Memorandum

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Boffa Miskell

Attention:	Tim Bailey, Project Manager
Company:	Z Energy
Date:	23 March 2020
From:	Jane Rennie, Urban Designer / Senior Principal / CPTED Practitioner
Message Ref:	Z Energy Rolleston – Urban Design Assessment
Project No:	C18173

1.0 Introduction

Z Energy Limited submitted a resource consent in February to establish and operate a Z-branded service station, including car wash, at 2 Brookside Road, Rolleston. The service station would provide services, including fuel, convenience retail and a carwash service, predominantly to passing motorists and the local community. As the wider site includes the Rolleston Inn (the Rolly Inn), changes are also proposed to the layout of the car parking and access. The site is zoned Living 1 under the SDC operative District Plan.

The Council have issued a RfI and the purpose of this Memorandum is to outline the urban design related response.

2.0 Urban Design Matters Raised by SDC in RfI

The Council RfI dated the 11th of March 2020 requests the following urban design information:

It is noted that the proposed shop does not include an active frontage to Brookside Road, rather this elevation is dominated by a storage unit and extensive signage. The provision of active frontage to Brookside Road would have provided a continuation of the existing built form in the vicinity and enabled a form of private-public surveillance and interface.

Ms Wolfer, urban designer has reviewed the proposal and has provided the following assessment:

> *"In terms of the active frontage, which is currently non-existent. The configuration shows the service part towards the residential boundary with very limited ability to establish an active frontage. A re-configuration of the services to allow for more 'wall-space' to establish active frontage would be the best outcome. This would also a much better outcome for pedestrians who are coming off Brookside Road and currently are lead to the 'back of house' and a non-public area. Pushing the building down and having the service space towards the SH would provide for a much more attractive frontage towards Brookside Road which could be designed to be in keeping with the neighbourhood.*
>
> *As a minimum we would need to see the office space, which is facing Brookside Road, to have a window at no higher than 1.20m on its southern façade installed. This window would have to be kept free of any obstruction, including artwork or advertising. A window in this location would allow for some active passive surveillance as in 'eyes on the street' and would contribute to an active frontage."*

Please provide comment on providing an active frontage to Brookside Road.

3.0 Urban Design Response

The key urban design issue is the lack of an active frontage on Brookside Road, particularly a lack of window space along the southern end of the shop and the southern elevation of the carwash and the impact this will have on activation of the public realm and passive surveillance. The Council also touch on the continuation of the existing built form in the vicinity as an appropriate interface and concerns around signage along the Brookside Road frontage.

A lot of work has been undertaken to achieve a positive urban design outcome for the site and context. This has included relocating the retail store from the Brookside Road frontage to align with the internal boundary, an approach which was supported by the Council's Urban Designer. Careful consideration has also been given to how best to address the interface with Brookside Road and the internal boundary with the Rolleston Highway Motel given the site has two road frontages and an internal boundary that aligns with the Rolleston Highway Motel.

Looking specifically at the 'active frontage' issue, the Council's comments read as if an active frontage is required without justifying why it is appropriate in this particular circumstance, and to what extent. It is noted that under the Living 1 Zone standards there is no requirement for non-residential uses to provide for active frontages.

At a practical level, it is appropriate to consider if an active frontage is the right response in this location. Active frontages generally apply within commercial areas for the purposes of achieving an activated streetscape and public realm environment. Active frontages are about the relationship between the public space of the street and the private space as developed, and in their purest form are most commonly promoted in "high street" situations. This area of Brookside Road is not a high pedestrian traffic area. Furthermore, while there is some commercial activity in the form of the Rolly Inn and the Vet, the immediate location is not surrounded by pedestrian-orientated activity. As such, in practical terms an active frontage is not required to support pedestrian activity, albeit it is important to note that the activity itself will create a good level of activation, with the comings and goings of users.

Active frontages do however promote 'passive surveillance' of the public realm and the safety of the community is a relevant consideration under Policy B3.4.3. Although there are no windows looking directly onto the pedestrian walkway from Brookside Road those working within the retail store will have open views of the forecourt and the majority of the parking areas and this will provide for good levels of passive surveillance of the site. Users within the forecourt area will also provide 'eyes on the street' from a CPTED perspective including of the pedestrian pathway leading from Brookside Road. For those areas that are not fully in view, it is acceptable from a CPTED perspective to utilise CCTV in these instances and this is proposed.

In finalising the proposal layout the Design Team considered the relocation of the 'service' area and potential introduction of a window for the office space. Relocation of the rubbish compound to the northern end of the retail store is problematic as vehicle manoeuvring for this rubbish trucks would clash with the traffic 'exiting' the site onto the State Highway. The 3 car parks to the north of the shop currently are for 'staff only' and therefore are not likely to cause this same conflict with traffic movements. In addition, the car parks for the Rolly Inn are most appropriately located together and as close to Brookside Road as is practicable. The introduction of a window into the office raises a range of new security concerns and is also unlikely to make a material difference to the extent of passive surveillance. Staff are required to be attentive to the forecourt, within the shop and, with regards to the rest of the site, to the CCTV surveillance. The office space would not provide for ongoing passive surveillance insofar as it is used infrequently / inconsistently. This is unlike, for example, typical retail stores developed in a "high street" type style, where the focus of staff is directed to people entering or within the shop. A window in the location and at the height suggested by Council is also considered a security risk and potentially puts staff, customers and pedestrians at higher risk. Any such windows would have to be steel barred at relatively narrow intervals, which would not encourage people to spend time in the area. As such, from a functional and operational perspective this change to the design is not considered appropriate in this instance.

Careful consideration has been given to how to promote a quality environment adjacent to the shop for pedestrians approaching on foot from Brookside Road. The mitigation measures proposed include the introduction of a rock wall and seating arrangement and aligning the footpath towards the shop entrance. The space will be highly visible from the wider forecourt area and from Brookside Road and from a CPTED perspective considered an acceptable outcome. In addition, the path has a clearly identifiable entrance point and the layout and design of service stations are well recognised by the general public. It will be obvious to users of the path that it extends into the broader service station site and will provide access to the shop. To that end, no one using it will perceive it as a "path to no-where". The footpath and seating area will be pleasant and visually attractive and comprises a number of elements providing visual interest and depth and reinforcing an appropriate human scale. This landscape response is entirely appropriate and is certainly not typical for commercial environment. In addition, the Rolly Inn staff car parking in this location will create activity in this area and they will also utilise the path. There is a good degree of separation between the car wash and shop, making this area more open and reinforcing its contribution to passive surveillance.

In terms of 'built form continuity', there is no requirement under the Living 1 Zone standards to ensure continuity of built form on adjacent sites, rather the policy intent focuses on managing effects, so the activity is compatible with the character, quality and amenity values of the zone (Policy B3.4.27 in particular). Careful consideration has therefore been given to how the proposal will both draw from the built form patterns in the vicinity (and how these contribute to the character of the area) and to manage visual and amenity effects. This includes being cognisant of the relationship between buildings and the street (rhythm), use of landscape along street frontages and between buildings (separation), and the scale and form of buildings. As such, the proposal is considered to achieve an appropriate built form outcome through the use of scale and location of buildings and landscaping. The location of the carwash along Brookside Road will enable some continuity of built form along the northern side of Brookside Road between the Fire Station and the Rolly Inn. This continuity will be further strengthened by the landscape strip. In addition, the landscape strategy will help to manage the visual appearance of the service station from the residential properties opposite as per the relevant policy requirements of the Living 1 zone including in terms of outlook. A window could be introduced along the southern elevation of the car wash, but it was considered from a residential amenity perspective that the current design which comprises a stone wall and landscaping is a better response to addressing visual amenity effects.

It is important to clarify the reference to 'extensive' signage along the southern retail elevation. As per **Figure 1**, 2x LPG 'Swap N Go' cages are proposed. These include panel artwork explaining how this service works and outlines relevant Health and Safety considerations. Each panel is 1.650m wide and as such is not considered to be 'extensive'. Visually the scale and size of the signage will have not materially impact the residential properties' opposite. Furthermore, the reference to "large scale service station signage having been placed on Brookside Road" is factually incorrect. The only signage proposed along this frontage is for traffic direction purposes and can hardly be described as "large scale". The carwash sign on the northern side of the carwash faces into the site and will not be visible from Brookside Road.

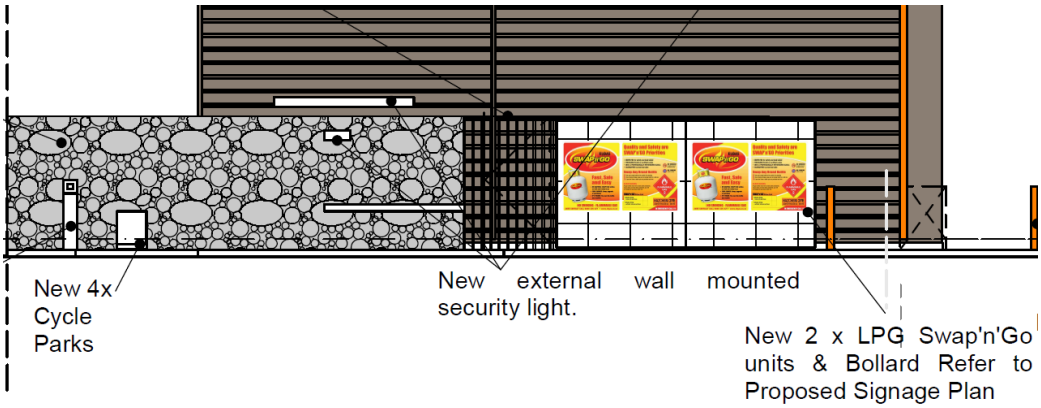


Figure 1: Exert of Drawing Z_PS_A09 – Proposed External Elevations – Stone Wall, Seating Area and 'Swap N Go' Cage along Southern Elevation of Retail Store

4.0 Summary and Conclusions

This Memorandum outlines a response to the urban design issues raised in the Council's RfI for a new Z Energy petrol station in Rolleston which focus on a greater active frontage along Brookside Road.

In summary, careful consideration has also been given to how best to address the interface with Brookside Road in terms of built form and activation (along with the internal boundary with the Rolleston Highway Motel/Fire Station). This has resulted in a development that has an active frontage facing the forecourt and the rear (back) of the building aligning with the internal boundary. This allows for outlook across the site but also to Brookside Road. The previous alternative design focused on overlooking towards the State Highway and therefore less overlooking of the residential street environment would have been possible.

Active frontages and associated overlooking from non-residential activity also needs to be balanced against visual amenity and privacy issues for the residential property's opposite, with a greater landscape focus being the preferred strategy for this project. In addition, an active frontage is not considered appropriate for this site given a lack of pedestrian focused activities in the immediate vicinity.

The introduction of an additional window in the retail store is not considered necessary given the petrol station will generate a good level of activity with the comings and goings of users. From a practical perspective there are functional and operational constraints to introducing additional windows to facilitate additional passive surveillance of the site. From a CPTED perspective, the retail store includes a large glazed frontage along the eastern facade that will provide a direct line of sight of the forecourt area and the majority of the site. For those areas that are not fully in view, it is acceptable from a CPTED perspective to utilise CCTV in these instances and this is proposed. The proposal will promote a quality environment adjacent to the shop for pedestrians approaching on foot from Brookside Road

In conclusion, the proposal is considered to be acceptable in urban design and CPTED terms.

ESTABLISHING EXISTING USE RIGHTS AND THEREFORE THE EXISTING ENVIRONMENT

The below analysis builds on the analysis contained in Section 3.1 of the AEE. Note that the Council resource consents were stored off-site and were unable to be retrieved and scanned prior to closure of the Council offices due to the coronavirus alert level being elevated to Stage 4. Additional analysis of those consents can be completed at a later date, if required.

1.0 Section 10 RMA

In accordance with Section 10 RMA, certain uses in relation to land are protected. Relevant to the Rolly Inn, land may be used in a manner that contravenes a rule in a district plan or proposed district plan if:

(i) the use was lawfully established before the rule became operative or the proposed plan was notified; and
(ii) the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified:

Existing use rights do not apply when:

(i) a use of land that contravenes a rule in a district plan or a proposed district plan has been discontinued for a continuous period of more than 12 months after the rule in the plan became operative or the proposed plan was notified, except in certain circumstances; and/or
(ii) Reconstruction or alteration of, or extension to, any building to which this section applies increases the degree to which the building fails to comply with any rule in a district plan or proposed district plan.

Each of these requirements is addressed in the material below.

2.0 Lawful Establishment

The consenting history of the Rolly Inn is attached as Annexure 1.

