a non-complying activity, the Commissioners may grant resource consent for the activity only if they are satisfied that either the adverse effects of the activity on the environment will be minor or the activity will not be contrary to the objectives and policies of both the District Plan and the proposed 2GP.
50. As noted in paragraph 29 of my evidence, non-complying activity status is triggered pursuant to Rule 8.8.6 which provides for any activity not specifically identified as permitted, controlled or discretionary in the Residential 2 Zone as a non-complying activity. While the existing service station activity has been

lawfully established, the proposed expansion onto the adjoining Residential 2 zoned site is not a permitted, controlled or discretionary activity in the zone.

51. In relation to the first gateway test (section 104D(1)(a)) and relying on the evidence of the various experts for BP, I consider that the adverse effects of the proposed activity on the environment will be no more than minor, and as such the application will satisfy this test.
52. In relation to the second gateway test (section 104D(1)(b)), while a non-complying activity will rarely find direct support in the objectives and policies of a plan, an absence of support does not equate to the activity being contrary to the provision. In my view, for the reasons that I outline in further detail below, there are no objectives or policies in which the proposal is in direct opposition to. Therefore, I consider that the proposal will not be contrary to the objectives and policies of the District Plan or proposed 2GP, and as such the application will satisfy this test. The Council is not precluded from granting resource consent under Section 104D of the RMA.

STATUTORY ASSESSMENT – POLICY AND PLANNING INSTRUMENTS

Dunedin City District Plan

53. The District Plan became fully operative in 2006. The District Plan provides a framework for the management of land use and subdivision. It contains objectives, policies and associated methods to address resource management issues within the city.

Sustainability

54. Section 4 of the District Plan sets out the sustainability objectives and policies for Dunedin. The objectives seek to enhance the amenity values of Dunedin and ensure that an appropriate level of infrastructure servicing is provided and sustainably managed. These objectives are supported by the following policies:

Policy 4.3.1

Maintain and enhance amenity.

Policy 4.3.2

Avoid developments which will result in the unsustainable expansion of infrastructure services.

Policy 4.3.3

Promote the renovation and redevelopment of those sites within existing urban areas where there is under-utilisation of urban service infrastructure.

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 4.3.9

Require consideration of those uses and development which:

- (a) Could give rise to adverse effects.*
- (b) Give rise to effects that cannot be identified or are not sufficiently understood at the time of preparing or changing the District Plan.*

Policy 4.3.10

Adopt a holistic approach in assessing the effects of the use and development of natural and physical resources.

- 55.** I note that all activities have an effect and the RMA does presume that *no* effects will occur. The explanation to Policy 4.3.1 states that “*use and development of resources in some circumstances can adversely affect the pleasantness of an area, and where those effects are significant, such use and development should be avoided*”. The policy recognises that some adverse effects can occur and it is only where those effects are “significant” that such use and development should be avoided. Overall, I consider that the effects of the proposed redevelopment will be no more than minor and not significant.

- 56.** Policies 4.3.2, 4.3.3 and 4.3.5 relate to the provision of infrastructure services and Policy 4.3.3 promotes the renovation and redevelopment of sites where existing urban service infrastructure is under-utilised. I note that the proposal has been assessed by the Consents and Compliance Officer, Water and Waste Services and no issues have been identified with regard to the ability of the site to be serviced by existing infrastructure. I note that the Planning Officer agrees that the proposal is not contrary to these policies with regard to the provision of infrastructure services.
- 57.** Policies 4.3.7 and 4.3.8 relate to the use of zoning to ensure incompatible activities are avoided, remedied or mitigated. I note that the service station has existed on the site in a residential zone since the 1960s. Based on discussions with adjoining neighbours and submissions received on the proposal, the service station activities have existed compatibly with residential activities, other than occasional noise from workshop activities and the use of a compressor. I note that workshop activities are ceasing as a result of the redevelopment. Policy 4.3.8 seeks to avoid “indiscriminate” mixing of incompatible uses or developments. Indiscriminate means to be done at random or without careful judgement. Given the service station has existed on the site for a number of years, and is appropriately located on a busy main road on the fringe of the Mosgiel central commercial area, it could not be considered to be indiscriminate. The proposed expansion onto the adjoining site has also been given careful consideration. This part of the site is to be used for the proposed carwash, which has restricted hours of operation and has minimal visual effect and bulk.
- 58.** Policies 4.3.9 and 4.3.10 require consideration of uses and development which may give rise to adverse effects. These policies recognise the effects of some activities require a detailed assessment and it is appropriate to consider them by way of a resource consent for a non-complying activity. A detailed assessment of the activity and its potential effects was provided in the AEE and further expert evidence is provided for the hearing of this proposal. In my view, any potential adverse effects of the proposal are avoided, remedied or mitigated such that effects are no more than minor.
- 59.** The Planning Officer has stated in paragraph 67 of the s42A report that *“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.”* I agree that the expansion could potentially have negative

impacts, but in this case the site has been designed and mitigation measures are proposed to ensure that those impacts are less than minor. The Planning Officer considers in paragraph 69 that *“the proposed activity will compromise the levels of amenity that are provided for within a Residential Zone”*. The Planning Officer does not appear to have considered the existing environmental setting or the experts’ assessment of effects submitted with the AEE. I note the proposal is either compliant with residential standards or has very similar effects to what is there already.

60. In paragraph 70, the Planning Officer states *“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.”* She considers that this could threaten the certainty of continued provision of residential amenity. I note that service stations are often located in residential areas and while I understand her concerns, these would be more relevant if BP were seeking to establish a brand new operation at this site, which is not the case. She further notes that *“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.”* I note that our towns and cities are dynamic and evolve and change over time. Even with new permitted activities, the amenity and character of an area can change over time. Given the location, setting and the existing environment, it is difficult to see how the expansion of the BP site will of itself result in any noticeable adverse change to the amenity or character of the zone or be a precedent for other possible changes.
61. I do not agree with the Planning Officer that the proposal is contrary to the objectives and policies of the Sustainability Section of the District Plan. The policies seek to protect amenity and use zoning as a tool to provide for activities of similar effect in particular areas. The policies also allow assessment of other activities and their effects on a case by case basis.

Residential

62. Chapter 8 Residential recognises that residential areas may be suburbs, communities, towns or settlements and that these residential areas have different levels of servicing and amenity. The relevant objectives and policies in Chapter 8 are as follows:

Objective 8.2.1

Ensure that the adverse effects of activities on amenity values and the character of residential areas are avoided, remedied or mitigated.

Objective 8.2.4

Ensure that the existing urban service infrastructure servicing residential areas is sustained for the use of future generations.

Policy 8.3.1

Maintain or enhance the amenity values and character of residential areas.

Policy 8.3.4

Ensure that the density of new development does not exceed the design capacity of the urban service infrastructure.

- 63.** The proposed service station is located within the Residential 2 Zone of the District Plan. The explanation to Objective 8.2.4 notes that *urban service infrastructure of residential areas is a significant physical resource which contributes to the efficient and effective functioning of communities*. The definition of *infrastructure* in Section 3 of the District Plan is:

Means those built structures necessary for operating and supplying essential utilities and services to the community including, but not limited to, telecommunications, natural or manufactured fuel, electricity, water, drainage, sewerage, road and railway lines, airports.

- 64.** The provision of natural or manufactured fuel extends to service stations, as the provision of fuel to power a motor vehicle is an essential service that people are reliant on in their everyday use of the motor vehicle. The motor vehicle assists people to meet their economic needs, and physical and social wellbeing. I note that following the Christchurch earthquake events and review of the Canterbury Regional Policy Statement (**CRPS**), service stations are included in the CRPS definition of critical infrastructure.

- 65.** In terms of amenity values, the District Plan seeks to ensure that adverse effects on amenity values are avoided, remedied or mitigated. Noise, traffic and lighting assessments have been undertaken which have determined that effects of noise, traffic and lighting will be less than minor. The noise assessment demonstrated compliance with the noise limits of the District Plan, except for a very minor (1-2dB) night-time non-compliance at four properties. In terms of the visual effects of the redevelopment and proposed signage, this has been

assessed as minor, due to the significant change in the visual appearance of the site. In my opinion, this change will result in positive effects as it will provide a vibrant new site with fewer buildings and more landscaping to soften the expanse of hardstand areas. As such, the objectives and policies are strongly linked to an assessment of effects. In my opinion, the proposal is consistent with relevant Residential objectives and policies.

- 66.** I disagree with the Planning Officer's assessment that the proposal is contrary to the objectives and policies of the Residential Section of the District Plan. The policies seek to ensure that existing service infrastructure is sustained, which includes fuel supply as an essential service to the community. It also allows consideration of land use activities where adverse effects are avoided, remedied or mitigated.
- 67.** The Planning Officer notes that *"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."* All of these matters are addressed in the AEE and the experts' assessment of effects on traffic, noise and lighting. I note that the convenience of having a service station and store nearby could be seen by some people as contributing to their appreciation of the pleasantness of an area.
- 68.** The Planning Officer states that *"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."* I agree that the proposal will have some limited adverse effects, however these adverse effects are proposed to be appropriately remedied or mitigated to ensure that they are minor or less than minor. I also repeat my earlier opinion that it is important to see any such effects in context, which must include the existing environment and the environmental setting of the proposal. When the effects are assessed against that context, it is apparent in my view that they are minor at worst.
- 69.** Other than the service station being on a residentially zoned site, the proposal largely complies with standards for residential activities. Furthermore, the residential zone is not uniform, given that it includes land fronting onto the busy

Gordon Road and close to the Mosgiel commercial area. These factors appear to have been overlooked or given insufficient weight.

Hazardous Substances and Earthworks

70. Chapter 17 Hazards, Hazardous Substances and Earthworks is relevant to this proposal in particular the following objectives and policies:

Objective 17.2.1

Ensure the effects on the environment of natural and technological hazards are avoided, remedied or mitigated.

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.

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.

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.

Policy 17.3.9

Control earthworks in Dunedin according to their location and scale.

71. It is proposed that petrol and diesel be stored in underground tanks as part of the redevelopment. Both the new and existing underground fuel storage tanks as well as above ground fuel infrastructure (e.g. dispensers) are designed to be resilient to natural hazard risk and include features such as secondary containment, cut off valves and spill containment to minimise adverse environmental effects in the event of damage from a natural hazard event. The design features of the tanks and the monitoring systems which will be in place will ensure that any potential environmental effects are avoided, remedied or mitigated. The installation will comply with:

- (a) The HSNO;
- (b) Hazardous Substances (Classes 1 to 5) Regulations 2001;

- (c) The Code of Practice for Below Ground Stationary Container Systems for Petroleum – Design and Installation (Environmental Protection Authority, June 2013); and
- (d) The Code of Practice for Below Ground Stationary Container Systems for Petroleum - Operation (Environmental Protection Authority, May 2012).

72. The proposed design, monitoring and spill prevention measures are described in detail in the AEE. The site will operate under an Operational Environmental Management Plan which will include emergency response procedures and spill management. In addition, stormwater off the hazardous area which may contain hydrocarbons will be collected and treated in the SPEL Purceptor prior to discharge to the wastewater network. The Purceptor is a specifically designed stormwater treatment device to meet the requirements of the Ministry for the Environment, "*Environmental Guidelines for Water Discharge from Petroleum Industry Sites in New Zealand*". The stormwater discharge will meet the discharge quality specified in this guideline (15mg/l) and would normally be accepted for discharge into the reticulated stormwater network. However, in this instance, Council officers have sought that it be discharged to the wastewater network as detailed in paragraph 119 below.

73. The proposed earthworks will not affect the safety of people or property and are appropriate in terms of their location and scale. A suitably qualified and experienced environmental consultant will be present on site during all earthworks and soil disturbance. Construction works will be undertaken in accordance with the Environment Management Plan attached as Appendix D of the AEE. For these reasons, it is my opinion that the proposal is consistent with relevant objectives and policies relating to hazardous substances and earthworks.

74. I agree with the Planning Officer that the proposal is consistent with and not contrary to the objectives and policies of the Hazardous Substances and Earthworks section of the District Plan.

Signs

75. The objectives of Chapter 19 Signs seek to ensure adverse effects of signs on amenity values are avoided, remedied or mitigated along with any potential

effects on the safe and efficient functioning of the road network. These objectives are supported by the following policies:

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 where 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.

Policy 19.3.4

Promote simplicity and clarity in the form of the sign and the message the sign conveys.

- 76.** Service stations typically involve a high level of signage, including a main identification sign of up to 9m in height. These signs are necessary to identify the site to passing motorists as they signal to drivers that they are approaching a service station so they can slow and prepare to enter the site. At this site, one main identification sign of 9m in height was originally proposed. As a result of submissions to the application, BP has further considered the height of the sign in the context of Mosgiel township and now proposes to lower the height to 7.5m which is the same as the existing pylon sign. In addition, taking into consideration the comments of Council's urban designer, BP will shift the pylon sign so that it is located within the landscaped area between the two vehicle crossings and further away from the boundary with 68 Gordon Road. It is not possible to retain it in its existing location as this is too close to the northern most vehicle crossing. This sign will be orientated perpendicular to the road which means that the "narrow end" of the sign faces the residentially zoned land opposite the site and it will be set back approximately 38m from the adjoining residential site at 68 Gordon Road. As a result of the relocation of the pylon sign, one of the proposed verge boards will be removed from the application. One verge board will be located in the position initially proposed for the pylon sign and the verge board outside the convenience store will be removed to reduce signage in this area.
- 77.** Therefore, I do not consider that the proposed pylon sign will have an adverse effect on the visual amenity of the area as it will replace an existing illuminated sign of the same size and scale and will be well setback from the adjoining residential property.

78. Signage on the canopy fascia is limited to the BP Helios button, and shop and car wash signage will also be simple and easily read. The signage is all located on-site, and will not be of a height, size or illumination that would cause confusion or be a distraction to motorists or pedestrians. Illumination has been kept to a minimum and will be controlled by automatic dimmer switches to ensure the level of illumination is appropriate to the area. Lighting in the area of the car wash will be turned off at night time and Mr Gilbey has recommended the illumination of the pylon sign be reduced after 10pm.
79. The Planning Officer considers the proposed signage is *“large, dominating and out of character with the surrounding residential environment”*. This is an area where the Council officers’ assessment again appears to have insufficient regard to the existing context and the environmental setting, and the conclusion is difficult to understand as a consequence. I do not agree that the proposed signage is contrary to the objectives and policies of the Sign Section of the District Plan. Signage proposed as part of the redevelopment will be generally similar to the existing, particularly taking into account the changes proposed above to the height of the pylon sign and the removal of one of the verge boards. I note that the BP corporate colour scheme has formed part of this environment for many years and is a recognised and accepted element of the area. Signage attached to the building elevations, such as the poster boards and Wild Bean Café signage, is also considered to be less intrusive than a proliferation of sandwich board signs.
80. For these reasons, I consider that the proposal is not contrary to the relevant objectives and policies which relate to signage.

Transportation

81. The objectives of Chapter 20 Transportation seek to avoid adverse effects on the transportation network and maintain a safe and effective network. These objectives are supported by the following policies:

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.

- 82.** Effects on the transportation network have been assessed by TDG and will be further discussed in the evidence of Mr Rossiter. The proposal is considered to have minimal to no impact on the surrounding road environment. The vehicle crossings are anticipated to operate safely and without delays to through traffic and the reduction in the number of crossings will provide safety benefits to pedestrians on Gordon Road. Overall, the transport assessment and Mr Rossiter's expert evidence concludes that the proposed development can be supported from a transport perspective because it will not create any noticeable effects on the road network. I note that the NZTA has provided written approval to the proposal. The proposal is entirely consistent with the transportation objective and policies. I note that based on comments from NZTA and the Council's Transport Department, the Planning Officer agrees that the proposal is consistent with these objectives and policies.

Environmental Issues

- 83.** The objectives of Chapter 21 Environmental Issues seek to avoid adverse effects of noise, light sources and glare. These objectives are supported by the following policy:

Policy 21.3.3

Protect people and communities from noise and glare which could impact upon health, safety and amenity.

- 84.** Effects from noise have been assessed by SLR and will be further discussed in the evidence of Mr Runcie. I note the proposal is in general compliance with the District Plan noise limits. No adverse effects are anticipated in terms of glare as the proposed pylon sign is internally illuminated by adjustable dimmer switches to ensure an appropriate level of illumination. Canopy lighting has also been demonstrated to comply with the permitted lux levels at the boundary with reduced output for the end two rows of lighting. This will be further discussed in the evidence of Mr Gilbey. Overall, I consider that the proposal is not inconsistent with the relevant objectives and policies which address these matters.

85. With regard to noise, the Council Planner in her s42A report concludes that even though the proposal largely complies with the noise requirements of the District Plan (except for a minor 1-2dB noise breach), the noise of operating a service station *“is different to that of a permitted residential activity and could be considered annoying”*. It is difficult to understand the basis for this opinion and it does not appear to be based on an expert assessment, but rather appears to be a personal value judgement. The District Plan noise limits determine the level of noise which is appropriate in the Residential Zone. I fail to understand how the Planning Officer can consider a permitted level of noise to be contrary to the objectives and policies of the District Plan. Section 75 of the RMA states that a district plan must state:

- (a) *the objectives for the district; and*
- (b) *the policies to implement the objectives; and*
- (c) *the rules (if any) to implement the policies.*

Therefore, if an activity complies with the rules of the District Plan, it must by definition be consistent with the objectives and policies.

86. It is proposed that the car wash ceases to operate at 9pm, therefore the only activity after that time will be vehicles pulling into the service station to refuel and then leaving again, which on the basis of the expert assessment is not a noisy activity bearing in mind the ambient noise environment created by traffic on Gordon Road. After 9pm it is anticipated that the first two lanes of the forecourt will be utilised the most, particularly given the reduced light output in the last two lanes. This, together with the acoustic boundary fencing, will ensure that any effects of noise are adequately mitigated. It is noted that in the evidence of Mr Runcie, Table 1 demonstrates that the average ambient noise levels at the rear of the site between 9pm and 7am were 41dB, meaning that proposed noise levels (taking into consideration the benefits from the acoustic boundary fencing) will be the same as existing levels.

