

Assessment of Environmental Effects for Ashburton District Council

Waitomo Energy Limited

Proposed New Service Station
West Street, Ashburton

October 2021



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Introduction

The applicant (Waitomo Energy Limited) seeks approval in accordance with Section 88 and Schedule 4 of the Resource Management Act 1991 (RMA) from Ashburton District Council (ADC) to construct and operate a new self-serve service station on railway land, West Street, Ashburton.

The operation of a service station in the Open Space A Zone is a **non-complying activity** under the Ashburton District Plan (the District Plan) as follows:

- **Rule 6.8.5b) (Section 6 - Open Space A Zone)** as a non-complying activity for a service station within the Open Space A Zone;
- **Rule 10.7.2a) (Section 10 - Transport)** for a restricted discretionary activity for vehicle crossings which exceed the maximum width permitted;
- **Rule 13.7.2a) (Section 13 – Signs)** as a restricted discretionary activity for signage that exceeds the maximum height and width in the Open Space A Zone; and
- **Rule 16.7.4a) (Section 16 Hazardous Substances)** as a non-complying activity for the storage of hazardous substances that exceeds the maximum quantities.

Earthworks are a discretionary activity under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, hereafter NESCS, as a DSI has not yet been undertaken.

Resource consent is also required from Environment Canterbury under the Canterbury Land and Water Regional Plan (CLWRP) for the discharge of construction-phase stormwater, dewatering and excavations. The necessary resource consents will be sought from Environment Canterbury once the land use is confirmed.

Description of the Proposal

Plans and Documentation

The following plans and documentation are attached as appendices:

- Appendix A – Gazette Notice
- Appendix B – Location Plan
- Appendix C – Site Plan and Elevations
- Appendix D – Integrated Transport Assessment
- Appendix E – SPEL Purceptor Calculations and Details
- Appendix F – KiwiRail Holdings Limited – Lease Agreement

The Site and Surrounding Environment

The Site

The site is located on railway land, West Street, Ashburton (Part Reserve 953, Canterbury) and is 5.7ha in area. The applicant will lease an area of 1535m² for the operation of the service station. The site is gazetted for railway purposes and managed by KiwiRail Holdings Limited. The Gazette Notice is attached in Appendix A and a Location Plan is attached in Appendix B.

The site is flat and is part of the railway reserve for the Main South Railway Line which now provides for freight only. The area of land to be used for the service station is currently unused railway reserve and includes a silo which will be removed. An aerial photograph of the site is included in Figure 1 below.

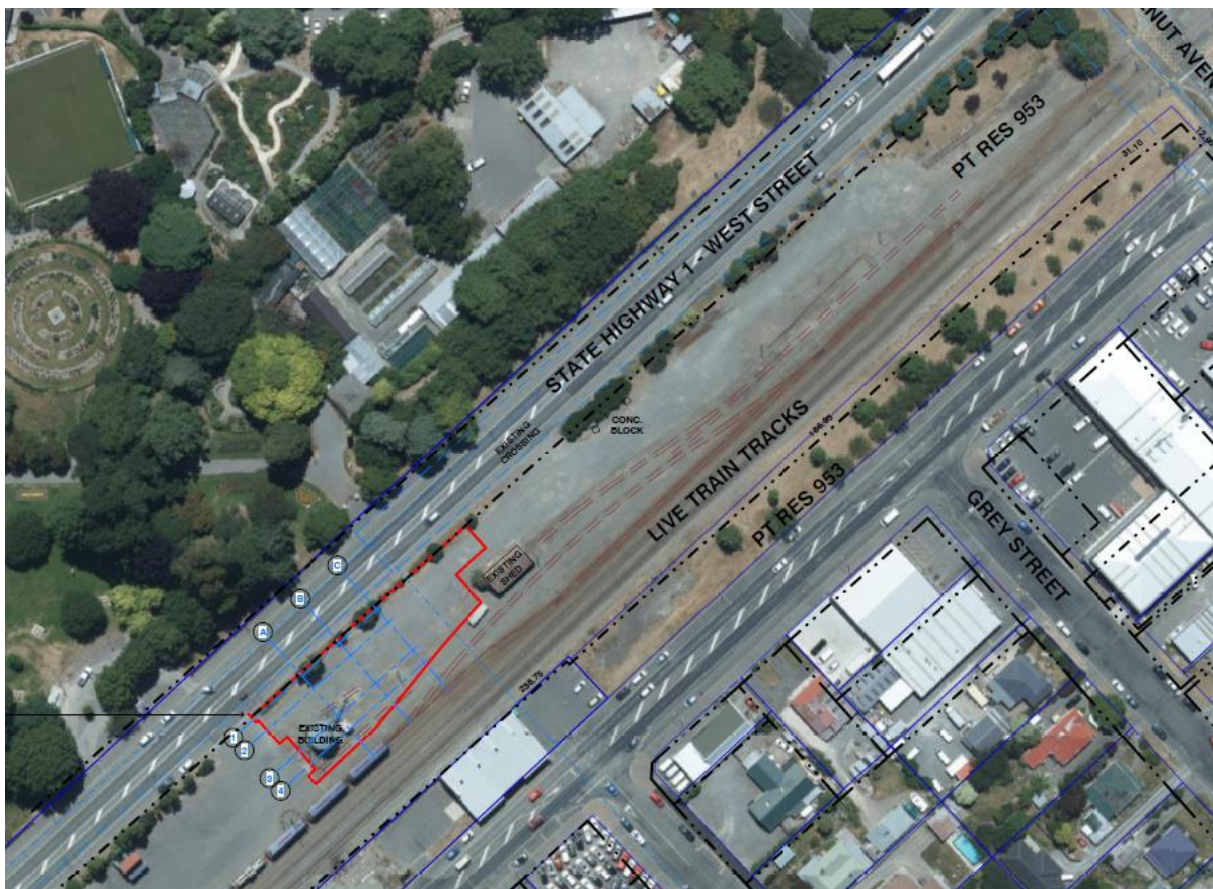


Figure 1: The site subject to this application indicated by red outline

There is currently no vehicle access into the area of land to be leased. Vehicle crossings are located either side of the site. A grass verge with some landscaping adjoins the road reserve.

The site is within the Open Space A Zone of the Ashburton District Plan (the District Plan) and is designated by KiwiRail Holdings Limited for Railway Purposes (Designation 56). The site adjoins State Highway 1 which is designated by Waka Kotahi for State Highway Purposes (Designation 57). West Street is a principal road in the District Plan road hierarchy.

Contaminated Land

The site is listed on Environment Canterbury’s Listed Land Use Register (LLUR) as the Toll/Tranzlink Container Transfer Site. The hazardous activities and industries (HAIL activities) are listed as F6 – Railway yards, including goods handling yards, workshops, refuelling facilities or maintenance areas. A Detailed Site Investigation (DSI) has not yet been undertaken for the site, however soil sampling will be undertaken to inform the appropriate soil disposal location prior to soil being removed from the site.

Surrounding Environment

The surrounding environment includes the Ashburton Domain and Gardens on the opposite side of West Street and railway land to the north-east and south-west of the site and the live train tracks to the south-east. On the other side of the train tracks adjoining East Street are commercial activities (Business C Zone). The surrounding environment is shown in the aerial photograph included in Figure 1 above.

The zoning of the site and the surrounding area under the Ashburton District Plan is shown in Figure 2 below.



Figure 2: Zoning of the site and surrounding area under the Ashburton District Plan

Proposed Works

The applicant proposes to construct and operate a new self-serve service station on railway land in West Street, Ashburton. The proposed service station will operate 24 hours a day, seven days a week and will include the following:

- One underground fuel tank and one above ground Diesel Exhaust Fluid (DEF) storage tank;

- Three fuel dispensers (providing 6 filling positions);
- One high flow diesel and DEF dispenser (providing 2 filling positions);
- Lighting and signage; and
- Electrical shed.

The proposed site plans are attached in Appendix C and further detail on the proposed service station is provided in the following sections.

Underground Fuel Tank

One new double walled underground fuel tank will be installed. It will have a total storage volume of 110,000 litres which will be made up of 50,000 litres of diesel, 20,000 litres of petrol 95 and 40,000 litres of petrol 91. It will be located to the south-west of the proposed forecourt.

One above ground 4,800 L tank will be located close to the southern boundary and will be used to store Diesel Exhaust Fluid (DEF). DEF is an additive to reduce diesel exhaust emissions from diesel engines. It is a 32.5% solution of high-purity urea in de-mineralized water that is clear, non-toxic and safe to handle. DEF is non-explosive, non-flammable and is not harmful to the environment unless spilt into a waterbody where it can cause de-oxidisation - leading to damage of the aquatic environment. It is classified under the minimum risk category of transportable fluids. It is not a fuel, nor a fuel additive and needs to be used in a dedicated tank in a heavy vehicle. This area, will also include the electrical shed and the transition sumps.

