

DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	RD PETROLEUM LTD
RM reference:	RM140623
Location:	35 Wiltshire Street, Arrowtown
Proposal:	Establishment of a 24-hour self-service fuel facility.
Type of Consent:	Land Use
Legal Description:	Section 1 Block XIII Town of Arrowtown, CFR OT6C/782, Otago Land Registration District
Zoning:	Residential Arrowtown Historic Management Zone
Activity Status:	Non-Complying
Notification:	Publicly Notified
Commissioner:	Commissioner J Milligan
Date Issued:	13 January 2015
Decision:	Granted, subject to conditions

THE RESOURCE MANAGEMENT ACT 1991

APPLICANT:	RD PETROLEUM LIMITED
LOCAL AUTHORITY:	QUEENSTOWN LAKES DISTRICT COUNCIL
SUBJECT MATTER:	The proposed establishment of a 24-hour self-service fuel facility;
SITE DESCRIPTION:	35 Wiltshire St, Arrowtown; Section 1 Block XIII Town of Arrowtown; CFR OT6C/782, Otago Land Registration District
REFERENCE:	RM140623
HEARING DATES:	26 and 27 November 2014; hearing closed 5 December.

Appearances:

- Vanessa Robb for the applicant **R D Petroleum Ltd**
- Graeme Todd for the submitters **S & D Kennedy, A Morris, M & W Jenkins, S Cleaver** and **G & C Warren**
- **S Cleaver** for herself and her sister, **C Bunn**
- Sue Patterson for the **Arrowtown Promotion and Business Association**
- **Sebastiaan Bruinsma**

Sarah Baker to present s42A reports

Summary of decision: Consent granted subject to conditions

DECISION OF THE COMMISSIONER

PRELIMINARY¹

(1) On 14 August 2014 RD Petroleum Ltd sought land use consent to “[e]stablish and operate a 24 hour self-service petrol station including the storage of 60,000 litres of Class 3 Flammable liquids” on a triangular block of land at 25 Wiltshire St Arrowtown, which has frontage also to Berkshire St. A more detailed description in the accompanying assessment of environmental effects described the proposal in the following way:

Consent is sought to establish a 24 hour a day self-service fuel facility. It is proposed to offer for sale Diesel, 91 and 95 Petrol from the site. No other goods or services that can often be associated with petrol stations will be offered from the site and further, no air compressor will be available. The site will solely offer fuel for sale.

Two access layouts were indicated. In the first (Option 1) vehicular access to the site was to be available only from (and to) Wiltshire Street – ingress via an accessway to the east and egress by means of a second accessway to the west. Option 2 involved ingress from Wiltshire Street (an accessway somewhat more distant from the Berkshire St intersection than had been proposed for Option 1) and egress to Berkshire Street at a point close to the northern-most corner of the site.

(2) Public notification of this application attracted 41 submissions (within time) and one late submission. The applicant consented to the consideration of this last. Speaking generally, the submissions indicate wide-ranging support for the provision of a fuel outlet in Arrowtown, but significant opposition by near neighbours to the site proposed.

(3) On 5 February 2014 I was advised that, at its meeting on 30 January, the Queenstown Lakes District Council had included me in a panel of hearings commissioners and delegated to each member of that panel

... all of the functions, powers or duties (as may be stipulated from time to time) under the Act except the following:

- a) The approval of a policy statement or plan;
- b) This power of delegation.

Following my assignment to this application a hearing was arranged for November 26 and 27 2014. During the course of that hearing I viewed the site and its surrounds. At the conclusion of evidence the hearing was adjourned to enable (i) provision of the authorities on which Ms Robb and Mr Todd had relied and (ii) proposals as to the form of conditions tendered by Ms Robb in closing. These arrived on 5 December and the hearing closed on that day.