It is very clear from the consenting history that the Council has on multiple occasions accepted that the tavern activities at the Rolly Inn have been lawfully established over time. From the 1967 Council record, it is clear that EUR have only been questioned three times:

1. When the gaming / entertainment area was developed and when resource consent was obtained;
2. When the smokers' area was being developed and then only because it encroached into the Brookside Road yard, not because of the tavern activities themselves;
3. When resource consent was obtained for the takeaway / restaurant activity (which we assume was an expansion from previous activity).

Notably, the balance of the Rolly Inn activity has been established and continuously operating over many, many years and records establish that the Council has accepted and relied on the application of existing use rights to the activity.

The above effectively establishes that the current activity at the site has been lawfully established and therefore forms part of the existing environment, with the exception of the smoker's area for which consent is now sought on a without prejudice basis.

3.0 Effects being same or similar

Approved plans show the current building matches, internally and externally, either existing use rights or as consented, with the exception of the smoker's area. They also show 40 carparking spaces provided to the west of the Rolly Inn, and two vehicle crossings: an approximately 7.5-8m entry crossing to the drive in bottle store at the eastern end of Brookside Road (approximately in the current location), and an approximately 12 - 13m two-way crossing just to the southwest of the drive through canopy, providing entry to the carparking area and exit from both the carparking and drive through areas.

The original hotel comprised bars, a dining room/restaurant and kitchen. It is understood to have been established approximately 1935, and it can be found on aerial photos dating to the 1940s. The upstairs was used for travellers and living accommodation, with the downstairs being bar areas (public and private), restaurant and ancillary activities. It is understood (and can be expected) that the restaurant served breakfast, lunch and dinner and that the activity operated on a 24/7 basis.

In terms of hours, while these have varied historically, from the 1990s onwards the on-licence for the site lists the hours as 7am -3am, with off licence being 11am - 9pm, except that recently (in the last 1- 2 years), the on licence hours have been limited to 7am – 2am the next day, which establishes the parameters for EUR for the bar activity per se. Ancillary activities including cleaning, maintenance, office and administration activities will have inevitably operated outside these operating hours as needed.

In combination with the discussion in Section 2.0 above, that effectively establishes that the current activity at the site has been lawfully established, with the exception of the smokers' area and therefore forms part of the existing environment.

3.0 Exclusions

For the record, the tavern activity is not known to have been discontinued for a continuous period of more than 12 months.

Where reconstruction, alteration or extension to any building to which Section 10 RMA applies has increased the degree to which the building fails to comply with any rule in a district plan or proposed district plan, resource consent has been obtained with the exception of the smoker's area, for which consent is now sought.

ANNEXURE 1: CONSENTING HISTORY OF THE ROLLY INN

Original Building

Historical aerial photographs establish that the Rolly Inn was constructed circa the 1940s, although there are no records on the SDC property file for that time.

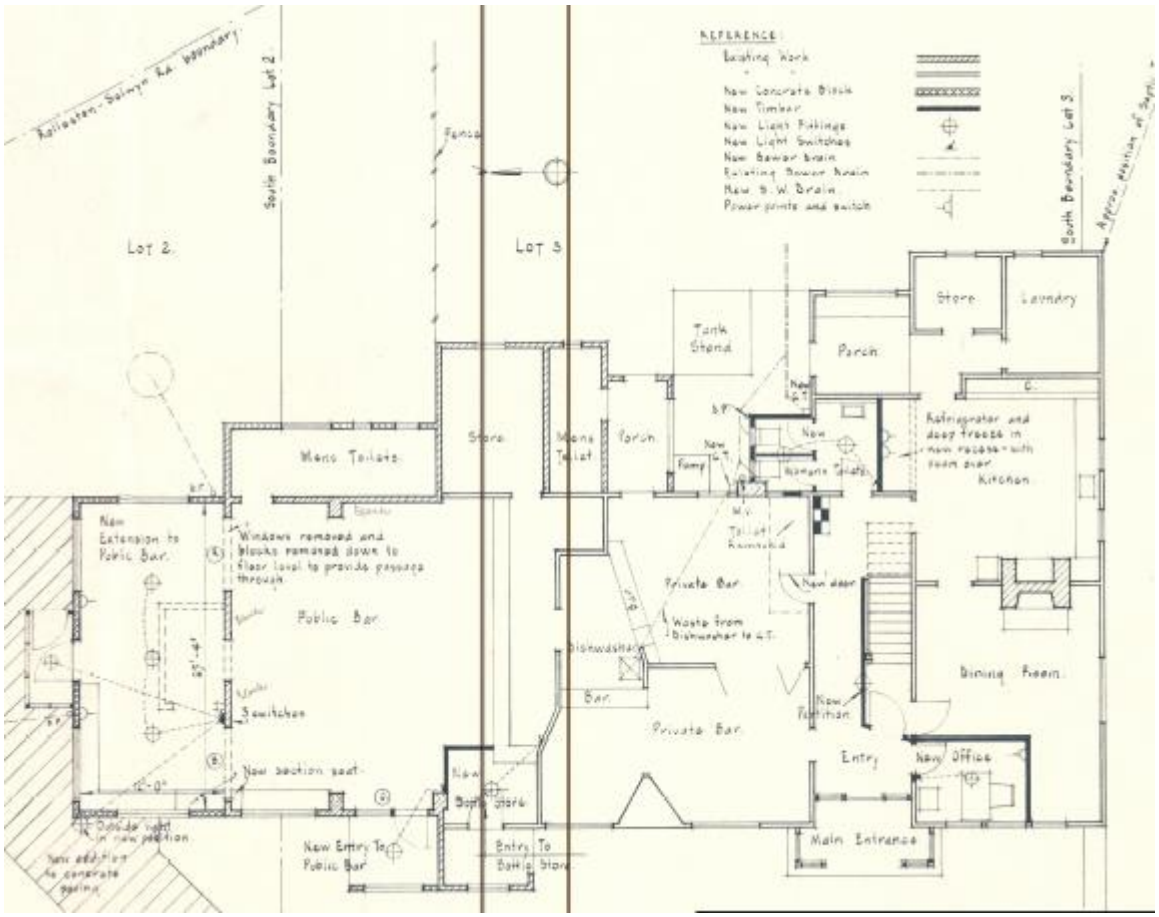
Chronology of Council's Records

Council records date back to 1967, when a bar extension was approved.

Bar Extension - Rolleston Hotel

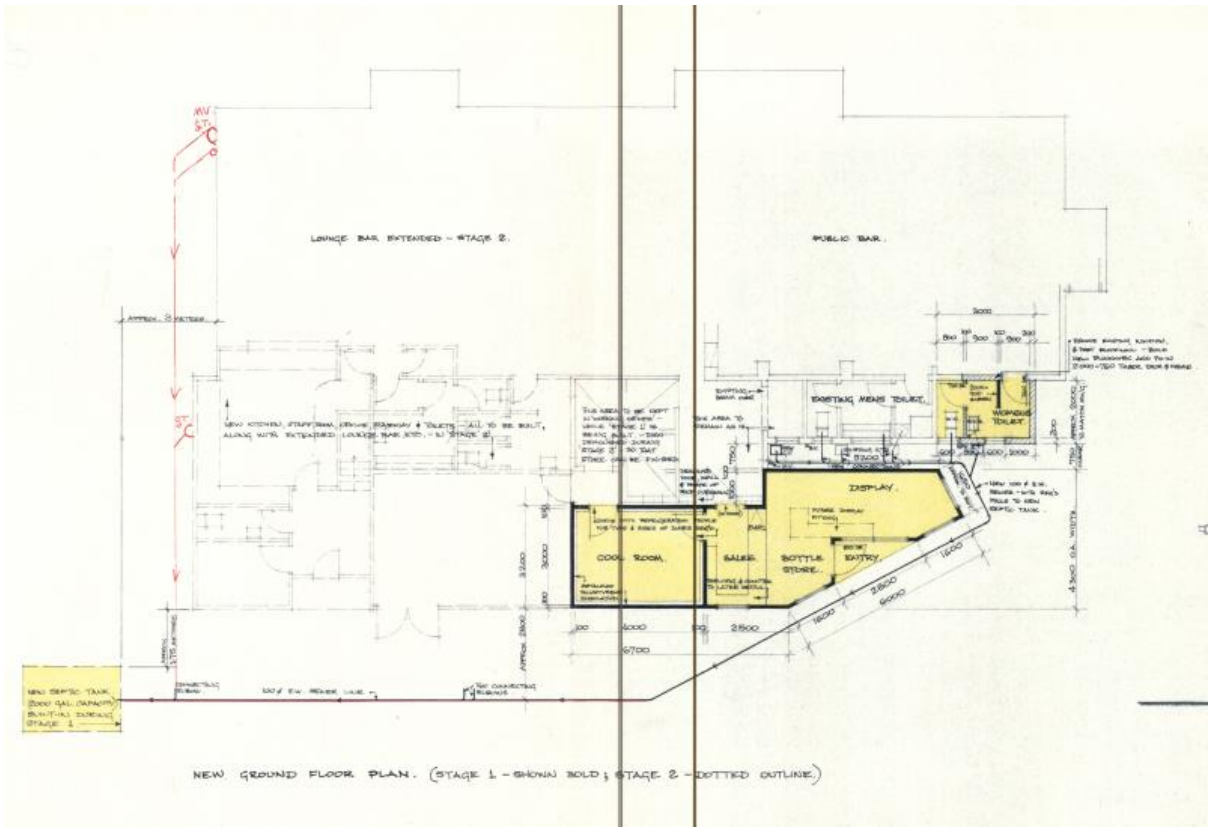
1967 – extension to the public bar

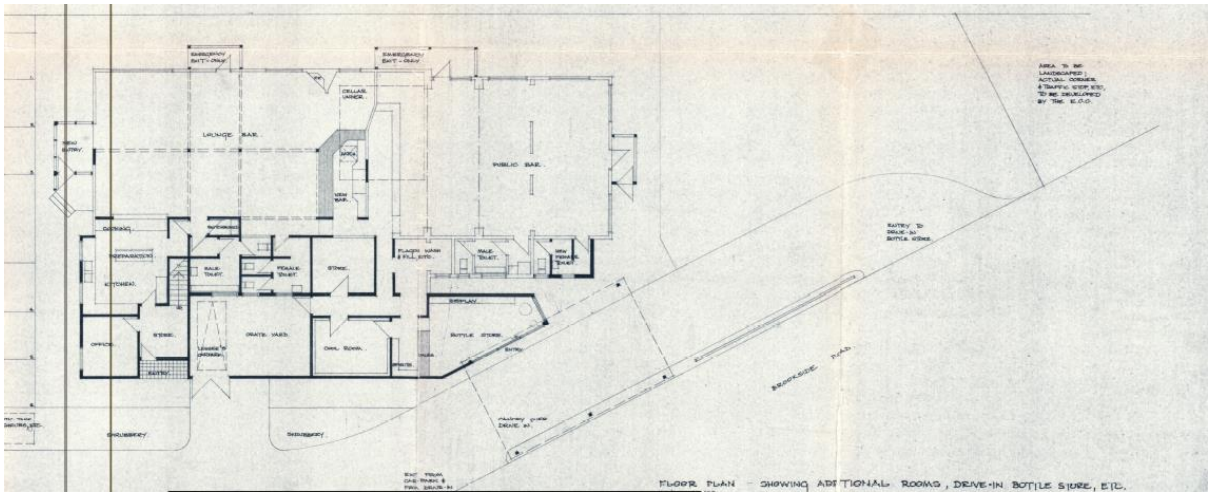
- Building Permit A012069 approved for a bar extension. Refer plans below. Code Compliance Certificate not required. It is noted that a letter to the Country Clerk dated 2 August 1967 refers to parking arrangements, bar and bottle store entrances on the site having been discussed with the Ministry of Works.

