

**Proposed Service Station**  
**Gull New Zealand Ltd**  
**68-72 Great South Road, Pokeno**



**Resource Consent Application**  
**Hayson Knell Ltd**  
**April 2020**

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<b>APPLICANT:</b>	Gull New Zealand Limited
<b>PROPOSAL:</b>	To establish and operate a 24 hour service station
<b>LEGAL DESCRIPTION:</b>	Lot 41 DP 19787
<b>LOCATION:</b>	68-72 Great South Road, Pokeno
<b>ZONING:</b>	Operative District Plan - Business F Zone (Franklin Section) Proposed District Plan - Business Town Centre
<b>Overlays and Classifications:</b>	Operative District Plan (Franklin Section) - <ul style="list-style-type: none"> <li>• <i>Amenity Planting Requirement</i></li> <li>• <i>Business Centre Classification</i></li> <li>• <i>Front Yard Control Line (Church Street)</i></li> <li>• <i>Pokeno Structure Plan Area</i></li> <li>• <i>Hunua Rural Management Area</i></li> </ul> <p>Great South Road has Collector Road status</p> <p>Proposed District Plan - Great South Road has Collector Road status</p>

## 1.0 PROPOSAL

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The application is for a 24 hour fully automated service station. Two new vehicle crossing are proposed to the site is from Great South Road. The dwellings onsite are proposed to be removed as part of this application.

The proposed service station is operated as an unmanned station, restricted to the sale of fuel only.

The proposal includes:

- Two underground petroleum storage tanks containing 60,000 litres of fuel each, holding a total volume of 85,000 litres petrol and 35,000 litres diesel. One tank is divided into two compartments.
- 3 fuel dispensers (6 refuelling bays) with individual Gull “winged” canopies
- Gull pylon identification sign and onsite safety and direction signage
- IT (electrical control kiosk) shed
- SPEL interceptor for stormwater treatment
- Sealed forecourt area and landscaping
- Associated site infrastructure and earthworks
- Two vehicle accesses onto Great South Road
- Air dispenser

The Proposed District Plan has not reached operative status with provisions of the Operative District Plan having dominant status. It is relevant however to the process to consider both the Operative and Proposed Plan provisions in terms of activity status.

The subject site is zoned Business F under the Operative District Plan and Business Town Centre under the Proposed District Plan.

The existing dwellings on the site will be removed by the proposed development. Neither of the dwellings are listed as historic buildings under the Operative District Plan. The brick dwelling dates to the 1950s and the wooden cottage was relocated on to the site in the 1930s.

An assessment of the proposal has been undertaken against the provisions of the Proposed and Operative District Plan and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS).

A service station is a permitted activity under both the Operative and the Proposed District Plans subject to compliance with the relevant standards.

The components of the proposal that do not meet the district plan standards are;

*Operative District Plan*

- Vehicle crossings (29.5.8)
- Amenity Planting (29.5.11)
- Signs (15.4.3.4)
- Earthworks (15.5.2.3)

*Proposed District Plan*

- Transport (14.2)
- Traffic Generation (14.12.14)
- Earthworks (18.2.4)
- Display windows and building facades (18.3.4)

Consent is required as a discretionary activity under the provisions of the Operative Plan and as a restricted discretionary activity under the Proposed District Plan. Overall, the application will be assessed as a discretionary activity.

## **2.0 BACKGROUND**

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A pre-application meeting was held on 1 March 2019 between Grace Burman (Hayson Knell) and Kylie Cattermole (Waikato District Council).

The meeting examined the relevant provisions applying under both the operative and proposed district plans and highlighted specific matters to be considered as part of the assessment including; transport, stormwater, amenity, signage and performance standards. These matters have been addressed in the assessment of environmental effects. There was

discussion as to the possible heritage status of the existing cottage on the site. The applicant has subsequently confirmed that the cottage was relocated onto the site.

### 3.0 LOCATION

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The site is located on Great South Road on the western edge of the town centre and adjoins Church Street (Unformed) and Market Square. Access to the site is currently from both Church and Market Streets. There are no residential zone properties adjoining the application site. The site adjoining to the north is zoned 'Business' under both the Operative and Proposed Plan.

The site occupies all the potential land for development between Church and Market Streets and is the western most edge of commercial zone land. To the west of Church Street is residential zone land. These location characteristics effectively results in a disconnect of the site from the town business centre to the east of Market Street.

### 4.0 OPERATIVE AND PROPOSED DISTRICT PLAN RULES

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The following table assesses the proposal against the relevant provisions of the Operative and the Proposed District Plans.

#### 4.1 Operative District Plan (Franklin Section)

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The site is zoned Business F.

The proposal falls within the Plan's definition of 'service station' as follows;

*Service Station means any site used predominantly for the refuelling of motor vehicles by retail and may include:*

- *The testing or mechanical repair and servicing of motor vehicles and domestic equipment (other than panel beating, trimming or spray painting); and*
- *The ancillary sale or hire of any goods or vehicles provided that the trading space devoted to their display sale or hire does not exceed the area of the forecourt canopy;*
- *Car wash facilities but does not include:*
- *The storage of more than 6 tonnes of liquefied petroleum gas provided that a greater amount may be installed where the provisions of AS 1596: 1989 are complied with;*
- *The selling of vehicles;*
- *Any activity which requires a licence under the Sale of Liquor Act 1989.*

It is also relevant to note the definition of 'building' under the district plan as follows;

*Has its meaning in the Building Act 2004, excluding:*

- a. *a pergola, not roofed or enclosed, less than 3 metres in height, or (aa) a swimming pool, ornamental pool, deck, or other structure not roofed or enclosed, less than 1.5 metre in height, or*
- b. *a fence, or a wall other than a retaining wall, less than 2 metres in height, or*

- c. *a retaining wall or retaining structure less than 1.5 metres in height, provided that where a fence or non-retaining wall is placed at the top of the retaining wall, the combined height is less than 2 metres.*
- d. *tanks with a total capacity of not more than 35,000 litres, provided that no part of any tank protrudes more than 1 metre above natural ground level.*

The proposed pylon sign is a building under this definition.

The Plan provides for any activity within the zone as permitted subject to compliance with the;

- Development standards of Rule 29.5
- Performance standards of Rule 29.6
- Hazardous substances provisions of Rule 29.8
- Otherwise specifically identified by Rules 29.2 (controlled activities), 29.3 (restricted discretionary activities), 29.4 (discretionary activities), 29.4A (non-complying activities)

Rule	State of Compliance
<b>29.5.1 Height</b> 1. Height relative to boundaries 2. Height within Business Centres No building or sign to exceed a height of 12 metres.	<b>Complies</b> Not applicable. The site does not adjoin a site not zoned Business. The proposed pylon sign is 8 metres. The proposed IT shed and fuel dispensers will have a max height of approximately 2.5 metres.
<b>29.5.2 Building Location</b> 1. Main frontage control 2. Front Yard 6 metres for all buildings on sites which are affected by the 'front yard control line' shown on the planning maps except where a 'building line' designation applies* in which case the front yard will be the difference between 6 metres and the depth of the 'building line', and except for service station forecourt canopies which need only be one metre back from the front boundary (or 'building line') provided that where the site of the service station has a common (front) boundary with a state highway, then the one metre front yard will only apply where the New Zealand Transport Agency has given written permission, a copy of which shall be given to the council.	<b>Not applicable</b> 1. <b>Not applicable</b> The site does not adjoin a Main Frontage Control line. 2. <b>Complies</b> Forecourt structures are located in excess of one metre from all front boundaries, (Church and Market Streets and Great South Road) The Front Yard Control Line applies to the Church Street boundary.







Rule	State of Compliance
<p>50% of the frontage of front sites. Where two pro-perties combine to form one crossing, the total width at the boundary line shall not exceed six metres.</p> <ul style="list-style-type: none"> <li>• A minimum distance of two metres shall be provided between two crossings to act as pedestrian refuge.</li> <li>• Construction standards are set out in the 2007 policy.</li> </ul> <p>2. (Driveway apron) Notwithstanding any other rule in this plan, the driveway surface on the site which is adjacent to or behind every vehicle crossing shall be tar- or chip-sealed or concreted to a commercial standard for a distance of 6 metres back from the front boundary of the site, for the full width of the crossing, except that for activities that involve the daily movement of large trucks or truck-and-trailer units, this surface shall be extended into the site for a distance of 12 metres. Where a new or altered vehicle crossing is proposed to the State Highway, the approval of the New Zealand Transport Agency is required.</p>	<ul style="list-style-type: none"> <li>• In excess of two metres is provided between the two crossings.</li> <li>• The proposed crossings will comply with the construction standards.</li> </ul>
<p><b>29.5.10 Outdoor Storage Areas</b></p>	<p><b>Not applicable</b></p> <p>No outdoor storage areas are provided for un-manned service stations.</p> <p>The bin sown on the plans is the spill response kit.</p>
<p><b>29.5.11 Amenity Planting on Certain Properties</b></p> <p>1. AREA: The area of land to be planted out must be equivalent to the length of the identified boundary (minus any vehicle crossings/driveways) multiplied by 1.5, provided that no more than 50 per cent of the boundary may be subtracted as 'vehicle crossing'.</p> <p>2. LOCATION AND DESIGN: The area to be planted may be along the boundary, or at the edge of the building/s on the site, or in a combination of the two positions. It may be at ground level or in raised beds or retained areas.</p>	<p><b>1 and 2 Will Comply</b></p> <p>The area identified as an Amenity Area on the district plan maps is at the boundary of Church Street.</p> <p>The length of the boundary is 25.59 metres.</p> <p><math>25.50 \times 1.5 = 38.39</math> metres of planted area.</p> <p>Less than 50% of the boundary will be used for vehicle access.</p>





Rule	State of Compliance
<p>3. EFFECT REQUIRED AT ZONE INTERFACE: The planting must at maturity achieve a significant visual screening effect, particularly where the yard faces non-Business sites or is to remain unsealed or used for outdoor storage of any kind, or be such as complements the design and significantly softens the appearance of the building and any parking/loading/driveway areas.</p> <p>4. EFFECT REQUIRED AT FRONT BOUNDARIES: The planting must at maturity achieve a significant amenity enhancing effect, particularly if the site faces non-Business sites, or be such as complements the design and significantly softens the appearance of the building or front yard and any parking/loading/driveway or service areas when viewed from the road.</p> <p>5. SUBMIT PLAN: A planting/landscaping plan to scale must accompany the building consent, or compliance certificate, or some form of written application to the Council. It must clearly show the location and areas of the amenity planting areas and:</p> <ul style="list-style-type: none"> <li>• the direction of fall of the land and approximate contours;</li> <li>• the existing vegetation which may qualify as meeting this standard;</li> <li>• any proposed earth filling or cutting;</li> <li>• include a list of the plants proposed to be established and their botanical name, and maturity height and width;</li> <li>• a statement as to when the plants will be planted, and how they will be nurtured to maturity and maintained thereafter.</li> </ul>	<p>3. <b>Complies</b> The site does not adjoin a stone boundary.</p> <p>4. <b>Complies</b> The proposed boundary landscaping provides for the visual transition to the landscape character of the adjoining Church Street and Market Square. Landscape screening of these boundaries is unnecessary. Landscape character is considered further in the assessment of effects.</p> <p>5, 6 and 7. <b>Will comply</b> Details of the proposed landscaping will be provided at building consent.</p>
<p><b>29.5.15 Hazardous Substances Monitoring</b></p> <p>Where any activity is deemed to be permitted in terms of Rule 29.8 and the site of that activity is within 75 metres of a site not zoned Business, then the:</p> <ul style="list-style-type: none"> <li>• type/s</li> </ul>	<p><b>Complies</b></p> <p>The activity complies with the permitted quantity thresholds of Rule 29.8 (Classes 3a and 3c Liquids in underground storage).</p> <p>The proposed site is within 75 metres of sites zoned residential. The WorkSafe New Zealand safety requirements apply, and the activity will</p>