87. The properties across the other side of the Gordon Road are already subject to vehicle noise from vehicles travelling on Gordon Road. As demonstrated by Mr Rossiter, visits to a service station and the purchase of fuel is generally a secondary activity whilst en-route to another destination. He estimates that vehicle movements that are not pass by movements (i.e related to the shop on its own) would be less than 10 vehicle movements per hour between 9pm and

midnight. This will reduce significantly after midnight when there is little traffic on the road.

- 88.** With regard to lighting, the Council Planner in her s42A report concludes that while the proposed lighting is able to comply with the District Plan limits, *“it will result in a significant increase of light onto residential properties above the current situation”*. Again, I do not understand how an activity with a permitted level of effect can be considered to be inconsistent with the relevant objectives and policies. While it will be a change over the existing situation, the District Plan permits lighting to this level as appropriate in the Residential Zone. And again, the environmental setting is important and appears to have been overlooked in terms of the existing contribution of light from other sources such as street lights.
- 89.** Overall, I strongly disagree with the Planning Officer’s assessment that the effects of proposal in relation to noise and lighting, both of which comply with the District Plan permitted limits, will be contrary or inconsistent with the objectives and policies of the Environmental Issues Section of the Plan.

Summary

- 90.** Based on the assessment outlined above, in my opinion the construction and operation of the proposed redevelopment is not contrary to the policy framework of the District Plan. Indeed, it is apparent from my assessment above that it is largely consistent with the relevant objectives and policies. As such, it would comfortably pass the section 104D gateway test in terms of the operative District Plan.
- 91.** The Planning Officer concludes that the proposal is consistent with some objectives and policies of the Plan because it has access to a State Highway network that has capacity for the development and is consistent with a number of District Plan technical sections. She considers that assessment of *“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.”* I disagree with this, particularly in relation to noise and lighting which can both be measured and quantified. The District Plan provides permitted activity limits for noise and lighting which makes compliance easy to assess. The Planning Officer notes in paragraph 179 of her

report that amenity values arise from access to sunlight, density, adequate parking, privacy, peace and quiet, landscaping and space between buildings. Again, the District Plan provides performance standards for all of these matters against which compliance can be assessed. The Sustainability Section of the District Plan also provides clear guidance for assessing the appropriateness of an activity. The District Plan is an effects based plan which allows activities to be assessed on a case by case basis and where effects cannot be avoided, they can be remedied or mitigated.

- 92.** Consistency with objectives and policies is also fact-specific and should not be undertaken in a vacuum or by treating the existing environment as a blank sheet of paper. As I have noted in several places earlier in my evidence, the assessment of the proposal by the Planning Officer does not appear to have placed appropriate weight on the existing activity or the setting of the proposal when considering the objectives and policies of the District Plan, which in my view makes many of the conclusions unreliable.

Proposed second generation Dunedin City District Plan

- 93.** The Proposed 2GP was notified on the 26th of September 2015 and the hearing of submissions and further submissions is nearly completed. Decisions are now expected to be released in mid-2018. Pursuant to section 104(1)(b) of the RMA the relevant provisions of a proposed plan must be considered. There are currently no provisions affecting the proposal which have legal effect, however the objectives and policies of the plan must be considered. The existing service station site is zoned Principal Centre (Commercial and Mixed Use) in the proposed 2GP and the site onto which it is proposed to expand is zoned General Residential 2. Service stations are a discretionary activity in the Principal Centre zone and a non-complying activity in the General Residential 2 Zone.

Strategic Directions

- 94.** Section 2 of the Plan provides the Strategic Directions for the city and Objective 2.3.2 Centres hierarchy, Policy 2.3.1 and Policy 2.3.2 are relevant to the proposed development. Objective 2.3.2 recognises the hierarchy of centres anchored around one central business district which provide a focus for economic and employment growth. Policy 2.3.2.1 seeks to identify and protect the existing hierarchy of centres in Dunedin, including principal centres. It

recognises that Mosgiel is the former town centre of the historic borough which now makes up Dunedin and that these centres provide a full range of commercial services to their community.

95. Policy 2.3.2.2 states:

Maintain or enhance the density and productivity of economic activity in the CBD and centres in order to provide sufficient supply for the projected needs for retail and office development for a 15 year period, while avoiding over-supply, and decentralisation of these activities and location outside of centres, unless they are unlikely to contribute to, or may detract from, the vibrancy of centres through:

- a. *zoning and rules that restrict the distribution of retail and office activities outside of these areas.*

96. The site is located at the southern edge of the commercial centre of Mosgiel. As noted in paragraph 113 of the s42A Report, Gordon Road “*is a busy thoroughfare, with relatively high volumes of traffic and a mix of land-uses, which influence existing amenity values*”². The proposal seeks to upgrade an existing service station by providing a vibrant new site with an improved layout and the addition of car wash services. The proposed 2GP has recognised the existing service station activity by rezoning the bulk of the land for commercial use. The activity will expand onto an adjoining residentially zoned site, however this will not result in decentralisation of retail or office activities and, while just outside of the principal centre zone, I consider it is more efficient to expand onto an adjoining site than to develop a new site. The proposal will not detract from the vibrancy of the centre. A well-functioning service station in this location is likely to support the vibrancy of the Mosgiel office and retail centre by providing an enhanced and more convenient service for workers, residents and visitors.

97. Objective 2.4.1 relates to the form and structure of the urban environment and includes the following relevant policies:

² The recognition of this important point does not however appear to have flowed through into the assessment of District Plan objectives and policies.

Policy 2.4.1.5

In residential neighbourhoods, manage building bulk and location, site development (including site coverage), and overall development density, to:

- a. maintain or create attractive streetscapes; and*
- b. protect the amenity of residential activities and public open space on surrounding sites.*

- 98.** The proposed car wash located in the residential zone would comply with the bulk and location rules of the proposed 2GP, including building length, height, site coverage and setback requirements, if these rules had legal effect. The proposed landscaping, which includes the retention of the existing boundary hedge with 68 Gordon Road will ensure that an attractive streetscape is maintained. Landscaping, along with a number of noise mitigation measures and lighting compliance, will also protect the amenity of the adjacent residential activity. In addition, the proposed carwash and associated noise and lighting, will cease to operate at 9pm. I note there is no public open space in the immediate vicinity of the site.

Policy 2.4.1.6

Across the whole city, avoid visual clutter from signage through rules that:

- a. restrict the size, number and design of signs ancillary to activities;*
- b. restrict the size, number, design and location of temporary signs;*
- c. do not allow new commercial advertising (hoarding) sites.*

- 99.** As noted above, service stations typically have high levels of signage. In this case the size, number and design of signs is considered to be appropriate for the site and similar to the existing signage on the site. BP has proposed to reduce the height of the free standing pylon sign to the same height as the existing sign and remove the verge board sign located outside the convenience store. Overall, I consider that the signage will not result in visual clutter and I note that this has not been raised by submitters as an issue other than the height of the freestanding sign which it is proposed to reduce and the car wash signage facing 68 Gordon Road which it has proposed to remove. Illumination of the proposed signage is discussed in paragraphs 155 and 178 below.

Policy 2.4.1.7

Maintain a compact city with a high degree of legibility based on clear centres, edges and connections through rules that:

a. manage the expansion of urban areas; and ...

- 100.** The proposed expansion of the site will not affect the *legibility* of the Mosgiel principal centre. The site is located on the main commercial/retail street of Mosgiel and is an enhancement of an existing facility. It is not a *de facto* expansion of the Mosgiel centre and I consider that its impact is neutral in terms of this policy.
- 101.** Objective 2.4.3 seeks to provide the highest level of pedestrian experience to attract visitors, residents and businesses to Dunedin. The site is located on a 'secondary pedestrian street frontage', therefore the proposed pedestrian link to the BP Connect convenience store will ensure a public-private interface that supports a high level of pedestrian amenity and safety. Pedestrians will be able to access the convenience store without crossing the forecourt which has obvious safety benefits.
- 102.** The s42A Report refers to Objective 2.2.6 and Policies 2.2.6.1 to 2.2.6.3 (Public Health and Safety) however, I note that these objectives and policies were not included in the notified version of the proposed 2GP therefore cannot be considered.
- 103.** Other sections of the proposed 2GP which include objectives and policies relevant to the proposal include Section 6 Transportation, Section 9 Public Health and Safety, Section 15 Residential and Section 18 Commercial and Mixed Use Zones.
- 104.** Section 15 Residential is relevant to the proposed expansion of the service station onto the adjacent residentially zoned site, in particular the following objective and policy:

Objective 15.2.1

Residential zones are primarily reserved 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.

Policy 15.2.1.5

Avoid commercial activities, other than those expressly provided for, from locating in residential zones, unless:

- a. the activity will not detract from the vibrancy and functioning of the centre's hierarchy; and*
- b. the site is adjacent to a centre and it provides a logical extension to a centre; and*
- c. the centre is at, or very close to, capacity; and*
- d. the site development is done in accordance with the performance standards of the street typology (if relevant) of the adjacent centre zoned sites; and*
- e. the development maximises opportunities for integration with the centre; or*
- f. if the site is in the township and settlement zone: ...*

105. Commercial activities are defined in the proposed 2GP and include 'service stations'. Therefore, Policy 15.2.1.5 provides for service station activities in the residential zone subject to a number of provisos set out above. In this case, the activity is consistent with these provisos for the following reasons:

- (a) as an existing activity, and for the reasons outlined earlier, it will not detract from the vibrancy and functioning of the centres hierarchy;
- (b) the majority of the redevelopment is within the Principal Centre Zone and the site onto which it is expanding is adjacent to the centre and provides a logical extension;
- (c) there is no capacity for the expansion to any other site, other than to the south. I note that Mosgiel appears to be experiencing significant residential growth and it is logical that commercial and industrial growth will follow. The current BP is not meeting demand and improvements to its layout and operation are proposed to avoid adverse effects on the road network as a result of queuing at peak times;
- (d) the proposed development is appropriately located with access to Gordon Road being a 'national road'. The site provides for pedestrian access from the street to the convenience store without the need to cross the forecourt; and

- (e) the development will maximise opportunities for integration with the centre in that the activity as a whole is predominantly located within the Principal Centre Zone.

- 106.** Other Residential objectives include Objective 15.2.3 which seeks to maintain a good level of amenity on surrounding residential properties and Objective 15.2.5 which seeks to avoid adverse effects of earthworks. The associated policies are:

Policy 15.2.3.1

Require buildings and structures to be of a height and setback from boundaries that ensures there are no more than minor effects on the sunlight access of current and future residential buildings and their outdoor living spaces.

Policy 15.2.5.3

Only allow earthworks that exceed the scale thresholds (earthworks - large scale) and any associated retaining structures, where all of the following effects will be avoided or, if avoidance is not possible, adequately mitigated:

- a. adverse effects on visual amenity and character;*
- b. adverse effects on the amenity of surrounding properties, including from changes to drainage patterns; and*
- c. adverse effects on the stability of land, buildings, and structures.*

- 107.** The proposal largely complies with the height, setback and recession plane requirements of the District Plan. It will not affect sunlight access for current or future residential buildings or their outdoor living spaces. Part of the acoustic fence along the rear boundary of the site was increased to 3m in height at the request of Mr Berry at 2 Mure Street. At the time of consultation on this request, Mrs Cabral of 41A Irvine Street whose property adjoins this fence, had no concerns regarding its height. The 600mm setback of the fence from the boundary will mitigate the effects of shading and I agree with the Planning Officer that the effects of the height of the fence will be less than minor (paragraph 104 s42A Report).

- 108.** With regard to earthworks, these will be temporary in nature and will not affect the existing contour of the site. All surfaces will be reinstated and either paved,

built on or landscaped. Construction activities will be undertaken in accordance with the Environmental Management Plan attached in Appendix D to the AEE. This includes environmental management controls relating to disposal of soil, erosion and sediment controls, excavation and stockpiling controls and stormwater controls.

- 109.** I note that following the proposed 2GP hearing on the management of service stations and consultation with the oil companies post the hearing, the Council planner has recommended inclusion of a new Policy 15.2.1.7 as follows:

Policy 15.2.1.7

Only allow service stations where:

- a. they are located on strategic, arterial roads or urban high density corridors; and*
- b. they will not detract from the vibrancy and functioning of the centre's hierarchy; and*
- c. it is not practicable due to a lack of site availability and/or special locational requirements to locate them in a zone where they are provided for as a restricted discretionary activity; and*
- d. their effects can be managed in line with objectives 15.2.3 and 15.2.4 and their policies.*

- 110.** I note that this is only a recommendation and decisions on the proposed 2GP have not yet been released. However, the service station is located on a strategic road and the majority of the site is within the Principal Centre zone so will not detract from the vibrancy and functioning of the centre's hierarchy. Given this site is an existing site which is seeking to expand, it has "special locational requirements" to expand onto land zoned Residential. I also consider that effects can be managed in terms of residential amenity as discussed in this evidence.

Commercial and Mixed Use Zones

- 111.** Objective 18.2.1 of the commercial and mixed use zones states that Dunedin has vibrant and viable principal centres which provide hubs for social and economic activity. Relevant policies include:

Policy 18.2.1.1

Provide for a wide range of commercial, residential and community activities in the CBD and all centre zones in order to encourage vibrant and viable centres.

Policy 18.2.1.15

Avoid service stations, restaurant - drive through and yard based retail in the CBD, SSYP, HE and WP zones unless:

- a. they are designed and located to meet the built form expectations of the zone, as set out in the development activities performance standards;*
- b. any drive-through components will not be accessed or visible from the primary pedestrian street frontage (see Policy 18.2.3.11); and*
- c. there are no, or only insignificant, adverse effects on streetscape and pedestrian amenity from vehicle movements.*

112. The service station is not located in the Central Business District or the CBD Edge Mix Use zones identified in Policy 18.2.1.15, and therefore the “avoidance” requirement is not relevant. Most of the service station development is located in the Principal Centre Zone and its modernisation will be consistent with the desire for a vibrant and viable centre.

113. Objective 18.2.2 seeks to minimise the potential for conflict between activities in the commercial zones and sensitive land uses in adjoining residential zones through adequate separation distances and other mitigation measures including fencing along property boundaries to provide screening for the purposes of privacy and security (Policy 18.2.2.1). Policy 18.2.2.4 specifically relates to service stations and states:

Only allow restaurants - drive through and service stations in zones that provide for residential activity or on sites adjoining a residential zone, where any adverse effects on the amenity of residential activities can be avoided or, if avoidance is not possible, adequately mitigated.

114. The service station will be fenced on all boundaries by acoustic fencing with a minimum height of 2m and landscaping is also proposed. Activities immediately adjacent to residential activities are limited to the carwash, staff parking and the last lane of the fuel dispensers. A number of mitigation measures are proposed

for the car wash in addition to the acoustic fence, such as roller shutter doors at both ends of the carwash, quiet mechanical plant and reduced hours of operation.

- 115.** With regard to staff parking, the turnover of staff vehicles will be low and is expected to be similar to the level of vehicle movements associated with a residential activity. With regard to the last lane of the fuel dispensers, it is human nature to use the closest possible fuel dispenser on entering a service station site, therefore it is reasonable to expect that the first two lanes of dispensers will be used most often. I consider that the last lane will likely only be used during the morning and afternoon peak times.
- 116.** I consider that adequate measures are proposed to mitigate amenity effects such as noise, lighting and odour. As noted in the evidence of Mr Runcie in paragraph 31, the proposal will comply fully with the proposed 2GP noise limits. The increase in vehicle movements are expected to be small and the majority of these will occur on that part of the site zoned for commercial activity.
- 117.** Objective 18.2.3 seeks to maintain or enhance the amenity of the streetscape along identified pedestrian street frontages. In accordance with Policy 18.2.3.1, the proposed development will maintain an attractive street interface including landscaping to visually “break up” the hardstand surfaces as much as is possible for a service station site. The outdoor storage area will be screened and will not be visible from a public place and the building heights will reflect the general heights of the block. In accordance with Policy 18.2.3.3, there will be a clear and direct visual connection between the street and the building by way of a dedicated path from the street to the entrance of the convenience store. This entrance will also provide shelter for pedestrians.

Transportation

- 118.** Objectives 6.2.3 and 6.2.4 and their supporting policies seek that land use and development activities (including signage, parking, loading and vehicle access) maintain the safety and efficiency of the transport network. I note that NZTA has provided written approval to the proposal and both the transportation assessment and Mr Rossiter’s expert evidence conclude that the proposal can be supported from a transportation perspective because it will not create any noticeable effects on the road network.

Public health and safety

119. Objective 9.2.1 and its supporting policies seek that land use and development activities maintain or enhance the efficiency and affordability of water supply, wastewater and stormwater public infrastructure. The proposal is located within an area which has water supply and wastewater public infrastructure. Discussions have been held with 3 Waters Commercial and Regulatory Manager and the Water and Waste Services Compliance Manager. I understand there are no concerns regarding water supply and Council has specified that the discharge from the forecourt area (and car wash) shall be to the wastewater network. Council has advised that other stormwater discharges from the site will be accepted into the stormwater network, should the consent be granted.

120. Objective 9.2.2 seeks that land use and development activities maintain or enhance people's health and safety. This supported by Policy 9.2.2.1:

Require activities to be designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not possible, ensure any adverse effects would be insignificant.

121. The noise assessment attached as Appendix G to the AEE concludes that the predicted noise levels generally comply with the established noise limits at the surrounding residentially zoned sites. This is achieved through the use of roller shutter car wash doors, selection of quiet mechanical plant, acoustically effective boundary screening around the mechanical plant compound and acoustically effective boundary screening on all adjoining site boundaries. The only non-compliance is 1-2 dB at night time at a small number of properties and the effects of this are considered by Mr Runcie to be imperceptible.