The excavation for the tank pit will be stabilised by installing interlocking sheet piling prior to excavation, which will also prevent any land from outside of the tank pit from being disturbed. Approximately 475 m³ of material will be excavated for the tank pit and SPEL Purceptor and once these are installed the excavation will be backfilled with pea gravel. All fill material will be cleanfill and the tank/SPEL Purceptor will be installed as per the manufacturers' specifications. Any excess material will be disposed of at an appropriate facility.

Fuel is considered a hazardous substance and the fuel storage will be carried out in accordance with the requirements under the Health and Safety at Work (Hazardous Substances) Regulations 2017. An inventory, stock reconciliation and records of all hazardous substances on the site will also be kept.

Forecourt

The tanks will supply fuel to four dispenser locations (including the diesel and DEF dispenser) providing a total of 8 filling locations. The dispensers will be protected from manoeuvring vehicles by bollards.

The remote fill points for the underground fuel tank will be located on the northern side of the diesel/DEF dispenser, and delivery vehicles will be able to drive in, re-fill the tanks and leave the site in a forward-facing direction onto West Street. Tracking paths for the fuel tankers are shown on the plans attached in Appendix C and demonstrate that the tanker can easily manoeuvre within the site and park clear of the vehicle crossings while refilling the underground fuel tank and DEF tank.

No canopy is proposed over the forecourt. Three covered outdoor payment terminals will be erected adjacent to the dispensers. Three Quad Forecourt flood lights of 4 m high will light the forecourt area and four 4 m high LED lights will be located within the forecourt and on the south-eastern end of the forecourt near the electrical shed, to ensure safe operation at night-time.

Signage

One main identification pylon sign is proposed within the landscaped area along the West Street boundary. The sign will be an internally illuminated, double sided, digital pylon sign (5.4 m high and 2.0 m wide) with a surface area of 10.8 m². The sign will display Waitomo Energy branding and product and fuel price information. Entry/exit signage will also be located beside the crossings onto West Street and each sign will be 0.6 m high and 0.92 m wide.

Other minor signage proposed, includes directional signage, dispenser signage and signage required under hazardous substance regulations.

Vehicle Crossings

Two vehicle crossings are proposed and these will operate on a one-way basis with entry at the northern end of the site and exit at the southern end. The crossings will be 11m and 12m wide to allow for tanker movements as advised by the traffic engineer, Stantec.

The vehicle crossings will be constructed to a heavy-duty standard. The refuelling tanker tracking paths are shown on the Tanker Path Plan attached in Appendix C. Both vehicle crossings have been assessed in the Integrated Transport Assessment (ITA) for the service station prepared by Stantec. The ITA is attached in Appendix D.

As there is no retail component to the service station, no car parking spaces are provided. There is sufficient space for the fuel tanker to park when refilling the underground tanks, while remaining clear of the proposed vehicle crossings.

Traffic Generation

Traffic generation has been estimated by Stantec based on published trip generation rates for service stations and using pass by traffic volumes. The ITA notes that most trips to a service station are by vehicles already on the road network (secondary trips), and there are few trips made for the sole purpose of refuelling a vehicle (primary trips). Peak traffic generation is expected to be in the range of 40 to 50 vehicles per hour. This is equivalent to approximately 2% of the average daily volume on the surrounding network. The number of new vehicles on the road (primary trips) is anticipated to be approximately 8 vehicles per hour.

Landscaping

Landscaping is proposed along the West Street boundary and on the north-east and south-west boundaries. Landscaping along the road frontage and adjacent to the vehicle crossings will consist of *Lomandra Tanika*. This is a low maintenance grass which grows to 60cm high and 1m across. This plant was chosen to maintain visibility at the vehicle crossings. Landscaping further inside the site will consist of *Hebe 'Wiri Mist'* which grows to 1m high and 1m across. No irrigation system will be installed

in the landscaped areas, however, Waitomo Energy will employ a contractor to maintain the landscaping, which will include watering.

Stormwater Disposal

Site stormwater that may contain hydrocarbons from filling activities will come from the forecourt containment slab and the remote fill points (known as the hazardous areas). Areas unlikely to contain hydrocarbons include the open areas used for general vehicle manoeuvring (known as the non-hazardous areas).

Stormwater from the hazardous areas of the site will be collected and treated to remove contaminants via a 3,900 litre SPEL Purceptor. The SPEL Purceptor will be located north of the forecourt. This stormwater along with stormwater from the non-hazardous areas will then discharge to Council's reticulated stormwater network.

The SPEL Purceptor will treat stormwater runoff from an area of 590 m². It has been sized for a simulated storm of 46.8 mm/hr (10 year storm, 10 minute) with a discharge rate of 7.7 l/s. The Purceptor is designed to meet the requirements of the Ministry for the Environment, "*Environmental Guidelines for Water Discharge from Petroleum Industry Sites in New Zealand*".

In the unlikely event of a large spill on site, the separator is isolated from the stormwater network by an automatic shut off valve. The interceptor has a product detection probe which is activated if a detectable level of separate phase hydrocarbon is contained within the separator. This allows a spill of up to 2,500 litres to be contained while mitigation measures are put in place. The Purceptor stormwater calculations and details are attached as Appendix E.

Earthworks

Earthworks are required at the site to install the underground fuel tank, and for the stormwater drainage and treatment device installation. The earthworks required are as follows:

- 475 m³ (to a max depth of 4.5 m) for the tank pit areas and SPEL Purceptor;
- 349 m³ (to a depth of 0.5 m deep) for the forecourt area, electrical shed, DEF tank and sign foundation; and
- 138m³ (to a depth of 0.2 m) for the remainder of the site/manoeuvring areas.

Earthworks will total approximately 962 m³.

The erosion and sediment control measures for the construction works will include sediment fencing, dampening of exposed surfaces and a stabilised all-weather single entry/exit point to prevent sediments being tracked off site. A flow control bund will also be established to redirect runoff towards sediment fencing. All machinery will be cleaned prior to removal from the site.

Once the excavations and filling have been completed the entire site will be sealed or landscaped. The construction period will be approximately 16 – 20 weeks.

Ashburton District Plan

The District Plan rule interpretation in this application is that of Incite and is not in substitution of the Council’s own assessment of the proposal, nor is it a restriction on the matters resource consent is being sought for. Resource consent is applied for the proposal described in the “Description of the Proposal” section, including any plans and other information submitted. Resource consent is applied for the rule infringements described in this application, and any other resource consents necessary, whether specifically identified or not, to allow the proposal to be established, maintained and operated.

The site is within the Open Space A Zone under the District Plan. West Street (State Highway 1) is classified as a Principal Road at this location. The site is designated by KiwiRail Holdings Limited and adjoins the designation for the state highway.

Section 6: Open Space A Zone

The Open Space A zone is intended to provide for neighbourhood reserves and the Ashburton Domain. It includes the range of green strips of land which are valued for their contribution to landscaping, for example the central area within Ashburton. The Plan notes that activities in this zone are strictly controlled to ensure limited building development occurs and the openness of the area is retained. The enhancement of visual amenity is important particularly where visible from the main thoroughfares through Ashburton and the Main Trunk Railway.

Activities permitted in this zone include buildings limited to playground equipment and recreational activities. Retail activities are limited to those selling only food and beverages and are a restricted discretionary activity. The development of a self-serve service station will be a **non-complying activity** pursuant to Rule 6.8.5b).