(4) Before that occurred however, I was advised that Ms Cleaver, one of the submitters in opposition to the proposal (and who was represented at the hearing by Mr Todd), had asked that

¹ In this section and in those to follow, quoted passages are either shown within quotation marks or shown in-set and in a font smaller than the rest of the text

I receive additional evidence relating to the issue of present and future traffic conditions in Wiltshire St. As I understand it – and I rely here on a summary of this proposal conveyed to me by telephone – the ‘additional evidence’ was to consist of photographs of the locality taken the day after conclusion of evidence (showing traffic - and parking on the verge of Wiltshire St. on that day) together with some further expression of Ms Cleaver’s concerns. I declined to receive that ‘evidence’.

(5) Section 113(1) of the Act identifies matters that must be set out in a decision, amongst them being:

- (ac) the principal issues that were in contention; and
- (ad) a summary of the evidence heard; and
- (ae) the main findings on the principal issues that were in contention;

A summary of evidence will be found attached to this decision as Appendix A. Where greater detail is required it will be found within the body of this decision, as will the other matters required by s113.

BACKGROUND

(6) Arrowtown owes its existence (and a great deal of its present importance) to the ‘gold rush’ era commencing in the 1860s, during which its population rose to over 7000. By the 1960s its population had declined to around 200 and it then functioned largely as a service town for the local area. According to an ‘overview’ in the Arrowtown Design Guidelines (of which more later)

Tourism has been a part of the Wakatipu since early times; however it was not until the late 1940s that Arrowtown really became part of this. From the late 1870s the town began to expand its response to both tourism and its increasing popularity as a family holiday location. The late 1980s saw a swing towards permanent residents in Arrowtown. This trend continues today along with increasing tourism.

By 2006 the population had increased to around 2200. Significant further residential, holiday and tourism-related development has occurred since then, both in the town and the surrounding area. According to Mr Todd, the present population of Arrowtown and its surrounds is 2500 and the Council planning implies a peak of 5800 or thereabouts. He placed particular emphasis on continuing rural-residential development in the area, particularly centered on two existing international golf courses.

(7) In comparatively recent times – ending some years ago – the town had a single fuel outlet located in Wiltshire St directly opposite the subject land and as part of what is now Shamrock Motors. That part of the operation was discontinued – presumably for economic reasons – and the fuel storage tanks were later removed. Since then it appears that some consideration has been given to the re-introduction of motor fuel facilities on that site, but these have come to nothing. The present situation is, according to Mr Harvey, “that Arrowtown [has] now become the most populated community in the South Island without access to a public fuel station.” The nearest facilities are at Frankton and Queenstown, about 20 minutes’ drive away. The evidence

is that many local residents have accommodated themselves to this situation, others find it irksome (as do visitors) and that at times visitors are subject to real (and, by them, unanticipated) inconvenience.

(8) The subject land lies at the five-leg intersection of Berkshire, Wiltshire and Anglesea Streets, on which a roundabout has been installed. South west of that intersection, Berkshire St is part of an ‘arterial’ route (so indicated in the District Plan) which continues to the east along Wiltshire St. Accordingly the subject land has south-easterly frontage to the principal road leading in and out of Arrowtown. To the west of the intersection Wiltshire Street is a ‘collector’ road; Berkshire St to the north (also a ‘collector’ road) is one of the principal access routes to the town centre, a confined area of historical and heritage significance.

(9) Although the subject land – like that surrounding it – is within the ‘Residential Arrowtown Historic Management Zone’ there is no evidence of its ever having been used for residential purposes. Instead it seems to have been used (at least in recent years) as an adjunct to the service station / mechanical workshop activities across the road and occasionally to have been used as a wash-down area for stock trucks.² As well as the workshop operation and its (former) lube bay – the latter now being converted in to a gallery – the land directly across the road accommodates a former church, now being converted in to offices for an architectural practice. Overall reorganization of these uses (workshop, gallery, architects’ office) is proceeding in accordance with a non-notified resource consent the implementation of which involves a restoration of the exterior of the church to something approaching its original form and appearance. A condition of this consent appears to be for the purpose of reducing the extent to which the workshop relies on on-street parking as part of its operation.