122. Policy 9.2.2.4 is also relevant to the proposal:

Require activities to be designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not possible, ensure any adverse effects would be insignificant.

123. The lighting assessment attached in Appendix L to the AEE notes that the site has been designed to use LED canopy lights which incorporate optics with a cut-

off distribution limiting the light spill outside of the site boundaries. In addition, canopy lights in the last two lanes of the forecourt will be controlled by switching and dimming to reduce light output on the western rear boundary of the site. I note that Rule 9.3.5 requires that light spill measured at the boundary of a residentially zoned zone does not exceed 3 lux. The proposed redevelopment will not comply with this limit, which is considered to be excessively low and would cause operational and safety issues at the site. I note that no decisions have yet been released on the proposed 2GP and this rule has no legal effect.

- 124.** The Planning Officer has provided a brief assessment of the proposal against the objectives and policies of the proposed 2GP in the section 42A report. I agree with the Officer's assessment of the proposal against the hazardous substances, contaminated land, earthworks and transportation sections of the Plan but disagree with her assessment of the proposal against the noise, lighting and Residential Zone sections for the reasons set out above.

Summary

- 125.** Based on the assessment outlined above, I consider the proposed redevelopment is not contrary to the objectives and policies of the proposed 2GP. Indeed, similar to my conclusions about the operative District Plan, I consider that it is largely consistent with relevant objectives and policies. As such, the proposal passes the gateway test of section 104D of the RMA in terms of the proposed 2GP.
- 126.** In addition, I do not consider that the proposal raises any material plan integrity issues. While the proposal is non-complying, the policy framework of the operative plan seeks to manage adverse effects of activities by ensuring they are avoided, remedied or mitigated. The proposed 2GP provides for commercial activities in residential zones where the site is adjacent to a centre and provides a logical expansion to a centre. Further, the objectives and policies of both the Residential and Commercial sections of the proposed 2GP seek that adverse effects be avoided and, where they cannot be avoided, they are adequately mitigated. I consider that potential adverse effects of the proposed development are adequately mitigated.
- 127.** Further, I do not consider precedent to be an issue given the application relates to an existing service station activity, which is seeking to expand to address

specific operational constraints. The site is appropriately located on a main transport route and at the interface between a residential and commercial zone. These factors are recognised by the proposed rezoning of the site to Principal Centre Zone and the policy framework of the proposed 2GP which provides for expansion into an adjoining zone under certain conditions.

The Otago Regional Policy Statement

- 128.** The Otago Regional Policy Statement (**RPS**) became operative on 1 October 1998 and is currently under review. Decisions on the Proposed Regional Policy Statement were released on 1 October 2016 and 26 notices of appeals were received. ORC, appellants and section 274 parties are currently mediating on the issues raised in appeals. Therefore, regard must be had to both the Operative and Proposed RPS. Objectives and policies I consider relevant to the application are included in **Appendix 3** of this evidence.

Operative RPS

- 129.** Chapter 9 of the Operative RPS addresses the Built Environment. Objective 9.4.1 and Policy 9.5.5 seek to promote the sustainable management of Otago's built environment while providing for amenity values and avoiding, remedying or mitigating adverse effects on community health and safety.
- 130.** The proposed redevelopment is located within the Mosgiel township, on a 'National Road' and adjacent to the existing commercial area. The proposed layout and design of the facility will ensure that adverse effects are avoided, remedied or mitigated.
- 131.** Chapter 13 of the Operative RPS addresses Wastes and Hazardous Substances. Objective 13.4.4 and Policy 13.5.4 seek to avoid, remedy or mitigate the adverse effects resulting from hazardous substance storage and use.
- 132.** The site will be operating under an Operational Environmental Management Plan which includes spill and emergency procedures. In addition, the installation and ongoing management of the hazardous substances is undertaken in accordance with the latest Codes of Practice for Below Ground Stationary Container Systems for Petroleum (Environmental Protection

Agency, May 2012). The SPEL Purceptor which is being installed in the south east corner of the site will also collect and treat stormwater from the potentially contaminated areas and will be able to contain a spill of up to 2,500 litres. This device also treats the stormwater to remove potential hydrocarbons to less than 15g/m³.

- 133.** I consider that the proposed redevelopment will not be contrary to the objectives and policies of the Operative RPS. I note that the Planning Officer agrees with this, concluding that the proposal is consistent with the Operative RPS.

Proposed RPS

- 134.** Chapter 4 of the Proposed RPS seeks to ensure communities in Otago are resilient, safe and healthy. Objective 4.5 and its supporting policies seek to manage urban growth and development. The proposed development is within the existing urban area and is a logical expansion onto the adjoining site which makes efficient use of existing land and infrastructure. As noted earlier in my evidence, a well-functioning service station which is open 24-hours enhances community resilience by providing an essential service.
- 135.** Objective 4.6 and its supporting policies seek to ensure hazardous substances, contaminated land and waste materials do not harm human health or the quality of the environment. I consider the proposal is consistent with this objective and policies for the reasons set out in paragraph 132 above. All of these matters will be managed appropriately and to a high standard.
- 136.** Objective 5.3 seeks to ensure sufficient land is managed and protected for economic production and Policy 5.5.3 considers the distribution of commercial activities. Part (c) of the policy seeks to avoid unplanned extension of commercial activities that have significant adverse effects on town centres, including the efficient use of infrastructure, employment and services. Part (d) seeks to enable smaller town centres to service local community needs. The proposed extension to the existing commercial activity is minor and incidental, and will not have significant adverse effects

on the Mosgiel town centre. It will also make efficient use of existing infrastructure and provide employment and a service to the community.

- 137.** I consider that the proposed redevelopment will not be contrary to the objectives and policies of the Proposed RPS. I note that the Planning Officer agrees with this, concluding that the proposal is consistent with the Proposed RPS.

POTENTIAL EFFECTS ON THE ENVIRONMENT

- 138.** I have largely addressed the various actual and potential environmental effects of the proposal earlier in my evidence as part of my analysis of the relevant planning documents, but will cover the effects again in this section for the sake of completeness. An assessment of potential effects of the activity on the environment is included in the AEE submitted in July 2017. This includes visual effects, signage, roading and traffic effects, noise effects, glare, hazardous substance storage and effects during construction.
- 139.** These potential effects and others have been raised by submitters and are addressed further below under the heading of 'Submissions'.
- 140.** Positive effects were also addressed in the AEE and these mostly related to the environmental benefits of the proposed redevelopment such as:
- (a) the opportunity to assess and manage sub surface soil and groundwater quality;
 - (b) installation of a new underground petroleum storage system with double skinned fibreglass tanks;
 - (c) double containment around remote fill and dispensing areas;
 - (d) automated leak detection and remote monitoring;
 - (e) improved operational drainage and stormwater treatment;
 - (f) standardised emergency procedures and preparedness through the BP supplier network; and
 - (g) containment and recycling of rainwater for use in the retail facility.

141. There are also a number of other positive effects such as:

- (a) a reduction in the number of vehicle crossings on Gordon Road, making it safer for pedestrians, cyclists and mobility scooters to travel past the service station as there are fewer opportunities for conflicts with vehicles;
- (b) a dedicated pedestrian path from the footpath to the entrance to the convenience store meaning that pedestrians can enter the store without crossing the forecourt;
- (c) an improvement to the forecourt layout and an increase to the number of lanes which will avoid the need for queuing onto Gordon Road which I understand occurs now during peak times;
- (d) increased fuel storage which results in efficiency gains and resilience, including reducing the frequency of delivery vehicles;
- (e) proposed 24-hour operation which will increase convenience and ensure that the community's needs can be met; and
- (f) enhanced public safety through passive surveillance and the presence of well trained staff on site at all times

Conclusion on effects

142. It is my opinion that effects on the environment, including the residential character and amenity of the adjoining residential properties will be no more than minor. This is based on the fact the activity is an existing use, which is located in a residential zone. The redevelopment will result in a commercial activity immediately adjacent to 68 Gordon Road and 41A Irvine Street where there was previously a residential site, however these activities are limited to the car wash and parking area. As noted in my evidence, a number of measures are proposed to mitigate effects associated with the car wash, including limiting the hours of operation. As noted earlier, I also consider that the assessment of effects is highly relevant to the assessment of the proposal against the objectives and policies of relevant planning documents.

143. Construction effects will be short term in duration and will be undertaken in accordance with the Environmental Management Plan attached as Appendix D to the AEE which includes management and mitigation measures to avoid, remedy or mitigate adverse environmental effects.

SUBMISSIONS

- 144.** Two submissions of support and eight submissions in opposition were made in relation to the application. I understand from the section 42A report that Mrs Rosalie Cabral of 41A Irvine Street has withdrawn her submission of support. NZTA has provided written approval to the proposal.
- 145.** Key matters raised in the submissions are loss of amenity values due to noise, traffic and lighting. At the outset, I note that BP is a highly experience operator that knows its business very well. It has reliable data relating to potential noise, traffic and lighting effects as a result of numerous developments which have occurred throughout New Zealand.

Noise

- 146.** Several submitters have concerns regarding an increase in noise levels as a result of the addition of the proposed car wash and the extension to the hours of operation. A noise assessment was undertaken by SLR Consulting NZ Ltd to consider the effects of noise emissions from the proposed development on surrounding sites. The assessment considered noise from all noise sources including vehicle movements, the car wash and vacuum cleaning unit, and the mechanical plant and fuel deliveries. The predicted noise levels, which take into account the proposed acoustic screening, intervening/adjacent buildings and site topography, showed that the proposal generally complies with the established noise limits of the District Plan. An exceedance of 1-2 dB of the night-time noise limit is predicted at four locations however the assessment considered this to be negligible because differences of 1-2 dB in noise levels are considered to be imperceptible.
- 147.** It is proposed that the car wash and associated vacuum operate 7:00am to 9:00pm Monday to Friday and 8:00am to 9:00pm Saturday, Sunday and statutory holidays. Mr Chandler has provided information on typical carwash durations and average usage per day across all of its sites. This information is attached as **Appendix 6** and demonstrates that the majority of carwash usage is between the hours of 8:00am to 6:00pm. The average use per day between 6:00pm and 9:00pm is three which represents one carwash per hour for a duration of 7-8 minutes. Given this low usage after 6:00pm at night and for limited duration, it is considered that the effects of this are less than minor and

operation until 9:00pm is appropriate. Potential noise effects, including effects of increased traffic, heavy vehicle movements, car wash and plant noise are further addressed in the evidence of Mr Runcie.

- 148.** A couple of submitters have raised concerns regarding the potential for antisocial behaviour during the extended hours of operation. I consider this is unlikely to occur as the service station will be illuminated, staffed and have security cameras operating on the forecourt and within the convenience store. If any antisocial behaviour were to occur, BP would co-operate fully with New Zealand Police and security footage would be shared. There is the potential for the 24-hour operation of the BP site to enhance public safety through passive surveillance and the presence of well trained staff on site at all times.

Traffic

- 149.** Several submitters have raised concerns regarding a potential increase in vehicle movements and associated noise. A transportation assessment was undertaken by Traffic Design Group (**TDG**) which assessed both internal parking and circulation and effects on the surrounding road network. In terms of traffic generation, the assessment notes that the number of vehicle movements are influenced by the volumes of passing traffic. People generally do not make a special trip to a service station but rather pull in to refuel while travelling to or from another destination. The additional dispensers will make the service station easier to use and will reduce the likelihood of queuing on Gordon Road during peak times. This may make the service station more attractive to some passing traffic as will the larger convenience store and car wash. The transportation assessment estimates that this will result in an additional 20 vehicle movements to and from the site per hour at peak times and when averaged over a 60 minute period, this is unlikely to be noticeable. Potential traffic effects are further addressed in the evidence of Mr Rossiter.
- 150.** With regard to vehicle movements at night time after the existing closing time of 11:00pm, the transport assessment notes that survey data from the service stations indicated that at least 75% if the vehicle movements were associated with pass-by travel patterns. This figure is likely to increase with the removal of the licensing agency and workshop therefore a higher proportion of movements will be associated with the service station. Service stations are generally not destination businesses, particularly after 11:00pm at night. I consider it likely

that vehicles using the service station after 11:00pm at night will be travelling on Gordon Road already and will merely divert into the service station. Traffic volumes provided in section 3.1 of the transportation assessment indicate that traffic volumes on Gordon Road after 11:00pm at night and before 6:00am in the morning are extremely low.

- 151.** One submitter has raised concerns regarding the no stopping lines proposed either side of the vehicle crossings. These are proposed in order to maintain visibility for vehicles exiting the service station. Activities in the area which may generate parking requirements include the service station itself and the adjacent veterinary clinic. I note that both have sufficient on-site parking to avoid the need for on street car parking. Tyrepower on the other side of Gordon Road also has sufficient on-site parking. Given the nature of the commercial activities in the area, and the existing and proposed on-site parking available, I do not consider that the loss of parking outside the service station will affect parking availability in the area. I note that Mr Rossiter, in paragraph 45 of his evidence, concludes that the proposed changes to the on-street parking on the site frontage will not have any noticeable effect on parking in the area.

Lighting

- 152.** Concerns have been raised regarding the effects of lighting on adjacent properties from the proposed 24 hour operation. This was also of concern to BP given the layout of the new forecourt in relation to the rear boundary, so a lighting assessment was undertaken by Lawrence Jones Partners Limited. Based on the original lighting design, compliance was not achieved with the 8 lux light level of the District Plan. As detailed in the AEE, 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. Potential lighting effects and details on how the reduced light output will be achieved are further addressed in the evidence of Mr Gilbey.
- 153.** The owners of 69A Gordon Road have raised concerns regarding headlight glare from the carwash end crossing. Glare from car headlights is not a matter which is controlled by the Dunedin City Plan, however it is an effect which may be considered. I note that no vehicle crossing onto Gordon Road is proposed from the car wash. Cars will exit the carwash and turn to the north before exiting

at the southern most vehicle crossing onto Gordon Road. This crossing is in approximately the same location as the existing crossing. Landscaping is proposed in front of the car wash exit and I consider that it would be appropriate that this be maintained to a height of 1.2m. This would mitigate the effects of headlight glare while also maintaining visibility at the vehicle crossing. I further note that it is proposed that the carwash does not operate after 9pm at night. Mr Gilbey has further addressed this issue.

- 154.** I note that the residential properties directly across the road from the existing vehicle crossings (71 and 73 Gordon Road) have existing mature planting on the front boundary which will adequately screen headlight glare. In addition, the northern most vehicle crossing has been reduced in length and has shifted further north and away from 73 Gordon Road.
- 155.** Concerns have been raised regarding the illumination of the main pylon sign. I note that only the information on the proposed sign is to be illuminated. The words are 'cut out' so only these parts of the sign are illuminated. For example, the BP Helios button will be illuminated but the area around this graphic at the top of the sign will not. This illumination will also be controlled by a PLC lighting controller so can be easily adjusted to ensure an appropriate level of illumination and to avoid nuisance to adjoining residential sites.
- 156.** With regard to the health effects of long term exposure to LED lighting, I note that I am not a health professional nor have any expertise in this matter. From my understanding of the issue, it seems that research is in the early stages and that computers, tablets and smart phones that have LED screens are probably worse for our eyes than LED lightbulbs because we look directly at them for extended periods. Most dwellings now have LED downlighting, LED televisions and other LED displays that are likely to result in greater exposure to this light source. In addition, many municipal street lights are being replaced by LED lighting due to their greater efficiency and for long-term sustainability reasons. Given these factors, it seems unlikely that long term health effects would extend off site to neighbouring properties.

Odour

- 157.** One submitter has raised concerns regarding odour and potential effects from cars queuing to use the carwash. I note that the most popular carwash is

generally the middle priced option which has a 7.5 minute wash cycle. It is not rational behaviour for a motorist at a car wash to leave their vehicle idling for this length of time. It is also unusual to see more than 1 or 2 cars queuing for a car wash at any time. Car wash codes are valid for 30 days. While I consider that the effects of fumes from vehicle exhausts will be less than minor, I see no issue with including signage at the entry to the carwash which states “no idling” as requested by the submitter.

Hazardous Substances

- 158.** One submitter has raised concerns regarding LPG storage in cylinders. LPG gas is a flammable gas with a UN substance classification of 2.1.1. It is a well known substance widely stored and used in New Zealand. I have worked with OnGas (a business of Vector Limited) for a number of years and have prepared applications for bulk storage and cylinder storage facilities for new residential subdivisions, hotels and restaurants. I understand that LPG storage in bottles is a very safe activity, and similar facilities are installed in schools, restaurants and small commercial premises etc. In the unlikely event of a bottle leak, the LPG would quickly evaporate eliminating any risk. If it was somehow ignited (which is unlikely as smoking will not be allowed in the vicinity of the facility and electronic devices such as cell phones will also be restricted), it would simply burn off until expended (this is a highly unlikely scenario).
- 159.** LPG services offered at the site will be a bottle swap facility. The existing four tonne storage tank will be removed. The LPG service provider will collect empty cylinders and deliver new cylinders to the site. When the cylinders are filled at a facility off-site they are tested for faults and are leak-tested. Any cylinders which have faults or have reached the end of their life are removed from circulation.
- 160.** The site will be operated in accordance with the HSNO and Regulations under an appropriate authorisation. The facility requires certification by a test certifier approved by the Environmental Risk Management Authority (**ERMA**) under Regulations to the HSNO, which specify the setbacks for the storage of LPG from property boundaries and sensitive activities.
- 161.** The cylinders will be securely stored within cages and the site will be managed in accordance with AS/NZS 1596 (The storage and handling of LP Gas). The

cages will be securely locked to prevent unauthorised entry. Compliance with the HSNO and Regulations will ensure that the facility is safe.