An assessment against zone standards for the Open Space A Zone is provided in Table 1 below:

Table 1: Relevant Zone Standards

Relevant Rule	Comment on Compliance
6.10 Zone Standards	
<p><i>6.10.1 Buildings in the Open Space A Zone shall”</i></p> <ul style="list-style-type: none"> <i>a) be a maximum of 5m in height;</i> <i>b) be setback at least 5m from road boundaries</i> <i>c) be setback at least 5m from internal boundaries</i> 	<p>Complies.</p> <p>The only building proposed is the electrical shed. It will be less than 5m in height, and setback more than 5m from the road and internal boundaries.</p>
<p><i>6.10.2 Impermeable surfaces shall be limited to buildings, footpaths and cycle ways and cover a maximum of 5% of site area.</i></p>	<p>Complies.</p> <p>The site is railway reserve which extends from Walnut Avenue to just before the Ashburton River and is 5.7ha in area.</p>

	There are limited buildings and the majority of the land is unsealed and contains railway lines. More than 5% of the area to be leased will be sealed.
<p>6.10.3</p> <p>a) All fixed exterior lighting shall be directed away from adjacent properties, roads, and railways.</p> <p>b) No activity shall result in greater than 2.5 lux spill (horizontal and vertical) of light onto any property within a Residential Zone,...</p>	<p>Complies</p> <p>Four light poles are proposed. These will be directed onto the forecourt. The site does not adjoin a Residential Zone in this location.</p>
6.10.4 Where a site immediately adjoins or faces across a road from a Residential Zone, no activities shall be conducted on the site between the hours of midnight and 7am.	<p>N/A.</p> <p>The site does not adjoin or face across a road from a Residential Zone.</p>
6.10.5 Where the areas zones Open Space A or Open Space B that are Reserves (as defined in section 2(1) of the Reserves Act), or are subject to a conservation management plan or conservation management strategy...	<p>N/A</p> <p>The site is not a reserve as defined in the Reserves Act or subject to a conservation management plan or strategy.</p>

Section 10: Transport Rules

Appendix D and Section 8 of the ITA prepared by Stantec and attached as Appendix D to this application provides a full assessment of the proposal against the Transport rules of the District Plan. The assessment considers there is a high level of compliance, with the only non-compliance limited to Rule 10.9.7a) Design and Construction of Vehicle crossings onto Arterial Roads which is a **restricted discretionary activity** pursuant to Rule 10.7.2a). The rule permits crossings with a maximum length of 9m. The proposed crossings will be 11m and 12m.

Section 11: Noise Rule

The noise standards for the Open Space A Zone are set out in Section 11.8.1 of the District Plan. The site also adjoins the Business C Zone so relevant noise standards are set out in Table 2 below:

Table 2: Relevant noise limits – Table 11-1

When measured at or within the boundary of any site zoned:	Daytime (0700-2200 inclusive)		Night-time (All other times)	
	<i>L</i>_{Aeq}(1hr)	<i>L</i>_{AF,max}	<i>L</i>_{Aeq}(1hr)	<i>L</i>_{AF,max}
<i>Business B and C</i>	60 dB	85 dB	50 dB	75 dB
<i>Open Space A and B</i>	55 dB	80 dB	45 dB	70 dB

Based on noise assessments undertaken for other self-serve service stations on roads with similar traffic counts, noise levels are expected to comply. There are no residential dwellings in the immediate vicinity of the site. The area is already subject to road traffic noise due to traffic travelling along the State Highway. Noise from the self-serve service station is not expected to increase the overall noise received at adjoining properties (being the commercial properties on the other side of the railway tracks). If a vehicle didn't stop to refuel and drove straight past, the noise levels received at these properties are expected to be similar.

Section 13: Signs

All signs are a permitted activity where they comply with the general standards and site standards as set out in Table 3 below:

Table 3: Signs

Relevant Rule	Comment on Compliance
13.8 General Standards	
<i>a) All signs shall relate to or be associated with services, products or events available or occurring on the site on which the sign is located, except where specifically provided for as a permitted activity for a temporary sign or traffic sign.</i>	Complies. The signage will only relate to the activities occurring on site.
<i>b) All signs shall comply with the height, and where applicable recession plane requirements for the zone in which they are located, but shall not be required to comply with rules relating to setbacks from road boundaries in each of the respective zones.</i>	Complies.
<i>c) All signs attached to buildings shall not exceed the highest point of the roof.</i>	N/A. No buildings are proposed, other than the electrical shed and DEF tank.
<i>d) No sign shall be attached to a tree, other than a sign identifying the species of tree and/or its classification in terms of the District Plan.</i>	N/A
<i>e) No sign shall be erected on or adjacent to a road which will:</i> <ul style="list-style-type: none"> • <i>obstruct the line of sight of any corner, bend, intersection or vehicle crossing;</i> • <i>obstruct, obscure or impair the view of any traffic sign or signal;</i> • <i>physically obstruct or impede traffic or pedestrians;</i> • <i>resemble or be likely to be confused with any traffic sign or signal;</i> • <i>use reflective materials that may interfere with a road user's vision;</i> 	Complies. The sign will be erected so not to result in any of the matters listed.

<ul style="list-style-type: none"> • use flashing or revolving lights; • project light onto the road so as to cause a hazard or distraction to users of the road (including pedestrians). 	
<p>f) The minimum lettering sizes in Table 13-1 below shall apply to all signs located within 10 horizontal metres of a road:</p> <p>In 50km speed areas, minimum lettering height:</p> <ul style="list-style-type: none"> - Main message – 150mm - Name of occupier/property – 100mm - Secondary message – 75mm 	Complies.
13.9.8 Site Standards – Open Space Zones	
<p>13.9.8.1 Number of Signs</p> <p>a) Signs shall be limited to a single sign for each road frontage of any site.</p>	Complies. One freestanding sign is proposed
<p>13.9.8.2 Size of Signs</p> <p>a) The maximum area of any sign shall be: 0.5m²</p>	Does not comply. The area of the sign will be 10.8m ²
<p>13.9.8.3 Location of Signs</p> <p>a) Signs shall be placed no more than 3 metres above ground level...</p>	Does not comply. The sign will have a maximum height of 5.4m.
<p>13.9.8.4 Illumination of signs</p> <p>a) No sign shall be illuminated by any method whatsoever, such that its illumination casts light or reflected light on to any other property or road.</p>	Complies. The sign will be internally illuminated so there will be no light spill onto any other property or the road.

As the proposed sign will not comply with the maximum area and maximum height for signs in the Open Space A Zone, consent will be required as a restricted discretionary activity pursuant to Rule 13.7.2a).

Section 16: Hazardous Substances

Rule 16.7.1 permits the storage of hazardous substances identified in Appendix 16-1, Table 16-1 in quantities not exceeding those specified in Column A of Table 16-2 for the relevant zone. In the Open Space A Zone, Table 16-2 permits the storage of 50 litres of petrol (Class 3.1A) in above ground storage and 1200 litres of diesel (Class 3.1D) in either above or underground storage. There is no quantity specified for petrol stored in underground tanks and it is assumed that this is an error as Rule 16.7.1a) provides for the storage of hazardous substances not identified in the table as a permitted activity. As the storage of diesel will also exceed the quantity specified in Column B of Table 16-2, consent is required as a non-complying activity pursuant to Rule 16.7.4a).

Section 16.7.7 provides the site standards for the storage and loading/unloading area associated with the use of hazardous substances. Site Standard 16.7.7j) provides an exemption for service stations from Site Standards 16.7.7a) and b) provided the service stations complies with the relevant Code of Practice for the Design, Installation and Operation of Underground Petroleum Storage Systems

published by Occupational Safety and Health Service, 1992, and the Hazardous Substances and New Organisms Act 1996 (HSNO Act), including HSNO COP 44 and HSNO COP 45. The applicant confirms that the service station will comply with these and all relevant codes of practice and hazardous substance regulations.

Other relevant site standards are set out in Table 4 below:

Table 4: Hazardous Substance Site Standards

Relevant Rule	Comment on Compliance
16.7.7 Storage and loading/unloading areas	
<p>c) <i>The hazardous substance is stored in a sealed container which:</i></p> <ul style="list-style-type: none"> • <i>Is made of a sound material that will not be weakened or corroded by the hazardous substance being stored in it;</i> • <i>Is permanently labelled with the name of the contents; and</i> • <i>Contains only one type of hazardous substance.</i> 	<p>Complies.</p> <p>The tank will be manufactured from first grade 6mm steel, providing structural integrity and corrosion resistance. The tank will be located underground. The tank will be split into three compartments and each compartment will contain only one type of hazardous substance.</p>
<p>d) <i>The hazardous substance is not stored:</i></p> <ul style="list-style-type: none"> • <i>On a site identified as being at high risk of flooding;</i> • <i>Within 20m of any waterbody (excluding aquifers);</i> • <i>Within any area of Significant Conservation Value (as shown on the planning maps);</i> • <i>Within any area identified in Section 2 Takata Whenua as a Statutory Acknowledgement area, Silent File area, Wāhi Taonga site, Wāhi Taonga Management Area, or Mahinga Kai site.</i> 	<p>Complies.</p> <p>The site is not within any of these areas.</p>
<p>e) <i>The hazardous substance is not stored within 20 metres of any boundary with a site containing a Sensitive Activity (except where the sensitive activity occurs on the same site as the storage of the substance), or the boundary of any Residential Zone.</i></p>	<p>Complies.</p> <p>The site is located on railway land and is not within 20m of a sensitive activity or a Residential Zone.</p>

The proposed storage complies with all of the site standard, however as it does not comply with the quantity limits for hazardous substance storage in the Open Space A Zone, consent is required as a non-complying activity pursuant to Rule 16.7.4a).