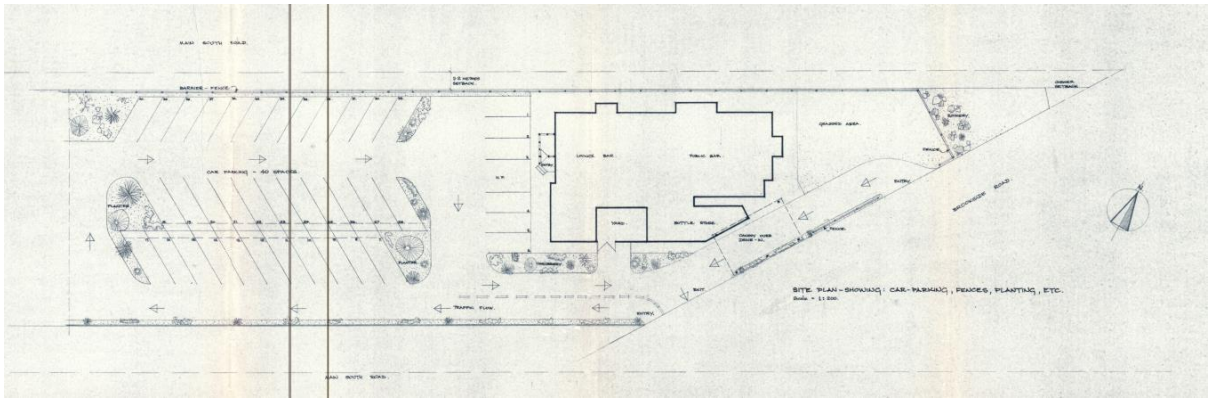


Building Permit information (sometimes incomplete) is recorded for the following key improvements thereafter:

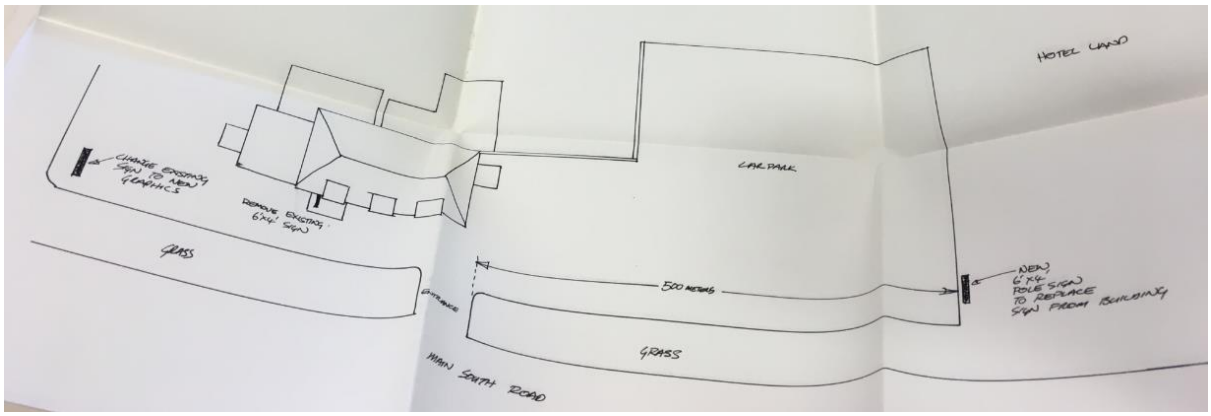
- 1977 – Permit No H980024 - alterations to the (existing) tavern, including new bottle and cool stores and Permit No 1855P / 856D for plumbing and drainage and septic tanks. Existing and Proposed Ground Floor Plans as well as Site Plan included below:







- 1978 – Permit No 1942P and 1943 D - replumbing of the kitchen and upstairs areas;
- 1979 – Advertising sign - steel pole on concrete base and located at the junction of Brookside Road and Main Road South. Specifications not clear however the purpose of the sign is recorded as being to give directions to the carpark and to notify patrons that there is a meal bar and a family bar on site;
- 1979 – Erection of a double car garage – iron on concrete foundation; and
- 1987 – New graphics on an existing sign along the eastern end of Main South Road and a new pole sign some 1.8m x 1.2m along the western end of Main South Road;

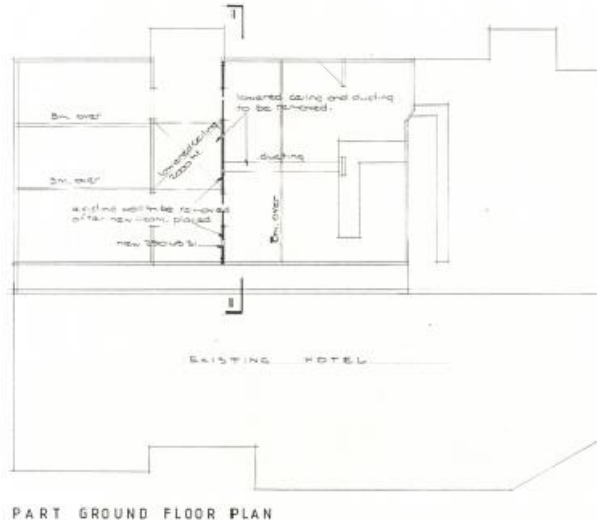


No Code Compliance Certificates were required for the above, as they pre-dated the Building Act 1991.

<u>Tavern Alterations</u>

1993 – Commercial alterations to the tavern.

- Building Consent R410641 – appears to be internal framing work to the ground floor (bracing), between the kitchen area and the bar areas, with the intended use being Lounge Bar - Restaurant. These alterations were "signed off" by the Council's Planner on 5.1.93, prior to the issue of the Consent on 8-6-93. Code Compliance Certificate was issued on 17-1-94.



Takeaway/restaurant

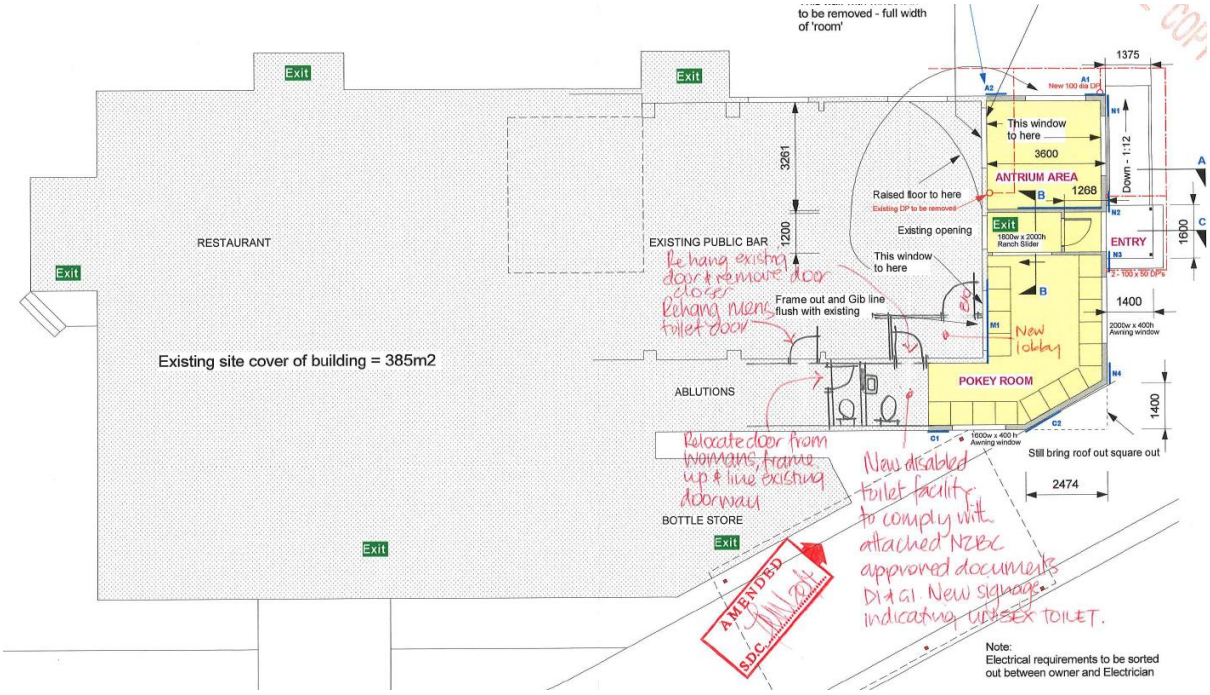
Date unknown - establish and operate a takeaway/restaurant with the Living 1 zone

- Resource Consent R085304 – approved and is assumed to have been given effect.

Extension of the Tavern to Include the Gaming Room

2000 – additions / alterations to the hotel.

- Building Permit 001388 approved for the following type of work: hotel addition for use including gaming room, atrium area and amend bathroom facilities. Fire occupancy noted as for 300 people. Code Compliance Certificate issued 14/04/05.



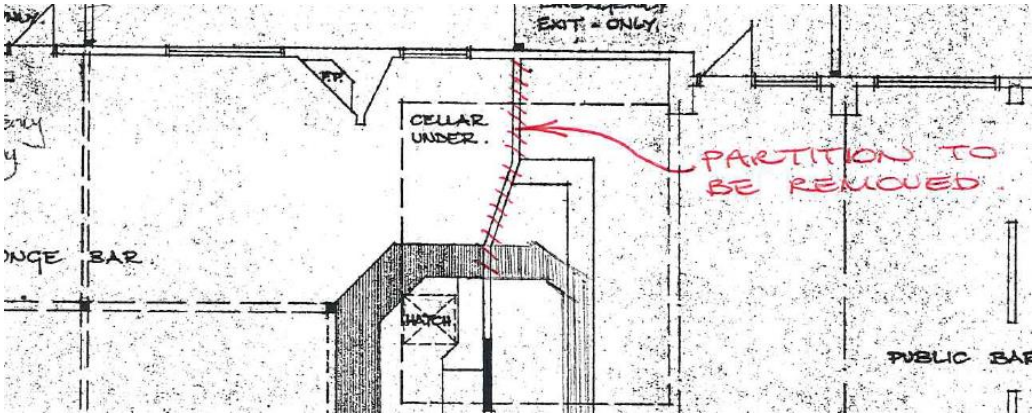
- R304455 (resource consent) – extend the tavern by 5 metres north into carpark to provide for a gaming/entertaining room (approved and given effect).

Alterations to Tavern

2003 – commercial tavern alterations.

- Building Permit 030513 approved for the following type of work: demolition of internal partition (Commercial Tavern). Code Compliance Certificate issued 13/05/05.

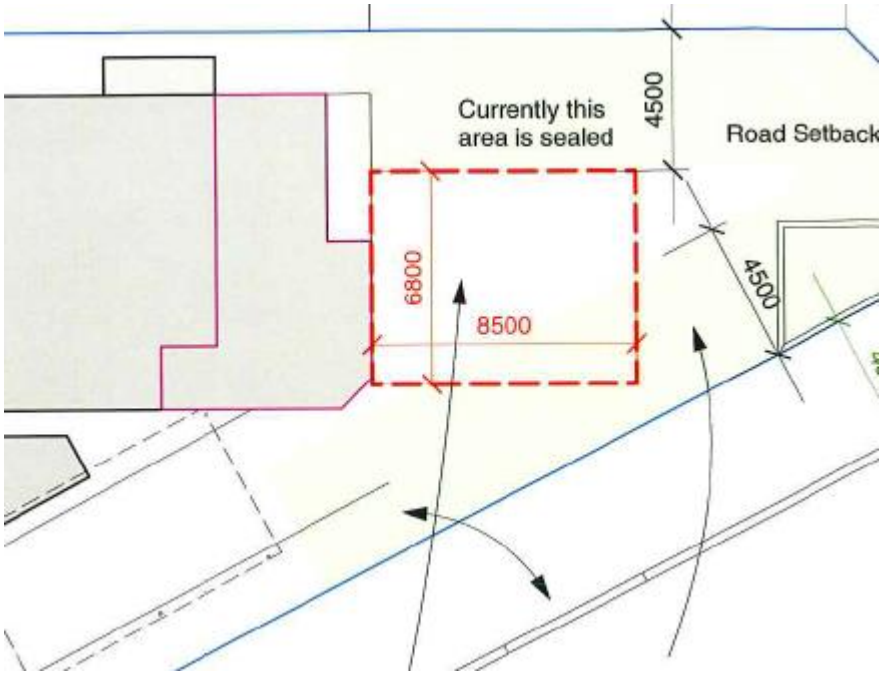
This demolition opened out the area between the previous public and lounge bars.



Addition of the Smokers Area

2004 – addition of the covered terrace (smoking area).

- Building Permit 041615 approved 30/11/04 for the following type of work: commercial building addition – covered terrace (for use as a smokers' area).



The permit was issued subject to a RMA restriction on its implementation because the building did not comply with the setback of 4m from the road boundary (Brookside Road only) and was therefore not considered to comply with the provisions for Existing Uses in Section 10 RMA. It is important to record that correspondence from the Council at the time clearly states that EUR did not apply to the smoker's area because it constituted a proposed extension to an existing building where that extension did not comply with the requirements of the District Plan, and not because of the activity per se – see excerpt from the Permit records below.