- 162.** The underground fuel storage has not been raised as an issue by submitters. The proposed design, monitoring and spill prevention measures for the new tanks are set out fully in the AEE. The environmental benefits of the new fuel system are set out in paragraph 140 of this evidence. The site will also operate in accordance with the Operational Environmental Management Plan included in Appendix J to the AEE and adhere to the regulatory regime as described in the evidence of Mr Chandler.

Fencing

- 163.** Initially it was proposed to fence the three internal boundaries of the site with a 2m high acoustic fence. This will reduce to 1m in height from the north eastern corner of the shop to the road boundary in order to maintain visibility for vehicles exiting the site. Following consultation with adjoining property owners to the rear of the site, it is proposed to offset the fence 600mm from the boundary and increase the height of the fence to 3m adjoining 41A Irvine Street.
- 164.** Mr Stephen of 37A Irvine Street has requested in his submission that land between posts 2, 3 and 4 as shown on the Proposed Fence Plan with Sections, is lowered to the original land contour to give a level building site. A copy of this plan and plans showing the site levels, which were not submitted with the application, are attached as **Appendix 4**. It is acknowledged that there is a historic change in level between the service station site and the residential properties on the rear boundary, however proposed ground levels on the service station site will be similar to existing ground levels. Philip McConchie of Spencer Holmes Limited has advised that it is not possible to lower the site as currently the rear of the site is lower than the front in the area between the canopy and the back of the shop. The stormwater drain from this area is almost flat to get to the connection on the corner of Mure Street and Gordon Road. If the site was lowered any further, it would not be possible to discharge to the stormwater network. The reason for offsetting the fence by 600mm along the entire rear boundary of the site is to mitigate the effects of the 2m high fence in close proximity to adjoining dwellings. I consider that this will adequately mitigate the visual effects of the acoustic fence and further allows for landscaping on the submitters side of the fence if desired.

Signage and visual effects of car wash

- 165.** Judith and Eric Kirby of 68 Gordon Road have expressed concerns regarding the height of the proposed pylon sign and the BP green corporate colour scheme of the southern elevation of the car wash which adjoins their property.
- 166.** With regard to the main identification pylon sign, I note that the typical height of these signs is 9m as their purpose is to notify traffic from a distance that they are approaching a service station. I accept however that a 9m high sign may not be consistent with the built form of Mosgiel and agree that it could be reduced in height. I note that BP have confirmed that the existing main identification sign is 7.5m in height and I consider that it would be appropriate to reduce the height of the proposed sign to the same as the existing. BP has modified its proposal to volunteer this. It is further proposed, after consideration of comments by Council's urban designer, to shift the pylon sign approximately 22m to the north so it is setback from the boundary with 68 Gordon Road by approximately 38m. Council records identify that resource consent was granted for a new freestanding sign in 2004 and this sign was established, therefore a sign of this height forms part of the existing consented environment. I consider this to be appropriate for the site.
- 167.** With regard to the southern elevation of the proposed carwash, I have discussed this with Mr Chandler who has confirmed that this elevation of the carwash can remain a white colour. It is also proposed to retain the existing hedge which is established on the boundary between the two sites. The acoustic fence will be erected on the inside of this hedge to ensure an existing and effective screen between the two sites is maintained. This hedge along with the proposed landscaping will further mitigate the visual effects of this elevation of the carwash.

Expansion of the site onto Residential 2 Zone land

- 168.** A number of submitters have raised concerns regarding the proposed expansion of the site onto adjoining Residential 2 zoned land. Potential effects on amenity are considered above. Other matters for consideration include the need for expansion, loss of residential coherence and loss of housing stock.

- 169.** As previously noted, the service station has existed on this site for over 40 years and is due for redevelopment. The site, while residential, fronts on to a busy main road and is also close to the commercial area of Mosgiel. Modern service stations have different requirements to those built in the past. They are now larger and more spacious with better access and on-site manoeuvring. People and communities expect services such as a carwash and the convenience of purchasing a coffee and food. More dispensers are provided as people tend to spend longer on the forecourt than was previously the case. The existing site has a small forecourt at the front of the site and this layout often results in queuing onto Gordon Road during peak time. In this case, it is not possible to build a modern service station on the existing site and therefore expansion onto the adjoining site is necessary.
- 170.** With regard to residential coherence, I note that the existing service station site is located at the southern end of the retail area of Mosgiel which takes the form of strip development along Gordon Road. The proposed 2GP proposes to extend this zoning to include the existing service station site and I note that no submissions opposed this proposed zoning. It is not uncommon for service stations to be located within residential zones as they provide a service to the community and are required to be strategically distributed throughout cities and towns. I also note that the policies of Section 15 Residential Zones of the proposed 2GP allow non-commercial activities in residential zones under certain conditions. The existing environment already compromises a mix of commercial activities (including the veterinary clinic and Tyrepower Otago), residential activities and community support activities (Gospel Church).
- 171.** The reason for the residential coherence rule is to retain residential activity in the town's living areas and to ensure that residential neighbours are maintained for security, friendship and fellowship. While it is proposed to expand the service station onto the adjoining site at 70 Gordon Road, which was previously used for residential activities, this will not leave the occupiers of 68 Gordon Road without residential neighbours. While the township is slowly encroaching on land to the south, residential activity is maintained to the rear of 68 Gordon Road and opposite Gordon Road and Mure Street. I note that the proposal is not for a new non-residential activity but rather the expansion of an existing activity.
- 172.** With regard to the loss of housing stock, I consider that the loss of one dwelling will not seriously compromise the availability of housing when considered in

context of the total supply of housing in Mosgiel and recent growth in the market, which is also likely to result in the need for commercial growth.

Property values

- 173.** Firstly, it is noted that the service station has existed on this site since the 1960s so already forms part of the existing environment. Secondly, it is noted that effects on property values are not a relevant consideration under the Resource Management Act in determining whether a resource consent should be granted. This is well supported in case law and is further discussed in the submissions of Mr Winchester.

OFFICER'S REPORT AND CONSENT CONDITIONS

- 174.** I do not agree with the Officer's Report and the conclusion reached in relation to the actual and potential effects of the application, except as specified below.

Existing Environment

- 175.** I agree with the Planning Officer's assessment of the existing environment. The existing service station site at 72 - 76 Gordon Road was lawfully established and had existing use rights prior to the authorisation of various activities on the site by way of resource consent, notably the establishment of the existing pylon sign and replacement of the underground fuel tanks. I agree that the established effects of the service station form part of the existing receiving environment and it is the effects beyond those, being the expansion of the activity onto 70 Gordon Road that should be considered.

Sustainability

- 176.** I have undertaken a full assessment of the proposal against Section 4 Sustainability in paragraphs 54 - 61 of my evidence. These policies recognise that adverse effects can occur and it is only where those effects are "significant" that such use and development should be avoided. The proposal is also consistent with Policies 4.3.2 and 4.3.3 with regard to infrastructure servicing. Therefore, I disagree with the Planning Officer's assessment that the proposal is not a sustainable use of residential zoned land.

Noise

- 177.** Potential noise effects have been discussed above and in the evidence of Mr Runcie. I wish to discuss the Planning Officer's comments in paragraphs 83 and 85 that a *"change in the noise environments to the maximum permitted levels or close will have at least minor effects"*. I do not agree that an activity with a permitted level of effect, whether it be close to the permitted limit or not can be considered to have minor or more than minor effects. The mere fact that there is a change in activity at night time does not mean that the effects are "unreasonable". This approach would suggest that no new development can occur even if it complied with permitted noise levels. The District Plan noise limits went through a public consultation process and were determined by the Council and the community to be an acceptable limit in this environment.

Lighting

- 178.** Potential light spill and illumination effects have been discussed above and in the evidence of Mr Gilbey. Mr Gilbey has confirmed that the adjustments proposed to the canopy lighting will be achieved by automatic controls built into the lighting control system which will not be accessible to the site operator to override or adjust. Similarly, he has recommended that the pylon sign be fitted with dimmable control gear to allow the automatic adjustment of the light output after 10pm. Mr Gilbey has confirmed that the proposed external lighting at the site will fully comply with the performance standards of the District Plan.
- 179.** The Planning Officer has taken a similar view with regard to lighting that even though the proposal will comply with the permitted 8 lux limit, *"it is still considered a significant change to the existing light environment which is likely to have minor effects on the properties at 35 and 37A Irvine Street"* (paragraph 96 s42A Report). Again, I disagree with this view. The District Plan permits lighting to an 8 lux limit and just because it represents a change to the existing environment, does not mean that the effects will be significant or minor, particularly when considered in terms of the environmental setting of the site and lighting from other sources. I also note that Mrs Sutherland of 35c Irvine Street submitted in support of the application.

Bulk and location of buildings or structures

180. The Planning Officer considers that the proposed development is out of scale with the surrounding environment in terms of bulk and location and notes that the bulk will be on a much larger scale. Existing buildings on site total 819m² and consist of the following:

- | | | |
|-----|--|-------------------------|
| (a) | existing dwelling on 70 Gordon Road (now demolished) | 170m ² ; |
| (b) | existing garage on 70 Gordon Road (now demolished) | 59m ² ; |
| (c) | existing workshop and convenience store | 448m ² ; and |
| (d) | existing canopy | 142m ² |

181. New buildings on the site will total 863m² and consist of the following:

- | | | |
|-----|----------------------------|-------------------------|
| (a) | proposed convenience store | 305m ² ; |
| (b) | proposed canopy | 486m ² ; and |
| (c) | proposed carwash | 72m ² |

182. While the Planning Officer is correct that the canopy has tripled in size, overall there is not a significant increase in the bulk of buildings on site. Buildings on site are currently concentrated on 72 - 74 Gordon Road and the redevelopment will result in a more balanced use of the site with the development spread over all four sites. I further note that the canopy is an open structure which will allow views into the site and therefore will not present as a solid building.

183. The Council's Urban Designer, Mr Luke McKinlay has assessed the proposal and considers that it will not have adverse visual effects on those properties adjoining the site to the west on Irvine Street, due to the 2m high acoustic fence which will provide visual screening and the fact that structures on the site comply with setback and height recession planes. He further notes that the narrow faces of the canopy, convenience store and car wash will face this direction which reduces the apparent visual bulk of the development.

184. With respect to 41A Irvine Street and 2 Mure Street, Mr McKinlay considers that visual effects will be largely mitigated by the acoustic fence. For the residents opposite the site at 77 Gordon Road, Mr McKinlay considered that the existing amenity derived from view of the metal yard and parking/manoeuvring area were low and as such, effects of the proposed development on existing visual amenity

were considered to be low. 71 and 73 Gordon Road are opposite the existing service station site and contain tall mature amenity planting. 75 Gordon Road is the site of the Gospel Hall.

- 185.** Mr McKinlay considered that effects would be most noticeable for 69 Gordon Road which is located opposite the car wash and 68 Gordon Road which is adjacent. In terms of 69 Gordon Road, Mr McKinlay has recommended landscaping with taller plants than the low native planting that was proposed as part of the resource consent application. I agree that taller planting would be appropriate and note that Mr Gilbey has also recommended planting to at least 1.2m in height to mitigate potential effects from headlight glare. I have discussed this proposed mitigation with BP and they have amended the proposed plans to include a box hedge of 1.2m in height in front of the carwash. This proposed hedge will be planted on an angle so that it does not block visibility for vehicles exiting the service station and compromise safety.
- 186.** In terms of 68 Gordon Road, Mr McKinlay considers that effects will be associated with the replacement of the existing hedge with the acoustic timber fence and the installation of the 9m high pylon sign. He recommends tall planting on the southern boundary of the site to provide visual mitigation of the pylon sign and notes that potential adverse effects of the sign could be reduced by maintaining the existing location of the sign. I note that Mr McKinlay's assessment was undertaken on 10 August 2017 and since that time BP has amended the proposal to include retention of the existing hedge, a white colour palette on the southern elevation of the car wash, and the reduction of the height of the pylon sign from 9m to 7.5m. BP has further considered the suggestion that the pylon sign be retained in its current position and while this is not possible, it can be shifted to the middle of the landscaped strip between the two vehicle crossings so that it is approximately 38m from the northern boundary with 68 Gordon Road.
- 187.** I agree with Mr McKinlay that the proposed redevelopment "*will not have an unacceptable effect on the existing visual character of the wider surrounding area*" and consider that the proposed mitigation will adequately address the localised effects on 68 and 69 Gordon Road.

Hours of Operation

- 188.** The Planner's Report considers the hours of operation to be excessive in the context of the residential environment and in paragraph 111 refers to the "*significant noise generated from these activities*". Firstly, it is noted that it is proposed to rezone the majority of the site to Principal Centre in the Proposed 2GP and there have been no submissions opposing this zoning. This demonstrates that the Council consider a commercial zoning appropriate for the site and this has been accepted by the community. The parcel of land on which the car wash is proposed will retain its residential zoning, however I note that the car wash hours of operation will be restricted.
- 189.** Secondly, I disagree with the Planning Officer that the site will generate "significant" noise. I have relied on the noise assessment prepared by Mr Runcie who has worked in the field of acoustic consultancy for more than 10 years. As noted in his evidence, a number of mitigation measures are proposed to ensure that noise from the site will comply with the District Plan noise limits including roller shutter carwash doors, quiet mechanical plant, acoustically effective boundary screening around the mechanical plant compound and around the entire site. Simply because it is proposed to extend the hours of operation of the service station does not mean there will be a significant increase in noise levels. If the context of the residential environment is correctly assessed (bearing in mind the wide range of existing environmental influences), it is not credible on an effects basis to conclude that the hours of operation will in itself be excessive. In addition, there is no explicit policy direction that I have identified which states that 24 hour operation of activities is inappropriate and/or discouraged.

Amenity Values and Character

- 190.** I have discussed potential effects of visual bulk in paragraphs 180 - 187 above. The Planning Officer appears to agree with Mr McKinlay's assessment that effects on adjoining properties are limited to the visual effects of the car wash on 69 Gordon Road and the visual effects of the pylon sign on 68 Gordon Road. She notes that the proposal will not have unacceptable visual effects on the properties bordering the site to the west on Irvine Street and effects on the residents at 77 Gordon Road will be low. However, she goes on to conclude that the design does not reflect the character, scale and amenity of the surrounding area.

- 191.** I note that the service station has formed part of the existing environment since the 1960s and the site will be rezoned Principal Centre when the proposed 2GP becomes operative. The expansion onto the adjoining residential site is for the car wash only which is a small building of 72m² in area. It is proposed that there will be no lighting or activity occurring on this part of the site after 9pm. The remainder of the site that will continue to operate after 9pm will be part of the Mosgiel Principal Centre and will comply with the noise and lighting requirements of the District Plan.
- 192.** I agree with the Planning Officer that the proposed redevelopment will result in a noticeable change in term of the appearance of the service station. However, I do not agree that this will result in adverse effects on visual amenity. As noted earlier, the service station has existed on the site for a number of years and is now looking tired and in need of upgrading. The proposed redevelopment will result in a new, modern service station with the latest technology and environmental design and may well be perceived as a significant improvement. Careful consideration has gone into the design of the site to minimise impact on adjoining neighbours including the siting and orientation of buildings on site. Boundary fencing, planting, reduced light output and restricted hours of operation for the car wash will ensure that amenity is maintained.

Signs

- 193.** As noted above, service stations typically have a high level of signage, including information and directional signage essential for the safe functioning of the service station. The Planning Officer considers that the BP corporate branding is not in keeping with the surrounding environment, however I note this colour scheme has formed part of the existing environment since at least 2004. BP has considered the urban design assessment of Mr McKinlay that potential adverse visual effects of the pylon sign could be reduced by retaining the sign in its existing position. While this position cannot be achieved, it is proposed to relocate it to the centre of the landscape area between the two vehicle crossings. BP has further agreed to reduce the height of the pylon sign from 9m to 7.5m. This will also result in the removal of the proposed verge board outside the convenience store which will reduce the amount of signage in this area.

- 194.** The BP corporate colour scheme has been removed from the southern elevation of the proposed car wash but all other building and canopy signage is considered appropriate and its location on the built form makes it less intrusive than free-standing signage. I note there are a number of sandwich board signs associated with the existing BP service station which will be removed as will signage associated with driver and vehicle licensing and workshop activities.

Transport

- 195.** I note that the Council's transport planner accepts the Transportation Assessment provided with the AEE and agrees that the proposed development *"will generate only a small increased volume of traffic and will therefore have negligible adverse effects on the safety/efficiency of the transport network"*. The Planning Officer concurs with this view and I also agree with these assessments.

NES

- 196.** I agree with the Planning Officer's assessment that proposed earthworks will be temporary in nature and are unlikely to increase the risk to human health from soil contaminants.
- 197.** I note that the Council's Senior Environmental Specialist Consultant has referred to the Environmental Management Plan being a generic document. A site specific Environmental Management Plan has been prepared for this site and this is attached as Appendix D to the AEE.

Earthworks and Hazardous Substances

- 198.** I agree with the Planning Officer's assessment that potential effects from earthworks and hazardous substance storage will be less than minor. Earthworks will be undertaken in accordance with the Environmental Management Plan and hazardous substance storage will comply with HSNO regulations and relevant codes of practice as set out in paragraph 71 of this evidence. The site will also operate in accordance with BPs Operational Environmental Management Plan which includes emergency and spill management procedures.

Infrastructure and Services

- 199.** I note that no concerns have been raised by Council regarding water or wastewater services. I agree that conditions can be imposed to mitigate any potential effects on Council infrastructure.

Effects assessment conclusion

- 200.** Overall, I disagree with the Planner that effects of the proposal will be more than minor. Although the proposal will represent a change in the way the service station currently operates, the RMA does not presume no effect. I have relied on the expert evidence of Mr Runcie, Mr Rossiter and Mr Gilbey who have all concluded that the proposed redevelopment will result in either compliance with the District Plan limits or effects that are less than minor. In terms of visual effects, the proposed redevelopment will improve the visual appearance of the site and BP has agreed to a number of additional mitigation measures including:
- (a) relocating the pylon sign so that it is 38m from the southern boundary of the site and reducing its height from 9m to 7.5m;
 - (b) reducing the light output of the pylon sign after 10pm;
 - (c) removing one of the verge board advertising signs;
 - (d) removing any BP corporate colour scheme from the southern elevation of the car wash;
 - (e) retaining the existing hedge on the boundary with 68 Gordon Road; and
 - (f) increasing the landscaping in front of the car wash to a minimum of 1.2m in height.