Rule	State of Compliance
<ul style="list-style-type: none"> <li>quantities;</li> <li>location/s on site and/or position within the building/s; and</li> <li>emergency response plans or procedures which are to be put in place in respect of the substance/s.</li> </ul> <p>must be submitted to the Council in writing, with such drawings as may be requested, prior to the activity commencing.</p>	<p>be and will be certified to ensure safe operation. The applicant has an Environmental Management Plan that outlines the environmental controls, procedures and responsibilities for the operation of the proposed service station.</p>
<p><b>29.5.16 Location of fuel dispensers</b></p> <p>Where any activity involves the dispensing of vehicle fuels by retail, the dispensing units or points must be at least 12 metres from the midpoint, on the boundary, of any vehicle crossing provided that for 'truck stops' this distance must be at least 18 metres.</p>	<p><b>Complies</b></p> <p>From the midpoint of each crossing to the closest fuel dispenser is in excess of 12 metres.</p>
<p><b>29.5.17 Stormwater Management</b></p> <p>All activities shall have a stormwater management system that is deemed to be effective and appropriate by Council. The landowner shall be responsible for the ongoing maintenance of the private on site stormwater system upon its implementation.</p> <p>Where the activity involves an alteration or addition to an existing activity, the applicant must show that the standard of stormwater management provided is effective and appropriate.</p> <p>An effective and appropriate stormwater management system shall be achieved by providing for either A, B, C or D following:</p> <p>A. An independent connection to a PUBLIC STORMWATER SYSTEM and an on-site detention structure to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM which is able to collect stormwater from the site equivalent to that generated by actual and proposed impervious surfaces, plus 10% of that (maximum of 100% of the site). The detention structure must be able to completely empty via an orifice controlled outlet over a 24 hour period.</p>	<p><b>Complies</b></p> <p>The proposed stormwater system will comprise connection to the public infrastructure. It is likely that this will require work beyond the boundaries of the site to enable reticulation to an established stormwater network.</p> <p>In carrying out this design the design will provide for the acceptable standard of on-site management of percentage AEP storm event.</p>



Rule	State of Compliance
<p>OR:</p> <p>B. An independent connection to a PUBLIC STORMWATER SYSTEM and an on-site soakage system to contain a 20% AEP 10 minute storm event before overflowing to the PUBLIC STORMWATER SYSTEM which is able to collect stormwater from the site equivalent to that generated by actual and proposed impervious surfaces, plus 10% of that (maximum of 100% of the site). The soakage system must be able to completely empty via soakage within a 24 hour period.</p> <p>OR:</p> <p>C. Where connection to a PUBLIC SYSTEM IS NOT AVAILABLE, the applicant shall provide an on-site soakage system to contain a 5% AEP 10 minute storm event without overflowing, which is able to collect stormwater from the site equivalent to that generated by actual and proposed impervious surfaces, plus 10% of that (maximum of 100% of the site). The soakage system must empty within a 24 hour time period.</p> <p>OR:</p> <p>D. An alternative method of stormwater management of the site/s, which achieves a standard of stormwater management equal to or better than that achieved by compliance with A, B or C above, such that the adverse effects of stormwater are avoided, remedied or mitigated.</p> <p>The stormwater management system shall be maintained, to achieve the standard of management provided for under A, B, C or D.</p> <p>Provided that where land is subject to instability, stormwater discharges directly to ground occur only where the ground conditions have been identified as being suitable to absorb such discharges without causing, accelerating or contributing to land instability and downstream effects either on the SITE or on neighbouring properties.</p>	



Rule	State of Compliance						
<p><b>29.6.1 Noise</b></p> <p>No activity within the zone shall cause the following sound levels to be exceeded, for the stated times, at or within the boundary of any other SITE, where that other SITE is:</p> <p>2. Zoned Business and is within the ‘Business Centre’ shown on the planning maps:</p> <table><tr><td>Time/hours</td><td>L10(defined)</td><td>Lmax(defined)</td></tr><tr><td>At all times</td><td>55 dBA</td><td>75 dBA</td></tr></table>	Time/hours	L10(defined)	Lmax(defined)	At all times	55 dBA	75 dBA	<p><b>Complies</b></p> <p>An acoustic report has been provided by Marshall Day which demonstrates compliance with the updated noise standards under the Proposed District Plan for the zone as representing the more restrictive of the two standards.</p>
Time/hours	L10(defined)	Lmax(defined)					
At all times	55 dBA	75 dBA					
<p><b>29.6.2 Odour</b></p> <p>Odour which is evident for more than 20 minutes (separately or cumulatively) in any 14 day period will be deemed to have taken the activity out of the Permitted activity status.</p>	<p><b>Complies</b></p> <p>No objectionable odour will result from the proposed activity operating.</p>						
<p><b>29.6.3 Vibration</b></p>	<p><b>Complies</b></p> <p>The activity does not include any source of potential vibration that exceeds the standards.</p>						
<p><b>29.6.4 Light Spill and Glare</b></p> <p>1. No welding activity shall be visible from any road or any site not zoned Business.</p> <p>2. All outdoor lighting shall be positioned, mounted and directed in such a way that light coming directly or indirectly from it:</p> <ul style="list-style-type: none"><li>• is not a serious distraction or danger to motorists, and</li><li>• is not a serious distraction or annoyance to occupants of other sites at any time, which shall be deemed to be the case where once an effect is brought to the Council's attention the condition continues for more than 30 minutes in any 24 hour period and the affected person/s have no ready means of relief from it.</li></ul> <p>3. Compliance with the following standards will be considered the minimum acceptable to ensure that a nuisance situation or adverse effect does not eventuate, provided that for the purposes of these standards, land zoned Recreation is deemed to be zoned Business</p>	<p><b>Complies</b></p> <p>The proposal will meet these standards. Compliance is demonstrated in the report provided by Kern Consultants Limited.</p>						



Rule	State of Compliance
<p>(and its illumination from business activities will not be controlled by these standards):</p> <p>i. Where a property is deemed to have "bright" surrounds, all lighting shall be installed and operated such that the direct component of illuminance for the stated hours is less than the stated lux (lumens per square metre) on or at any point inside the closest boundary of every affected site:</p> <ul style="list-style-type: none"> <li>• 0600 hours to 2230 hours: 25 lux</li> <li>• 2230 to 0600 hours: 10 lux</li> </ul> <p>(A property has 'bright' surrounds where it has any non-Business land abutting it which fits the following description: The land is within 60 metres of a road or length of road which is illuminated to the minimum standard set out in NZS 6701 for intermediate and main road streetlighting).</p> <p>ii. Where a property is deemed to have 'dark' surrounds, all lighting shall be installed and operated such that the direct component of illuminance for the stated hours is less than the stated lux (lumens per square metre) on or at any point inside the closest boundary of every affected site:</p> <ul style="list-style-type: none"> <li>• 0600 hours to 2230 hours: 10 lux</li> <li>• 2230 to 0600 hours: 5 lux</li> </ul> <p>(A subject property has 'dark' surrounds where non-Business land abutting it does not fit the description</p> <p>iii. All artificial lighting shall be installed and operated such that the luminous intensity of any light source is less than 1000 candelas in the direction of any affected property or road.</p>	
<b>29.6.5 Contaminants</b>	<b>Complies</b>  Design standards apply and will be met for the storage and management of potentially hazardous liquids. This includes the Code of Practice for the Design Installation and



Rule	State of Compliance
	Operation of Underground Petroleum Storage Systems and requirements of the Hazardous Substances & New Organisms Act 1996.
<p><b>29.6.6 Maintaining amenity plantings</b></p> <p>Where any area of planting has been required to be established, it shall be maintained at all times thereafter to ensure that it performs the desired amenity and/or screening function. 'Maintained' shall include cultivating and conditioning the soil, replacing soil that has been contaminated by previous activities on the site, watering, adding fertiliser, replacing dead or damaged plants, weeding and releasing, and pruning in accordance with accepted horticultural practices.</p>	<b>Will Comply</b>
<p><b>Rule 29.8 Hazardous Substances Quantity Thresholds</b></p>	<p><b>Complies</b></p> <p>The proposal meets the permitted thresholds for underground storage of classes 3a and 3c (petroleum and diesel).</p>
<p><b>Rule 15.4.3.4</b></p> <p>Any sign that is required to meet this rule shall be consistent with the following standards:</p> <p>a) The sign is located so that it does not obscure a road user's view of any road sign, intersection, private entrance, road marking, traffic signal, or pedestrian crossing.</p> <p>b) The sign is constructed and maintained so that it does not present any danger to people or property (e.g. so that it does not collapse or blow over).</p> <p>c) The sign is removed when the purpose of it has been served.</p> <p>d) The sign, if located on property adjacent to a zone which is subject to Rule 15.4.3.3, meets the following standards:</p> <p>i) The sign is illuminated only during the hours of operation and does not contain any flashing, intermittent or animated features.</p> <p>ii) The height of the sign is not greater than 2m, or if attached to a building no higher than the highest point of that building.</p>	<p>a) <b>Will comply</b></p> <p>b) <b>Will comply</b></p> <p>c) <b>Will comply</b></p> <p>d)</p> <p>i) <b>Will comply</b></p> <p>ii) <b>Does not comply</b> The sign is 8 metres in height and is located adjacent to a residential zone, opposite Great South Road and Church</p>