Summary

Overall resource consent is required as a **non-complying activity** under the following rules of the Ashburton District Plan:

- **Rule 6.8.5b) (Section 6 - Open Space A Zone)** as a non-complying activity for a service station within the Open Space A Zone;

- **Rule 10.7.2a) (Section 10 - Transport)** for a restricted discretionary activity for vehicle crossings which exceed the maximum width permitted;
- **Rule 13.7.2a) (Section 13 – Signs)** as a restricted discretionary activity for signage that exceeds the maximum height and width in the Open Space A Zone; and
- **Rule 16.7.4a) (Section 16 Hazardous Substances)** as a non-complying activity for the storage of hazardous substances that exceeds the maximum quantities.

NESCS

As noted above, the site is a HAIL site due to it being located on railway reserve land which is a HAIL activity (F6). A Detailed Site Investigation (DSI) and intrusive soil sampling has not yet been undertaken. In the absence of a DSI, consent is required as a discretionary activity. Prior to construction commencing, soil sampling will be undertaken to ensure that disturbed material is appropriately managed with respect to the safety of site workers and surplus soils are appropriately disposed of. In the absence of a DSI, consent is required as a **discretionary activity**.

Assessment of Environmental Effects

Overall, the proposed service station is a non-complying activity and in accordance with Section 104B of the RMA, Council is unrestricted in its ability to consider any actual and potential effects of the development. The assessment below covers those effects relevant to the proposal and associated works.

Effects on Open Space Land

The site is located in the Open Space A Zone, however is land administered by KiwiRail Holdings Limited and has been used for railway purposes since at least the 1940s. An aerial photograph of the site from Canterbury Maps dated between 1940 and 1944 is included in Figure 3 below:

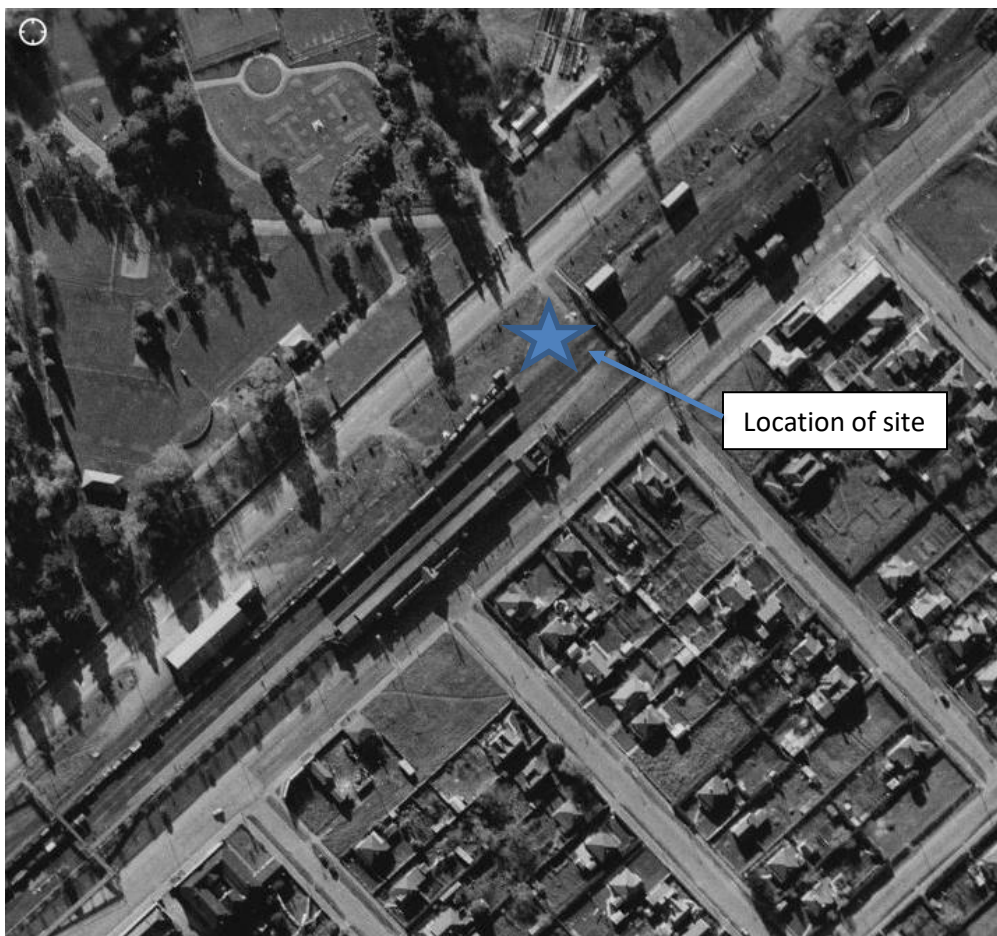


Figure 3: Historical Aerial Imagery – 1940-1944 – Canterbury Maps

The Open Space Zone description notes that it includes the range of green strips of land through central Ashburton as they are valued for their contribution to landscaping. It is acknowledged that there is landscaping in these central areas but it is mostly located between the railway line and East Street. The area between West Street and East Street from Walnut Avenue to Peter Street has limited landscaping and this has been the case since at least 1940. It is considered unreasonable for the Council to expect land held in private ownership to be retained for landscaping purposes, particularly this land which is designated for railway purposes. If Council desired this land to be retained for landscaping purposes then it should be held in Council ownership together with the Open Space zoning.

The site does not lend itself to passive activities such as walking as there is no footpath on this side of the state highway to provide safe access to the land and it is a working railway yard with live railway tracks.

Section 6.11 sets out the assessment matters for the Open Space Zone. Assessment matters a) to g) relate to the effects of buildings on the visual character of the area, views from properties or roads and compatibility with the surrounding environment.

The subject site is metalled and is currently in use as railway yard. It contains an existing silo which will be removed. The service station will be a self-serve facility with no buildings and there will be no canopy over the forecourt. The only structures will be the fuel dispensers, outdoor payment terminals, light poles, DEF tank, electrical shed and signage. The rear of the site will be fenced with an open chain link fence to prevent access from the site to the live railway tracks. All of these structures, except the main identification sign which will be discussed further below, are small in scale. They will not exceed the maximum height limit for the zone and will be compatible with the scale of adjoining buildings. Behind the site with access from East Street, is a commercial building as can be seen in the photograph in Figure 4 below:



Figure 4: Photograph of site sourced from Google Streetview

The service station will not affect views from adjoining properties or from the road due to the open nature of the site. This will maintain the open space character and given the site and adjoining land is not currently used for recreation land, it will not affect the amenity of any recreation areas. The Ashburton Domain and Gardens are located opposite the site. These are fenced, gated and heavily landscaped. The view from the gardens to the site is of railway lines, a silo and shipping containers. The use of the site for a service station is compatible with these activities and if anything, will improve the visual appearance of the currently unused railway yard. A photograph of the southern end site is included in Figure 5 below:



Figure 5: Southern end of site with adjoining railway land use (Source: Google Streetview)

Site standard h) refers to the potential for landscaping to mitigate any increased visual impact from a reduced setback. As there are no buildings on the site (other than the electrical shed, DEF tank and main identification sign), the proposal complies with the setback requirements. Landscaping is proposed along the road frontage and at the northern and southern ends of the site. Along the road frontage, this will be limited to grasses which are low maintenance and low in height. This will maintain visibility at the crossings so vehicles can safely exit the site onto the State Highway. Hebe's which grow up to 1m in height will be planted at the rear of the site and it is considered that these will be compatible with the scale of structures within the site. The landscaping will soften views of the site while also maintaining an open character and views through the site.

Site standards i) and j) relate to the compatibility of the site with activities on adjoining sites and compatibility with the open space character of the recreation ground. As noted above, the site is located on railway land and land on the other side of the railway lines is zoned Business C. Therefore, the proposed use of the site for a self-serve service station is compatible with adjoining land uses and will not affect amenity values or the quality of the environment. Despite its zoning of Open Space A, the land has never been used for recreational activities and has been in use for railway purposes since the late 1800s when the railway link between Christchurch and Dunedin was completed.

Site standard k) relates to the extent the recreation ground will become covered by buildings and degree this will affect the amenity of the recreation ground or the ability for it to be used for its intended function. As noted above, if the District Council intended this land to be used for recreation/landscaping purposes, it should have been held in public ownership. This land is designated for railway purposes and has been in this use for over 100 years.