Proposed Conditions

- 201.** I am in general support of the proposed conditions recommended by the Planning Officer, in the event the consent is granted, except with respect to Conditions 2, 3, 5, 6 and 14. I have included as **Appendix 5**, a track change version of the recommended conditions setting out the changes I consider necessary to address the concerns with these conditions.

Condition 2

- 202.** Condition 2 requires that the activity produce no greater than 8 lux of light onto any other site used for residential activity. This is more onerous than the permitted activity rule (Rule 21.5.4(i)(b)) which specifies that the light is measured at the windows at any such residentially occupied building. This should be amended as it is ultra vires for a condition to be more onerous than a permitted activity limit.

Condition 3

- 203.** Condition 3 requires that noise from activity on the site does not exceed the performance standards for permitted activities set out in Rule 21.5.1 of the District Plan. The noise assessment discusses the treatment of Sundays and statutory holidays as “night-time” in terms of applicable noise limits and notes that this is somewhat dated. I note that this has been recognised in the proposed 2GP which now applies noise limits over all seven days of the week equally, including statutory holidays. Mr Runcie has recommended appropriate wording for the noise conditions in his evidence.

Condition 5

- 204.** Condition 5 requires that the service station operate from 6am to midnight, seven days a week and the car wash is restricted to 7am to 7:30pm weekdays and 8am to 7:30pm on Saturdays, Sundays and public holidays. The Planning Officer’s principal concerns in relation to the 24 hour operation are noise and lighting. It has been demonstrated in the evidence of Mr Runcie and Mr Gilbey that both noise and light levels comply with the District Plan permitted limits, irrespective of whether it is a commercial or residential activity. Therefore, there is no legitimate reason to require reduced hours of operation. The mere fact that there will be change in activity level on the site does not result in adverse effects that are more than minor or need to be mitigated.

Condition 6

- 205.** Condition 6 requires that the 7.5m high pylon sign be located on Lots 6 or Lot 7 Block VII DP 471 and not on Lots 8 and 9 Block VII DP 471. It is proposed to relocate the pylon sign, as requested by Council, but it is not possible to retain

it in its existing position due to the change to location of the northern most vehicle crossing. It is proposed to locate the pylon sign on Lot 8 Block VII DP 471 and therefore, I seek that Condition 6 be amended to reflect this.

Condition 13

- 206.** Condition 13 requires that all works are undertaken in accordance with the Environmental Management Plan submitted with the application. I note that this is a working document and may be updated and amended as required. I consider it necessary to amend this condition by adding “*and any subsequent amendments which improve the efficacy of the document*” to the end of the condition.

Condition 14

- 207.** Conditional 14 requires the ongoing operation of the site to be in accordance with the Operational Environmental Management Plan submitted with the application. I note that this document is a working document which is regularly reviewed and amended so that it complies with current best practice. I consider it necessary to amend this condition by adding “*and any subsequent amendments which improve the efficacy of the document*” to the end of the condition.

CONCLUSION

- 208.** In my opinion, the proposed redevelopment and expansion of the existing BP Mosgiel service station onto the adjoining residential property would generate no more than minor effects and would not be contrary to the objectives and policies of the District Plan or the proposed 2GP.
- 209.** Service stations, because of their role and function, are strategically distributed through our towns and cities and are generally located on arterial transport routes. Many service stations in Dunedin are located within residential zones and are able to operate with very little adverse effect on surrounding activities. The existing service station is appropriately located on a busy transport route

and at the edge of the Mosgiel commercial centre and this is recognised by way of its rezoning to Principal Centre in the proposed 2GP.

210. The BP Mosgiel service station has a legitimate need to redevelop to address operational constraints and to upgrade infrastructure. The proposal represents significant investment in a site that has for many years accommodated service station activities and where amenity effects associated with its existing residential zone interface have been appropriately managed.

211. Submitters have raised a number of concerns around residential character and amenity effects and careful consideration has been given to those matters. The proposal has been amended to better address amenity effects and incorporates a range of design and mitigation measures that I consider will ensure potential adverse effects on residential neighbours continue to be managed to acceptable levels.



Fiona Small

30 November 2017

APPENDIX 1

Location of Submitters

BP Mosgiel – Submissions

No.	Name	Address
1	Ian Berry	2 Mure Street
2	Murray Stephen	37A Irvine Street
3	Gwendoline Bambery	69A Gordon Road
4	Leon Roff	69B Gordon Road
5	Victor & Gertruda McDonald	71 Gordon Road
6	Michael & Nicola Stuart	77 Gordon Road
7	Judith & Eric Kirby	68 Gordon Road (tenant)
8	Craig Byers	68 Gordon Road (owner)
9	Margaret Sutherland	35C Irvine Road
10	Rosalie Cabral	41A Irvine Road

 Support

 Opposed



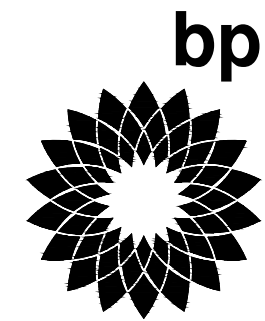
APPENDIX 2

Amended Site Layout Plans

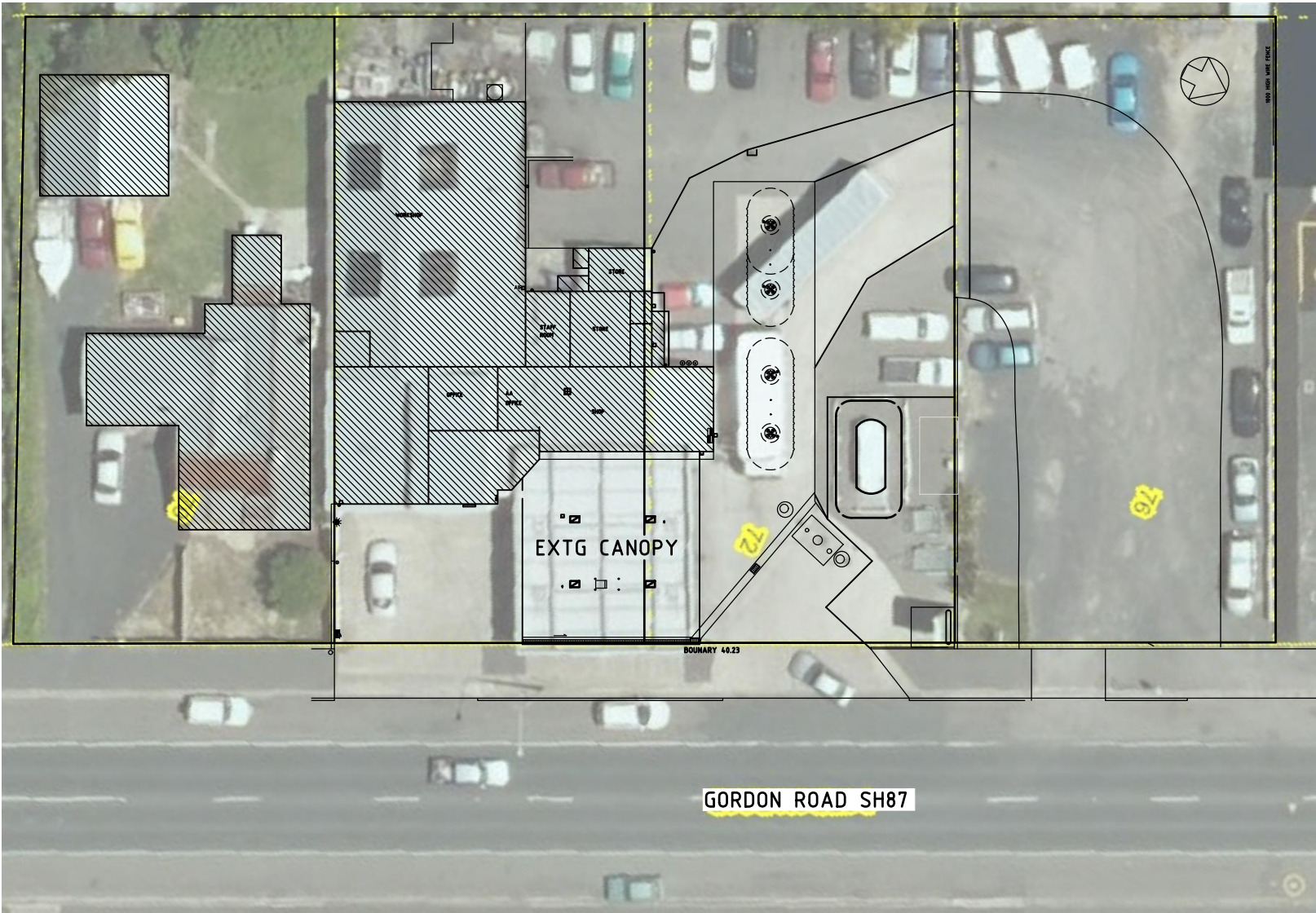
BP CONNECT MOSGIEL

SITE REDEVELOPMENT BP CONNECT SHOP,

8 LANE CANOPY, CARWASH AND SITE WORKS



DRAWING INDEX		
DRAWING	REVISION	DRAWING DESCRIPTION
3ALC1-11	G	SITE UPGRADING KEY PLAN AND DRAWING REGISTER
3ALC1-12	D	EXISTING SITE PLAN SHOWING DEMOLITION
3ALC1-13	K	PROPOSED SITE PLAN
3ALC1-14	K	PROPOSED TANKER TRACKING
3ALC1-15	H	PROPOSED AND EXISTING SITE OVERLAY PLAN
3ALC1-16	H	PROPOSED ELEVATIONS
3ALC1-17	D	INDICATIVE SERVICES PLAN
3ALC1-18	B	PROPOSED FENCE PLAN WITH SECTIONS

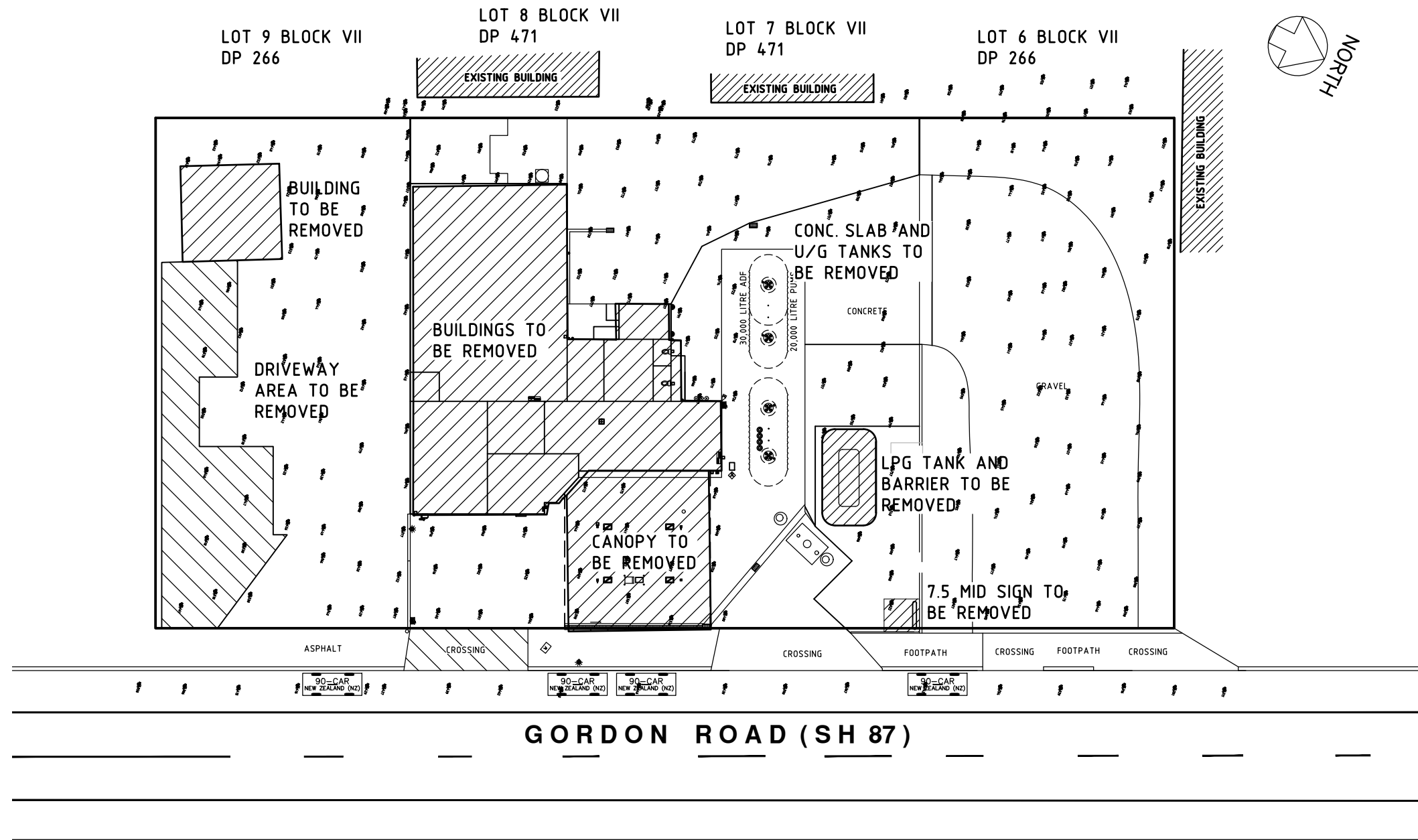


LOCALITY EXISTING SITE PLAN

SCALE 1:200 AT A1 (1:400 AT A3)

F	FENCE-MID SIGN-TRAFFIC SIGN	11/17	BB	
E	REGISTER UPDATED	8/17	BB	
D	REGISTER UPDATED	6/17	BB	
G	SIGNAGE REVISED	11/17	BB	
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PROJECT No. B2371		SPEC. No.	SCALE	AS SHOWN
			DATE	APR 2016
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			DRAWN	DGN
			CHECKED	
Do not scale. Dimensions in millimetres. If in doubt on any issue please seek verification.			ENG APP'D	
TITLE				
BP CONNECT MOSGIEL MOSGIEL				
SITE UPGRADING KEY PLAN AND REGISTER				
BP OIL NZ LTD				
DWG No.		REV.		
3ALC1-11		G		