Rule	State of Compliance
	Street and subject to Rule 15.4.3.3. The effect of this non- compliance has been assessed in the assessment of effects.
<p><b>Rule 15.5.2.3 Earthworks</b></p> <p>1. EARTHWORKS meeting the following standards:</p> <p>a) Maximum volume (m<sup>3</sup>) per SITE per 12 month period:</p> <p>i. Rural Zone and Coastal Zone: 250m<sup>3</sup></p> <p>ii. All other zones: 100m<sup>3</sup></p> <p>b) Maximum depth of excavation cut or fill within a SITE: 1.5 metres</p> <p>c) Maximum area per SITE (m<sup>2</sup>):</p> <p>i. Rural Zone and Coastal Zone: 2,000m<sup>2</sup></p> <p>ii. All other zones: 1,000m<sup>2</sup></p> <p>d) In the Development Setback in the Rural Zone or Coastal Zone (being 30 metres from mean high water springs or the edge of a river, lake, WETLAND or stream) or in the Setback from Water in all other zones (being 30 metres from mean high water springs or 10 metres from the edge of a river, lake, WETLAND, or stream) EARTHWORKS shall not exceed a total volume of 25m<sup>3</sup> or a total area of 250m<sup>2</sup>. This rule does not apply to artificial water retention areas (e.g. ponds or sediment retention areas).</p> <p>e) Bare ground arising from any EARTHWORKS activity shall be revegetated or otherwise appropriately stabilised upon completion of the EARTHWORKS.</p> <p>f) Unless the written approval of the operator of the national grid transmission line has been obtained and provided to Council, no EARTHWORKS shall be carried out:</p>	<p>1.</p> <p>a) <b>Does not comply</b> Total earthworks volume proposed is 1,559m<sup>3</sup></p> <p>b) <b>Does not comply</b> The installation of the underground tanks is the subject of engineering design and building consent.</p> <p>c) <b>Does not comply</b> Maximum area of earthworks proposed is 836m<sup>2</sup></p> <p>d) The site is not in a Development, Rural or Coastal Zone.</p> <p>e) <b>Will comply</b></p> <p>f) <b>Not applicable</b></p>



Rule	State of Compliance
<ul style="list-style-type: none"> <li>i. within 12 metres of the closest visible edge of the foundation of a national grid transmission line (refer planning maps) support structure.</li> <li>ii. within 12 metres from the centreline of a national grid transmission line (refer planning maps) where those earthworks would result in an increase in ground level greater than 300 mm (i.e. would reduce clearance distance from conductor to ground).</li> </ul> <p>2. Standards in Rule 15.5.2.3 above, and for CLEANFILL in Rule 15.1.2.8 shall not apply with respect to the following (except where the activity does not comply with Rule 15.5.2.3(i)(f)(ii) above):</p> <p>3. Notwithstanding the provisions above, any EARTHWORKS activity:</p> <ul style="list-style-type: none"> <li>a) Is subject to Rule 8.3 relating to heritage protection and the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Under this Act, no pre-1900 archaeological site may be destroyed, damaged or modified without an authority from Heritage New Zealand Pouhere Taonga. These controls apply to all archaeological sites, regardless of whether they are listed in the district plan, recorded, or unrecorded.</li> <li>b) May be subject to the requirements of the relevant regional plan and any resource consents required thereunder.</li> <li>c) Shall apply appropriate silt and sediment control methods as set out in the former Auckland Regional Council's Technical Publication 90 (Erosion and Sediment Control) 1999 or Environment Waikato's Design Guidelines for Earthworks, Tracking and Crossing 2003.</li> </ul>	<p><b>2. Not applicable</b></p> <p><b>3. Will comply</b></p>

The proposed development does not comply with the above standards specific to;

- Vehicle crossings (29.5.8)
- Amenity Planting (29.5.11)
- Signs (15.4.3.4)
- Earthworks (15.5.2.3)

In accordance with Rule 29.2 the provisions of a vehicle crossing wider than 6 metres is a controlled activity and is subject to the matters of assessment under Rule 29.7.

In accordance with Rule 29.3 the proposal has restricted discretionary status as it does not comply with all the Development Standards of Rule 29.5 and is subject to the matters of assessment under Rule 29.7.

In accordance with Rule 15.4.2.2 (Signs), the proposal has discretionary status as it is erected adjacent land subject to Rule 15.4.3.4 (d).

In accordance with Rule 15.5.2 (earthworks) the proposal has restricted discretionary status as it does not meet the standards prescribed by Rule 15.5.2.3.

## 4.2 Proposed District Plan

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This section assesses the relevant provisions of the Proposed District Plan.

At the time of preparing this application, the hearing of submissions to the Proposed District plan is underway. This represents an early stage in the final determination of the district plan provisions. The provisions of the plan have been considered, including the relevant objectives and policies, to determine the activity status of the proposal. In terms of the weighting given to the district plan provisions on the assessment of effects, dominance has been given to the provisions of the Operative District Plan.

The site is zoned Business Town Centre under the Proposed District Plan.

The proposal lies within the definition of a Commercial Activity and Retail Activity under the Plan which states;

*Commercial activity*

*Means activities involving the sale or distribution of goods and services.*

*Retail activity*

*Means the sale or hire of goods or services or equipment directly to the public.*

Under Rule 18.1.2 these are permitted activities and there are no 'activity specific provisions' under this rule that apply to either.

Permitted activities are subject to the Land Use - Effects rules (18.2) and the Land Use – Building rules (18.3).

The following table is an assessment of the activity against the relevant district plan rules.

Rule	State of Compliance
<p><b>14.2.1 Infrastructure and Energy</b></p> <p>P1 - new infrastructure</p> <p>P2 - Construction Noise</p> <p><b>14.3.1</b></p> <p>Minor upgrading or existing infrastructure.</p>	<p><b>Will comply</b></p>
<p><b>14.7.1 Liquid fuels and gas</b></p> <p>P1 Below ground pipelines for the conveyance of liquid fuels and gas.</p> <p>14.7.1.1</p> <p>a) Below ground pipelines for the conveyance of liquid fuels and gas that comply with all of the following:</p> <p>i) Any aboveground sections of pipeline must comply with the following:</p> <p>A. Not exceed 25m in length, and</p> <p>B. Not exceed 300mm in diameter.</p> <p>P3 Storage facilities and pump stations for liquid fuels and gas.</p> <p>14.7.1.3</p> <p>a) Storage facilities and pump stations for liquid fuels and gas that comply with all the following:</p> <p>i) Is not located within as <u>Identified Area</u>; and</p> <p>ii) is not located on a road, or an unformed road.</p>	<p><b>Complies</b></p> <p>The site is not an 'Identified Area' as listed under the Plan provisions.</p>
<p><b>14.11.1 Water, Wastewater and Stormwater</b></p> <p>P1 Stormwater systems for new development or subdivision.</p> <p>P3 Wastewater servicing for new development or subdivision.</p> <p>14.11.1.3</p> <p>a) New development or <u>subdivision</u> must have a wastewater system that complies with the following conditions:</p>	<p><b>Complies</b></p> <p>The proposal is the subject of a stormwater design that will provide for reticulation to public infrastructure and on-site management measures for treatment and detention.</p> <p><b>Complies</b></p>



<p>i) is connected to public, reticulated wastewater network; or</p> <p>ii) Is connected to a community-scale wastewater system; or</p> <p>iii) Is provided with a <u>site</u>-contained, alternative method of wastewater disposal that complies with AS/NZS 1547:2012</p> <p>P4 Below ground pipelines for the conveyance of water, wastewater and storm water.</p> <p>14.11.1.4</p> <p>a) Below ground pipelines system for the conveyance of water, wastewater and stormwater that comply with all of the following:</p> <p>i) Any aboveground section of a pipeline must comply with the following:</p> <p>A. Not exceed 25m in length, and</p> <p>B. Not exceed 300mm in diameter.</p> <p>ii) Is not located within an <u>Identified Area</u>.</p> <p>P7 Stormwater treatment, detention and retention facilities or devices.</p> <p>14.11.1.7</p> <p>a) Stormwater treatment, detention and retention facilities or devices that comply with the following:</p> <p>i) Is not a stormwater wetland or pond.</p>	<p><b>Complies</b></p>
<p><b>14.12 Transportation</b></p> <p>P1 Vehicle access for all activities.</p> <p>14.12.1.1</p> <p>1. All activities must comply with the following vehicle access conditions:</p> <p>a) The site has a vehicle access to a formed road that is maintained by a road controlling authority;</p> <p>b) The site has a vehicle access that is constructed to comply with the relevant requirements of Table 14.12.5.1 Figure 14.12.5.2, Table 14.12.5.3 and Figure 14.12.5.4 except:</p>	<p>a) <b>Complies</b></p> <p>b) <b>Does not comply</b> The performance and effect from proximity of proposed access points to intersections is assessed in the traffic assessment.</p>



<p>i) Rule 14.12.1.1(1)(b) does not apply where the separation distance requirements of Table 14.12.5.1. and Figure 14.12.5.2 cannot be achieved on a site's road frontage due to existing vehicle accesses on adjacent sites;</p> <p>c) N/A</p> <p>d) No access, access leg or right-of-way shall run parallel to any road within 30m of the road, except:</p> <p>e) On a site with legal access to two roads, the activity only accesses the road with the lower classification in the road hierarchy in Tables 14.12.5.5 and 14.12.5.6 (where the roads have the same classification, access is only to the road with the lower average daily traffic movements);</p> <p>f) New vehicle accesses / entrances are not to be constructed to any site from the following roads:</p> <ul style="list-style-type: none"> <li>i. Main Street, Huntly;</li> <li>ii. Jesmond Street, Ngaruawahia;</li> <li>iii. Bow Street, Raglan (James Street to Cliff Street);</li> <li>iv. George Street, Tuakau (Gibson Road to Liverpool Street);</li> <li>v. Great South Road, Pokeno (Selby Street to Market Street); and</li> <li>vi. Main Street, Te Kauwhata (Saleyard Road to Baird Avenue); and</li> </ul> <p>g) No new vehicle access shall be created within 30 metres of a railway level crossing.</p> <p>Note: Any new vehicle access (or additional land use utilising an existing vehicle access) on a limited access road or state highway will require the approval of the NZ Transport Agency, as the road controlling authority.</p>	<p>c) <b>Not applicable</b></p> <p>d) <b>Not applicable</b></p> <p>e) <b>Does not comply</b> The existing development has two accesses Market Road (via Market Square) and Church Street (unformed). Both accesses will be removed and replaced by two accesses off Great South Road.</p> <p>f) <b>Not applicable</b></p> <p>g) <b>Complies</b></p>
<p><b>P2 On-site parking and loading</b></p> <p>14.12.1.2</p> <p>1. All activities must comply with the following on-site parking and loading conditions:</p>	<p>1. In accordance with 14.12.5.7 the parking requirement for service stations is;</p>