Restrictions on Implementing Building Consent 041615

Section 35(1A), Building Act 1991

Building work authorised by Building Consent No. 041615 in respect of building work at:

Street Address: 2 BROOKSIDE ROAD, ROLLESTON
Legal Description: LOT 1 DP 75460 BLK III LEESTON SD

is also required to have the following authorisation under the Resource Management Act 1991:

This building does not comply with the minimum setback distance from road boundaries for a permitted activity in the Transitional or Proposed district plans. A setback distance of 4 metres from the road boundary is required to comply. This building work involves replacing, altering or extending an existing building, but the proposed work does not comply with the provisions for Existing Uses in Section 10 of the Resource Management Act 1991 because it is an extension to an existing building. Please contact the Council's Planning Department for more information on applying for a resource consent.

Until that authorisation has been obtained no building work to which the above building consent relates may be undertaken.

Failure to observe the restrictions of this certificate may result in enforcement proceedings under the Resource Management Act 1991.

Erection of a Liquor Shop and Demolition of a Garage

2005 - erect a liquor bottle shop

- Building Permit 051902 for the following type of work: erect a liquor store and demolish a garage. Withdrawn.
- 2005 - R307252 – resource consent to erect a liquor bottle shop identified as having been formally received 19/01/05 but was either not pursued or not given effect.

Demolition of Rolly Inn

2019 – Demolition of Rolly Inn

- RC185700 - Certificate of Compliance issued authorising the demolition of the existing Rolly Inn building at 2 Brookside Road.

20 March 2020

4Sight Consulting

Attention: **Michelle Kemp**
Senior Planning and Policy Consultant

Dear Michelle

Z Rolleston RC205094 Selwyn RFI- Traffic Response

This letter contains responses to the Selwyn District Council's transport-related requests for further information. Each request is outlined below followed by our response.

***Request 5**: It is noted that the applicant has liaised with the NZ Transport Agency, although written approval has not yet been provided. Please either provide the written approval, or respond to the following queries (a and b below):*

a) *The vehicle tracking of fuel deliveries into the application site from SH1 indicates these vehicles will likely need to slow considerably in the through traffic lane on SH1. Please provide an assessment of the effects of this slowing upon the safety and efficiency of the State highway.*
b) *Vehicles accessing the service station are likely to slow in the through traffic lane on SH1. Whilst we acknowledge there are other accesses and intersections along this segment of road, they appear to be of a higher standard that enables vehicles to negotiate the access / intersection at higher speeds. In particular, traffic turning into the service station and fast food to the east of Tennyson Street have longer diverge lanes, meaning these vehicles are able to exit the State highway at higher speeds than is anticipated for the application site. In contrast, vehicles exiting the State highway to access the application site will likely need to do so slower because of the proximity of the pumps and vehicles within the site. Please provide further justification of the effects on slowing through traffic on the State highway associated with the application site.*

Stantec Response: a) It is considered the infrequency of the tanker movements (one or two into the site per day) means they will have a negligible effect on through traffic on the highway.

In 2018, a previous site layout for the proposed service station was developed however the consent application was subsequently withdrawn. That service station layout had a single two-way vehicle access on SH1. Tankers would have been required to slow down and turn into the site from the through lane. Furthermore, they would have required most of the width of the two-way driveway to make the turn, meaning that if occasionally a vehicle was waiting to exit the site, the tanker would have had to wait until that vehicle had cleared the access. NZTA provided their formal approval of the proposed access arrangements in 2018.

Although NZTA have not given formal approval for the current application, they have indicated that the proposed access arrangements are preferable to those previously proposed. The tanker will be able to turn into the site unobstructed and therefore any effect on following traffic will only be momentary.

b) During the development of the previous access arrangements in 2018, it was agreed with NZTA that a wide shoulder rather than a formal left turn lane was the most appropriate left turn provision in this location. This arrangement will result in vehicles staying in the through lane longer, meaning trailing vehicles will be more visible for drivers exiting the site. Also, trailing vehicles will be required to slow slightly which will benefit the safe operation of the service station exit. It was considered these safety benefits outweighed any potential concern with low-frequency and relatively low-impact rear-end crashes.

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The proposed entry and exit driveways are now proposed separated by some 35m, however it is still considered the same safety benefits apply from providing a wide shoulder for informal deceleration rather than providing a left turn lane. Furthermore, given the proximity to the other nearby intersections and activities and the presence of vehicles turning to and from the highway, it is considered drivers are alert and will readily be able to slow if a vehicle is turning left in front of them.

As outlined, the feedback from NZTA has been that the now proposed access arrangements are preferable to the previous ones for which they gave formal approval.

***Request 6**: We note that the eastern access to SH1 is proposed to be ingress only (i.e. no exit). Although there are signs proposed to indicate no exit, we consider this could be further reinforced through white-line markings on the ground (such as directional arrows and "no-exit" text). Please consider the merit of further reinforcing the no exit arrangement at this location.*

Stantec Response: We agree marking could help reinforce the no-exit message and will investigate whether useful marking could be provided with the site designer. However, we would not want to add marking for the sake of it and only contribute to on-site clutter.

***Request 9**: A minor relocation is required of the InterCity bus stop. Please comment as to whether this has been discussed and found to be acceptable by the affected parties (i.e. the NZ Transport Agency and InterCity)*

Stantec Response: It is unclear whether the bus stop will need to move at all, or if it does, by how much. We propose to consider the bus stop location further at the detailed design stage, when topographical data will be available, the proposed SH1 design will be developed and the preferred location for the bus stop can be confirmed.

***Request 10**: The Rolly Inn car parking demand and supply has been assessed largely on the basis of the existing activity. Although events at the Rolly Inn function centre are anticipated to be infrequent (twice per month), please provide an assessment of the likely car parking demand at the time of an event, whether this can be accommodated on-site and (if not) the extent to which there will be on-street car parking.*

Stantec Response: As outlined in Section 12.5 of our transportation assessment, we have assessed a District Plan car parking requirement for the function room of nine spaces based on the 'place of assembly' rate.

We have recorded a peak parking demand for the existing activities of approximately 20 parking spaces on a Saturday night, with parking demands being significantly lower through the remainder of the week.

The 35 spaces proposed for the Rolly Inn will be more than enough to accommodate 20 vehicles for the existing activities and nine vehicles for the function room.

In practice, it is acknowledged the function room could generate more car parking demand than nine spaces for some events. For the kind of events that could occur on a Saturday night e.g. a birthday party, it would be expected that some guests would be dropped off, some may walk, and many would share rides. Not all events would have 60 people at them, but it is considered realistic that a 60-person birthday party could generate a car parking demand of approximately 15 spaces. It is expected that on most weekends, this level of car parking demand would be able to be accommodated on-site along with existing Rolly Inn car parking demands. Any on-street car parking demand would be expected to be low in magnitude. As noted in our report, there will be room for approximately 10 vehicles kerbside along the Rolly Inn and Z frontages. Other events in the function room which could have higher parking demands, e.g. meetings, would be expected to occur during other times of the week when the Rolly Inn has low parking demands.

It should be re-iterated that the function room is proposed to be used only twice a month on average, and it is possible that its use and the peak time at the Rolly Inn will only coincide very occasionally. Also, not all events will have 60 people attending. It is considered the 35 parking spaces proposed on-site will provide a practical parking supply and flexibility for any occasional peak parking demands for either the ground floor or first floor activities. Furthermore, it is not an efficient use of resources to provide on-site car parking for all possible peak parking demands across the year.

***Request 11**: The assessment of the cycle parking non-compliance at the Rolly Inn indicates there is no change in activity, whereas the application includes a function centre that is not currently at the site. Please provide commentary on the potential additional cycle demand associated with functions and whether there is need for additional cycle parking.*

Stantec Response: It is understood there is minimal or no cycle parking demand at the Rolly Inn currently and no cycle parking has been provided on-site historically. It is considered locals would be more likely to cycle to the takeaway restaurant and/or the bar currently than they would be to a more formal event in the function room. Nevertheless, it is recommended that two bicycle rails (to accommodate up to four bicycles) are provided near the entrance to the building which would be beneficial to the existing activities as well as the function room.

I trust these responses are clear but would be happy to discuss if required.

Yours sincerely

Andrew Leckie
Project Transportation Engineer
Stantec New Zealand

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23 March 2020

4Sight Consulting
PO Box 911 310
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Auckland 1142

Attention: Michelle Kemp

Dear Michelle

RESPONSE TO RFI – Z ENERGY SERVICE STATION, ROLLESTON

As requested, we have responded to point 12 of the Request for Further Information (RFI) issued by Selwyn District Council on 11 March 2020 regarding the proposed Z Energy Service Station in Rolleston. The query is provided in italics below, followed by our response:

12. *In the Marshall Day Acoustics Assessment of Noise Effects, section 5.3 MDA note that the District Plan night-time noise limit of 70 dB L_{Amax} could be exceeded when a heavy vehicle accesses the site and uses its park brake. This would also exceed the provided WHO criteria of 60 dB L_{Amax}, and may exceed the NZS criteria of 75 dB L_{Amax}, therefore may cause disruption to sleeping. We note the noise survey showed existing maximum noise events per 10 min measure in the order of 78 dB L_{Amax}. Please state the likely incidence and maximum level of loud night-time noise events generated by the proposed service station activity and provide a comparison to the incidence and maximum level of existing loud night-time events. Consider the reasonability of facilitating exit of refuelling tankers direct to SH1.* [sic]

The maximum noise levels predicted at the nearest receivers are similar to those produced by traffic on the existing roading network but would occur much less often.

Our predicted maximum noise levels from heavy vehicle access and park brake use is provided in Table 1 below. The greatest maximum noise levels are experienced at 7 Brookside Road, a vacant site, and 9 Brookside Road when a fuel tanker uses its park brake near the fuel delivery area.

We understand that fuel deliveries are anticipated to occur one to two times per day during peak periods, but that deliveries would generally be less frequent. Therefore, the maximum noise levels from park brake use are only anticipated to occur up to two times per day. Smaller heavy vehicles such as waste disposal trucks will produce lower maximum noise levels than the larger fuel tankers.

In addition, we note that the site is not set up for other heavy vehicles to access the site as they are anticipated to favour the truck stop located approximately one kilometre away on the opposite side of State Highway 1 for refuelling.

Table 1: Predicted maximum noise levels from heavy vehicle access and park brake use

Receiver (dwelling unless otherwise stated)	Predicted maximum noise level, dB L_{Amax}	
	Heavy vehicle access	Park brake use
3-5 Brookside Road (Veterinary Clinic)	< 70	74
4 Brookside Road*	< 70	< 70
6 Brookside Road* (vacant site)	< 70	< 70
7 Brookside Road (vacant site)	73	79
9 Brookside Road	72	78

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Receiver (dwelling unless otherwise stated)	Predicted maximum noise level, dB L_{Amax}	
	Heavy vehicle access	Park brake use
11 Brookside Road	< 70	75
10 Byron Street	< 70	< 70
12 Byron Street	< 70	71
14 Byron Street	< 70	72
20 Byron Street	< 70	73

* Includes noise reduction provided by the proposed solid boundary fence described in Section 5.2 of our Assessment of Noise Effects report (Rp 001 R01 20190944, dated 7 February 2020).

In terms of sleep disturbance, night-time on-site heavy vehicle movements will be below the WHO guideline value of 45 dB $L_{Aeq(15min)}$ for minimising the onset of sleep disturbance with bedroom windows open at the nearest dwellings, as stated in Section 6.2 of our report. We confirm that we consider the potential noise effects of the proposed on-site heavy vehicle movements to be acceptable, given the existing ambient noise environment.

We trust this information is satisfactory. If you have any further questions, please do not hesitate to contact us.

Yours faithfully

MARSHALL DAY ACOUSTICS LTD

Aaron Staples
Senior Acoustic Engineer

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30 March 2020

Martin Robertson, Environmental Manager
Z Energy Limited
PO Box 2091
Wellington

Dear Martin

NES Consent Review - Proposed Z Rolleston, 2 Brookside Road, Ellesmere, Rolleston 7614

1.0 Introduction

This letter has been prepared by AECOM New Zealand Limited (AECOM) on behalf of Z Energy Limited (Z Energy) to provide additional information to support resource consent application RC205094 for 2-10 Brookside Road, Ellesmere, Rolleston (the site).

2.0 Background

Z Energy plan to develop the site, which is currently occupied by a public house and related car-parking, into a retail service station.

Selwyn District Council issued a letter dated 11 March 2020 (reference RC205094) requesting further information (the s92 letter). Points 15 and 16 of the s92 letter requested further information about National Environmental Standard (NES[1]) Soil Contamination aspect of the application, which this letter addresses.