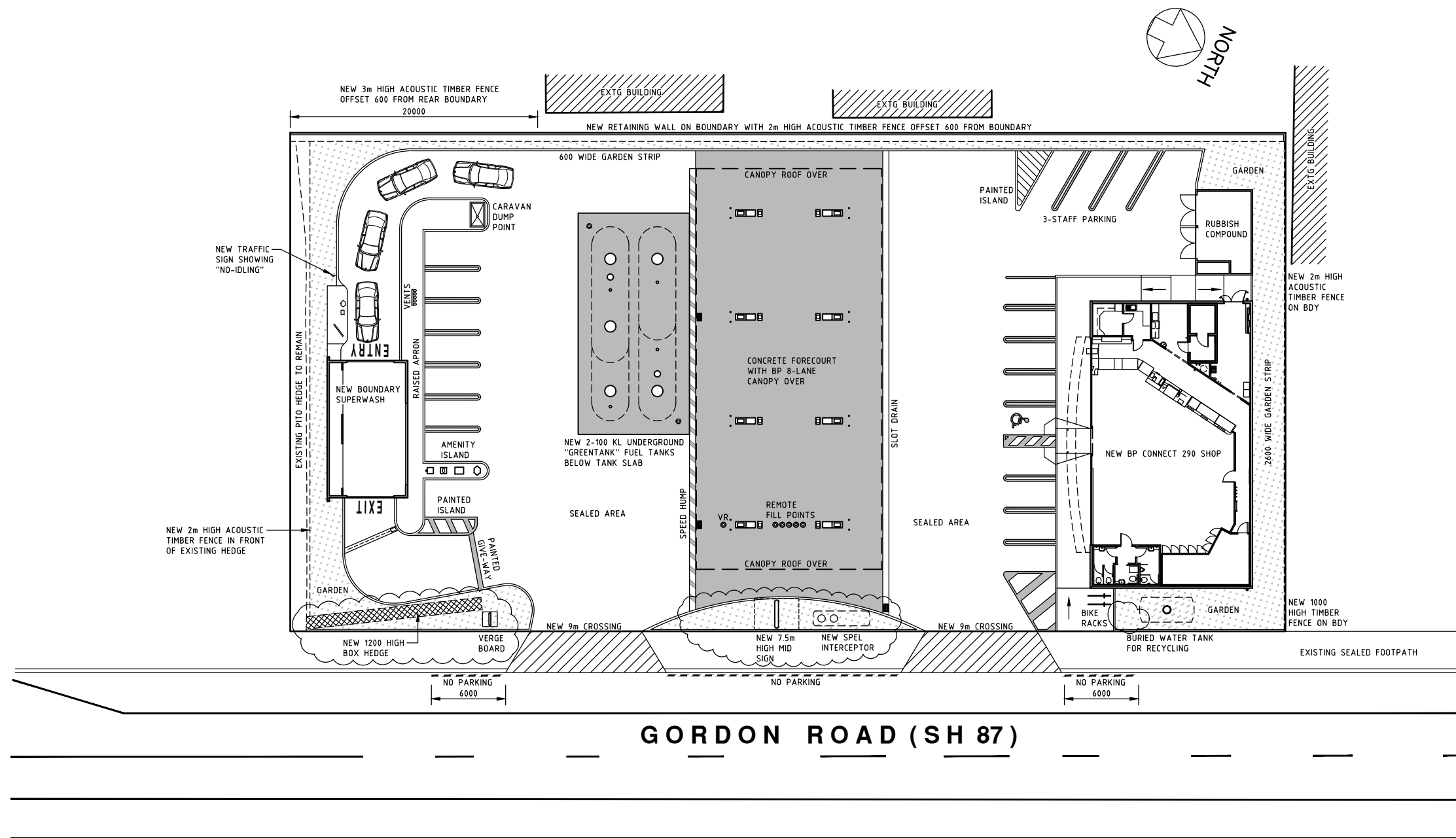




EXISTING SITE PLAN SHOWING DEMOLITION

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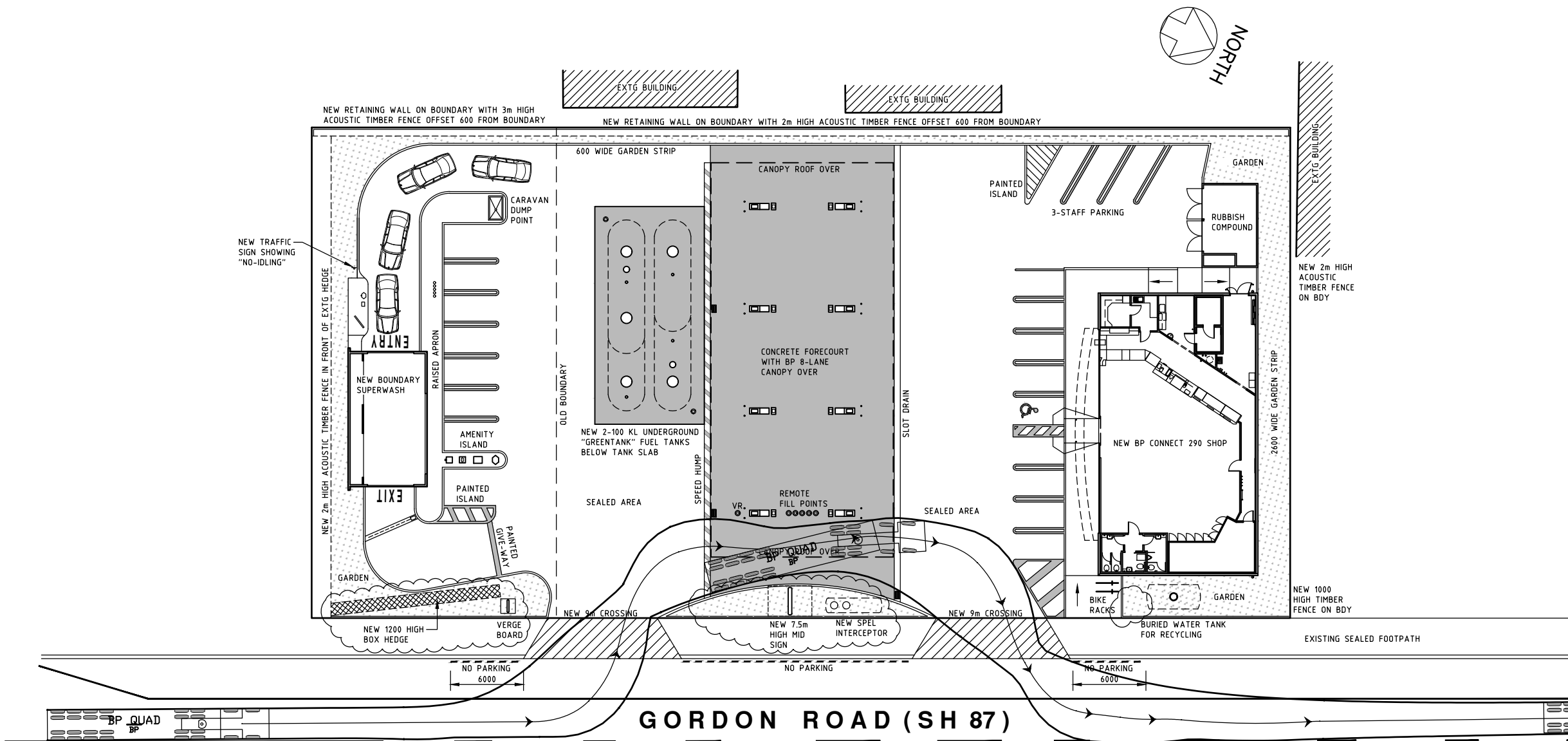
D	SITE SURVEY ADDED	6/17	BB	
C	LOT 9 INCLUDED IN REDEVELOPMENT	3/17	BB	
B	LAYOUT REVISED	07/16	DGN	
A	FISRT ISSUE	04/16	DGN	
REV.	DESCRIPTION	DATE	INIT'L	APP'D
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		DATE	April 2016	
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		DRAWN	DGN	
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BP CONNECT MOSGIEL MOSGIEL				
EXISTING SITE PLAN SHOWING DEMOLITION				
BP OIL NZ LTD				
DWG No.		REV.		
3ALC1-12		D		



GORDON ROAD (SH 87)

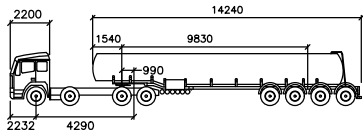
ALTERED SITE LAYOUT PLAN FOR NEW BP SERVICE STATION
SCALE 1:200 AT A1 (1:400 AT A3)

K		SIGNAGE REVISED	11/17	BB
J		FENCE-MID SIGN-TRAFFIC SIGN	11/17	BB
H		FENCE AT REAR, TANKS MOVED	8/17	BB
G		SHOP, CANOPY VENTS, SPEL MOVED	6/17	BB
REV.	DESCRIPTION		DATE	INIT'L APP'D
PROJECT No. B2371		SPEC. No.	SCALE AS SHOWN	
			DATE April 2016	
			DESIGNED PJM	
			DRAWN DGN	
			CHECKED	
			ENG APP'D	
Do not scale. Dimensions in millimetres. If in doubt on any issue please seek verification.				
TITLE BP CONNECT MOSGIEL MOSGIEL PROPOSED SITE PLAN				
BP OIL NZ LTD				
DWG No. 3ALC1-13				
REV. K				



ALTERED SITE LAYOUT PLAN SHOWING TANKER TRACKING

SCALE 1:200 AT A1 (1:400 AT A3)



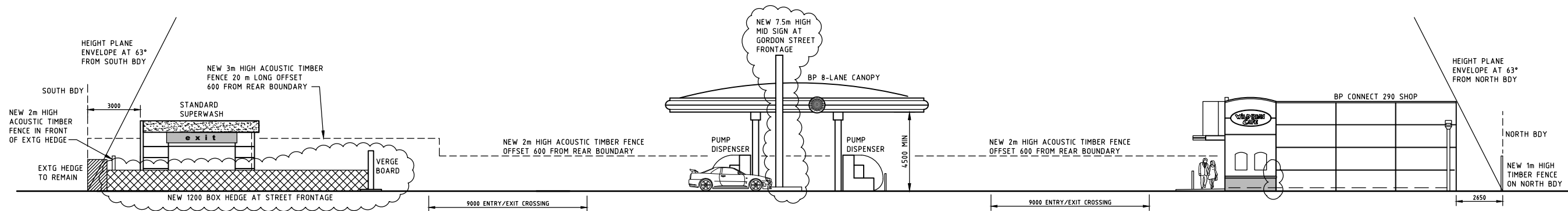
BP QUAD		mm	
Tractor Width	: 2500	Trailer Width	: 2500
Tractor Track	: 2500	Trailer Track	: 2500
Lock to Lock Time	: 6.0	Articulating Angle	: 70.0
Steering Angle	: 28.4		

K	SIGNAGE REVISED	11/17	BB
J	FENCE-MID SIGN-TRAFFIC SIGN	11/17	BB
H	FENCE AT REAR, TANKS MOVED	8/17	BB
G	SHOP, CANOPY, VENTS, SPEL MOVED	6/17	BB

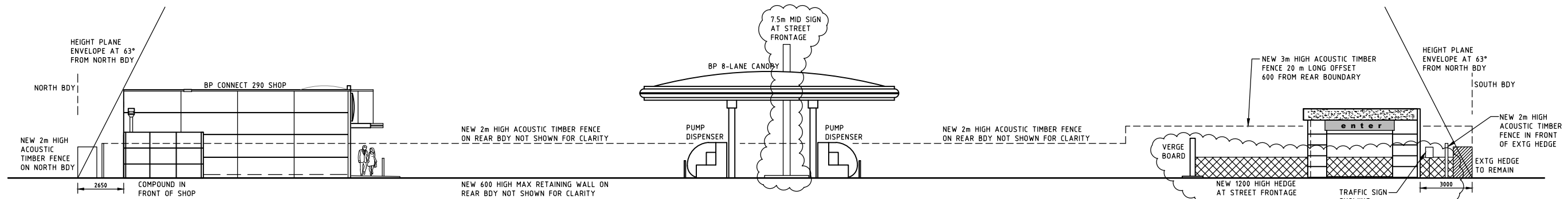
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		DATE	April 2016	
		DESIGNED	PJM	
		DRAWN	DGN	
		CHECKED		
		ENG APP'D		

TITLE
BP CONNECT MOSGIEL
MOSGIEL
PROPOSED TANKER
TRACKING

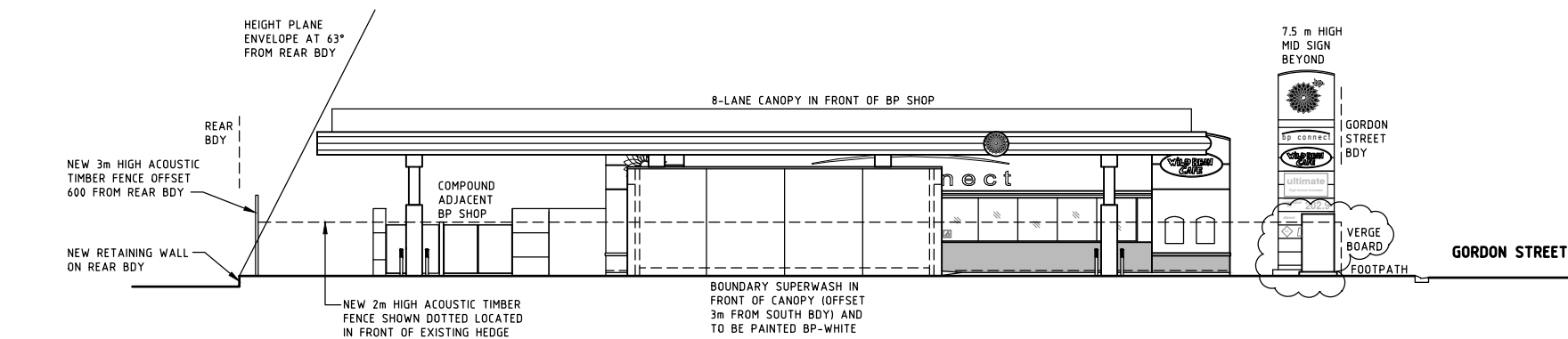
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DWG No.	REV.	
3ALC1-14	K	



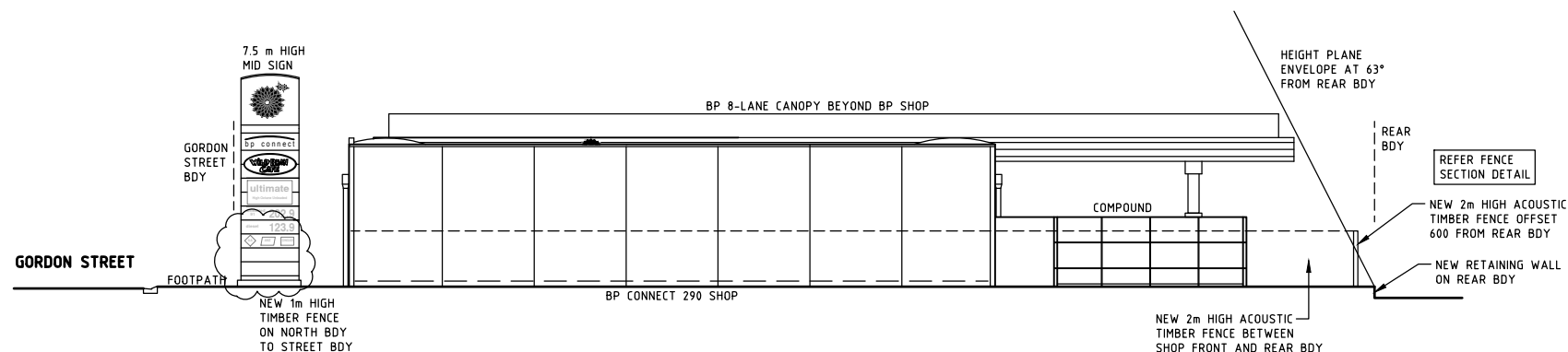
GORDON STREET ELEVATION OF SERVICE STATION (WEST)
SCALE 1:125 AT A1 (1:250 AT A3)



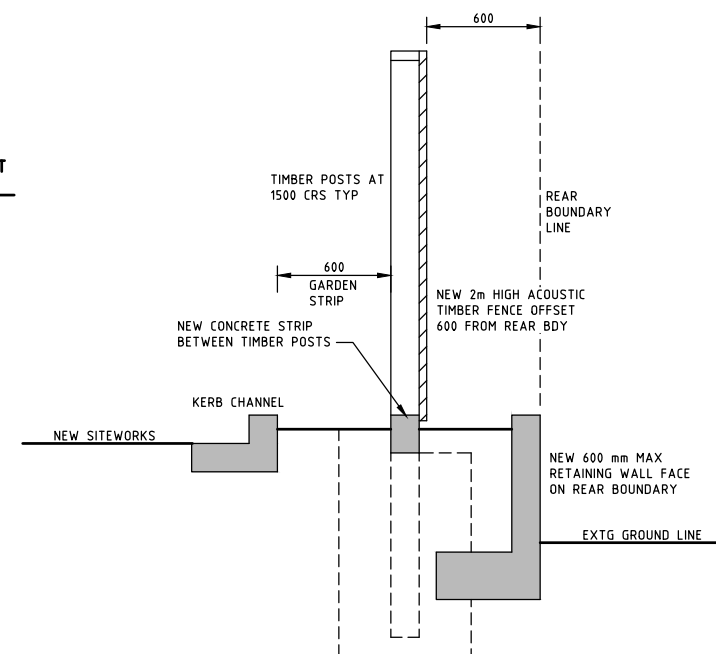
REAR (EAST) ELEVATION OF SERVICE STATION
SCALE 1:125 AT A1 (1:250 AT A3)



SOUTH ELEVATION OF SERVICE STATION
SCALE 1:125 AT A1 (1:250 AT A3)



NORTH ELEVATION OF SERVICE STATION
SCALE 1:125 AT A1 (1:250 AT A3)

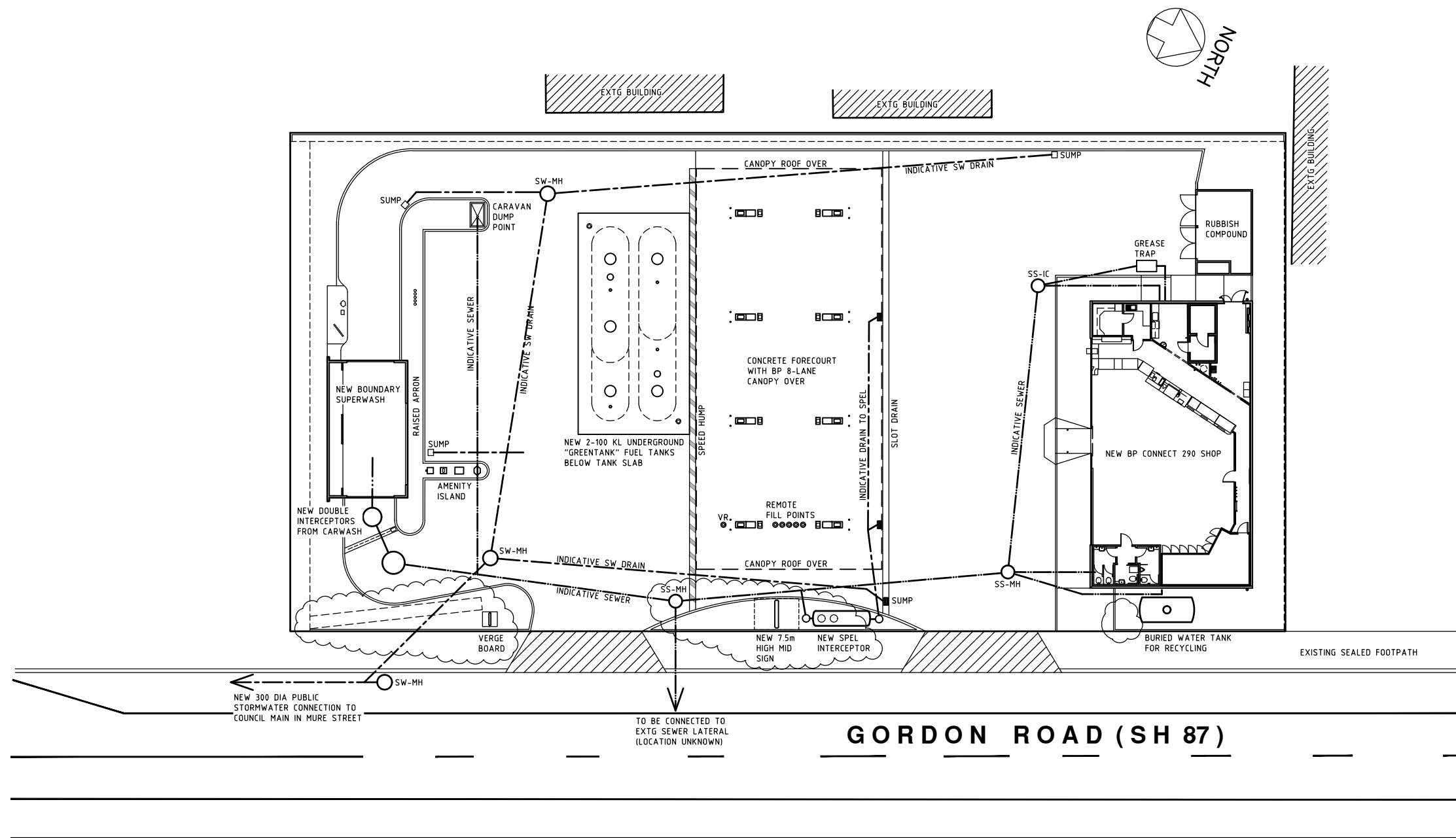


ACOUSTIC TIMBER FENCE WITH RETAINING WALL AT REAR BDY
1:20 AT A1 (1:40 AT A3)