THE PROPOSAL

(10) After public notification and before the s42A reports were prepared the applicant indicated the nature of some amendments that it wished to make. Principal among these was the abandonment of Option 1 (separate entry and exit to Wiltshire St.), some internal re-arrangement of the site and developments of the originally-proposed amenity/landscaping proposals. Option 2 envisages that vehicles seeking access to the site will approach it from an easterly direction along Wiltshire St, exiting to Berkshire St. Other amendments – largely of detail – were also made to this option.

(11) Development will entail the underground installation of double-skinned fibre-glass tankage supplying two self-service pumps located within a roofed but otherwise open kiosk. Each of the pumps will be capable of supplying diesel, 91 petrol and 96 petrol fuels, payment being made via a machine capable of accepting a variety of EFTPOS, credit and fuel cards. No other goods or services will be available from the site and there will be no on-site staff. Fuel will be available on a 24-hour basis.

² For some 24 years (at least) it was owned by Shaws Motors Ltd, a previous proprietor of what is now Shamrock Motors.

ACTIVITY STATUS

(12) It is common ground that the present application is to be assessed as for a non-complying activity. Why this is so, however, may be a matter of some significance.

(13) The subject land is located within a ‘Residential Arrowtown Historic Management Zone’, the purpose of which is expressed to be (in part):

... to allow for the continued development of the historic area of residential Arrowtown in a way that will enhance and protect [the] characteristics that make it a valuable part of the town for residents and visitors attracted to the town by its historic associations, unique character and outstanding individual buildings.

(14) Rule 7.6.3.1 categorises as a permitted activity any “Residential Activity” and any “Non-Residential Activity”, in each case subject to compliance with appropriate ‘site’ and ‘zone’ standards, and also to its not being specified as an activity of another kind. Part 5.2 of the s42A report lists 14 provisions which, it is said, the present proposal contravenes, 7 of them leading to non-complying activity status. These relate to the following matters:

- (a) Building coverage – 7.6.6.2(i). In the present context, and given the Plan definition of ‘building’, an issue with regard to the extent of sealed surfaces. Considered on their own the proposed above-ground structures (principally an open kiosk containing pumps and a card machine) are well within the 30% limitation;
- (b) Operating hours outside the period 0730-2000 – 7.6.6.2(iii);
- (c) The absence of on-site residence by persons “engaged in the activity” – 7.6.6.2(iv);
- (d) The existence of ‘retail sales’ of goods outside the description “handicrafts, goods grown reared or produced on the site” – 7.6.6.2(v);
- (e) Noise – 7.6.6.2(v). this seems to have been included out of caution as “it is anticipated that the noise limits specified in this standard will be breached”;
- (f) Storage of hazardous substances – 16.2.2.3(i) (petrol and diesel in volumes greater than 10,000 litres (two storage tanks containing a total of 60,000 litres are proposed); and
- (g) ‘Signage’ exceeding a 0.5m² maximum – 18.2.5.

RELEVANT OBJECTIVES AND POLICIES OF THE DISTRICT PLAN

(15) At 8.2 of her s42A report Ms Baker identifies and discusses the range of objectives and Policies that, in her view, are relevant to the present application. This discussion – which

occupies some 6 pages – was largely uncontroversial and I do not repeat it here.³ Founding herself on this discussion Ms Baker concludes:

- (a) That (on balance, in some cases) the proposal is “in accordance with” some of the individual objective/policy groups, “consistent with” others and “not inconsistent with” the remainder (this after taking in to account the nature and likely effect of proposed conditions), and
- (b) “[O]n balance, the proposed development is not contrary to the relevant objectives and policies of the District Plan” – para. 9.2.

(16) One aspect of these conclusions was attacked by Mr Todd. Objective 7.4.3 (1) for the Arrowsmith Historic Management Zone is:

Development undertaken in the historic residential area to retain or enhance the present character and *avoid any* adverse effects on the amenity value of the area. (my emphasis).