3.0 Response to Section 92 Request for Further Information

Responses to the specific points raised in the s92 letter are provided in the following sections:

3.1 Point 15

> *Point 15 – "It is noted that the AECOM report states that the existing "hotspot" will be outside the area of disturbance, however the plans indicate that the area is likely to be disturbed. Please provide comment."*

Please refer to the attached plans (**Figure 1**) which shows the location of sample 205 SS.

EDC[2] described sample 205 SS as "located between a shed and the entrance to restaurant, in the yard area and appeared to be a thin veneer of fill (50 mm)".

The location is within the yard area between outbuildings to the west (which will be demolished) and the entrance between the carpark area and existing restaurant. A sealed, concreted footpath will be constructed at ground level around the western, southern and south-eastern sides of the existing public house building and will involve some disturbance of shallow soils.

3.2 Point 16

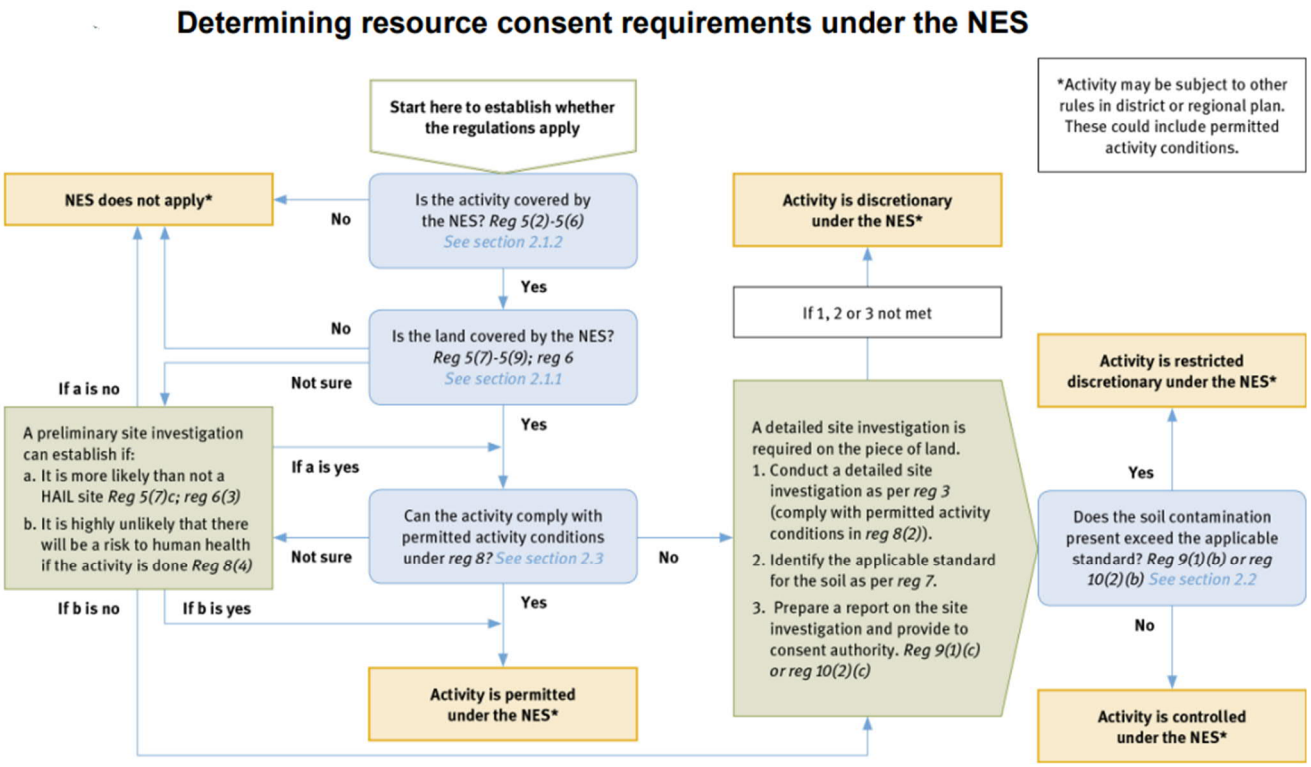
> *Point 16 – "Please note that if the area is to be disturbed, I consider that the NES would apply. The soil in the hotspot area does need to be dealt with appropriately. Because lead concentrations in this area exceed the commercial/industrial guidelines the disturbance would most likely be a restricted discretionary activity. Depending on the plans for dealing with the hotspot, either a management plan or validation report should be provided detailing what works took place to manage, or remove the hotspot."*

Although the land in the vicinity of sample 205 SS is planned to be disturbed as part of the development, we do not consider that the NES applies.

---

[1] The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations. Ministry for the Environment, 2011.
[2] Engineering Design Consultants (EDC), Rolly Inn Development, 45 Main South Road, Rolleston, Detailed Site Investigation Report, dated 09/08/2018. Project reference: 48122.

Figure 3 of the Users' Guide: NES for Assessing and Managing Contaminants in Soil to Protect Human Health, reproduced below for convenience, indicates the process for determining applicability of the NES.



It is our assessment that the NES does not apply on the following basis:

Is the activity covered by the NES? Regulation 5(2)-5(6)? **Yes**

Proposed activity would exceed the Soil Disturbance thresholds.

Is the land covered by the NES? Regulation 5(7)-5(9)? **No and therefore NES does not apply.**

*It is **more likely than not** that an activity described in the Hazardous Activities and Industries List (HAIL[3]) has **not** been undertaken at the site (NES Regulation 5(7). This was the conclusion of the AECOM Limited ESA[4].*

NES Regulation 5(7) states:

Land covered

(7) The piece of land is a piece of land that is described by 1 of the following:

(a) an activity or industry described in the** HAIL **is being undertaken on it:

(b) an activity or industry described in the** HAIL **has been undertaken on it:

(c) it is more likely than not that an activity or industry described in the** HAIL **is being or has been undertaken on it.

[3] Hazardous Activities and Industries List (HAIL), Ministry for the Environment, 2011b.
[4] AECOM, 2018. 2 Brookside Road, Ellesmere-Rolleston 7614, Limited Environmental Site Assessment. Dated 21 June 2018. Reference 60542718.

With the absence of any evidence indicating HAIL activities at the site, the NES should not apply. This was discussed in the letter prepared by AECOM dated 24 January 2020[5].

Following receipt of the EDC report, Environment Canterbury categorised the land as HAIL category I:

> *"I – Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment"*

However, the soil analytical results for the site do not indicate hazardous substances "in sufficient quantities to cause a risk to human health or the environment".

The EDC detailed site investigation (DSI) stated that:

> *"Although this area [in the vicinity of sample 205 SS] is limited, it is considered to present an unacceptable risk to the human health of end users, and it is recommended that the soil is removed from site… or alternatively on-site management measures will be necessary".*

AECOM disagrees with this assessment: The single sample (#205) which contained a lead concentration that exceeded the SCS for commercial/industrial land-use outdoor worker (unpaved), is located immediately to the southwest of the existing Rolleston Inn building which will remain following the proposed development.

Two commercial / industrial scenarios are considered, for indoor and outdoor workers, to recognise the different exposure these two groups would have to soil.

- Indoor workers have no direct exposure to soil, but may contact indoor dust, and have exposure to volatiles. This scenario covers people such as full-time factory and shop workers.
- Outdoor workers are those involved full-time in everyday outdoor maintenance activities involving moderate digging and landscaping (e.g., the site caretaker). Such a worker is expected to have an elevated soil ingestion rate, dermal exposure and inhalation of dust or vapours.

This part of the site will be sealed post development; therefore, as outlined in the Ministry for the Environment (MfE) Methodology for Deriving Standards for Contaminants in Soil to Protect Human Health (the Methodology), commercial / industrial (indoor worker) is appropriate where direct exposure to soil is limited or zero. Table 34 of the Methodology indicates there is no limit for lead for the commercial/industrial indoor worker scenario; therefore, for the current and proposed land use the sample is not considered to exceed the SCS.

It is also noted that a second sample (205 US) was collected by EDC immediately beneath samples 205 SS (at a depth of 0.1-0.15 m). This sample returned a lead result of 403 mg/kg. Two other samples collected from the yard area, 206 SS and 206 US returned results of 203 mg/kg and 16.2 mg/kg. These results indicate that the result of 205 SS does not represent a significant area of soil, either vertically or laterally, and is likely to be an outlier[6].

The developer may decide to remove the shallow fill in that area and replace it with imported clean fill for geotechnical reasons. Risks associated with the soil disturbance would be managed via the controls described in Z's Environmental Management Plan (EMP); the soil would also require appropriate management during handling and disposal.

However, these works would not fall under the NES which does not consider the maintenance / excavation work scenario as the NES Technical Review Group considered it was more appropriate that exposure be limited through the site-specific controls that are required under health and safety legislation (see Section 3.2.1 of the Methodology). Accordingly, a management plan, such as Z's EMP (included with the application) would be suitable to cover intrusive work at this location.

[5] AECOM, NES Consent Review – Proposed Z Rolleston, 2 Brookside Road, Ellesmere, Rolleston 7614. Dated 24 January 2020.
[6] Refer Section 5.4.4 of the Contaminated Land Management Guidelines No. 5. Ministry for the Environment, 2011.

4.0 Closing

We trust that this information is of assistance with your consent application. If you require further information as the project progresses, please do not hesitate to contact the undersigned.

Yours faithfully

Josh Girvin
Senior Environmental Consultant
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Sarah Knowles
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encl: Figure 1 - Z Brookside Road
AECOM letter dated 24 January 2020 - NES Consent Review
cc: Karen Blair (4Sight Consulting);
Neil Moon (Z Energy Limited)

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AECOM's professional opinions are based upon its professional judgement, experience, and training. These opinions are also based upon data derived from previous reports and the testing and analysis described in this document. It is possible that additional testing and analysis might produce different results and/or different opinions. AECOM has limited its investigation to the scope agreed upon with its client. AECOM believes that its opinions are reasonably supported by the testing and analysis that have been done, and that those opinions have been developed according to the professional standard of care for the environmental consulting profession in this area at this time. That standard of care may change and new methods and practices of exploration, testing, analysis and remediation may develop in the future, which might produce different results.

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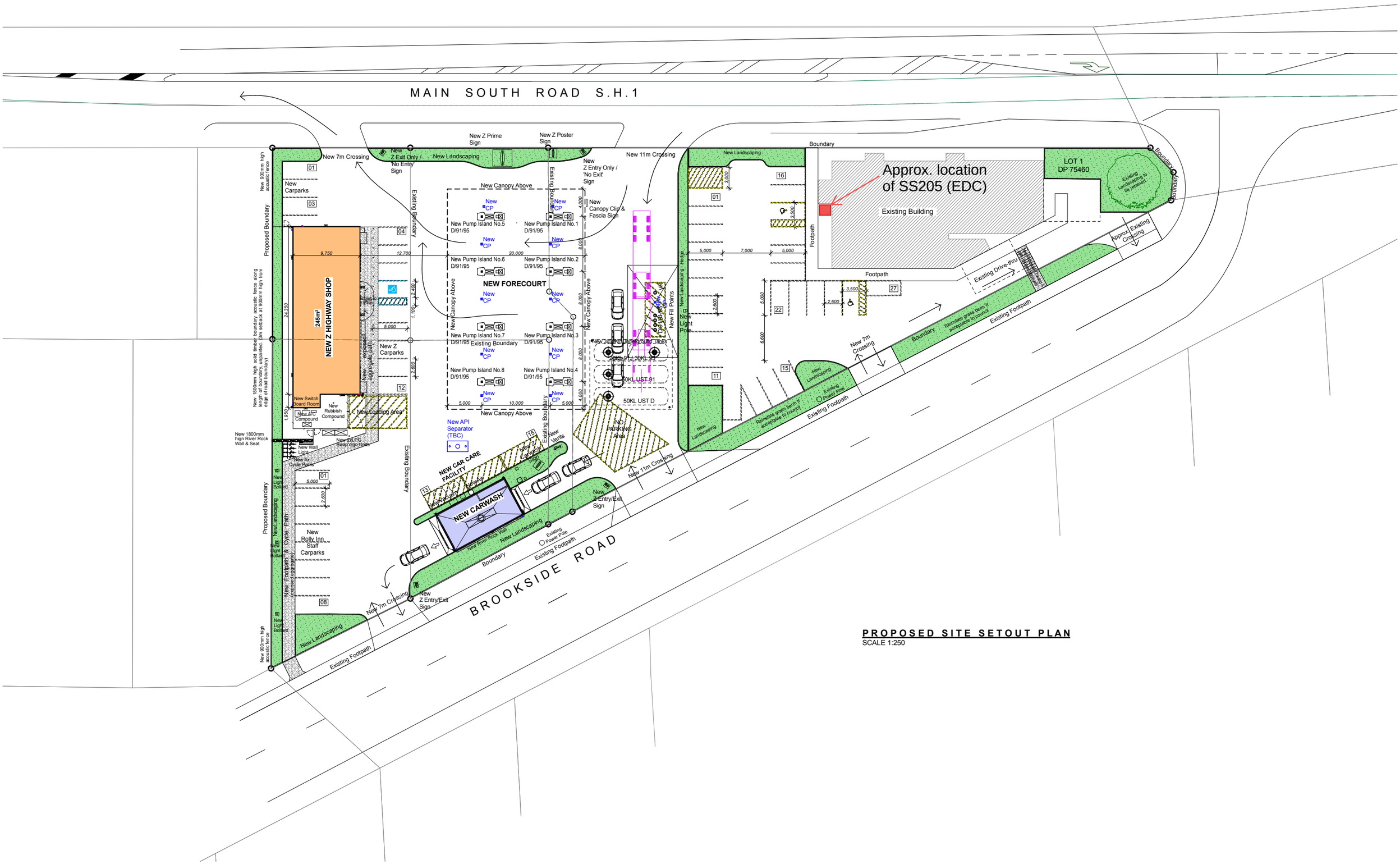