F	FENCE AT REAR REVISED	8/17	BB	
E	ELEVATIONS REVISED	6/17	BB	
D	ADJACENT SECTION INCLUDED	3/17	BB	
H	SIGNAGE REVISED	11/17	BB	
G	FENCE-MID SIGN-TRAFFIC SIGN	11/17	BB	
REV.	DESCRIPTION	DATE	INIT'L	APP'D
	PROJECT No. B2371	SPEC. No.	SCALE	AS SHOWN
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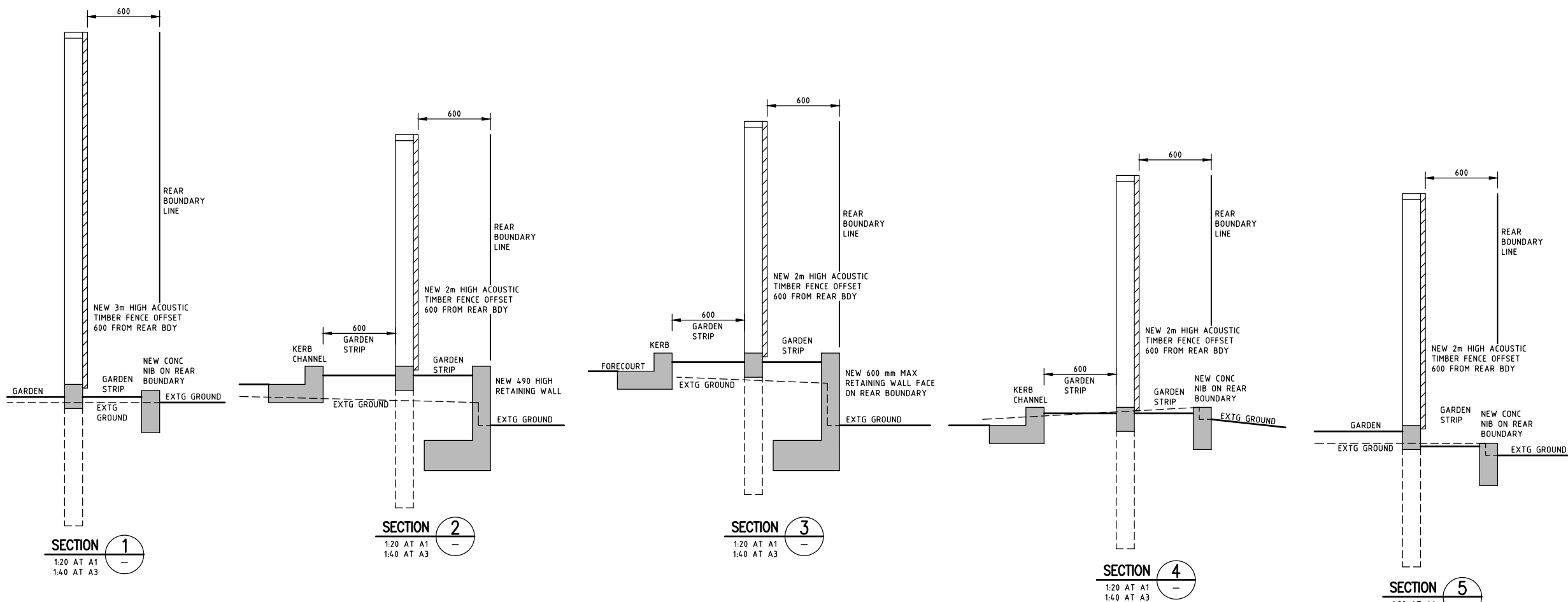
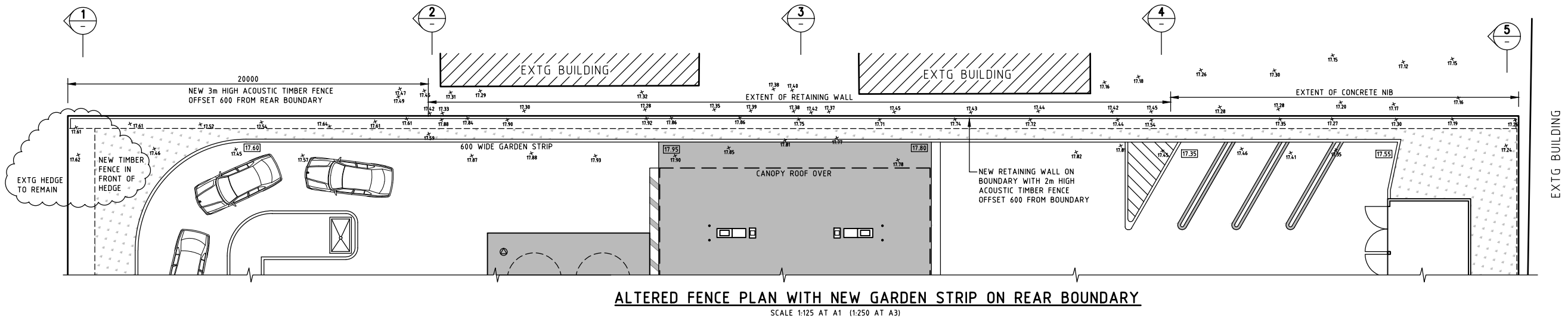
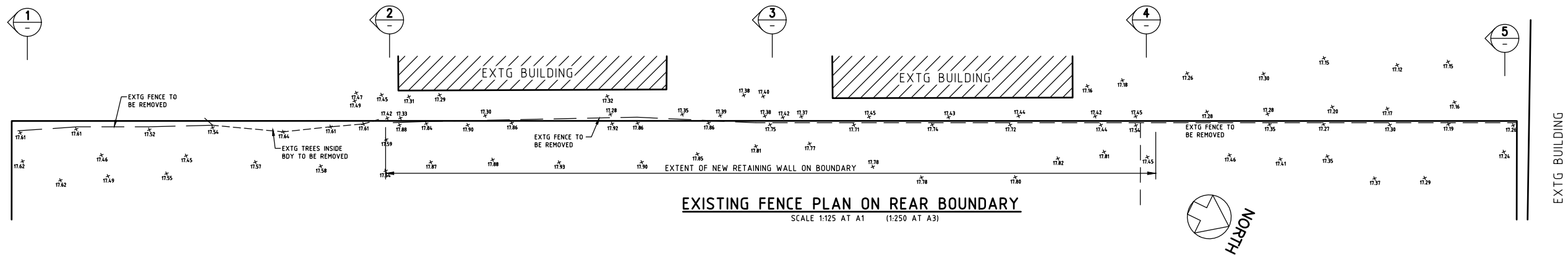
BP CONNECT MOSGIEL
MOSGIEL
PROPOSED ELEVATIONS

BP OIL NZ LTD		bp
DWG No. 3ALC1-16	REV. H	



ALTERED SITE LAYOUT PLAN WITH INDICATIVE SERVICES
SCALE 1:200 AT A1 (1:400 AT A3)

D	SIGNAGE REVISED	11/17	BB	
C	FENCE - MID SIGN	11/17	BB	
B	FERNCE AT REAR, TANKS MOVED	8/17	BB	
A	ADDED TO PLANNING SET	6/17	BB	
REV.	DESCRIPTION	DATE	INIT'L	APP'D
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TITLE BP CONNECT MOSGIEL MOSGIEL INDICATIVE SERVICES PLAN				
BP OIL NZ LTD				
DWG No. 3ALC1-17		REV. D		



SECTIONS OF ACOUSTIC TIMBER FENCE WITH RETAINING WALL AND GARDEN STRIP AT REAR BOUNDARY
1:20 AT A1 (1:40 AT A3)

B	FENCE AT SOUTH SIDE REVISED	11/17	BB
A	FOR DISCUSSION	8/17	BB
REV.	DESCRIPTION	DATE	INIT'L APP'D
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		ENG APP'D	
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BP CONNECT MOSGIEL MOSGIEL PROPOSED FENCE PLAN WITH SECTIONS			
BP OIL NZ LTD			bp
DWG No. 3ALC1-18		REV.	B

APPENDIX 3

Objectives and Policies of Operative and Proposed RPS

Operative Regional Policy Statement for Otago – October 1998

Chapter 9

Objective 9.4.1

To promote the sustainable management of Otago's built environment in order to:

- (a) Meet the present and reasonably foreseeable needs of Otago's people and communities; and
- (b) Provide for amenity values, and
- (c) Conserve and enhance environmental and landscape quality; and (d) Recognise and protect heritage values.

Policy 9.5.5

To maintain and, where practicable, enhance the quality of life for people and communities within Otago's built environment through:

- (a) Promoting the identification and provision of a level of amenity which is acceptable to the community; and
- (b) Avoiding, remedying or mitigating the adverse effects on community health and safety resulting from the use, development and protection of Otago's natural and physical resources; and
- (c) Avoiding, remedying or mitigating the adverse effects of subdivision, landuse and development on landscape values.

Chapter 13

Objective 13.4.4

To minimise the risks to people and the wider environment arising from existing contaminated sites, and the storage, use, transportation and disposal of hazardous substances.

Policy 13.5.4

To avoid, remedy or mitigate the adverse effects resulting from hazardous substances within Otago through:

- (a) Educating about the need to handle, use, store and transport hazardous substances carefully and promoting safe and appropriate practices; and
- (b) Promoting a reduction in hazardous substance use and waste production; and
- (c) Requiring, as far as is practicable, the on-site treatment of hazardous wastes; and
- (d) Requiring, where treatment is not available, the safe storage or disposal of hazardous wastes; and
- (e) Encouraging the reuse of hazardous wastes; and
- (f) Supporting the creation of a facility for the treatment and disposal of hazardous wastes; and
- (g) Promoting the coordination of hazardous substances management between national, regional and territorial authorities.

Proposed Regional Policy Statement for Otago – February 2017

Chapter 4

Objective 4.5

Urban growth and development is well designed, reflects local character and integrates effectively with adjoining urban and rural environments.

Policy 4.5.1 Managing for urban growth and development

Manage urban growth and development in a strategic and co-ordinated way, by all of the following:

- a) Ensuring there is sufficient residential, commercial and industrial land capacity, to cater for the demand for such land, over at least the next 20 years;
- b) Coordinating urban growth and development and the extension of urban areas with relevant infrastructure development programmes, to provide infrastructure in an efficient and effective way;
- c) Identifying future growth areas and managing the subdivision, use and development of rural land outside these areas to achieve all of the following:
 - i. Minimise adverse effects on rural activities and significant soils;
 - ii. Minimise competing demands for natural resources;
 - iii. Maintain or enhance significant biological diversity, landscape or natural character values;
 - iv. Maintain important cultural or historic heritage values;
 - v. Avoid land with significant risk from natural hazards;
- d) Considering the need for urban growth boundaries to control urban expansion;
- e) Ensuring efficient use of land;
- f) Encouraging the use of low or no emission heating systems;
- g) Giving effect to the principles of good urban design in Schedule 5;
- h) Restricting the location of activities that may result in reverse sensitivity effects on existing activities.

Policy 4.5.3 Urban design

Encourage the use of Schedule 5 good urban design principles in the subdivision and development of urban areas.

Policy 4.5.4 Low impact design

Encourage the use of low impact design techniques in subdivision and development to reduce demand on stormwater, water and wastewater infrastructure and reduce potential adverse environmental effects.

Policy 4.5.6 Designing for public access

Design and maintain public spaces, including streets and open spaces, to meet the reasonable access and mobility needs of all sectors.

Policy 4.5.7 Integrating infrastructure with land use

Achieve the strategic integration of infrastructure with land use, by undertaking all of the following:

- a) Recognising the functional needs of infrastructure of regional or national importance;
- b) Locating and designing infrastructure to take into account all of the following:
 - i. Actual and reasonably foreseeable land use change;
 - ii. The current population and projected demographic changes;
 - iii. Actual and reasonably foreseeable change in supply of, and demand for, infrastructure services;

- iv. Natural and physical resource constraints;
- v. Effects on the values of natural and physical resources;
- vi. Co-dependence with other infrastructure;
- vii. The effects of climate change on the long term viability of that infrastructure;
- viii. Natural hazard risk.
- c) Locating growth and development:
 - i. Within areas that have sufficient infrastructure capacity; or
 - ii. Where infrastructure services can be upgraded or extended efficiently and effectively;
- d) Coordinating the design and development of infrastructure with land use change in growth and redevelopment planning.

Chapter 5

Objective 5.3

Sufficient land is managed and protected for economic production

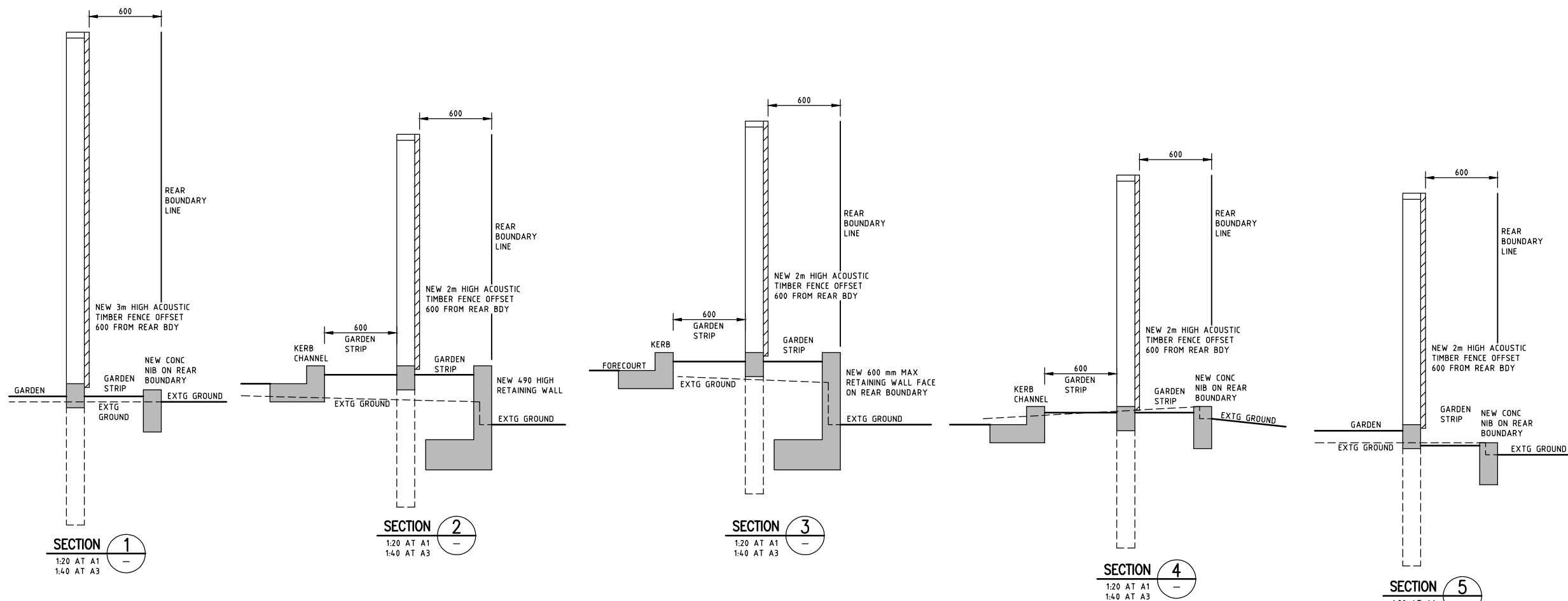
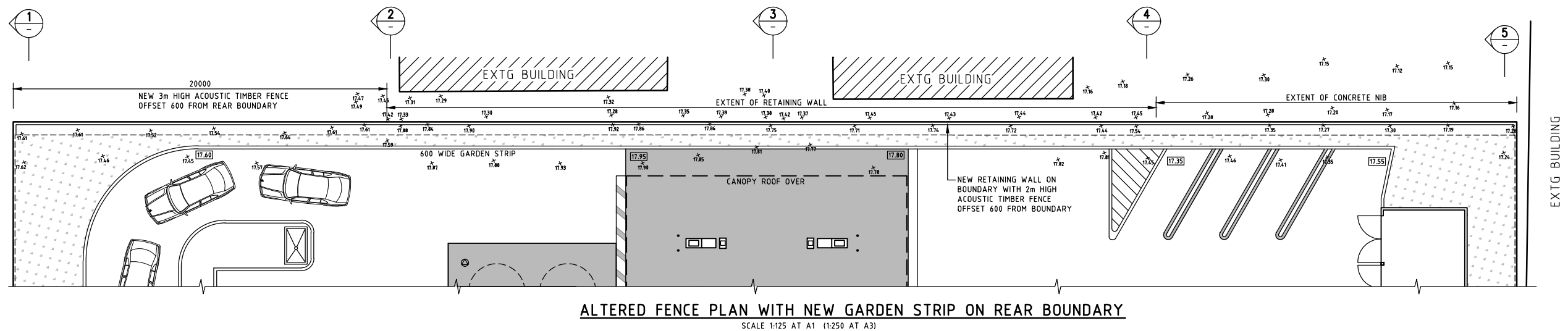
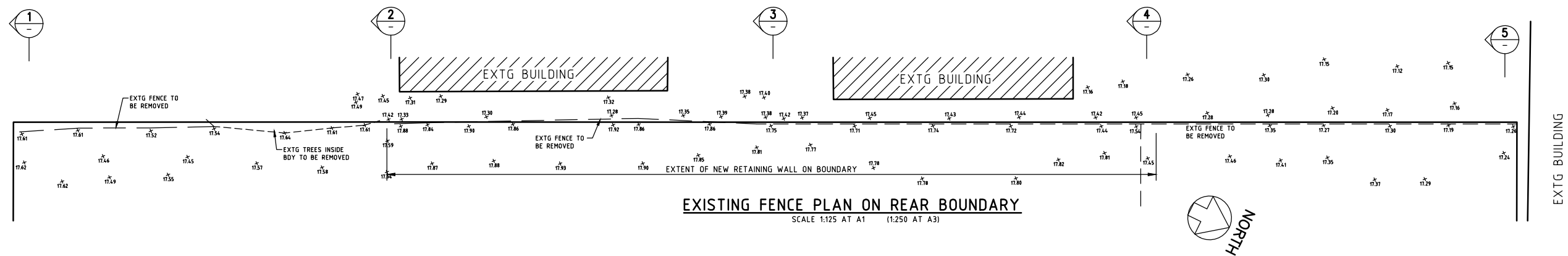
Policy 5.3.3 Distribution of commercial activities