The importance of this provision in any particular case depends on considerations of fact and value – ones that Mr Todd appeared to take as granted. For present purposes, however, his point was that the objective, in terms, left no room for mitigatory factors or for an ‘overall’ consideration. Consequently, so he submitted, if *any* adverse effect on the amenity values of the area were to arise from the present proposal I could not, as a matter of law, hold that the ‘gateway’ requirement of s104D (1) (b) had been met.

(17) Mr Todd cited the decision of Fogarty J in *Queenstown Central*⁴ as authority for this proposition. On my reading of that decision⁵ the relevant passage is to be found commencing at [126], the context of which is the identification of errors of law in the decision under appeal. These included a mistaken approach taken by the Environment Court to its determination as to whether the adverse environmental effects of the proposal would be “less than minor”, and a failure on the part of that Court properly to interpret a Plan objective. Justice Fogarty said:

[126] Applying s 104D (1) (b) the consent authority *could not be satisfied that the PAK’n’SAVE supermarket in the E1 and E2 zones will not be contrary to objective 10* of PC19(DV)

[127] If the Environment Court did so find, this was a material error of law. *For, if the decision had gone the other way these applications would not have got past s104D.*

[128] for these reasons I am of the view that it is clear that the *Foodstuffs* analysis was in error of law on the gateway issues. The principal error of law was to ignore the [the continuing objectives of the Plan] ... Secondly, it was to depart from the ‘minor’ test ... Thirdly, it erred when interpreting Objective 10 ... *If it did make a decision on s104D (1) (b) it was in error to find that the application would not be contrary to objective 10.* (my emphases)

(18) I accept that these passages – and, in particular, those parts emphasised – are capable of being read so as to support Mr Todd’s submission. However:

³ See s 113(3)

⁴ *Queenstown Central Ltd v Queenstown Lakes District Council* [2013] NZRMA 239

⁵ Supplied by Ms Robb who, it appears, was familiar with it but had not referred to it in opening.

- (a) The interpretation and applicability of s104D (1) (b) was neither at issue in *Queenstown Central* nor the subject of “full argument on the framing of the second gateway test”, that appeal turning on the “application of the first gateway threshold”;⁶
- (b) The relevant findings of the High Court, both in this decision and in its companion (*Cross Roads*) identified error in the interpretation of objective 10.⁷ Thus [126] and [128] seem somewhat ambiguous – the emphasised passages in both may be understood as stating merely that such an error undermines the Environment Court’s conclusion that the proposal was not contrary to that single objective – if, indeed, its decision was to read as implying such a conclusion;.
- (c) It is unclear as to what should be made of the passage commencing “[h]ad the decision gone the other way ...” at [127]. Mr Todd’s submission reads that as an assertion that a contravention of objective 10 (as properly interpreted) would be, *in itself*, sufficient to cause the project to fail the second gateway test. That interpretation, however, seems inconsistent with the Court’s ‘summary’ at [15] and [16], presumably written after the passages they were intended to summarise:
- [15] These two errors [ignoring PC 19 and adopting (in the alternative) a ‘numeric’ test] undermine both judgments of the Environment Court, for they had the consequence that the gatekeeping section, s104D (1) (a), was not applied correctly. Inasmuch as the Environment Court *may have considered* that its s104 analysis led to satisfaction of s104D (1) (b), as an alternative to 1 (a), it was also in error of law.
- [16] There is *a real prospect* that had s 104D been applied correctly, both these applications would have been dismissed at either of the two s104D thresholds. Therefore the errors are material. *It is not the task of the High Court on appeal to apply s104D.* (my emphases)
- (d) Despite its inclusion within a consideration of the grounds of appeal – assertions that the Environment Court erred in various specified ways – the passage relied on by Mr Todd seems more properly to lay the groundwork for the discussion that followed; as to whether errors *identified as such by the High Court* were ‘material’ so as to justify intervention by that Court. This is a ‘judgment’ issue; a matter of fact and degree. While such issues may well turn on a view as to what the law *is*, the comment previously referred to (i) is conditional,⁸ and (ii) goes further than was necessary for the decision in fact reached.⁹