PROPOSED SITE SETOUT PLAN
SCALE 1:250

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PO BOX 2091
WELLINGTON 6140
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PH. 0800 474 355

Z ENERGY STANDARD DESIGN
Z Brookside Rd Rolleston NTI
2 Brookside Road
Rolleston

RESOURCE CONSENT

Legal Description
Lot 1 DP 75460

SHA Architecture LIMITED
SHA Ref No 16023

ARCHITECTURE & INTERIORS
PROJECT MANAGERS & CONSULTANTS
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DRAWING DESIGN LIMITATIONS
NZS 3604:2011 WIND ZONE: LOW, MEDIUM, HIGH
NZS 3604:2011 EXPOSURE ZONE: B AND C (LOW AND MEDIUM)
NZS 4218:2004 CLIMATE ZONE: ZONE 1, ZONE 2, ZONE 3

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A	RESOURCE CONSENT ISSUE	31/01/2020	J.L

PROPOSED SITE SETOUT PLAN

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Z-PS-A03

VERSION. REV. A

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24 January 2020

Martin Robertson, Environmental Manager
Z Energy Limited
PO Box 2091
Wellington

Dear Martin

NES Consent Review - Proposed Z Rolleston, 2 Brookside Road, Ellesmere, Rolleston 7614

1.0 Introduction

This letter has been prepared by AECOM New Zealand Limited (AECOM) on behalf of Z Energy Limited (Z Energy) to provide additional information relating to environmental condition of land at 2-10 Brookside Road, Ellesmere, Rolleston (the site).

2.0 Background

Z Energy plan to develop the site, which is currently occupied by a public house and related car-parking, into a retail service station.

2.1 AECOM Limited Environmental Site Assessment (ESA)

As part of the proposed development, AECOM prepared a limited environmental site assessment (ESA) in 2018[1]. Fieldworks were completed in May 2017 to coincide with a geotechnical investigation occurring at that time.

A review of site history did not identify Hazardous Activities and Industries List (HAIL) activities and therefore the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES Soil) was not considered to apply. A total of nine soil samples were collected and analysed for a range of potential contaminants, including metals. The results of which complied with the applicable standards under regulation 7 of the NES Soil for commercial/industrial land-use.

2.2 Engineering Design Consultants' Detailed Site Investigation (DSI)

Engineering Design Consultants Limited (EDC) also completed an environmental investigation in 2018[2] at 45 Main South Road, which included sampling at the site.

One of 24 soil samples analysed for lead (ref. #205) exceeded the soil contaminant standard (SCS) for commercial/industrial outdoor worker (unpaved). The report noted that: "*This sample was located between a shed and the entrance to restaurant, in the yard area and appeared to be a thin veneer of fill (50 mm). The natural soil at 100 mm depth beneath the elevated surface sample was below the SCS but approximately one order of magnitude higher than the background concentration for lead*".

Environment Canterbury listed the site on the Listed Land Use Register (LLUR) under HAIL category "I – Any other land" with site category yet to be reviewed as a result of the EDC investigation.

3.0 Management of Lead Exceedance

The single sample (#205) which contained a lead concentration that exceeded the SCS for commercial/industrial land-use outdoor worker (unpaved), is located immediately to the southwest of the existing Rolleston Inn building (which will remain following the proposed development). The location will lie just to the northeast of the proposed car-park from the new service station development. This part of the site is currently sealed and will be sealed post development; therefore, as outlined in the Ministry for the Environment (MfE) Methodology for Deriving Standards for Contaminants in Soil to Protect

[1] AECOM, 2018. Limited Environmental Site Assessment, 2 Brookside Road, Ellesmere-Rolleston 7614,. Final report dated 21 June 2018.
[2] EDC, 2018. Detailed Site Investigation Report. Rolly Inn Development, 45 Main South Road, Rolleston. Project 48122. Revision 0 dated 9 August 2018.

Human Health (the Methodology), commercial / industrial (indoor worker) is appropriate where direct exposure to soil is limited or zero. Table 34 of the Methodology indicates there is no limit for lead for the commercial/industrial indoor worker scenario; therefore, for the current and proposed land use the sample is not considered to exceed the SCS. It is not considered that HAIL category I *Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment* applies as the presence of lead does not present an unacceptable risk to human health. Neither remediation of the lead impacted soil or subsequent soil validation is required. In the absence of a HAIL activity having occurred on the site, the NES Soil is not considered to apply.

While the area is not due to be directly disturbed as part of the works, the developer may decide to remove the shallow fill in that area and replace it with imported clean fill for geotechnical reasons. Soil disturbance works would be undertaken in accordance with Z's Environmental Management Plan, and the soil would require appropriate management during handling and disposal.

4.0 Additional Development Footprint

At the time of the AECOM limited ESA, different options for development were under consideration. Subsequently the plans for the proposed development have been prepared and the site now includes a portion of land to the west of the previous AECOM investigation area, being part of Lot 1 DP 507204.

A review of the LLUR on 20 January 2020 did not identify any HAIL activities at the additional piece of land included as part of the development; therefore, the NES Soil is considered not to apply.

As such, additional soil sampling is considered unnecessary and the application can proceed on the basis of the existing DSI and limited ESA for the wider site. Demolition of the existing building on 10 Brookside Road will need to be managed in such way to avoid contaminating soil (particularly from asbestos containing material); however, demolition is not a NES Soil matter.

5.0 Closing

We trust that this information is of assistance with your forthcoming consent application. If you require further information as the project progresses, please do not hesitate to contact the undersigned.

Yours faithfully

Josh Girvin
Senior Environmental Consultant
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Sarah Knowles
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encl: Figure 1 - Z Brookside Road
cc: Karen Blair (4Sight Consulting);
Neil Moon (Z Energy Limited)

Statement of Limitations

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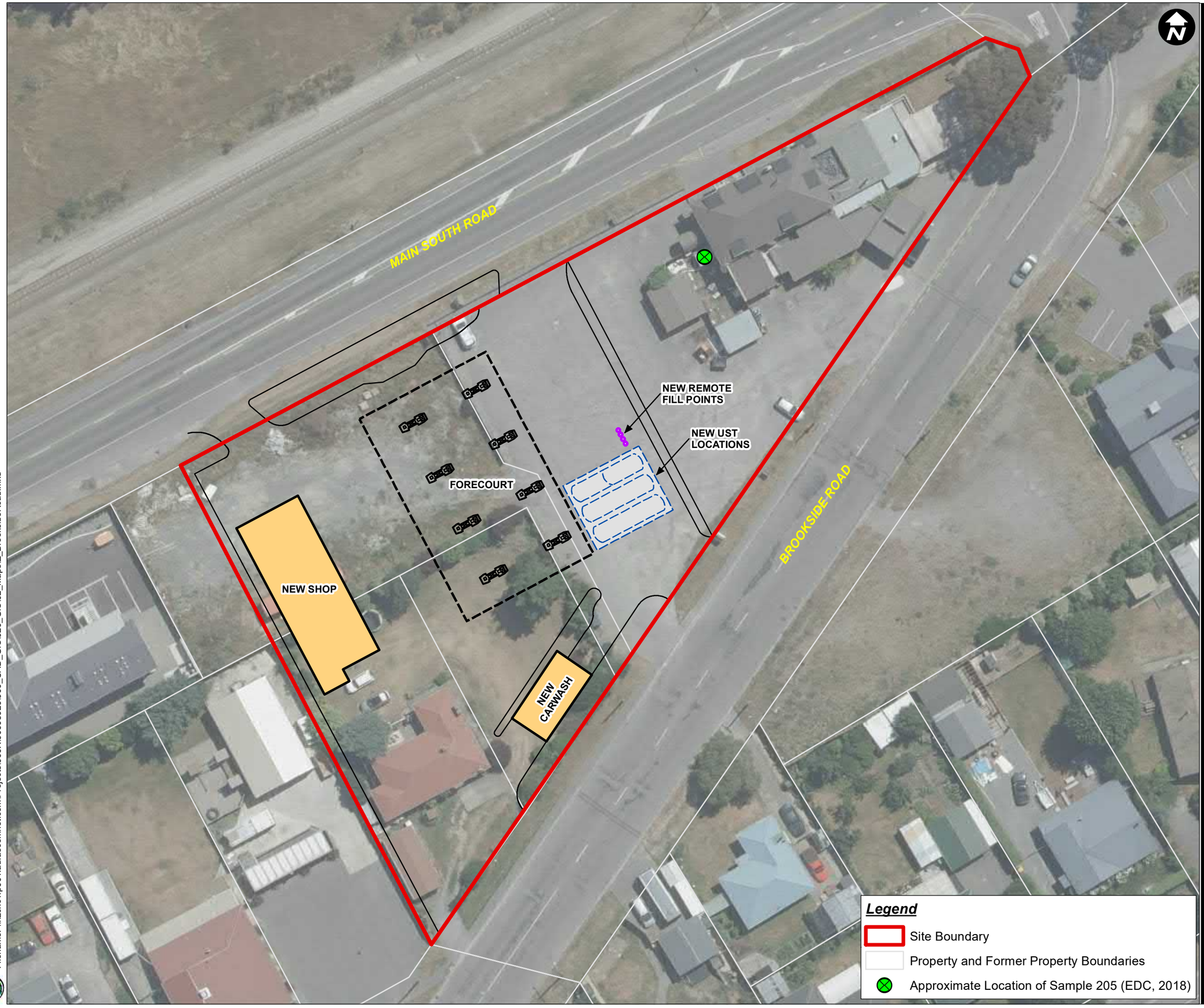

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AECOM

PROJECT

Z BROOKSIDE ROAD, ELLESMERE-ROLLESTON, SELWYN - ENVIRONMENTAL SITE ASSESSMENT

CLIENT

Z ENERGY LIMITED

CONSULTANT

AECOM New Zealand Limited
www.aecom.com

SPATIAL REFERENCE

Scale: 1:500 (A3 size)

10 5 0 10 Meters

Map features depicted in terms of NZTM 2000 projection.

Data Sources:
Cadastral Boundaries – LINZ NZ Cadastral Dataset

PROJECT MANAGEMENT

Approved	JG	Date	24/01/2020
Checked	JG	Date	24/01/2020
Designed	SS	Date	24/01/2020
Drawn	SS	Date	24/01/2020

ISSUE/REVISION

Rev	Date	Description
A	24/01/2020	DRAFT

KEY PLAN

PROJECT NUMBER

60608926

SHEET TITLE

PROPOSED SITE LAYOUT PLAN

MAP NUMBER

FIGURE 2

Last saved by: SERGEY.SOKOLOV (2020-01-24) Last Plotted: 2017-05-17
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31 March 20

Jane Anderson
c/- Selwyn District Council
PO Box 90
Rolleston 7643

By e-mail only: jane.anderson@selwyn.govt.nz

Dear Jane,

Re: RC205094, s92 Further Information Request, 2 Brookside Road, Rolleston

Thank you for your letter dated 11 March 2020. Responses to your requests are detailed below. Please note that this information now accompanies and forms a part of the application for resource consent.

Urban Design

1. *Please provide comment on providing an active frontage to Brookside Road*

Response:
Please refer to Attachment 1 from Jane Rennie, Principle Urban Designer, Boffa Miskell.