<p>a) The parking requirements in Table 14.12.5.7 and 14.12.5.11, noting:</p> <ul style="list-style-type: none"> <li>i. When calculating the requirements for parking and loading on the basis of the prescribed floor area, the area for parking, loading and manoeuvring shall be excluded;</li> <li>ii. If the calculation results in a fraction, then that figure shall be rounded to the nearest whole number;</li> <li>iii. 90 percentile car dimensions in Figure 14.12.5.8 apply;</li> <li>iv. The requirements of Table 14.12.5.7 do not apply to residential and rural activities;</li> <li>v. Parking spaces must comply with the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility – Buildings and Associated Facilities (NZS: 4121-2001)</li> <li>vi. The number of accessible car park spaces required in Table 14.12.5.9 can be included in the number of car parking spaces required in Table 14.12.5.7.</li> </ul> <p>b) On-site bicycle space requirements in Table 14.12.5.10, except:</p> <ul style="list-style-type: none"> <li>i. The requirements of Table 14.12.5.10 do not apply to residential and rural activities;</li> </ul> <p>c) Any on-site car parking spaces for non-residential activities within the Residential Zones must be set back at least 3m from the road boundary of the site and screened by planting or fencing;</p> <p>d) On-site car parking spaces and loading bays are to be provided in accordance with the requirements of Table 14.12.5.7, Figure 14.12.5.8 and Table 14.12.5.11 and be located on the same</p>	<p><i>1 carspace per 45m<sup>2</sup> GFA excluding car washes and canopies over petrol pumps, plus 3 queuing per car wash, plus 4 per repair bay.</i></p> <p>a) <b>Not applicable</b> No retail space, car wash or repair bay are proposed for this activity. The building area (IT Shed) is 6m<sup>2</sup>.</p> <p>b) <b>Not applicable</b> No car parking spaces are required for the proposed activity therefore no bicycle carpark area required.</p> <p>c) <b>Not applicable</b> The proposed site is not within a Residential zone.</p> <p>d) <b>Not applicable</b></p>
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<p>site as the activity for which they are required;</p> <ul style="list-style-type: none"> <li>e) On-site car parking spaces and loading bays are formed;</li> <li>f) On-site car parking spaces and loading bays are to be permanently marked if five or more parking spaces are required;</li> <li>g) On-site car parking spaces and loading bays are not to be located on any shared access or residential court;</li> <li>h) Vehicles occupying any on-site car parking or loading spaces must have ready access to the road (or relevant access or right of way) at all times, without needing to move any other vehicle occupying other on-site car parking or loading spaces;</li> <li>i) On-site car parking spaces and loading bays are not required on sites with sole frontages to the following: <ul style="list-style-type: none"> <li>i. Main Street, Huntly;</li> <li>ii. Jesmond Street, Ngaruawahia;</li> <li>iii. Bow Street, Raglan (James Street to Cliff Street);</li> <li>iv. George Street, Tuakau (Gibson Road to Liverpool Street);</li> <li>v. Great South Road, Pokeno (Selby Street to Market Street);</li> <li>vi. Main Street, Te Kauwhata (Saleyard Road to Baird Avenue).</li> </ul> </li> </ul>	<p>e-i) <b>Not applicable</b></p>
<p><b>P3 On-site manoeuvring and queuing</b></p> <p>14.12.1.3</p> <p>1. All activities must comply with the following on-site manoeuvring and queuing conditions:</p> <ul style="list-style-type: none"> <li>a) On-site manoeuvring space shall be provided to ensure that no vehicle is required to reverse onto a road except: <ul style="list-style-type: none"> <li>i. Rule 14.12.1.3(1)(a) does not apply to Local Roads within the Residential and Village Zones with a posted speed limit of less than 60 kph;</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>The site layout provides for manoeuvring space and on-site queuing.</p>



<ul style="list-style-type: none"> <li>b) A 90 percentile car, as defined in Figure 14.12.5.8, can enter and exit all parking spaces without making more than one reverse movement, excluding spaces required for a dwelling;</li> <li>c) On-site manoeuvring space for any heavy vehicle shall comply with the tracking curve (relevant for the type of activities to be carried out on the site and trucks to be used), as set out in the guideline RTS 18 - New Zealand on-road tracking curves for heavy motor vehicles (2007);</li> <li>d) On-site manoeuvring space shall be formed;</li> <li>e) On-site queuing space shall be provided in accordance with Table 14.12.5.12 for vehicles entering and exiting any on-site car parking, loading or manoeuvring space, where: <ul style="list-style-type: none"> <li>i. Length is measured from the road boundary where vehicles first enter the site; and</li> <li>ii. On-site queuing above must not encroach into the required on-site manoeuvring area;</li> </ul> </li> <li>f) On-site manoeuvring and queuing spaces are not required on sites with vehicle accesses/entrances to the following: <ul style="list-style-type: none"> <li>i. Main Street, Huntly;</li> <li>ii. Jesmond Street, Ngaruawahia;</li> <li>iii. Bow Street, Raglan (James Street to Cliff Street);</li> <li>iv. George Street, Tuakau (Gibson Road to Liverpool Street);</li> <li>v. Great South Road, Pokeno (Selby Street to Market Street);</li> <li>vi. Main Street, Te Kauwhata (Saleyard Road to Baird Avenue).</li> </ul> </li> </ul>	
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<p>P4 Traffic Generation</p> <p>14.12.1.4</p> <p>1. Any activity must comply with the following traffic generation conditions:</p> <p>c) Within the Business Zone Tamahere, Business Zone or Business Town Centre Zone there is a maximum of 300 vehicle movements per day, and no more than 15% of these vehicle movements are heavy vehicle movements; or</p> <p><b>Note:</b> Table 14.12.5.13 provides indicative traffic generation rates for various activities.</p>	<p><b>Does not comply</b></p> <p>c) Traffic assessments estimates 50 tph for a light vehicle, totalling 600 trips in a 12-hour period.</p>
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The following are the Land use - Effect rules of 18.2

Rule	State of Compliance
<p><b>18.2.1.1 Noise General</b></p> <p>P2</p> <p>a) Noise measures within any other site:</p> <p>i) In the Business Town Centre Zone must not exceed:</p> <p>A. 65dB (LAeq), 7am to 11pm every day; and</p> <p>P4</p> <p>a) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</p> <p>b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 Acoustics - Environmental Noise.</p>	<p><b>Complies</b></p> <p><b>Predicted noise level at Business Zone land</b></p> <p>Site activity:</p> <ul style="list-style-type: none"> <li>- Peak Hour = 46 dB LAeq</li> <li>- Off Peak Hour = 38 dB LAeq</li> </ul> <p>Delivery of Fuel:</p> <ul style="list-style-type: none"> <li>- Predicted Noise level = 42 dB LAeq</li> </ul> <p><b>Predicted noise level at nearest Residential Zone</b></p> <p>Site activity:</p> <ul style="list-style-type: none"> <li>- Peak Hour = 41 dB LAeq</li> <li>- Off Peak Hour = 33 dB LAeq</li> </ul> <p>Delivery of Fuel:</p> <ul style="list-style-type: none"> <li>- Predicted Noise level = 37 dB LAeq</li> </ul>
<p><b>18.2.1.2 Noise Construction</b></p> <p>P1</p> <p>(a) Construction noise must meet the limits in NZS 6803:1999 Acoustics – Construction Noise; and</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 Acoustics – Construction Noise.</p>	<p><b>Will comply</b></p>



Rule	State of Compliance
<p><b>18.2.2 Servicing and hours of operation</b></p> <p>P1</p> <p>The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining the Residential and Village Zones must only occur between 6.30am and 7.30pm.</p>	<p><b>Not applicable</b></p> <p>The site does not adjoin one of the stated zones.</p>
<p><b>18.2.3 Glare and artificial light spill</b></p> <p>P1 Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically at any other site.</p>	<p><b>Will comply</b></p>
<p><b>18.2.4 Earthworks</b></p> <p>P1</p> <p>(a) Earthworks within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Earthworks must be located more than 1.5m from a public sewer, open drain, overland flow path or other service pipe;</li> <li>(ii) Earthworks must not exceed a volume of more than 250m<sup>3</sup> and an area of more than 1,000m<sup>2</sup> within a site;</li> <li>(iii) The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge, does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal);</li> <li>(iv) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</li> <li>(v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;</li> <li>(vi) Earthworks must not divert or change the nature of natural water flows, water bodies or established drainage paths;</li> </ul>	<ul style="list-style-type: none"> <li>(i) <b>Complies</b></li> <li>(ii) <b>Does not comply</b> Total earthworks volume proposed is 1449m<sup>3</sup>. Maximum area of earthworks proposed is 836m<sup>2</sup>.</li> <li>(iii) <b>Does not comply</b> The height of the cut is exceeded for the installation of the proposed underground tanks. The site is level and the location of the tanks is not in close proximity to adjoining properties as to present potential instability.</li> <li>(iv) <b>Will comply</b> In this regard the site will be sealed other than those boundary areas identified for landscaping.</li> <li>(v) <b>Will comply</b></li> <li>(vi) <b>Will comply</b></li> </ul>



Rule	State of Compliance
<p>(vii) Earthworks must not result in the site being unable to be serviced by gravity sewers.</p> <p>P2</p> <p>(a) Earthworks must not result in the site being unable to be serviced by gravity sewers.</p> <p>(i) Does not exceed a total volume of 500m<sup>3</sup> per site and a depth of 1m;</p> <p>(ii) Is fit for compaction;</p> <p>(iii) The height of the resulting batter face in stable ground must not exceed 1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal);</p> <p>(iv) Does not restrict the ability for land to drain;</p> <p>(v) Is not located within 1.5m of public sewers, utility services or manholes;</p> <p>(vi) The sediment from fill material is retained on the site.</p>	<p>(vii) <b>Will comply</b></p> <p>(i) <b>Does not comply</b> Proposed fill volume is 577m<sup>3</sup>.</p> <p>(ii) <b>Complies</b> The excavated areas are part of the design for supporting the underground tanks.</p> <p>(iii) <b>Does not comply</b> Specific to the excavation required for the underground tanks. The construction of the tanks including the excavation is the subject of a building consent process.</p> <p>(iv) <b>Complies</b> The design of the underground tanks are part of a comprehensive approach to managing stormwater and treatment for potential spill including a SPEL separator.</p> <p>(v) <b>Complies</b></p> <p>(vi) <b>Complies</b></p>

The following are the Land Use - Building rules of 18.3

Rule	State of Compliance
<p><b>18.3.1 Height</b></p> <p>Maximum Height - 10 metres</p>	<p><b>Complies</b></p> <p>The proposed sign is 8 metres high.</p>
<p><b>18.3.2 Daylight admission</b></p>	<p><b>Not applicable</b></p> <p>The site does not adjoin any of the specified zones.</p>



Rule	State of Compliance
<b>18.3.3 Gross leasable floor area</b> Any individual tenancy must have a gross leasable floor area of no more than 350m <sup>2</sup> .	<b>Not applicable</b> The proposed activity does not include any buildings therefore there is no gross leasable floor area.
<b>18.3.4 Display windows and building façades</b> (a) Any new building façade, or alteration of an existing building façade, must comply with the following conditions: (i) Not be set back from the road boundary; and (ii) Provide display windows comprising at least 50% of the building façade.	<b>Does not comply</b>
<b>18.3.5 Verandahs</b>	<b>Not applicable</b> The site is not the subject of a verandah line identified on the planning maps.
<b>18.3.6 Building setbacks - zone boundaries</b> a) A building must be set back a minimum of: (i) 7.5m from rear and side boundaries adjoining any: A. Residential Zone; B. Village Zone; C. Country Living Zone; D. Reserve Zone; and (ii) 1.5m from rear and side boundaries adjoining any: A. Rural Zone; B. Industrial Zone	<b>Not applicable</b> The site does not adjoin any of the identified zones.

The proposed development does not comply with the above standards of the Proposed District Plan specific to;

- Transport (14.2)
- Traffic Generation (14.12.14)
- Earthworks (18.2.4)
- Display windows and building facades (18.3.4)

Under Rule 14.12.2 (traffic generation, access and parking) the proposal is a restricted discretionary activity as it does not comply with one or more of the conditions of Rule 14.12.1.1 (Vehicle access), 14.12.1.4 (traffic generation).