Therefore, while the site has an open space zoning, the land is not and has not been used for this purpose and it is unreasonable to expect that this should be the case. The land is railway land and

adjoining land is also used for this purpose or commercial activities. It is considered that the use of the site is compatible with existing land uses and will not result in the loss of green strips of land through central Ashburton which the open space zoning is seeking to protect.

Roading/Traffic Effects

Service stations provide a service to the community and are required to be strategically distributed throughout our cities and towns. They follow a set formula in terms of layout and design, and are high traffic generating activities.

As noted above, an Integrated Transport Assessment has been undertaken by Stantec which assesses the internal circulation features of the service station including access to and from the surrounding road network and concludes that the service station is not expected to generate any noticeable effects on the state highway or wider road network.

Traffic generation rates have been based on published trip generation rates for service stations and pass by traffic volumes. A detailed study of actual traffic generation rates from a similar self-serve service station in Christchurch has also been used to assess traffic generation. A traffic generation rate of between 40 and 50 vehicle movements per hour (vph) at peak times has been adopted for this site. As service stations rely on pass by traffic, new primary trips are expected to be low, typically 15% of all trips to a service station. However, as there is no convenience store associated with this site, trips solely for the purpose of refuelling are expected to be lower. The number of new vehicles on the road for the sole reason of visiting the site is expected to be around 8 vehicles per hour.

Vehicle Access

Two vehicle crossings will be created to provide access to and from the site and to ensure there is adequate manoeuvring space at the site. The site will operate in a one way direction with the dominant movement expected to be left-in and left-out, particularly at peak times. At other times, it is expected that there will be some right turns. The proposed service station is expected to generate less than 10 vph of new vehicle movements on the road network in the busiest hour of the day. The ITA notes that this represents a change in volumes that is smaller than the typical variation in hourly traffic across the day and also from day to day. Therefore, the effects on the traffic network are not expected to be noticeable.

Driveway Movements

The ITA assesses movements into and out of the service station in section 7.2. It notes that there will be no constraints to the left entry movement. Right turning vehicles will need to give way to southbound traffic and the existing flush central medium provides adequate space for this to occur with enough space for a northbound vehicle to pass vehicles (including a heavy vehicle) waiting to turn right into the service station. This is demonstrated on Sheets TR2 and TR3 of the ITA.

The ITA further notes that once the traffic signals are installed at the Walnut Avenue intersection, this will provide short gaps for vehicles to enter and depart the service station. Right turn departures from

the service station are expected to subject to long delays if undertaken at peak times and it is expected that this will influence a northbound drivers decision to use the service station.

In terms of the SH1/Walnut Avenue intersection, the ITA notes that the roundabout can generate long queues. However, the signalisation of this network will largely eliminate this constraint with evening peak queues predicted to reduce to less than 100m. This means that queues from the signals will not extend as far south as the service station and therefore would not be expected to affect driveway movements.

In terms of the potential for queues to form at the entry to the service station, the ITA has assessed that the forecourt has the capacity to manage up to 45-60 customers per hour. Based on a peak arrival rate of 20-25 customers per hour, it is unlikely that there will be any queuing at the site. The ITA further notes that in the event the forecourt is full, there is space for four vehicles to queue on site. Therefore, the site layout is unlikely to cause any queuing from the forecourt back onto the state highway.

The only non-compliance with the Transport provisions of the District Plan is the widths of the vehicle crossings. These are wider than permitted to allow for the wider sweep paths of heavy vehicles entering the site. The ITA concludes that given there are no footpaths on the south side of West Street, the wide crossings will not affect pedestrian movements.

Overall, the effects on the traffic network will be minimal. Service stations are primarily used by those passing by the site, as opposed to a trip solely to the service station. The ITA has shown that the number of additional vehicles on the road network will be around 8 vph at peak time, and the potential adverse effects on the existing transport network will be minimal. Overall, the ITA concludes that the establishment of a service station can be supported from a transport perspective.

Signage

One main identification sign of 5.4m in height and 10.8m² in area is proposed. This exceeds the permitted height (3m) and area (0.5m²) for signage in the Open Space Zone. This is a restricted discretionary activity with Council's discretion restricted to the following matters:

Visual Amenity

As noted above, while the site has an Open Space zoning, it has been used as a railway yard associated with the Main South Railway Line for many years and is not open space in character. Signage at service station sites is typically 9m in height and approximately 20m² in area. A sign with a reduced height of 5.4m is proposed for this site in recognition of the Open Space zoning, however it is not considered that it will have any adverse effects on the visual amenities and character of the area which is industrial in nature.

Traffic and Pedestrian Safety

In terms of the effects of traffic safety, the proposed free standing sign is located within the site boundary and will not obstruct sight distances, traffic signs or intrude into a driver's field of view. The signage also does not resemble a traffic sign or signal and is clear, simple and easily read. The purpose

of the main identification sign is to notify drivers from a distance that they are approaching a service station so they have time to prepare to enter the site safely. The information panels on the sign will be internally illuminated to ensure that they are easily read at night-time. The lettering height will comply with that required by the District Plan to ensure this makes interpretation of the sign easy while driving.

The freestanding sign will not limit pedestrian access, impede access to bus stops or create a hazard for pedestrian traffic. There is no footpath on the same side of the state highway as the service station. There are no other signs in close proximity to the subject site.

Summary

Overall, it is considered that the sign is appropriate in terms of size and area, particularly given the character of the surrounding area which is used for a railway yard.

Storage of Hazardous Substances

The new tank will be an underground secondary contained tank, providing structural integrity and corrosion resistance. The installation will comply with the following standards:

- *The Health and Safety at Work (Hazardous Substances) 2017;*
- *Guidelines for Assessing and Managing Petroleum Hydrocarbon Sites in New Zealand (MfE, August 1999)*
- *The Hazardous Substances and New Organism Act 1996;*
- *Hazardous Substances Regulations 2001; and*
- *The Code of Practice for Below Ground Stationary Container Systems for Petroleum – Design and Installation (Environmental Protection Authority, May 2012); and*
- *The Code of Practice for Below Ground Stationary Container Systems for Petroleum Operations (Environmental Protection Authority, May 2012).*

Although the proposed volume of hazardous substances (petrol and diesel) proposed to be stored on the site exceeds the permitted volume, the hazardous substances will be properly stored within the underground fuel tank so that the risk is minimised.

The site will operate a tank filling procedure to prevent spillage during a fuel delivery and an emergency response plan. This includes checking the level of the storage tank to ensure that the tank has the capacity to receive the on board fuel from the tanker. The tank will be filled via a fill point with a spill container. Any residual product in the spill container will be drained back to the underground storage tank via an internal valve within the spill container. The tanker delivery vehicle will contain a spill kit and the drivers are trained on emergency response procedures. There will also be a spill kit located on site with instructions for its use.

In terms of the sensitivity of the surrounding environment, it is noted that the site is located on railway land with commercial activities adjoining the site to the south east. The site is separated from the Ashburton Domain and Gardens by State Highway 1. There are no people-sensitive activities such as

residential homes, schools, rest homes or hospitals within the vicinity of the site. Therefore, the risk to people or property from the site is low. There are no other known hazardous facilities in the area. The site is not subject to flooding and is accessible from the major roading network (SH1). Overall, it is considered that the site is suitable for development as a service station and potential effects from the hazardous substance storage will be less than minor.

NESCS

As a full DSI has not yet been undertaken for the site, consent is required under the NESCS as a discretionary activity. As noted above, soil testing will be undertaken prior to construction commencing, to identify the appropriate disposal location for soil excavated during construction.

A Site Management Plan will be developed to address the potential risks to human health during construction and for the long term management of the site. This plan will specify that the work be undertaken in accordance with the Health and Safety at Work Act 2015 by contractors who are experienced with potentially contaminated land. The contractors will also have their own health and safety plan. In terms of the long term management, the exposure pathways will be effectively managed by covering the soil with hardstand and the site management plan will detail the health and safety controls required should subsurface works be required in the future.

Summary

Overall, the proposed service station is considered an appropriate land use at this site. While the site has an open space zoning, it is industrial in character and has been used as a railway yard for many years. An Integrated Transport Assessment has been carried out for the development and the proposed service station will have negligible adverse effects in terms of the operation of the surrounding roading network, including access onto State Highway 1 and the operation of the State Highway 1/Walnut Avenue intersection. Hazardous substances can be stored safely on the site and the signage is considered to be an appropriate size and scale.

Statutory Assessment

Part 2 Matters

In accordance with recent caselaw¹, decision makers are no longer obliged to consider Part 2 of the RMA when considering a resource consent application. This includes Section 5: Purpose, Section 6: Matters of National Importance, Section 7: Other Matters and Section 8: Treaty of Waitangi. While decision makers are not prevented from considering specific sections under Part 2, they are no longer obliged to consider these unless the plan is invalid, has incomplete coverage or is uncertain.