We have read Ms Rennie's response and can confirm that we do not consider any changes are required to the effects assessment as submitted.

In this case, where comments have been requested in relation to a difference in opinion between specialists, rather than further information on effects per se, as planners we are required to justify why we prefer Ms Rennie's opinion to Ms Wolfer's opinion. We offer the following.

One issue is the lack of an active frontage on Brookside Road, including a lack of window space along the southern end of the shop and the southern side of the carwash. Whilst a lot of work has gone into the design of the site and in particular to addressing the interface between Brookside Road, the comments included in Matter 1 read to us as if an active frontage is both required and non-existent, without actually justifying why it is appropriate in this particular circumstance that it be provided, and to what extent. At a practical level, we consider it inappropriate to apply the active frontage concept in this instance because this area of Brookside Road is not a high pedestrian traffic area. Furthermore, while this is a commercial activity, it is not a pedestrian orientated activity nor is it surrounded by pedestrian orientated activity. As such, an active frontage is not required to support pedestrian activity or encourage people to spend time in the area. Nor is required to ensure continuity of built form on adjacent sites. Active frontages are about the relationship between the public space of the street and the private space as developed, and in their purest form are most commonly promoted in "high street" situations. We consider that the proposal has properly paid particular attention to the visual interest between the site and the public realm and has achieved a connection with the public area in that context. This includes through the use of scale and location of buildings, landscaping, adoption of consistent feature elements (rock walls), defined pedestrian pathways, CCTV and lighting, and notes that the forecourt and parking areas provide some opportunity for passive surveillance. Furthermore, with regard to the carwash building, this has been deliberately set back from Brookside Road to lessen its impact on the street and in order to facilitate the provision of landscaping (including the rock wall). In a practical sense, the provision of landscaping in this location is quite at odds with the

provision of windows along this elevation. Furthermore, the reference to "large scale service station signage having been placed on Brookside Road" is factually incorrect. The only signage proposed along this frontage is for traffic direction purposes and can hardly be described as "large scale". We note that the carwash sign on the northern side of the carwash faces into the site and will not be seen at all from Brookside Road.

Another concern raised relates to the "services" being located to the south of the shop. We consider that this concern, and the mitigation suggested (namely to move the services area to the north and put a window in the office) fails to recognise and appreciate that the layout of the shop, including the services area, has been carefully considered by Z Energy from a functional and operational point of view. Some of the potential issues arising are that:

- The x3 parks to the north of the shop are for staff only and therefore not likely to cause a conflict with traffic exiting the site;
- Shifting the loading area to the north would cause conflict with the exiting traffic;
- The parks for the Rolly Inn are most appropriately located together and as close to Brookside Road as is practicable;
- Staff are required to be attentive to the forecourt, within the shop and, with regards to the rest of the site, to the CCTV surveillance. The office space would not provide for ongoing passive surveillance insofar as it is used infrequently / inconsistently. This is unlike, for example, typical retail stores developed in a "high street" type style, where the focus of staff is directed to people entering or within the shop.
- A window in the location and at the height suggested is considered a security risk and potentially puts staff, customers and pedestrians at higher risk. Any such windows would have to be steel barred at relatively narrow intervals, which would not encourage people to spend time in the area.

The mitigation proposed, in particular the rock wall and seating arrangement, is considered appropriate because:

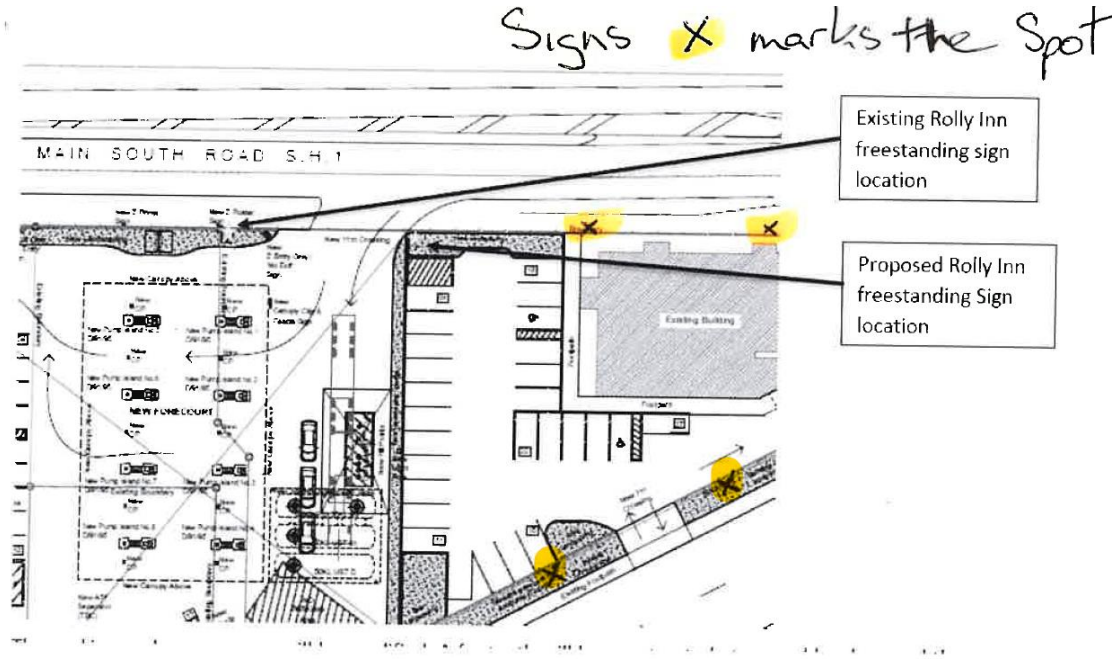
- The path has a clearly identifiable entrance point. The layout and design of service stations are well recognised by the general public. It will be quite apparent to users of the path that it extends into the broader service station site and will provide access to the shop. To that end, no one using it will perceive it as a "path to no-where".
- The area is pleasant and visually attractive and comprises a number of elements providing visual interest and depth and reinforcing an appropriate and human scale. This type of landscape treatment is entirely appropriately within residential environments (whilst it may not be so in a typical commercial environment).
- All Rolly Inn staff car parking is consolidated in one area and it is considered that these people will be the predominant users of the path;
- There is a good degree of separation between the car wash and shop, making this area more open and reinforcing its contribution to passive surveillance.

Signage

2. *Please advise if the existing sandwich board signage is proposed to be retained, and if so, please provide details of the area of this signage.*

Response:

The four existing sandwich board signs are to be retained (two located along the SH frontage and two alongside the Brookside Road Frontage). The size of these signs are 2.4m high and 1.2m wide x2 in number and at 1.2m high and 1.2m wide x 2 in number, with one of each sized sign type located along the SH and Brookside Road frontages. These are located as per the below:



The above should be included in the activity description. While the location of the sandwich board signs along the SH frontage are shown on the above as being in the State highway road reserve, this will only be the case subject to separate agreement with NZTA. In the alternative, these will be located as close as practicable to the inside of the site boundary adjacent the crosses. Similarly, the sandwich boards along the Brookside Road frontage are shown as being located within the road reserve and these would need to be relocated within the landscaping area (or at least clear of any access, parking or manoeuvring areas) unless the approval of SDC to locate them within the road reserve was obtained.

Signage associated with the Rolly Inn is existing and the only physical change remains the relocation of one of the free-standing signs as shown above. The relocated sign is otherwise existing (in terms of scale and content), and we note that this was approved in 1987. All signage will be in a location clearly associated with the Rolly Inn and distinct from the service station activity.

In terms of activity status, these signs would similarly trigger a discretionary activity consent requirement pursuant to Rules 7.1, 7.2 and 7.5. Overall, the activity is non-complying, however, and this does not change.

The AEE should be amended accordingly. Note that all necessary resource consents were sought in the AEE.

Hours of Operation

It is noted that the application refers to core hours of operation and that "the Rolly Inn also operates outside the core operating hours" and that the function facility will adopt the same hours as the bar. The Plan anticipates that the opening hours of non-residential activities will be limited to between 7am and 10pm in residential areas.

3. *Should you wish to use the current operating levels as a baseline for assessing the proposal, please provide further information to confirm that the Rolly Inn is currently operating under existing use rights.*

4. *Please clarify what the maximum operating hours will be for the Rolly Inn and proposed function facility.*

Response:

Please refer to Attachment 2 which establishes existing use rights for all but the smokers' area. Consent is now being sought, on a without prejudice basis, for that particular aspect of the operation.

Section 2.2 of the AEE discusses the operating hours of the Rolly Inn as follows:

The current core hours of operation, between 11am and 2am the following day for the bar and 11am to 9pm for the bottle shop, seven days a week, are to be retained. The Rolly Inn also operates outside the core operating hours and this is not proposed to change. The bar is licenced to operate between 7am and 2am the following day and the bottle store is licensed to operate between 7am and 9pm, but each operate the additional hours infrequently. Ancillary activities such as cleaning, maintenance, restocking, food and beverage preparation, administration and other business-related tasks are undertaken both inside and outside of the core hours as well as within the core hours, such that the Rolly Inn broadly operates in a 24/7 sense. Again, this is not proposed to change.

We do not consider any changes are required to the effects assessment as submitted.

Traffic

5. *It is noted that the applicant has liaised with the NZ Transport Agency, although written approval has not yet been provided. Please either provide the written approval, or respond to the following queries (a and b below):*
   a. *The vehicle tracking of fuel deliveries into the application site from SH1 indicates these vehicles will likely need to slow considerably in the through traffic lane on SH1. Please provide an assessment of the effects of this slowing upon the safety and efficiency of the State highway.*

   b. Vehicles accessing the service station are likely to slow in the through traffic lane on SH1. Whilst we acknowledge there are other accesses and intersection along this segment of road, they appear to be of a higher standard that enables vehicles to negotiate the access / intersection at higher speeds. In particular, traffic turning into the service station and fast food to the east of Tennyson Street have longer diverge lanes, meaning these vehicles are able to exit the State highway at higher speeds than is anticipated for the application site. In contrast, vehicles exiting the State highway to access the application site will likely need to do so slower because of the proximity of the pumps and vehicles within the site. Please provide further justification of the effects on slowing through traffic on the State highway associated with the application site.

6. *We note that the eastern access to SH1 is proposed to be ingress only (i.e. no exit). Although there are signs proposed to indicate no exit, we consider this could be further reinforced through white-line markings on the ground (such as directional arrows and "no exit" text). Please consider the merit of further reinforcing the no exit arrangement at this location.*

Response:
Please refer to Attachment 3 from Andrew Leckie, Project Transportation Engineer, Stantec New Zealand.

We have read Mr Leckie's response and can confirm that we do not consider any changes are required to the effects assessment as submitted.

We further note that with regard to white-line markings on the ground, we would be opposed to marking for the sake of it as it would potentially add clutter. The entry and exit points along the SH are clear and in reality, most service stations adopt this sort of circulation pattern without incident. This site is not expected to be any different so imposing an upfront requirement for such marking is not supported in the first instance.

If there was appropriate justification for it, a condition could be considered requiring white line markings (such as directional arrows and/or "no-exit" text) to be painted on the ground in the event that these are shown to be necessary once the service station becomes operation (effectively a review clause for a specific action).

7. *Eight staff car parks for the Rolly Inn are proposed at the service station site. Please confirm that these will be signed appropriately.*

Response:
Please refer to Section 2.2 of the AEE which states that (emphasis added):
As noted in respect of the service station proposal, a further 8 spaces are available to the Rolly Inn to the south of the service station shop. These spaces will be reserved for use by Rolly Inn staff and to provide parking for the Rolly Inn shuttle vans between use: the Rolly Inn operates 2 shuttle vans for customer pick-ups and drop offs. <u>These spaces will be clearly marked for Rolly Inn staff parking only.</u> If necessary, it will be possible to enforce this by adopting a (Rolly Inn) "staff sticker" attached to the windscreen and vehicles parked in an unauthorised manner can be towed.

We do not consider any changes are required to the effects assessment as submitted.

8. *The routing of the fuel delivery trucks away from the application site has been identified as being acceptable so long as these vehicles do not turn left from Brookside Road into Byron Street. Please confirm the applicant is willing to accept a condition that requires a fuel delivery management plan that sets out the required routing? In addition, it is anticipated this management plan would also address the timing of fuel deliveries (i.e. avoiding peak times at the service station).*

Section 7.4 of the ITA confirms that:
The left turn from Brookside Road to Byron Street would not be suitable for large vehicles due to the geometry of the intersection and the acute angle between the two roads. Accordingly, tankers leaving the service station along Brookside Road to the south will be required to continue along Brookside Road to the southwest to access the arterial road network.