Under Rule 18.1.3 (RD2), the construction of a new building in the Business Town Centre Zone is a restricted discretionary activity, where it meets all of the conditions of Rule 18.2 (Land Use – Effects) and Rule 18.3 Land Use – Building)

Under Rule 18.2.4.1 RD1, earthworks that do not comply with Rules 18.2.4.1 P1 or P2 is a restricted discretionary activity.

### 4.3 Activity Status

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The status of the activity is determined from reference to both the Operative and Proposed District Plans, with the ‘bundling’ approach taken under each Plan and the more onerous status applied.

The proposal has discretionary status under the Operative and restricted discretionary status under the Proposed District Plan.

Applying the bundling principle, the proposal is a Discretionary Activity.

### 4.4 Operative District Plan Matters of Discretion

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*In assessing applications for consent to Controlled and Restricted Discretionary activities the Council will, in making a decision, restrict the exercise of its discretion to those matters listed below relevant to the infringement of Rule(s) 29.5 and/or 29.6:*

- *The policies of the plan concerning business activities or concerning the particular area or road in which the activity is to be located;*
- *The relevant aspects contained within the explanations given for each standard in the zone;*
- *In the case of a residential activity, the standards and matters which would be applied to the development or subdivision;*
- *The impact on the safe and efficient operation of the road and the extent to which compliance with the access standards for state highways recommended by Transit New Zealand (February 1994) would avoid or minimise any adverse effects;*
- *The bulk, height, style, finish, colour and texture of buildings and the extent to which these aspects of the development conflict with or detract from activities or buildings on adjacent sites or in the locality; as regards height the effects of concern include shading of private or public areas, and wind funnelling between buildings;*
- *The extent to which the design or any aspect of the proposal conflicts with or compromises the achievement of any design guideline or design theme that has been developed or accepted for the area;*
- *The extent to which the design of the proposal or nature of the activity would detract from or diminish the functional coherence of the area or its versatility for a range of business activities, given the activities that already predominate in the area or are likely to be most suited to the area;*
- *The suitability of the site for the activity given the character of, or activities that predominate in, the area, and given that the area may lack a level of amenity suitable for*

- the residents or occupiers of the proposed activity or development, assuming normal 'resident/occupier' expectations;*
- *The appropriateness or otherwise of acoustic insulation for houses in order that appropriate internal noise performance standards are achievable in areas likely to be subject to noise;*
  - *The extent to which pedestrians or shoppers would be inconvenienced or discouraged from visiting the area as a result of one or more aspects of the proposal;*
  - *The extent to which pedestrians or shoppers would feel unsafe or be unnecessarily exposed to the weather as a result of one or more aspects of the proposal;*
  - *The extent to which the proposal would affect the availability and convenience of parking and loading spaces in the locality, the safe and efficient movement of vehicles on adjacent roads or in service lanes, or the capacity of the site, once developed, to be used in the future for a wide range of activities;*
  - *The extent to which technological improvements have altered the way the activity interacts with the environment or makes demands on the public resources of the district;*
  - *The extent to which people living or working in the area would have to accept unacceptably high risks or potential impacts arising from some aspect of an LPG installation;*
  - *The extent to which some aspect/s of an activity or unusual characteristics of a locality or adjoining sites make it unnecessary or inappropriate to provide amenity planting in full or in part;*
  - *The extent to which the design of the building or the type or layout of the activity does or does not incorporate special features which compensate for the lack of compliance with the standards of the zone.*
  - *The extent to which the Council already has information which can be utilised in terms of complying with the requirements of the zone;*
  - *The extent to which 'emergency planning' has been incorporated into the design, layout or modus operandi of the activity, and the effectiveness of the measures proposed given the nature of the activity and the locality in terms of avoiding or minimising any likely adverse effect;*
  - *The extent to which any earthworks would affect the ecological, landscape or landform values of the area, or the natural character of the coast or of the margins of lakes and rivers; whether they would increase any risk of land instability or erosion; whether the proposed activity includes any proposals to revegetate land disturbed or prevent siltation or other adverse effects of stormwater runoff;*
  - *The extent to which the following factors of the catchment, subdivision and sites within that subdivision influence, inhibit or adversely affect the effective functioning of the stormwater management system, such that the stormwater has an adverse effect on the subdivision and any other site or property:*
    - *the relationship of the individual site and stormwater system, to the location of other sites and properties within the locality, and the location of the point of discharge into the public stormwater management system or the receiving environment;*
    - *the change, from the site prior to development to the site once it has been developed, in the position of the point of discharge of the stormwater management system into the public stormwater management system;*
    - *the change, from the site prior to development to the site once it has been developed, in volume and rate of stormwater discharged;*
    - *the potential for an increase in impervious surface cover of the site/s;*
    - *the stability of the site/s;*
    - *natural drainage conditions of the site/s and locality, such as ground levels, presence of natural watercourses, and soil soakage potential;*



*The extent to which any modification of natural watercourses including overland flow paths maintains the continuity of water flows and maintains the capacity of the floodplain. Conditions of consent may be utilised to manage the location of fences, buildings and structures to avoid modification of overland flow paths.*

As the site is located within the Pokeno Structure Plan Area, restricted discretionary activities are subject to Rule 29.7A as follows

- a) *In assessing applications for consent for Restricted Discretionary activities (subject to rules 29.3.2, 29.3.3 and 29.3.4) the Council will, in making a decision, restrict the exercise of its discretion to the following matters (to the extent that they are relevant), and may impose conditions in relation to these:*
  - i. *The Design Assessment Criteria contained in Appendix 29.2 as relevant and identified for each structure plan area:*
  - ii. *Site Planning;*
  - iii. *building form, public interface and external appearance;*
  - iv. *Open spaces, parking areas and landscaping;**Whether the proposal is in accordance with the Design Assessment Criteria (Appendix 29.2)*
- b) *Servicing*  
*Whether the development can be adequately serviced for stormwater (having regard to the recommendations of the adopted stormwater catchment management plan and/or an approved stormwater discharge consent), wastewater, water supply, water supply for fire fighting purposes and utilities.*
- c) *Design of dwelling house(s), multi-unit housing and medium density housing by reference to the relevant provisions of the medium density Housing Design Assessment Criteria in Part 27B.*
- d) *Vehicle access and car parking design*
- e) *And, in the Pokeno Structure Plan Area:*
  - i. *Site layout for service station and yard based activities whether building or site layout of service station and yard-based activities is designed to ensure that the development does not detract from the amenities of the street or those of adjoining business or residential-zoned sites.*
  - ii. *Maintenance of opportunity for the development of a train station and park and ride facility at Lot 1 DP 147726*

The matters for assessment specific to earthworks as a restricted discretionary activity under Rule 15.5.3 are as follows;

- i. *methods by which earthworks are to be undertaken;*
- ii. *sequence of earthworks, i.e: timing, staging;*
- iii. *rate at which earthworks can be undertaken;*
- iv. *proposed site landscape rehabilitation;*
- v. *the establishment and maintenance of recognised methods and techniques for the retention of sediment on-site and the prevention of discharges of sediment off- site or into waterbodies;*

- vi. *stormwater management during earthworks;*
- vii. *extent and location of earthworks relative to water bodies and adjoining sites;*
- viii. *nature and extent of water bodies in relation to earthworks;*
- ix. *landscaping and resultant visual form;*
- x. *traffic movements;*
- xi. *site management methods and techniques to avoid material being deposited on a public road creating a hazard or a nuisance to road users;*
- xii. *hours during which earthworks may be carried out;*
- xiii. *off-site placement of fill, including means of transportation and location;*
- xiv. *emergency procedures to avoid injury or property damage during earthworks;*
- xv. *avoidance or exacerbation of natural hazards;*
- xvi. *managing the chemical effects of exposing acid rock;*
- xvii. *archaeological monitoring (and possible subsequent surveys);*
- xviii. *the need for a site management plan to cover any or all of the above;*
- xix. *retaining structures and walls;*
- xx. *privacy and dominance effects from raised ground levels, buildings and specified building areas;*
- xxi. *the risk to the structural integrity of the national grid transmission line;*
- xxii. *the effects on the ability of the national grid transmission line owner to operate, maintain and upgrade the high-voltage transmission network;*
- xxiii. *the risk of electrical faults causing disruption to electricity supply;*
- xxiv. *extent of compliance with NZECP34:2001.*

Appendix 29.2 (Business Zone Pokeno, Design Assessment Criteria), sets out the assessment criteria for new buildings within the Business Zone at Pokeno. The information requirements in this Appendix 29.2 note;

*It is recognised that certain proposals will not achieve absolute accordance with all criteria. Where necessary, in regard to a criterion demonstrably not met, the applicant shall explain with reference to the explanation for the particular design element:*

- *whether site constraints inhibit the ability to address the criterion, and/or;*
- *how the intention of the criterion is met by the proposal, and/or;*
- *whether the proposal represents a better design solution than that suggested by the criterion.*

## **5.0 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011 (NЕСS)**

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An assessment under the NESCS has been undertaken and is attached as Appendix 5. In summary, the site is not defined under the Regulations as a 'piece of land' as there is no evidence of a HAIL activity having been undertaken on it, therefore the NESCS does not apply and consent is not required.

## **6.0 RELEVANT OBJECTIVES AND POLICIES AND ASSESSMENT OF EFFECTS**

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The Assessment of Effects is focused on the key matters as identified in the assessment criteria of the Waikato District Operative and Proposed District Plans. The relevant objectives and policies are referenced in each section.

## 6.1 Business Centre Function and Amenity

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The following are the relevant objectives and policies under the Operative and the Proposed District Plans.

### Operative District Plan

#### 19.4.2 Objective - Business Centres

To support the defined business 'centres' of Tuakau and Pokeno as the foci of pedestrian-oriented retailing and allied business activities for the district.

#### 19.4.2 Policies

1. *That the business centre of Tuakau and Pokeno be defined (on planning maps) for the purpose of applying development Rules which are intended to:*
  - *maintain and improve pedestrian shopper amenity and convenience;*
  - *ensure adequate on-site parking and loading provision; and*
  - *safeguard the character of the built environment.*
5. *That the full range of business, community and recreational activities be provided for in central areas subject to the potential they have for generating adverse effects.*
6. *That the movement function and the visual appeal of the key roads serving the Business Zone be protected and enhanced.*

### Proposed District Plan

#### 4.1.7 Objective – Character of towns

Development in the Residential, Village, Industrial and Business zones is attractive, connected and reflects the existing character of towns.