¹ *R J Davidson Family Trust v Marlborough District Council* [2017] NZHC 5

The Canterbury Regional Policy Statement and the Ashburton District Plan are both valid planning documents, have complete coverage over the proposed activities and anticipated effects, and are of sufficient certainty to not require an assessment of the activity against Part 2 matters.

Under Section 104D of the RMA, a consent authority may only grant consent for a non-complying activity if they are satisfied that the adverse effects of the activity on the environment will be minor, or, if the activity is not contrary to the objectives and policies of the relevant plan, in this instance, the Ashburton District Plan. The assessment of effects on the environment has demonstrated that the effects on the environment from the proposed service station will be less than minor.

Canterbury Regional Policy Statement

The relevant objectives and policies of the Canterbury Regional Policy Statement have been included in the table below, and a comment on the proposed works provided.

Table 5: Relevant Objectives and Policies of the Canterbury Regional Policy Statement

Relevant Objective/Policy	Comments in Relation to the Works
Chapter 5 – Land-Use and Infrastructure	
Objective 5.2.1: Location, design and function of development (Entire Region).	The proposed works are the development of a site within an industrial area (albeit with an Open Space zoning) for a new service station. The site and surrounding land are currently used as part of the railway reserve for the Main South Railway Line and the proposed service station will continue to allow the railway activities to operate. It is considered that the location of the site is appropriate for the activity proposed and is compatible with the surrounding activities and character of this industrial/commercial area.
Policy 5.3.1: Regional growth (Wider Region)	The proposed works are for the development of railway land which is currently underutilised and not required for railway purposes. The proposal will provide a new service station for Ashburton and those passing through the area. The proposed service station supports the existing activities in the area.
Policy 5.3.3: Management of development (Wider Region)	The service station will be of a high-quality design and the character of the surrounding area will be maintained – railway and commercial activities.
Policy 5.3.7: Strategic land transport network and arterial roads (Entire Region)	The ITA has demonstrated that the effects on the traffic network, including State Highway 1 will be minimal. The service station will not restrict the ability for development or upgrades of State Highway 1.
Chapter 18 – Hazardous Substances	
Objective 18.2.1 - Adverse effects on the environment from the	Hazardous substances will be stored at the site. The fuel will be stored in an underground tank which is designed to meet the

<i>storage, use, disposal and transportation of hazardous substances are avoided, remedied or mitigated.</i>	relevant standards for the containment of hazardous substances. An emergency response plan will be in place, so that if a spill occurs the correct management procedures are followed to contain any hazardous substances.
Objective 18.2.2 - <i>New contamination of land</i>	Railway yards are a HAIL activity and therefore, the site will be assumed to be contaminated. The forecourt, vehicle manoeuvring areas and fuel storage areas will be sealed. Fuel will be stored in an underground storage tank. These measures will minimise the potential for new contamination across the site.
Policy 18.3.1 – <i>Protection of sensitive areas and activities</i>	The site is located over the Unconfined and Semiconfined Aquifer. The fuel storage will be in a secondary contained underground fuel tank and the fuel system will be sealed, preventing any leaks into the aquifer.
Policy 18.3.2 – <i>Avoid, remedy or mitigate adverse effects</i>	The proposed service station will take suitable measures to minimise the potential for contamination of the site. Hazardous substances will be stored correctly to minimise the potential for any adverse effects.

Overall, the proposed service station is considered a suitable use of the existing site. The proposed activity is compatible with the surrounding land uses and will not adversely affect the transport network: in particular, the operation of State Highway 1 as a National Route. Hazardous substances will be stored on the site in an appropriate containment device (the underground storage tank) and the forecourt and vehicle manoeuvring areas will be sealed, to reduce the potential for contamination.

Ashburton District Plan

The relevant objectives and policies of the Ashburton District Plan in relation to the proposed service station within the Open Space A Zone are provided in Table 6 and a comment provided in relation to the proposed activity.

Table 6: Relevant Objectives and Policies of the Ashburton District Plan

Relevant Objective/Policy	Comments in Relation to the Works
Section 6 Open Space zones	
Objective 6.1: A Range of Public Open Space <i>A conveniently distributed and accessible range of public open spaces and recreational areas that meet the needs of residents.</i>	The site is not currently being used for open space or recreational purposes. It is land that is designated by KiwiRail Holdings Limited for railway purposes and is an area of unused railway yard.
Policy 6.1A: <i>Develop, or facilitate the development of, a wide variety of open space types and recreation opportunities within the District, ranging from indoor facilities to</i>	As the land is designated for railway purposes and not owned by the District Council, it is unlikely to be developed for open space or recreation opportunities. In addition, the

<i>neighbourhood, settlement and District reserves, in areas that are convenient and accessible for anticipated users.</i>	location doesn't lend itself well to recreational uses as it is not a safe or desirable location for a reserve.
Policy 6.1B: <i>Recognise the contribution that existing private areas of recreation and open space make to the community.</i>	The land is an existing private area of open space. It has limited landscaping along the road frontage and it's only contribution to open space is the fact that it is currently unused railway yard.
Objective 6.3: <i>Community Needs for Open Space Effective use and functioning of open space and recreational areas in meeting the needs of the community.</i>	As the land is designated for railway purposes and not owned by the District Council, it is unlikely to be developed for open space or recreation opportunities.
Policy 6.3C: <i>Encourage and support the use of private open space and recreational facilities by the public in order to help meet the recreational needs of the community.</i>	The open space land is located between State Highway 1 and the live railway tracks. There is no footpath on this side of the state highway to facilitate public access to the land. For safety reasons, public use of the land for recreation purposes is not encouraged due to the proximity to the live railway tracks. The service station activity will be fenced off from the railway tracks.
Section 10: Transport	
Objective 10.3: Transport Safety and Accessibility <i>The maintenance and improvement of the safety and ease of pedestrian, cyclist and vehicle movement throughout the District.</i>	The ITA demonstrates that the proposal will not affect the safety and ease of vehicle movement throughout the District.
Policy 10.3B: <i>To preserve road safety and accessibility by ensuring that standards of road design, vehicle access, vehicle crossings, loading and parking are related to intended use of each site and the relationship to the adjoining road classification, and that visual distractions that may affect the safety of road users are avoided or mitigated e.g. lighting and advertising.</i>	Two new vehicle crossings are proposed and these will be designed to suit the intended use of the site. Advertising will be limited to a single main identification sign which will be simple and easy to read.
Policy 10.3E: <i>To ensure that the number, location and design of vehicle crossings and the intensity and nature of activities along roads is compatible with road capacity and function, in order to ensure vehicle, cyclist and pedestrian safety, and to strictly limit the establishment of high traffic generating activities with vehicle crossings to State Highways 1 and 77.</i>	Two crossings are permitted by the District Plan and two are proposed. Consultation has also been undertaken with Waka Kotahi and ADC regarding the location of the service station and the operation of the crossings. Both parties were satisfied that in the location currently proposed, the service station will not affect the road capacity or function.

<p>Policy 10.3G: <i>To require loading facilities appropriate for the vehicles servicing land use activities.</i></p>	<p>The service station provides sufficient area for loading and manoeuvring of heavy vehicles and fuel tankers.</p>
<p>Section 13: Signs</p>	
<p>Objective 13.1: Effects of Signs <i>To provide for signs which convey necessary information, while avoiding or mitigating any adverse effects on public safety, convenience or visual amenity in the District.</i></p>	<p>Other than directional signage or signage providing information, it will be limited to one main identification sign.</p>
<p>Policy 13.1A: <i>Avoid, remedy or mitigate adverse effects on the character, attractive appearance and visual amenity of the different areas of the District in accordance with the community's expectations, by limiting the number, size, location and nature of signs in different areas of the District.</i></p>	<p>As noted above, the site is to be located within the railway yard associated with the Main South Railway Line through Ashburton. The site is industrial in nature and only one sign is proposed. The proposed signage is considered to be consistent with the character and visual amenity of the area.</p>
<p>Policy 13.1B: <i>Ensure that the display of signs does not adversely affect traffic safety by causing physical obstruction, confusion or distraction to, or obstruction of views, for motorists or pedestrians or other road users.</i></p>	<p>The sign will be clear and simple to read and will not cause a physical obstruction or distraction to road users.</p>
<p>Section 16: Hazardous Substances</p>	
<p>Objective 16.1 Management of Hazardous Substances <i>To ensure that adequate measures are taken to avoid, remedy or mitigate any adverse effects during the manufacture, storage, transport and disposal of hazardous substances to:</i></p> <ul style="list-style-type: none"> • <i>human health,</i> • <i>the health of livestock and other farm animals or domestic animals,</i> • <i>the health of flora and fauna,</i> • <i>the amenity of residential or other similarly sensitive areas,</i> • <i>the natural environment, and</i> • <i>the life-sustaining capacity and amenity values of waterbodies, land and soil resources.</i> 	<p>Service stations involve the storage of large volumes of hazardous substances. The design and operational features in place will manage the potential adverse effects from their storage. The site is currently a metalled railway yard so the storage will not affect any of the matters listed in Objective 16.1.</p>
<p>Policy 16.1A: <i>To control classes of hazardous substances which have the potential to cause adverse effects on the environment, recognising</i></p>	<p>The proposed storage will comply with all hazardous substance regulations and will be</p>