Manage the distribution of commercial activities in larger urban areas, to maintain the vibrancy of the central business district and town centres and support local commercial needs, by all of the following:

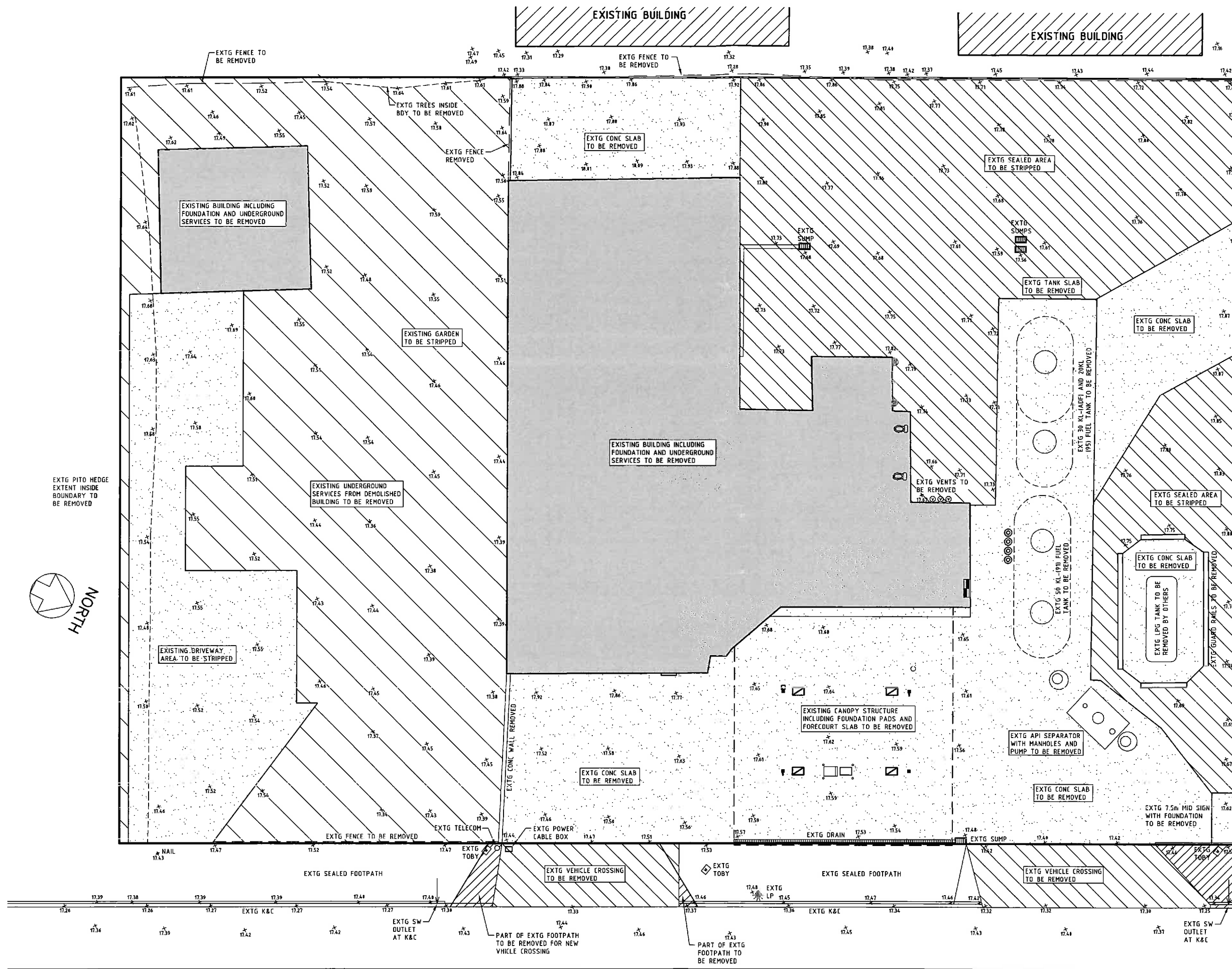
- a) Enabling a wide variety of commercial, social and cultural activities in the central business district;
- b) Encouraging the adaptive reuse of existing buildings;
- c) Avoiding unplanned extension of commercial activities that has significant adverse effects on the central business district and town centres, including on the efficient use of infrastructure, employment and services;
- d) Enabling smaller town centres to service local community needs.

APPENDIX 4

Proposed Fence Plan with Sections and Site Levels



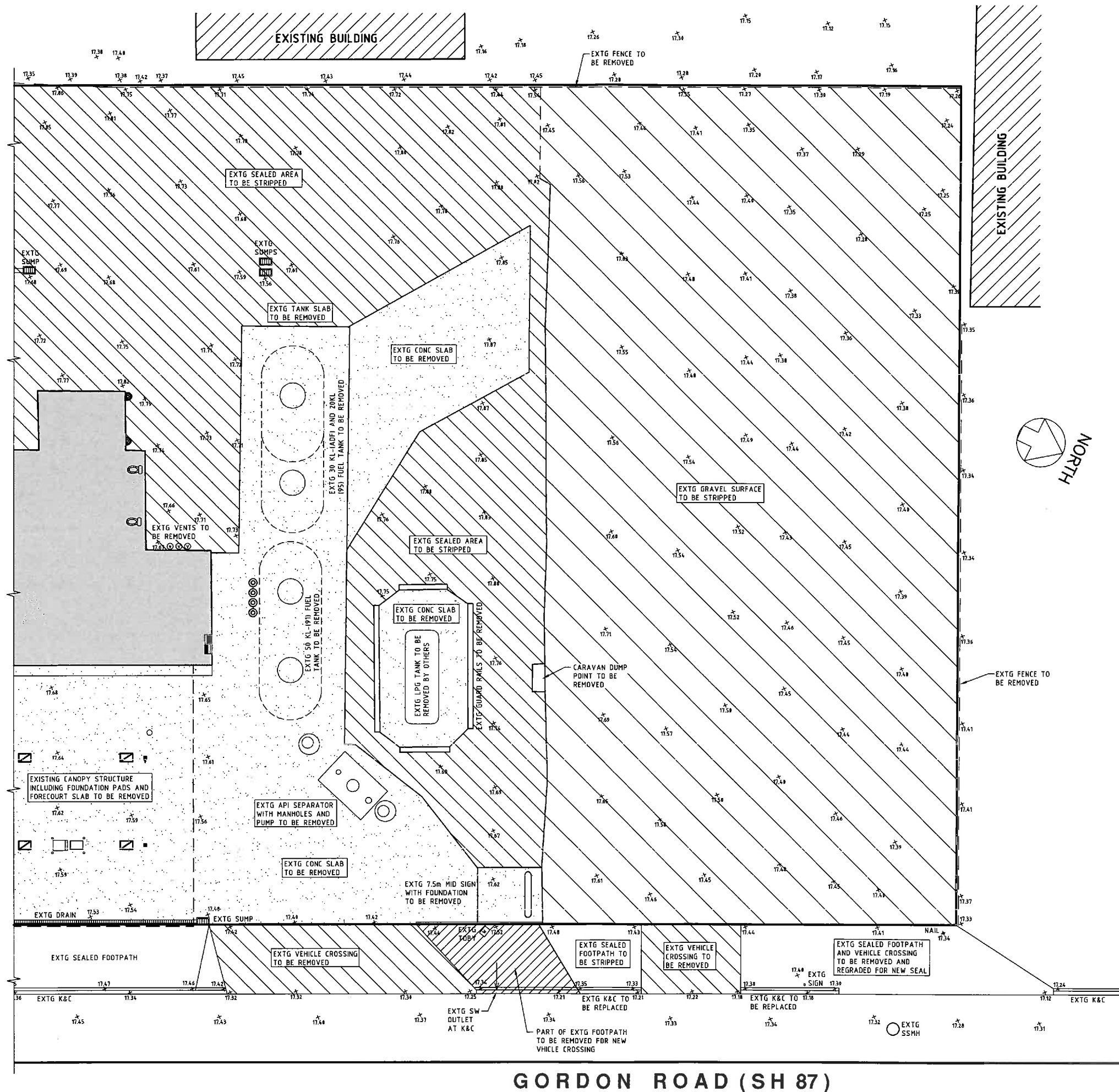
A			
FOR DISCUSSION		8/17	BB
REV.	DESCRIPTION	DATE	INIT'L APP'D
	PROJECT No. B2371	SPEC. No.	SCALE AS SHOWN
		DATE	AUG 2017
		DESIGNED	SHL
		DRAWN	BB
		CHECKED	
		ENG APP'D	
This document is confidential. Copyright is vested in BP Oil NZ Limited. Written consent is required prior to reproduction. Copyright © BP Oil NZ Limited 1989. Do not scale. Dimensions in millimetres. If in doubt on any issue please seek verification.			
TITLE BP CONNECT MOSGIEL MOSGIEL PROPOSED FENCE PLAN WITH SECTIONS			
BP OIL NZ LTD		bp	
DWG No. 3ALC1-18		REV. A	



REFER TO DRAWING
3ALC2-13 FOR RIGHT
PART OF SITE PLAN

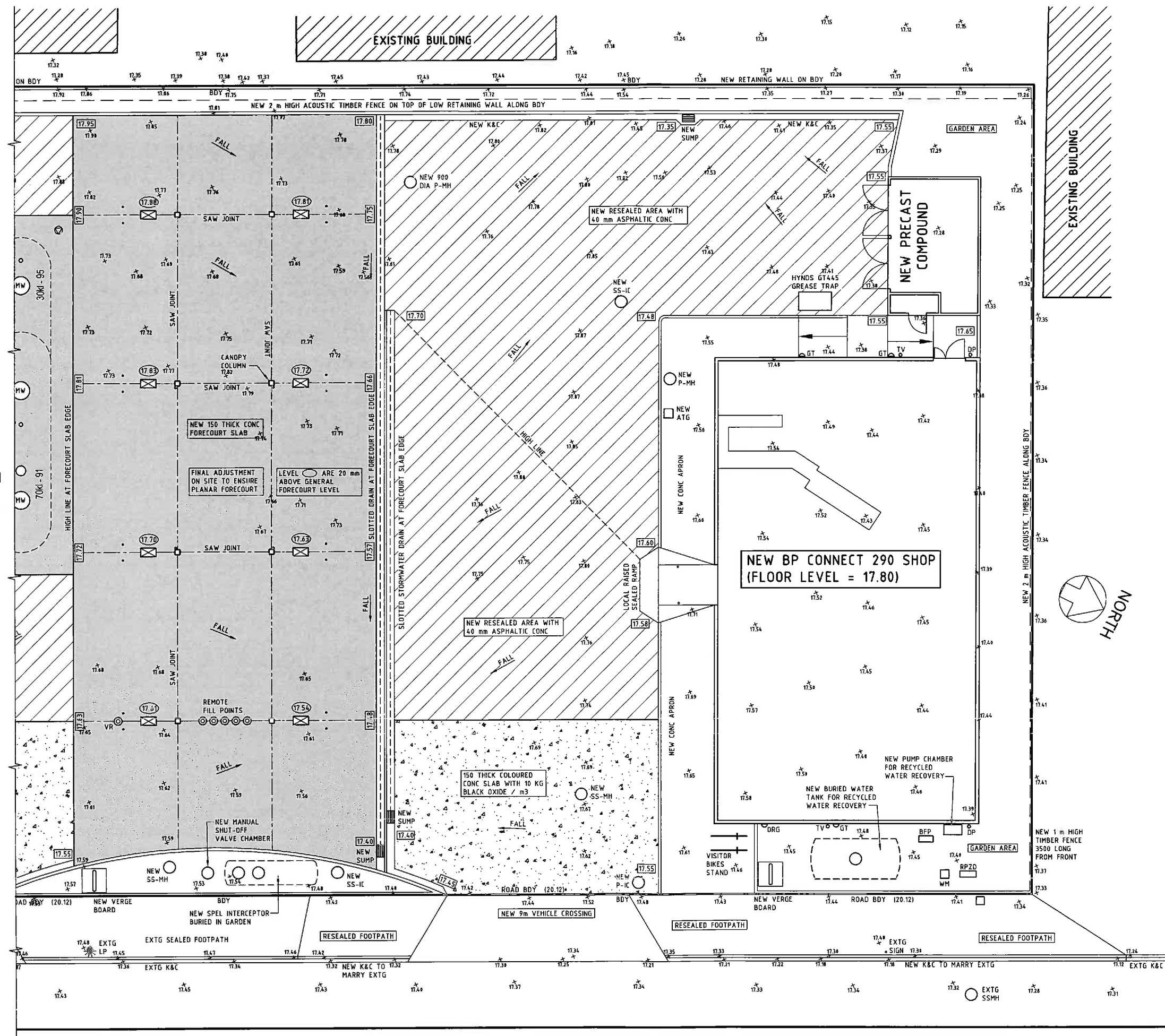
A FOR BUILDING CONSENT		8/17	BB
REV.	DESCRIPTION	DATE	INIT'L APP'D
PROJECT No. B2371		SPEC. No.	SCALE AS SHOWN
DATE AUG 2017		DESIGNED SHL	DRAWN BB
CHECKED		ENG APP'D	
Do not scale. Dimensions in millimetres. If in doubt on any issue please seek verification. TITLE BP CONNECT MOSGIEL GORDON RD – MOSGIEL EXISTING LEFT SITE PLAN SHOWING DEMOLITION			
BP OIL NZ LTD		bp	
DWG No.	REV.		
3ALC2-12	A		

EXISTING LEFT PART OF SITE PLAN SHOWING DEMOLITION WORKS
SCALE 1:100 AT A1 1:200 AT A3)



EXISTING RIGHT PART OF SITE PLAN SHOWING DEMOLITION WORKS
SCALE 1:100 AT A1 (1:200 AT A3)

BP OIL NZ LTD		
DWG No.	REV.	
3ALC2-13	A	



ALTERED RIGHT PART OF SITE PLAN WITH NEW SITEWORKS
SCALE 1:100 AT A1 (1:200 AT A3)

BP OIL NZ LTD		
DWG No.	REV.	
3ALC2-17	A	



APPENDIX 5

Proposed Amendments to Draft Conditions

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, measured at the windows of any such residentially occupied building 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.~~ following noise limits:

50 dB L_{A10} – Daytime (between 8:00am and 6:00pm);

45 dB L_{A10} – Shoulder Periods (between 7:00am and 8:00am Monday to Friday and between 6:00pm and 9:00pm every day); and

40 dB L_{A10} – Night-time (between the hours of 9:00pm on any night and 7:00am Monday to Friday, and also between 7:00am and 8:00am Saturday, Sunday and statutory holidays).

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 ~~7.30~~9pm ~~weekdays Monday to Friday~~ and 8am to ~~7.30~~9pm on Saturdays, Sundays and ~~public~~statutory holidays.
6. The 7.5m ~~pole~~pylon sign must be located on Lot ~~6 or Lot 7~~8 Block VII DP 471~~and 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 Purceptor 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 and any subsequent amendments which improve the efficacy of the document.*
14. *The ongoing operation of the site must be undertaken in accordance with the Operational Environmental Management Plan submitted with the application and any subsequent amendments which improve the efficacy of the document.*
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.

APPENDIX 6

Typical car was duration and average usage

Typical car wash durations are:

Mega Wash Ultra

8.5mins Wash Time

Mega Wash

7.5mins Wash Time

Quick Wash

5.0mins

Average car wash durations across the BP network are:

	All Sites (11) Full Year					Average Per Site for Full year					Average Per day/ per site				
	8:00 am - 6:00 pm.	7:00 am - 8:00 am	6:00 pm - 9:00 pm.	9:00 pm - 7:00 am.	All day	8:00 am - 6:00 pm.	7:00 am - 8:00 am	6:00 pm - 9:00 pm.	9:00 pm - 7:00 am.	All day	8:00 am - 6:00 pm.	7:00 am - 8:00 am	6:00 pm - 9:00 pm.	9:00 pm - 7:00 am.	All day
Work Days	60,495	2,306	6,358	1,956	71,115	5,500	210	578	195	6,483	26	1	3	1	31
Weekends	31,299	565	2,331	553	34,748	2,845	51	212	64	3,172	37	1	3	1	41
Public Holidays	5,891	128	560	132	6,711	536	12	51	24	622	30	1	3	1	35
	97,685	2,999	9,249	2,641	112,574	8,880	273	841	282	10,276	31	1	3	1	35