#### 4.1.8 Policy – Integration and connectivity

- (a) *Ensure effective integration within and between new developments and existing areas, including in relation to public open space networks and infrastructure by:*
- (i) *Providing good access to facilities and services by a range of transport modes through the provision of integrated networks of roads, public transport, cycle, and pedestrian routes;*
  - (ii) *Providing a range of supporting local community facilities and services for residents' daily needs;*
  - (iii) *Setting aside land for neighbourhood centres and parks identified in town-specific Master Plans or Structure Plans, to enable their future development;*
  - (iv) *Applying the following design guidelines and town centre character statements to influence the manner in which development occurs:*

*C.Town Centre Guidelines (Appendix 3.3).*

#### 4.5.1 Objective – Commercial function and purpose



*Commercial activity is focused within a differentiation of commercial zones and development (comprising the Business Town Centre Zone, the Business Zone, the Business Zone Tamahere and neighbourhood centres)*

#### *4.5.2 Policy – Commercial function and purpose*

*(a) Commercial activity develops in a way that:*

- (i) Ensures the business town centre within each town is maintained as the primary focal point for retail, administration, commercial services and civic functions;*
- (ii) Provides for larger scale commercial activities within the Business Zone;*
- (iii) Provides for small scale convenience retail and community activities within the Business Zone Tamahere and neighbourhood centres.*

#### *4.5.3 Policy – Commercial purpose: Business Town Centre Zone*

*(a) The role of the business town centres in Raglan, Huntly, Ngaruawahia, Te Kauwhata, Pokeno and Tuakau is strengthened by ensuring that:*

- (i) They are recognised and maintained as the primary retail, administration, commercial service and civic centre for each town; and*
- (ii) The scale of commercial activities supports their continued viability as the primary retail, administration and commercial service centre for each town; and*
- (iii) Enhances their vitality and amenity while providing for a range of commercial and community activities and facilities.*

#### *4.5.12 Objective – Business Town Centre - Character*

- (a) The commercial and mixed use character of Raglan, Huntly, Ngaruawahia, Te Kauwhata, Pokeno and Tuakau town centres is maintained and enhanced.*
- (b) The Business Town Centre Zone is promoted as a community focal point.*
- (c) Development of town centres is designed in a functional and attractive manner serving the needs of the community.*

#### *4.5.13 Policy – Town centre built form*

*(a) The scale and form of new development in the Business Town Centre Zone is to:*

- (i) provide for a safe, accessible, compact and attractive town centre environment;*
- (ii) facilitate the integration of retail shopping, administration and commercial services, residential, civic and community activities;*
- (iii) reflect the role and character of the business town centre;*
- (iv) increase the prominence of buildings on street corners;*
- (v) maintain a low rise built form and small scale, pedestrian focussed retail activities; and*
- (vi) manage adverse effects on the surrounding environment, particularly at the interface with residential areas.*

#### *4.5.18 Policy - Pokeno Town Centre*

*(a) Development maintains and enhances the role of the Pokeno Town Centre by:*

- (i) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;*
- (ii) Maintaining a pedestrian focus by discouraging vehicle access across footpaths;*
- (iii) Providing for an appropriate building scale with narrow frontages; and*
- (iv) Protecting and enhancing the character of existing buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Pokeno Town Centre (Appendix 10.4), in particular by:*
  - A. Providing transparent façades and window displays at ground level;*
  - B. Providing continuous suspended verandahs sheltering footpaths;*



- C. *Providing parking, loading and storage where rear access to buildings exists;*
- D. *Encouraging the preservation and promotion of cultural features.*
- E. *Promoting active street frontages by developing up to the street boundary; and*
- F. *Ensuring built form is consistent with Waikato District Council Pokeno Town Centre Architectural Form, Materials and Signage Design Guide, and in particular section 6 (Architectural Style, Materials and Appearance).*

#### *4.5.21 Policy - Corner buildings – Business Town Centre Zone*

- (a) *Ensure buildings within Business Town Centre Zones positively reinforce corner locations through:*
  - (i) *Building design;*
  - (ii) *The position of the building on the site;*
  - (iii) *Architectural details; and*
  - (iv) *Having prominent building entrances.*

#### *4.5.22 Policy – Landscaping - Business Town Centre Zone*

- (a) *Within the Business Town Centre Zone and outside of the pedestrian frontage areas, ensure that landscaping contributes to the adjacent streetscape.*

#### *4.5.24 Policy – New buildings: Business Town Centre Zone*

- (a) *New buildings within the Business Town Centre Zone are consistent with the Waikato District Council Urban Design Guidelines Town Centres (Appendix 3.3), and in particular:*
  - (i) *Responds to the specific site characteristics and wider street and town context;*
  - (ii) *Promotes architectural form, building features and placement;*
  - (iii) *The design of buildings contributes to vibrancy, character and commercial viability of the town centre;*
  - (iv) *Provides landscape and open space design that responds to the characteristics and qualities of the area;*
  - (v) *Minimises visual and amenity impacts of accessways and parking facilities; and*
  - (vi) *Maximises pedestrian access and safety.*

#### *4.5.36 Policy – Signage*

- (a) *In the Business Town Centre and Business Zone provide for:*
  - (i) *The establishment of signs where they are associated with the activity carried out on the site on which they are located;*
  - (ii) *Public information signs that are of benefit to community well-being; and*
  - (iii) *Establishment of signage to support the commercial function and vibrancy of the zones with controls on the size, location, appearance and number of signs to ensure they do not detract from the visual amenity of the surrounding environment.*

#### *4.5.37 Policy – Managing the adverse effects of signs*

- (a) *In the Business Town Centre and Business Zone ensure that:*
  - (i) *The location, colour, content, and appearance of signs directed at traffic are controlled to ensure signs do not distract, confuse or obstruct motorists, pedestrians and other road users;*
  - (ii) *Signs that generate adverse effects from illumination, light spill, flashing or reflection are avoided;*
  - (iii) *the placement of signs do not obstruct the free movement of:*
    - A. *Pedestrians along the footpath;*
    - B. *Vehicle use of the road carriageway.*



## ***Role of Centre***

The purpose of the business centre of Pokeno is to provide for a “range of business activities.”

This role is reinforced under the Proposed District Plan in maintaining the town centre as the focal point for the various business activities to support the community.

Service stations provide a necessary contribution to meeting the vehicle requirements of the community. Enabling the location of service stations at a range of locations meets the demand and expectation of the community for a readily available service.

An easily accessible location provides for refuelling to occur in combination with other trips and avoids inefficient transport movement.

The policy framework of both the Operative and proposed District Plans, supported by the design of criteria for town centres, establishes the intent of the business centre or the framework for design of buildings, pedestrian connectivity and visual amenity.

The subject site, with its location characteristics at the edge of the town centre and disconnected from the pedestrian environment enable it as a suitable location for a service station.

The site is not key to providing for pedestrian amenity and connectivity between business activities in the town centre.

The proposal will have a less than minor potential adverse effect on the role and functioning of the business centre of Pokeno.

## ***Character and Amenity***

The site adjoins the permanent open space area of Church Street (unformed) to the west and Market Square and Market Street to the east. There is no residential zone land adjoining the site.

The functioning of a service station necessitates ease of vehicle access and for re-supply by tanker. Whilst this functional response to the design is reflected by the proposal, proposed design elements provide for the site to visually merge with the open space adjoining. These comprise landscaping of the external boundaries and absence of large structures and buildings.

The open space character of the adjoining land and low density of the site are the most visually dominant characteristics. Existing, well established planting in the Church Street and Market Square area provide key visual amenity to the immediate area. The low visual impact of the proposal will enable these existing visual characteristics to remain.

The provisions of the District Plan focus upon the contribution of built form to the visual and pedestrian amenity of the town centre. The location characteristics described support an alternative approach in order to maintain the existing visual amenity character.

Alternative commercial development of the site, having more substantial built form would need to sensitively manage the visual character of the open space adjoining the site.

As the site is disconnected from the business area to the east, little benefit to the function of the town centre would be gained from attempting to provide for pedestrian amenity at the site frontage.

The effect of the proposed reduction in the front yard control applied to the Church Street frontage is mitigated by the visually open character of the developments. The absence of large built form on the site allows the landscape elements of Church Street and Market Square to visually blend across the site and continue to contribute to the visual amenity of the area.

The proposal will have a less than minor potential adverse effect on the character and amenity of the area.

### ***District Plan Design Assessment (Appendix 29.2)***

The purpose of this assessment is set out in Appendix 29.2 of the Operative District Plan. The provisions note that “...certain proposals will not achieve absolutely accordance with all criteria.”<sup>1</sup>

In doing so the provision notes that this may be due to site constraints and how the intention of the criteria is met or is represented by a better design solution.

- ***Site Planning (Design Element 1)***
  - The subject site is located at the northern most end of the design area. The provision of building facades and verandahs will serve no purpose in providing for pedestrian amenity. With Church Street and residential zoning to the north, there is no continuation of business activities to connect. The proposed service station is not a pedestrian destination (Point 1-3)
  - The proximity of Market Square and Church Street landscape areas will mitigate any adverse visual effect from vehicles using the service station. The disconnect of the subject land from the town centre to the south distances the site from the pedestrian environment of the town centre (Point 4)
  - The presence of vehicle access directly onto Great South road will, for the same reasons as not providing for verandah coverage, not detract from existing or future pedestrian amenity (Points 4-6)
  - The presence of low-level perimeter boundary landscaping, and the absence of large built forms better provides for both the visual integration of the open spaces

of Church Street and Market Square across the subject site and the visual amenity of the streetscape (Point 7)

- There is no outdoor storage proposed. The bin shown on the plan is the spill response kit. (Point 8)
- Stormwater management is the subject of a design assessment to manage discharge from the site (Point 9)

- *Building Form, Public interface and External Appearance (Design Element 2)*

The location of the subject site is at the northern most end and disconnected from the town centre by the presence of Market Square and Market Street. This feature supports the suitability of the land for a service station. The absence of built form on the site is not considered to detract from the intended character or visual amenity of the town centre.

- *Open Spaces, parking area and landscaping (Design Element 3)*

- The site does not adjoin a stream, and does not propose onsite open space amenity areas as part of the development (Point 1-4)
- The design of the site provides for optimum movement of vehicles. It is not designed or intended for access by pedestrians. The site does not adjoin land zoned residential (Points 5, 6, 7).

### ***Synopsis***

Due to the characteristics of the site location, the absence of the built form will have no discernible adverse effect on the design outcomes sought by the Design Assessment Criteria for the Pokeno Town Centre.

### ***Pylon Sign***

The proposed (8 metres) high pylon sign exceeds the maximum height for the zone. This is due to the reduced (2 metres) height available from the presence of residential zoned land on the opposite side of Church Street and Great South Road.

The potential for adverse visual effect from the height of the sign (8 metres) is mitigated to less than minor as a result of the following characteristics:

- The small cross section area of the sign in comparison to permitted built form that may occur on the site
- The open space character of the service station development that visually offsets the scale of the proposed sign
- The presence of large landscape elements in the unformed Church Street that serve to partially screen the visibility of the sign from the residential zone.

- The separation from the residential zone provided by Church Street and Great South Road
- When viewed from the north, the proposed sign has a background visual effect resulting from the presence of the Business zone land. The development standard for this land direct the presence of built form to the road edge of the sites. This background visual effect will mitigate the visibility of the proposed sign.

Service stations provide a necessary service to the community and the proposed location is convenient given its location on a busy transport route, particularly for people commuting to the city. The proposed pylon sign is typical characteristic of the service station activity and is of a size that is identifiable for motorists as they approach. There is a functional need for the sign for displaying petrol prices and for clear identification to motorists.