<p><i>that the quantities of hazardous substances requiring control will vary depending on the proximity of sensitive activities, and the susceptibility and sensitivity of the surrounding environment to adverse effects from hazardous substances.</i></p>	<p>operated in accordance with the relevant codes of practice.</p>
<p>Policy 16.1B: <i>To allow appropriate quantities and classes of hazardous substances to be stored to provide for land use activities that are consistent with the District Plan objectives and policies for those areas.</i></p>	<p>While the site has an open space zoning which does not generally anticipate storage of large quantities of hazardous substances, the site is designated railway land and is not used for open space purposes. Given it is held in private ownership and designated for railway purposes, it is unlikely this land will ever be used for public recreation or open space.</p>
<p>Policy 16.1C: <i>To ensure hazardous substances are stored under conditions which reduce the risk of any leaks or spills contaminating land or water.</i></p>	<p>The fuel will be stored in a secondary contained underground tank which will prevent the possibility of leaks or spills. The site will be sealed and stormwater collected and treated off the forecourt area. In addition, if a spill were to occur, the SPEL Purceptor can contain 2,500 litres of product.</p>

Overall, it is considered that the proposal is not contrary to the objectives and policies of the Open Space Zone which seek to encourage and support the use of private open space and recreational facilities by the public. This may be appropriate for some areas of private open space but this site does not lend itself to use for this purpose given its current designation, the proximity to the railway tracks and the lack of safe access to the site from State Highway 1.

The facility is largely compliant with the District Plan rules related to transport matters and has been designed and will be operated to be consistent with the Transport objective and policies. The proposal is also consistent with the policy guidance for signage.

The diesel and petrol to be stored on the site are hazardous substances and will be properly contained in accordance with the relevant standards so that the effects on the environment will be less than minor. Spill management plans will be in place so that in the event any spills occur at the site they will be contained within the site.

Although the activity is not anticipated in the Open Space A Zone, it is considered an appropriate use of the site given the surrounding land uses. The site is not currently used for open space or recreational purposes and therefore, will not displace any existing open space activity to an unsuitable location.

Notification and Consultation

Public Notification

Section 95A of the RMA sets out the steps to be taken by the consent authority in deciding whether to publicly notify an application.

Public Notification Assessment

(Step 1) Mandatory Public Notification in Certain Circumstances	
<ul style="list-style-type: none"> • The applicant requests public notification; or • Public notification is required under Section 95C; • The application has been made jointly with an application to exchange recreation reserve land. 	None of these matters are triggered by this application.
(Step 2) If not required by Step 1, Public Notification precluded in Certain Circumstances	
<ul style="list-style-type: none"> • A rule or national environment standard precludes public notification of the application; • The activity is a controlled activity; • The activity is a restricted discretionary, discretionary, or non-complying activity (boundary activity only). 	None of these matters are triggered by this application.
(Steps 3 and 4) Therefore, public notification is only required if:	
<ul style="list-style-type: none"> • A rule or national environmental standard requires public notification; • The consent authority decides, in accordance with Section 95D, that the activity will have, or is likely to have adverse effects on the environment that are more than minor; or • Special circumstances apply. 	None of these matters are triggered by this application.

The application is for a non-complying activity, and there are no rules requiring or precluding public notification. The activity is not likely to have adverse effects on the environment that are more than minor, therefore, public notification is not required.

Limited Notification

Section 95B relates to limited notification of a consent application and sets out the steps to be taken by the consent authority when deciding whether to limited notify an application.

Limited Notification Assessment

(Step 1) A consent authority must determine whether there are certain affected groups and affected persons	
<ul style="list-style-type: none"> • Affected protected customary rights groups; or 	None of these matters are triggered by this application.

<ul style="list-style-type: none"> • Affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity); or • Land subject to a statutory acknowledgement. 	
(Step 2) If not Required by Step 1, Limited Notification is Precluded in Certain Circumstances	
<ul style="list-style-type: none"> • The activity is subject to a rule or national environmental standard that precludes limited notification; or • The application is for a controlled activity under the district plan (except subdivision), or a prescribed activity. 	None of these matters are triggered by this application.
(Step 3) If Not Precluded by Step 2, Certain Other Affected Persons Must be Notified	
<p>In deciding if a person or group is affected:</p> <ul style="list-style-type: none"> • A person is affected if the adverse effects of the activity on that person are minor or more than minor (but not less than minor). • Adverse effects permitted by a rule in a plan or national environmental standard (the permitted baseline) may be disregarded. • The adverse effects on those persons who have provided their written approval must be disregarded. 	None of these matters are triggered by this application.
(Step 4) Further Notification in Special Circumstances	
The consent authority must determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification.	There are no special circumstances in relation to this application.

It is considered that this application can proceed on a non-notified basis, as the adverse effects of the proposal are less than minor.

Consultation

Consultation with Waka Kotahi and ADC was undertaken in September 2020 by way of a meeting at the ADC office in Ashburton. Neither party was opposed to the concept of a service station on railway land, however both ADC and Waka Kotahi sought that the facility be moved further away from the intersection of West Street and Walnut Avenue.

The applicant liaised with KiwiRail Holdings Ltd and obtained approval to lease a new piece of land which is now located clear of the proposal to signalise the West Street/Walnut Avenue roundabout (see Appendix F). Amended plans were sent to both Waka Kotahi and ADC and Waka Kotahi have indicated that they are not opposed to a fuel station in this location. They identified a number of matters which have now been addressed in the ITA. This was sent to Waka Kotahi on the 17th of September 2021, however confirmation has not yet been received that all matters have now been addressed. This will be forwarded to Council as soon as it is received.

Hernando Marilla of ADC has reviewed the revised plans and advised they could see no major issues. Mr Marilla noted their only concern at this stage was the ability of large vehicles approaching the site from the south to turn right into the site. This has been addressed in the ITA which considers there is sufficient space for heavy vehicles to wait in the flush median and for vehicles to pass to the left of such vehicles.

The application has non-complying activity status due to Open Space A Zoning of the site which provides for open space and recreational use of the land. As noted above, the site is private land designated by KiwiRail Holdings Limited for railway purposes. It has not and is not likely to be used for open space or recreation purposes, particularly due to its location between a busy state highway and live railway tracks. The site is not a green strip of land and has minimal landscaping. It's only trait consistent with the Open Space A Zone is the fact that it is open with limited building development. The self-serve service station has no convenience store or canopy so will retain an open appearance. Therefore, any effects on any persons are considered to be less than minor and the use of the site for a service station is considered to be consistent with the nature and character of the area.

Conclusion

Overall, the proposed self-serve service station on railway land (State Highway 1) is considered an appropriate land use on this site. Hazardous substances will be stored on the site and contained in an underground storage tank, in accordance with all relevant codes of practice and hazardous substance regulations. The potential effects on the surrounding transport network are minimal, as the service station does not have a retail component. Therefore, the service station is expected to have a negligible increase in traffic, as most users will be already passing by, as opposed to making a new trip for the purpose of visiting the service station. The industrial amenity of the site and surrounding area will be maintained and overall, the effects from the activity will be less than minor. Soil sampling will be undertaken prior to works commencing to ensure that surplus soils are disposed to the appropriate location. The service station activity is not considered to be contrary to the relevant objectives and policies of the Ashburton District Plan and it is requested that the application proceed on a non-notified basis, as the effects on any persons will be less than minor.

Appendix A

Gazette Notice

with the personal expenses incurred by the cadet for washing, repairing boots and clothes, hair-cutting, pocket-money, &c.

15. The period of training on board the "Britannia" will be four terms; there will be two terms in each year. The first term of each year will be from February to July, the second from September to December.

The vacations will be five weeks at Christmas, two weeks at Easter, and six weeks at Midsummer.