Z Energy implements a site-specific Journey Management Plan for tankers and can use that to require fuel delivery truck drivers not to turn left from Brookside Road into Byron Street.

While a Journey Management Plan can be used to control timing of fuel deliveries, any such restriction would need to be imposed to control an actual or potential adverse effect. There has been no such need identified in the AEE. If the Council intended to impose such a restriction, then it would need to clearly identify the reasons for that, for Z Energy's further consideration.

We do not consider any changes are required to the effects assessment as submitted.

9. *A minor relocation is required of the InterCity bus stop. Please comment as to whether this has been discussed and found to be acceptable by the affected parties (i.e. the NZ Transport Agency and InterCity).*

10. *The Rolly Inn car parking demand and supply has been assessed largely on the basis of the existing activity. Although events at the Rolly Inn function centre are anticipated to be infrequent (twice per month), please provide an assessment of the likely car parking demand at the time of an event, whether this can be accommodated on-site and (if not) the extent to which there will be on-street car parking.*

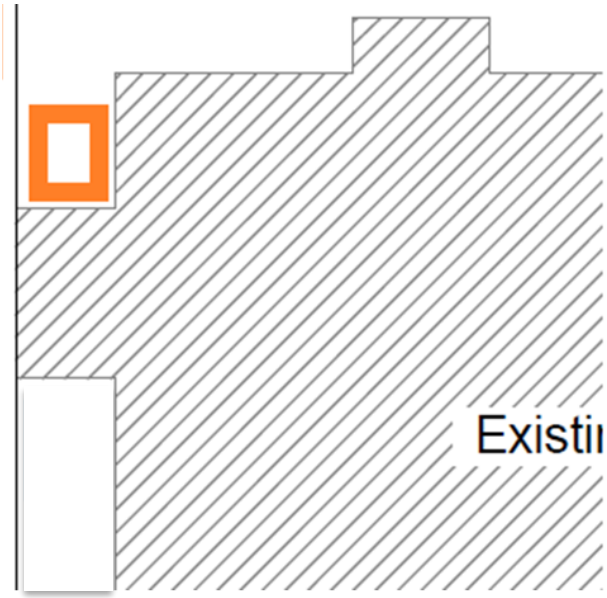
11. *The assessment of the cycle parking non-compliance at the Rolly Inn indicates there is no change in activity, whereas the application includes a function centre that is not currently at the site. Please provide commentary on the potential additional cycle demand associated with functions and whether there is a need for additional cycle parking.*

Response:
Please refer to Attachment 3 from Andrew Leckie, Project Transportation Engineer, Stantec New Zealand.

We have read Mr Leckie's response and can confirm that we do not consider any changes are required to the effects assessment as submitted.

With regards to the InterCity Bus Stop, in any event a minor relocation of the bus stop per se does not generate adverse effects that need to be addressed or trigger a need to consult with InterCity, and nor does it automatically render InterCity to be an affected party. A bus stop would still be retained in a similar location, the proposal does not affect the use of the bus stop and any potential adverse effects would be less than minor.

With regards to cycle parking for the Rolly Inn, Section 5.1 of the AEE identifies that no cycle parking is proposed at the Rolly Inn and acknowledges that this triggers the requirement for discretionary activity consent pursuant to Rule 5.5.1.7. As such, consent is sought on the basis that, inter alia, no cycle parking is provided for the Rolly Inn. That said, cycle parking can be provided, and the two bicycle rails can be located as follows (refer to the orange square in the plan excerpt below):



The shared space next to the disabled space would provide a sufficient gap for cyclists to be able to access the area and there is enough space there to accommodate the necessary dimensions. We confirm that we have checked with Andrew Leckie (Stantec) regarding this location and he has confirmed it as being appropriate from a traffic point of view.

Noise

12. *In the Marshall Day Acoustics Assessment of Noise Effects, section 5.3 MDA note that the District Plan night-time noise limit of 70 dB LAmax could be exceeded when a heavy vehicle accesses the site and uses its park brake. This would also exceed the provided WHO criteria of 60 dB LAmax, and may exceed the NZS criteria of 75 dB LAmax, therefore may cause disruption to sleeping. We note the noise survey showed existing maximum noise events per 10 min measure in the order of 78 dB LAmax. Please state the likely incidence and maximum level of loud night-time noise events generated by the proposed service station activity and provide a comparison to the incidence and maximum level of existing loud night-time events. Consider the reasonability of facilitating exit of refuelling tankers direct to SH1.*

Response:
Please refer to Attachment 4 from Aaron Staples, Acoustic Engineer, Marshall Day Acoustics.

We note that site design and State highway restrictions have meant that the site has been designed to exit to Brookside Road and as such it is unreasonable to consider exiting of refuelling tankers direct to SH1.

We have read Mr Staples' response and can confirm that we do not consider any changes are required to the effects assessment as submitted.

13. *Please confirm that the maximum number of heavy vehicles entering the site per day – it is noted that the Traffic Assessment refers to 1-2 tankers per day, please advise if any other heavy vehicle movements will occur.*

Response:
Heavy vehicle movements are addressed in the AEE as follows:

- The proposed service station site is not set up for heavy vehicles (aside from fuel deliveries) and heavy vehicles will generally favour the truck stop located at 25 Hoskyns Road, which is around a kilometre away on the opposite side of State Highway 1 (refer Section 6.2, AEE);
- It is anticipated that at peak use a tanker would visit the site 1-2 times a day, but generally delivery would be less frequent (refer Section 2.1, AEE);
- For the service station, waste disposal will be managed so that it occurs during daytime hours (as defined by the noise standards). Other deliveries are anticipated to generally occur via small to medium sized truck or van (refer Section 2.1, AEE).
- For the Rolly Inn, access via the drive through provides for a maximum of a 7.4m long rigid truck, which would provide for the variety of vehicles currently gaining access via the drive through, including loading vehicles. Loading and unloading of vehicles can otherwise be via the parking spaces as this activity is rarely undertaken during peak periods (refer Section 2.2, AEE).

We do not consider any changes are required to the effects assessment as submitted.

14. *Further to my comments above relating to existing use rights, should the applicant be unable to provide evidence of the outlined hours of operation, further acoustic reporting may be required. Please provide further information relating to people leaving and car parking movements in the night-time period.*

Please refer to Attachment 2 which establishes existing use rights for all but the smokers' area. Consent is now being sought, on a without prejudice basis, for that particular aspect of the operation.

We do not consider any changes are required to the effects assessment or acoustic report or follow up as submitted.

NESCS

15. *It is noted that the AECOM report states that the existing "hotspot" will be outside the area of disturbance, however the plans indicate that the area is likely to be disturbed. Please provide comment.*

16. *Please note that if the area is to be disturbed, I consider that the NES would apply. The soil in the hotspot area does need to be dealt with appropriately. Because lead concentrations in this area exceed the commercial/industrial guidelines the disturbance would most likely be a restricted discretionary activity. Depending on the plans for dealing with the hotspot, either a management plan or validation report should be provided detailing what works took place to manage, or remove the hotspot.*

Response:
Please refer to Attachment 5 from Josh Girvan, AECOM.

We do not consider any changes are required to the effects assessment as submitted.

Amendments to the Application:

Quantity of Hazardous Substances Stored

Z Energy has requested that the application be amended to provide for the *option* to increase the volume of the x3 underground tanks to 60k each (from 50k). The reason for this is unrelated to

demand but is simply for economic efficiency - Z Energy has x2 60k tanks in storage from a job that has not been proceeded with and so it would only need to purchase x1 additional tank.

From a resource consent view the implications are:

- Increase in total volume of hazardous substances stored from 150kL to 180kL
- Increase in earthworks volume due to the tank pit being an additional 2m in length so given 4 – 4.5m depth would increase earthworks volume by some 90m^3 to 100m^3.

The assessment of the risks associated with the use and storage of hazardous substances are addressed in Section 6.5 of the AEE. We do not consider any changes are required to the effects assessment, except insofar as the activity descriptions and assessment of compliance against the rules refer to volumes of hazardous substances and earthworks. In practice this option would potentially provide a buffer for fuel storage and on average, cumulatively reduce the number of tanker deliveries to the site over a period of time, however apart from that, the actual and potential effects of such a change are considered to be otherwise neutral.

With regards to the status of the activity, as set out in Section 5.1 of the AEE, Non-Complying Activity consent is required pursuant to Rule 8.1.1.1 - Storage of Hazardous Substances - Failing to comply with the hazardous substances criteria. Appendix 9 Table E9.2 provides for an upper limit of 1,000 litres of diesel, triggering non-complying activity consent. There is no upper limit for petroleum in underground storage or for LPG in the Living zone and underground storage of those fuels and of LPG requires Discretionary Activity Consent. Overall, the application remains non-complying in status.

Z Energy asks that this be considered as an option only if it does not adversely affect the processing of the application.

Rolly Inn Smokers' Area

A detailed review of the Rolly Inn consent history has indicated that resource consent for the smokers'area may not have been obtained. Building permit 041615 was issued on the 30 November 2004 for the following type of work: commercial building additions – covered terrace (for use as a smokers' area). The permit was subject to an RMA restriction on its implementation because the building did not comply with the setback of 4m from the road boundary (Brookside Road only) and was therefore not considered to comply with the provisions for Existing Uses in Section 10 RMA. It is important to record that correspondence from the Council at the time clearly states that EUR did not apply to the smoker's area because it constituted a proposed extension to an existing building where that extension did not comply with the requirements of the District Plan, and not because of the activity per se – see excerpt from the Permit records within **Attachment 2** for confirmation of this and discussion of EUR.

The application seeks all necessary resource consents from Selwyn District Council (SDC) for the proposed works detailed within the application. The smokers' area is included on the site plans and has been included in the floor area requirements for the purpose of the parking calculations. For the avoidance of doubt and on a without prejudice basis, it is requested that it also be sanctioned by any consent issued for the Rolly Inn.

The smoker's area structure is approximately 6.8m by 8.5m and adjoins the eastern façade of the Rolly Inn. The structure is set back approximately 2m from the Brookside Road boundary and 4.5m from Main South Road (SH1) and simply provides a covered smoking space for customers. The southern façade of the structure screens the smokers' area from Brookside Road with a corrugated iron cladding and wooden slat screen. A black painting of the Tui Building on the southern façade provides some

visual interest. The eastern and northern façade of the structure is open. The structure has a curved barn style roof. Photos are included below for your information.

The structure is considered a 'building' (and was at the time of its erection) and Restricted Discretionary Activity Consent for this 'building' is required pursuant to Rule 4.9.2 Buildings and Position as it is located within 4m of the Brookside Road boundary, thus failing to comply with the setback criteria. The Council's discretion is ordinarily limited to those matters outlined in Rule 4.9.46.2 Road Boundary (the character of the street and safety and visibility of pedestrians, cyclists and motorists), however in this case the overall status of the activity is non-complying and so the SDC's discretion to consider effects and impose conditions is not limited by that.

In terms of effects, whilst the structure is located within the Living 1 zone, the character of the immediate area of the structure is predominantly commercial, and the visual impact of the structure must be considered in the context of the Rolly Inn. Directly opposite Brookside Road to the south is the Rolleston Vet Services and a vacant site. Written consent has been obtained from the owner of 5-7 Brookside Road (Rolleston Vet Services); as such any effect on this property can be disregarded. Brookside Road wraps around this area of the site and land to the east is vacant. The encroachment of the structure 2m within the Brookside Road boundary has nominal effect on the amenity of the area or the character of the street. The structure is viewed as a seamless and simple extension to the Rolly Inn. It is physically separated from residential properties and appropriately screened from public view. This application proposes to enhance this particular area significantly through formalising the drive through and landscaping the berm with a dense planting of grasses which will soften the appearance of the structure from the street. Even without the planting (acknowledging that it is subject to separate approval of SDC), the structure is complementary to the Rolly Inn, is low and well screened, still achieves a reasonable set back and provides visual interest. The structure does not compromise the safety or visibility of pedestrians, cyclists or motorists as it is relatively open and you can see through the screen on the southern façade (ensuring a degree of passive surveillance when there are people in the smokers' area.

With regards to other effects, the smokers' area provides an outside space for smokers' as required by law. Being on the eastern side of the Rolly Inn and some distance from existing residential development, noise effects would be adequately mitigated. Again, written consent has been obtained from the owner of 5-7 Brookside Road (Rolleston Vet Services) and as such any effect on this property can be disregarded.

The effects of the structure are considered less than minor.

Kind Regards,

Michelle Kemp
Senior Planning and Policy Consultant
4Sight Consulting Ltd