The mitigating characteristics of the location and of the development will mitigate the potential for adverse effect from the scale of the sign to less than minor.

### ***Pokeno Structure Plan Area***

The subject site is located with the Structure Plan Area (Appendix 54.15A) and identified as within the Business area. Aside from this there are no key infrastructure or linkages relating to the subject land.

As the proposal does not include any subdivision, there are no specific provisions that apply in accordance with Rule 54.15C of the Operative District Plan.

## **6.2 Sensitive Environments**

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The following are the relevant objectives and policies under the Operative and the Proposed District Plans.

### *Operative District Plan*

#### 19.4.3 Objective - Adverse Effects

To protect the Residential Zone and other sensitive areas or resources from the adverse effects of business activities.

#### 19.4.3 Policies

1. *That the development and performance standards of the Business Zone, Tuakau Industrial Zone and the Tuakau Industrial Services Zone take particular account of the amenities of non-business zoned properties which are on the fringe of the zone.*
2. *Business activities, wherever located, must respect the rights of other land users and activities to clean air, and must ensure that the best practicable options are used to avoid or mitigate for any air-borne waste emissions which might detract from or be injurious to people or activities on other sites nearby or in the surrounding locality; this includes 'fugitive' emissions or discharges that come from the ground (such as dust), or stored materials, machinery or other ancillary activities or site areas. Activities that have difficulty*



*in maintaining acceptable standards may have to consider relocating so as to achieve appropriate separation distances from sensitive land uses.*

3. *To monitor the effects of business activities on residential areas, particularly traffic and noise, and to:*
  - *revise the provisions of the zone if residential amenities are not adequately protected, and*
  - *investigate roading design changes for individual stretches of road where through-traffic associated with business activities is having an adverse impact.*
4. *Due consideration be given to environmental and health impacts, sustainability and long term planning.*
5. *Business activities have the potential to impact negatively on people's health and on the environment.*
6. *All business activities must comply with relevant standards and guidelines.*

#### Proposed District Plan

##### *4.5.30 Objective – Business Zone and Business Town Centre Zones – Amenity*

*The amenity values of residential activities within, and activities in, adjoining zones are protected from the adverse effects of developments and activities in the Business and Business Town Centres Zones.*

##### *4.5.32 Policy – Adjoining site amenity*

- (a) Maintain amenity of adjoining Residential or Reserve-zoned properties by:*
- (i) Requiring buildings within the Business and Business Town Centre Zones to be setback from boundaries adjoining Residential and Reserve-zoned land; and*
  - (ii) The progressive reduction in the height of buildings in Business and Business Town Centre Zone the closer they are located to boundaries adjoining Residential or Reserve Zoned land.*

##### *4.5.38 Policy – Artificial outdoor lighting*

- (a) In the Business Town Centre and Business Zone ensure that:*
- i. Artificial outdoor lighting enables night time work, recreation activities, outdoor living, transport and security;*
  - ii. The intensity and direction of artificial lighting avoids significant glare and light spill to adjacent sites; and*
  - iii. Artificial outdoor lighting is installed and operated so that light spill does not compromise the safe operation of the transport network.*

The site adjoins three roads, with Great South Road and Church Street separating the site from residential zone properties to the west and north. The adjoining property to the north is zoned business.

The applicant is required to meet the standards of the Code of Practice for the Design Installation and Operation of Underground Petroleum Storage Systems and requirements of the Hazardous Substances & New Organisms Act 1996. The standards ensure that there are



no off-site adverse effects on neighbouring properties. As a result, the activity will not create any air-borne waste, discharge any material or have any adverse effect on the health of people using the site or working or living adjacent to the site.

Spill and contaminant mitigation measures are included in the design to reduce the potential risk to infrastructure including drainage. Further detail of the environmental management systems is set out in the Draft Environmental Management Plan (Appendix 3). The management plan covers all aspects of operation and risk management for the site and will be finalised following grant of resource consent and building consent to enable any management conditions imposed to be incorporated into the document. It is noted that the management of hazardous substance storage is regulated by the Hazardous Substances and New Organisms Act 1996 which is administered by WorksafeNZ. Certification is required by these regulations prior to the operation of the activity.

For these reasons the potential for any risk to sensitive environments from the operation of the activity is less than minor.

### **6.3 Traffic**

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The following are the relevant objectives and policies of the Operative and Proposed District Plans.

#### Operative District Plan

##### *9.3.1 Objective - Minimise Conflict*

*To minimise conflict between the movement and access functions of roads and ensure, as far as practicable, that activities are compatible with the predominant function of the roads they front.*

##### *Policies:*

- 1. That the district's roads are classified in terms of the relative importance of their movement and access functions and that a road hierarchy be established based on that classification.*
- 2. That the effects of the subdivision, use and development of land are assessed in terms of the road hierarchy to determine and ensure the compatibility of activities with the roads they front or rely upon for access.*
- 6 That all activities be required to provide off road parking and loading facilities and to have access points (vehicle crossings) which comply with the Council's minimum standards for same.*
- 7. That the plan uses front yards in all zones to assist in minimising conflict between roads and land use activities.*

##### *9.3.2 Objective - Safety*

*To ensure a safe roading network.*

##### *Policies:*



1. *That all activities be assessed in terms of the roading hierarchy to determine the appropriate standards of vehicle access, driveways and parking and loading areas, and manoeuvring space.*
2. *That minimum standards be required to be satisfied for the location, design and construction of vehicle access points and road intersections.*
3. *That all persons and agencies ensure, as far as practicable, that road furniture, signage and vegetation is located, designed and maintained so as not to cause road safety problems, including visual obstruction or distraction.*
4. *That no activity be permitted to create a situation where glare or light overspill from exterior lighting associated with that activity dazzles, distracts or otherwise impairs driver vision on roads adjacent to the activity.*

#### Proposed District Plan

##### *6.5.1 Objective – Land transport network*

*An integrated land transport network where: All transport modes are accessible, safe and efficient; and Adverse effects from the construction, maintenance and operation of the transport network are managed.*

##### *6.5.2 Policy – Construction and operation of the land transport network*

- (a) Promote the construction and operation of an efficient, effective, integrated, safe, resilient and sustainable land transport network through:*
  - (i) Corridor, carriageway and intersection design which is appropriate to the road function as specified in the road hierarchy and in accordance with relevant guidelines;*
  - (ii) The appropriate design and location of sites accesses;*
  - (iii) Traffic signage, road marking, lighting, rest areas and parking as appropriate;*
  - (iv) Provision for pedestrians and cyclists that addresses accessibility, including off-road facilities and connections;*
  - (v) Corridor and carriageway design which is sufficient to enable provision of public transport;*
  - (vi) Provision for other infrastructure, including where suitable low impact design stormwater facilities;*

##### *6.5.7 Policy – Vehicle access*

*Control the location of new vehicle accesses to sites adjacent to other accesses and rail level crossings to improve the safety and efficiency of the land transport network.*

A transportation assessment has been prepared by Traffic Solutions Limited. The report assesses the existing traffic environment and the proposed development including the associated vehicle accesses and vehicle movements on and offsite.

In preparing the assessment, the traffic engineer provided recommendations for managing the movement of traffic on to, within and off the site that have been incorporated in the proposed plans. The potential for effect on the operation of the local road network has been assessed based on sources of information for the traffic generating characteristics of service stations as identified in the assessment. These sources include guiding standards and surveys carried out at other service stations.

The report concludes that the facility will largely draw from traffic passing by or diverted-linked rather than destination focussed. Actual additional traffic generated is assessed at about 10 trips per hour. This results in the additional vehicle movements on the network being low and the potential consequential traffic effects insignificant.

The site distances are adequate that vehicles will be able to exit from the site safely and the design of vehicle accesses easily catering for traffic demand. The westward vehicle access will have sufficient sight distances providing the access is limited to entry only. The use of the existing flush median will provide 'shelter' for turning vehicles and mitigate the potential for conflict. A condition of consent is recommended that directs that the western access is limited to entry only.

The available sight distances and separation between crossings provide for the safe movement of pedestrians.

Based on the findings of the traffic assessment any potential adverse effect arising from traffic movement is less than minor.

## **6.4 Noise**

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The following are the relevant objectives and policies of the Operative and Proposed District Plans.

### Operative District Plan

#### *Objective - Business Activity Areas*

*To permit a wide range of activities to occur within the district's established urban, commercial and urban industrial areas provided performance standards are achieved, and only allow business activities out of these areas where any adverse effects can be appropriately and effectively addressed.*

### Proposed District Plan

#### *4.5.35 Policy – Noise*

- (a) Adverse effects of noise generated within the Business Town Centre and Business Zone on sensitive land uses are minimised by:*
  - (i) Ensuring that the maximum sound levels are compatible with the amenity values of adjacent Residential Zone or Village Zone;*
  - (ii) Limiting the timing and duration of noise-generating activities, including construction and demolition activities;*

- (iii) Maintaining appropriate setback distances between high noise environments and sensitive land uses; and*
- (iv) Limiting the timing and duration of servicing and operation of commercial activities;*

The proposal has been assessed and a report has been prepared by Marshall Day Acoustics (Appendix 4). The report assesses the noise emissions from the activity against the Operative and Proposed District Plan.

The assessment has adopted the standards from the Proposed District Plan as the more restrictive of the two.

Construction noise standards will apply and be complied with during all phases of construction.

In summary, the activity complies the Plans standards and noise limits can be achieved within the boundary of all adjacent and potentially affected sites during the day and night-time periods. Any noise generated by the activity, as being in accordance with the specified standards will have no appreciable adverse effect on the environment.

## **6.5 Earthworks**

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The following are the relevant objectives and policies of the Operative and Proposed District Plans.

### *Operative District Plan*

#### *Objective:*

- 1. To achieve development which avoids, remedies or mitigates adverse effects from earthworks on historic heritage, water quality, significant infrastructure, and adjoining properties.*

#### *Policies:*

- 1. Subdivision and development should avoid, remedy or mitigate siltation and sedimentation of waterbodies and adjoining properties arising from earthworks.*
- 2. Subdivision and development should utilise appropriate site management practices to manage earthworks activities.*
- 3. Earthworks associated with farming, horticulture and forestry activities should be provided for as ancillary rural earthworks, subject to the establishment and maintenance of appropriate site management practices.*
- 4. Earthworks required for subdivision and development should avoid, remedy or mitigate adverse effects on historic heritage, including (but not limited) archaeological sites and sites of significance to Māori.*

5. *Earthworks should be undertaken in a manner that does not affect the integrity and operation of significant infrastructure located within Franklin.*

*Proposed District Plan*

*4.5.41 Policy - Earthworks*

1. *Ensure that the adverse effects of earthworks in the Business Town Centre Zone and Business Zone on adjoining properties and water bodies, are managed to minimise the adverse effects and sediment of dust and stormwater runoff.*

Earthworks will be managed in accordance with a Construction Site Management Plan (CSMP), which will include specific measures for the management of sediment and erosion during construction. The Management Plan will include measures for;

- Managing the transport of fill and excavated material from the site
- Procedures in the event of any emergency to avoid personal or property damage during earthworks
- Procedures in accordance with legislative responsibility in the event of archaeological discovery
- Managing the chemical effects in the event any chemical rock is exposed
- Managing the risk of electrical faults in the event of a disruption to electricity supply including NZECP34:2001

The expected earthworks depths for construction are as follows:

- 2.5m diameter fuel tanks = 3.8m deep excavation
- SPEL separator = 2.5m deep
- Detention tanks (design to be confirmed) = 2.5m deep
- General services and drainage trenches = 700mm deep

The estimated truck movements for construction are as follows:

- Tank excavation - 4 trucks per hour for 4 days
- Tank backfill - 3 trucks per hour for 3 days
- Site cut - 4 trucks per hour for 3 days
- Site Fill - 3 trucks per hour for 3 days
- Drainage excavation - 3 trucks per hour for 2 days
- Drainage Fill - 1 truck per hour for 2 days

With reference to the matters of assessment under the Operative District Plan, the following are relevant to managing any potential effects arising from earthworks;

- No natural hazards are identified for the land
- Ground levels will not be raised to any noticeable effect as to affect privacy of the adjoining property.
- There are no retaining walls proposed
- No national grid transmission lines are at risk by the work

- The site is of level grade and poses no difficult challenge for the containment of material within the site.
- The site does not adjoin nor is near any water bodies.