16. (a.) Examinations in seamanship and study will be at the end of each term.

(b.) Cadets who fail at the end of their second term to obtain 40 per cent. of marks in mathematical subjects will be ordered to be withdrawn.

(c.) Cadets who fail at the final examination to obtain 40 per cent. in the mathematical subjects, including the theory of navigation and nautical astronomy, and 40 per cent. in the technical subjects, combined with physics and French, will be ordered to be withdrawn.

(d.) Cadets reported to the Admiralty for unsatisfactory conduct, or who fail to obtain half-marks in seamanship, will be "warned," and should they be again reported, or again fail to pass in seamanship, they will be discharged. Any cadet, however, who is reported for unsatisfactory conduct during his final term will be discharged without being allowed to present himself at the examination for passing out of the "Britannia."

(e.) Any cadet who shall at any time appear to their Lordships to be unfit for the naval service, for any reason whatever, will be removed from the "Britannia," and it must be understood that this rule will apply to those who are considered unfit from insufficient physical development or weakness of constitution, although no actual organic disease may have been developed.

17. It is to be distinctly understood that the period of training on board the "Britannia" is a time of probation, and the parent or guardian of every cadet will be required to sign a declaration (on the admission of the cadet to the "Britannia") to the effect that he shall be immediately withdrawn on the receipt of an official intimation of his being considered unfit for the navy.

18. Cadets will, on passing out of the "Britannia," rank according to the amount of sea-time they obtain at their final examination, and those who obtain equal amounts of sea-time will rank in the order of merit in which they pass out of the "Britannia."

19. The parent or guardian of every cadet will be required to provide outfit under the regulations in force.

20. No pay will be allowed by Government to cadets in the "Britannia." The pocket-money allowed to cadets will be charged to the parents.

21. As only cadets who are able to swim are permitted to use the boats belonging to H.M.S. "Britannia," the Lords Commissioners of the Admiralty desire to impress upon parents and guardians the importance of cadets being taught to swim before they join the training-ship, so as to enable them to obtain the full benefits of use of the boats.

By command of their Lordships.

EVAN MACGREGOR.

Admiralty, October, 1890.

FORM A.

(It is essential that this form should be filled in and returned, addressed to the Secretary, Admiralty, London, S.W., with as little delay as possible.)

Name of Candidate. (Christian Names inserted in full.)	Name and Address of Parent or Guardian.	Profession or Status of Father.	Schools at which Candidate has been prepared for the last Three Years.	Address up to Date of Examination.	Date of Birth.

I, the undersigned, being the parent [or guardian] of the candidate to whom the foregoing particulars refer, hereby undertake to pay the regulated contribution of £75 a year (besides expense of outfit and personal expenses for washing, mending clothes and boots, pocket-money, &c.) while my son [or ward] is in the training-ship; and I further undertake to make him a private allowance of £50 a year (besides expenses of outfit) until he passes for the rank of lieutenant.

(Date.) (Signature of parent or guardian.)

Members of Ashburton and North Canterbury Charitable Aid Board elected.

Charitable Aid Department,
Wellington, 4th April, 1891.

THE following Schedule, showing the names of the Members elected to represent various local authorities on the Ashburton and North Canterbury Charitable Aid Board, is published for general information.

P. A. BUCKLEY.

SCHEDULE.

Name of Member.	Local Authority.
Robert Martindale ..	Akaroa County and Borough Councils.
William Derisley Wood ..	Amuri and Kaikoura County Councils.
William Campbell Walker ..	Ashburton County and Borough Councils.
Hugo Friedlander ..	Boards of Road and Town Districts in Ashley County.
Richard Holman Parish ..	Kaipoi, Lyttelton, Rangiora, and St. Albans Borough Councils.
Henry Blackett ..	
Harry Allwright ..	
William Prudhoe ..	Christchurch City Council.
William Thomson ..	
Richard Westenra ..	
David McMillan ..	Selwyn County Council.
William Dunlop ..	
Thomas York ..	
William White, jun. ..	Sydenham Borough Council.

Member of the House of Representatives elected, Newton District.

Clerk of the Writs' Office,
Wellington, 8th April, 1891.

THE Clerk of the Writs has received a return to the writ issued on the 16th March, 1891, for the election of a Member to serve in the House of Representatives for the Electoral District of Newton, and by the indorsement on such writ it appears that

Sir GEORGE GREY, K.C.B.,

has been duly elected to serve as a Member for the said district.
G. S. COOPER,
Clerk of the Writs.

Additional Land taken in Ashburton Survey District for Purposes of the Hurunui-Bluff Railway.

A NOTIFICATION.

WHEREAS it has been found desirable, for the use, convenience, and enjoyment of the Hurunui-Bluff Railway, to take further land in the Ashburton Survey District, in addition to land previously acquired for the purposes of the said railway:

Now, therefore, we, the New Zealand Railway Commissioners, in exercise of the powers and authorities conferred on us by "The Government Railways Act, 1887," and of every other power and authority in anywise enabling us in that behalf, do hereby notify and declare that the land mentioned in the Schedule hereto is taken for the purposes above mentioned.

SCHEDULE.

THE parcel of land mentioned hereunder:—

Approximate Area of Parcel of Land required to be taken.	Being Reserve	Situated in Block No.	Situated in the Survey District of
A. R. P. 15 2 11	2909	XIII.	Ashburton.

In the Provincial District of Canterbury; as the said parcel of land is more particularly delineated on the plan marked 4962, deposited in the office of the New Zealand Railway Commissioners, at Wellington, and thereon coloured red.

Given under the common seal of the New Zealand Railway Commissioners, at Wellington, this first day of April, in the year of our Lord one thousand eight hundred and ninety-one.

JAMES MCKERROW,
J. P. MAXWELL,
W. M. HANNAY.

Appendix B

Location Plan



Site Location marked with a Blue Star

Appendix C

Site Plan and Elevations

Appendix D

Integrated Traffic Assessment

Appendix E

SPEL Purceptor Calculations and Details



RAINFALL CALCULATION SHEET

Date 27th September 2021
Project Waitomo Ashburton
Address: West Street SH1

Catchment area 590 m²
10 Min/10 year Storm 46.8 mm/hr (if applicable)
Design Storm 9 mm/hr

Inflow rate in 10 min/10 year storm:
7.67 litres / second

Product selected: P.010.C1.2C
Treatment per unit 10
Qty of units 1
Treatment rate: 10 litres / second

Confirm with Hydraulic Spec Sheet

This separator (SPELP010) meets the requirements of the *Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand*, Ministry for the Environment (1998) at LOCATION Ashburton (590m²) because it has:

1. a minimum fuel spill containment of 2,500 L in the separation chamber,

2. capacity to treat the site catchment design flow from a 10 year/10 min rainfall event to below 15 mg/L total petroleum hydrocarbons, and

3. a shut-off to isolate the separator from the receiving environment in the event of significant spills.

Appendix F

KiwiRail Holdings Limited – Lease Agreement

Fiona Small

From: Simon Parham <simonp@waitomogroup.co.nz>
Sent: Monday, 4 October 2021 9:46 AM
To: Fiona Small
Subject: RE: [External] - Ashburton

Hi Fiona,

We are leasing the property from Kiwirail, as part of the lease we have the permitted use agreed. Please see below. Also, please see the premise description below.

PREMISES: Premises at West Street, Ashburton comprised in Part Reserve 953 held in Gazette Notice 1891 p431 comprising approximately 2,386 sqm subject to revision and confirmation following receipt of NZTA's specification for planned works at the corner of West Street & Wai Ave and as outlined on the Site Plan attached as Schedule 4.

PERMITTED USE: Sale of petroleum, diesel and associated products, vehicle energy (including but not limited to electrical vehicle recharging), vehicle washing and grooming and associated uses and off-highway services, and the provision of vehicle related services. The Premises shall not use the Premises for any use other than the Permitted Use.

Thanks

SIMON PARHAM
Chief Operating Officer

WAITOMO – KIWIS FUELING KIWIS
M 027 280 8918 W www.waitomogroup.co.nz

The graphic features a large, colorful wheel with a play button in the center. The wheel is divided into several segments, each containing a different icon: a bee, a red car, a cow, a kiwi bird, a kiwi fruit, a kiwi leaf, and a kiwi boot. To the right of the wheel, the text reads 'Waitomo KIWIS FUELING KIWIS' in blue and red. Below this, a large red banner contains the text 'SPIN TO WIN' in white, and another red banner below it contains 'BIG FUEL SAVINGS' in white. At the bottom, there are three buttons: 'Download the app today' in red, 'Available on the App Store' in blue, and 'GET IT ON Google Play' in blue.

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