During construction the site an on-site construction manager will be present to monitor construction and compliance with the CSMP.

It is recommended that a Construction Site Management Plan be required as a condition of resource consent.

The proposed earthworks can therefore be managed to have a less than minor potential adverse effect on the environment

## 6.6 Hazardous Substances

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The following are the relevant objective and policies of the Proposed District Plan.

### *Proposed District Plan*

#### *10.1.1 Objective – Effects of hazardous substances*

- 1. Residual risk associated with the storage, use, or disposal of hazardous substances is managed to ensure that the effects on people, property and the environment are acceptable, while recognising the benefits of facilities using hazardous substances.*

#### *10.1.2 Policy – Location of new hazardous facilities*

- 1. New hazardous facilities minimise the risk to the environment (including people and property) to acceptable levels by:*
  - Siting new hazardous facilities in appropriate locations that are separated from incompatible activities and environment;*
  - Avoid locating near to sensitive land use activities and infrastructure*
  - Designing, constructing and operating hazardous facilities in a manner that ensures the adverse effects of the operation or an accidental event involving hazardous substances can be contained within the site; and*
  - Disposing hazardous wastes to authorised disposal or treatment facilities that have appropriate management systems in place.*

#### *10.1.3 Policy – Residual risks of hazardous substances*

- 1. Facilities for the use, storage or disposal of hazardous substances shall identify and assess potential adverse effects (including cumulative risks and potential effects of identified natural hazards) to prevent unacceptable levels of risk to human health, safety, property and the natural environment.*

The proposal is assessed against the hazardous substances standards and assessment matters to ensure it is operated in accordance with site management and safety requirements.

The proposed activity is required to meet the Code of Practice for the Design Installation and Operation of Underground Petroleum Storage Systems and requirements of the Hazardous Substances & New Organisms Act 1996.

Spill and contaminant mitigation measures are included in the design to reduce the potential risk to infrastructure including drainage. Further detail of the environmental management systems is set out in the Draft Environmental Management Plan (Appendix 6). The management plan covers all aspects of operation and risk management for the site and will be finalised following grant of resource consent and building consent to enable any management conditions imposed to be incorporated into the document. It is noted that the management of hazardous substance storage is regulated by the Hazardous Substances and New Organisms Act 1996 which is administered by WorksafeNZ. Certification is required by these regulations prior to the operation of the activity.

A final copy of the EMP can be provided to Council following the consent process to enable any detail required by conditions of consent to be incorporated into the document.

## **6.7 Summary of Effects**

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The key findings of the AEE are:

- The proposed activity is suited to the development site and has been assessed under the standards of both the Operative and Proposed District Plans. The choice of site is critical to avoiding the potential for adverse effect on the intended functioning of the town centre and the amenity of adjacent residential land.
- The proposal has been assessed to have a less than minor potential for adverse effect on the environment.
- The activity will be managed in accordance with relevant standards for hazardous substances to avoid any adverse effects on human health.
- The activity can meet the district plan performance standards as to noise lighting and vibration standards.
- The proposal will have a less than minor effect on the safety of the transport network.
- A Construction Site Management Plan will be prepared and is recommended as a condition of consent to manage any potential adverse effects arising from the construction phase.
- An Emergency Management Plan will be provided to Council prior to the site being developed.

Overall, the proposal will have a less than minor effect on the receiving environment.

## **7.0 STATUTORY CONTEXT**

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Before making a decision pursuant to Section 104C of the Resource Management Act 1991, Council must consider the proposal pursuant to Section 104 of the Act. Subject to Part 2, Section 104 requires that regard be given to any actual or potential effect on the environment and any relevant policies under or other provisions of the district plan and any other relevant matters. The proposal is a discretionary activity as identified by the provisions of the Operative District Plan.

Section 5 of the Act (Purpose) declares the statutory purpose of sustainable management as that which “enables people and communities to provide for their social, economic and cultural wellbeing”.

Enabling the wellbeing of people and communities has to be achieved in the context of Section 5(2)(a)(b)(c). In particular the responsibility of (c) for “avoiding, remedying or mitigating any adverse effects or activities on the environment”.

The proposal provides for the adaptive use of an existing commercial site and in this regard is an efficient use of the established physical resource. The proposal is in accordance with the established character of the area.

A grant of consent will enable the applicant and the community to provide for their economic well-being whilst avoiding, remedying, or mitigating any actual adverse effects on amenity values, natural and physical resources, and the quality of the environment.

There are no Section 6 matters (National Importance) of relevance to the consideration of the proposal.

Section 104B of the Act enables the Council to either grant or refuse consent for a discretionary activity and, if granted, the consent may be subject to such conditions under Section 108, as are deemed appropriate.

On balance, the potential effects of the proposed activity are acceptable in the context of the local environment.

## 8.0 NOTIFICATION ASSESSMENT

### 8.1 Public Notification

Section 95A provides a step-by-step guide in determining whether public notification is required:

Step 1	<p>Mandatory public notification in certain circumstances</p> <p>An application must be publicly notified if:</p> <ul style="list-style-type: none"><li>• The applicant requests that the application be publicly notified</li><li>• Public notification is required under section 95C</li><li>• The application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977</li></ul>	<p>None of the circumstances of Step 1 (section 95A(3)) exist.</p>
Step 2	<p>If not required by step 1, public notification</p>	<p>The application is for a discretionary</p>

	<p>is precluded in certain circumstances.</p> <p>An application cannot be publicly notified if:</p> <ul style="list-style-type: none"> <li>• A rule or national environmental standard (NES) precludes notification</li> <li>• The application is for an activity listed in 95A(6) or is a boundary activity</li> <li>• An activity prescribed in regulations</li> </ul>	<p>activity and is not a 'residential activity' as defined under section 95A(6) nor is it a boundary activity.</p>
Step 3	<p>If not precluded by step 2, public notification is required in certain circumstances.</p> <p>Other than for those activities in step 2, public notification is required if:</p> <ul style="list-style-type: none"> <li>• A rule or national environmental standard (NES) requires public notification</li> <li>• The assessment under section 95D determines that the activity will have, or is likely to have, adverse effects on the environment that are more than minor</li> </ul>	<p>No rule or NES requires public notification.</p> <p>Public notification is not required as the adverse effects of the proposal are not more than minor.</p>
Step 4	<p>Public notification in special circumstances.</p> <p>If notification is precluded under step 2, or isn't required under step 3, consideration must be given to whether special circumstances exist that warrant public notification of the application.</p>	<p>There are no special circumstances which could warrant public notification under s95A(9).</p>

## 8.2 Limited Notification

Where the consent authority accepts that public notification is not required, the consent authority must determine if limited notification is required under section 95B:

Step 1	<p>Certain affected groups and affected persons must be notified</p> <p>If the consent authority determines that certain people or groups (customary title holders and statutory acknowledgement groups) are affected, these persons/groups must be given limited notification.</p>	<p>None of the circumstances in Step 1 (section 95B(2) and 95B(3)) exist; there are no customary rights or title groups affected by this proposal; the site is not subject to a statutory acknowledgement under Schedule 11 of the RMA.</p>
Step 2	<p>If not required by step 1, limited notification is precluded in certain circumstances.</p> <p>An application cannot be limited notified</p>	<p>Notification is not precluded by step 2 as the activity is not a controlled activity nor is notification precluded or prescribed by a</p>



	<p>if:</p> <ul style="list-style-type: none"> <li>• A rule or national environmental standard (NES) precludes limited notification of the application</li> <li>• It is for either or both of the following, but no other, activities: <ul style="list-style-type: none"> <li>– A controlled land use activity under a district plan (other than a subdivision of land);</li> <li>– An activity prescribed through regulations</li> </ul> </li> </ul>	rule or regulation.
Step 3	<p>If not precluded by step 2, certain other affected persons must be notified.</p> <p>Determine whether, in accordance with section 95E, the following persons are affected persons:</p> <ul style="list-style-type: none"> <li>• In the case of a boundary activity, an owner of an allotment with an infringed boundary; and</li> <li>• In the case of an activity prescribed under section 360H(1)(b)...</li> <li>• In the case of any other activity, determine whether a person is an affected person in accordance with section 95E</li> </ul>	There are no affected parties to this application as the potential effects are assessed as less than minor.
Step 4	Further notification in special circumstances.	There are no special circumstances which could warrant limited notification under s95B(10).

Limited notification under section 95B is not required for this application.

### 8.3 Affected Persons

Section 95E states:

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

*(1) A consent authority must decide that a person is an affected person, in relation to an activity, if the activity's adverse effects on the person are minor or more than minor (but are not less than minor).*

The assessment of effects and the conclusions reached in terms of scale of effect beyond the site has been determined as less than minor.

#### 8.4 Conclusion of Notification Assessment

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Pursuant to Sections 95 to 95G of the RMA, the applicant requests that Council process the resource consent application on a non-notification basis.

#### 9.0 CONCLUSION

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An application for resource consent is required to establish and operate a 24/7 unmanned service station.

The proposal has been assessed as to activity status under both the Operative and Proposed District Plan. The actual and potential effects on the environment have been assessed against the relevant matters of discretion of the Operative District Plan.

A grant of consent to the activity is considered justified as the assessment has demonstrated the activity to have no more than minor adverse effects on the environment and is not contrary to the relevant policy framework of the Plan.



Grace Burman  
Senior Planner  
**Hayson Knell Limited**

## Appendix 1

### Plans

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## **Appendix 2**

### **Certificate of Title**

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## **Appendix 3**

### **Transportation Assessment**

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## **Appendix 4**

### **Acoustic Assessment**

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## **Appendix 5**

### **NESCS Assessment**

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## Appendix 6

### EMP

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## **Appendix 7**

### **Lighting Assessment**

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## Appendix 8

### Infrastructure Assessment

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## **Appendix 9**

### **Landscape Plan**

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