(19) For these reasons (and in my view) the proposition advanced by Mr Todd should not be regarded as part of (or necessarily implied from) the *ratio decidendi* of *Queenstown Central*. Instead, and in presently relevant respects, that decision may properly be read as consistent with the line of authority collected and discussed in *Cookson Road*.¹⁰ Further, and for the reasons set

⁶ See *Queenstown Central* at [32]

⁷ *Queenstown Central* at [125]

⁸ “[127] If the Environment Court did so find [that the proposal was not contrary to objective 10] ...

⁹ A finding that – given its mistaken interpretation of objective 10 – the EC could not *properly* have considered the s104D (1) (b) test would have sufficed – see [16].

¹⁰ *Cookson road character Preservation Society v Rotorua District Council* [2014] NZ Env.C 194, [46] ff.

out in that decision, I regard that line of authority as binding on me. Accordingly, what is to be considered *when applying the s104D (1) (b) threshold test* is whether the present proposal is contrary to the objectives and policies of the Plan *considered as a whole*. Such an approach is, I think, more in accord with the way in which that test was framed by the legislature than is the one advanced by Mr Todd.

(20) Particular objectives and policies for the Arrowtown Historic Management Zone fit within more general directions for the district. This wider framework accommodates “non-residential activities in residential areas” subject to the preservation of ‘residential amenity’.¹¹ To the extent that it fulfils an ‘objective/policy’ function,¹² the zoning pattern for Arrowtown necessitates the inclusion, within areas zoned for ‘residential’ purposes, of a variety of activities of a ‘commercial’ nature. This is a consequence of a small town centre (tightly framed around an historic precinct and with no provision for expansion), a small – and for the purposes of facilities such as the one now proposed, inconveniently located – Industrial A Zone and the absence of other relevant zoning provision. Thus the particular objective/policy framework – emphasising the historic nature and particular character of a ‘residential part of the town – must be read as admitting a wider range of activities than the zone names might indicate. Once this is accepted it becomes possible to see the ‘rule’ structure as a giving of effect to relevant objectives and policies.

(21) Accordingly, and for the purposes of s104D (1) (b), I adopt the conclusion at para. 9.2 of the s42A report “that, on balance, the proposed development is not contrary to the objectives and policies of the District Plan.”

OTHER RELEVANT PROVISIONS OF THE PLAN

(22) Given the structure of this part of the Plan these are largely the rules that necessitate an application for consent. Apart from those noted at para. 14 above these appear of little fundamental significance, requiring (of themselves) ‘discretionary’ or ‘restricted discretionary’ activity consent:

- (a) Rule 7.6.3.3(ii) is concerned only with the external appearance and finish of buildings – an ‘amenity’ issue that I will consider in the context of effects on the environment;
- (b) Rule 7.6.3.3(v) treats the proposed free-standing sign as a ‘building’ which, as such, breaches the required set-back from boundaries. If the proposed facility is appropriately situated on the subject land (a matter to be addressed later in this decision) then I think that the provision of signage of the kind now proposed will also be appropriate. Additionally, that Rule brings two site standards in to play, these relating to the permitted size and location of earthworks. No-one sought to argue that the applicant’s proposals in this regard were excessive or inappropriate;

¹¹ Objective 4

¹² Where activities are permitted by description – as with plans which adopt the ‘Planning Acts’ format – zone definition is necessarily part of rule provision. Even then, however, and more so in plans of the presently fashionable kind, zones may also be seen as objectives in graphic form.

- (c) Works within the drip-line of any protected tree are constituted discretionary activities. It appears that there may be two trees within the road reserve of Berkshire St. to which this rule could apply but which they are remains unclear. The evidence is, however, that what is here proposed is unlikely to adversely affect any of the trees on the north-east side of that road;
- (d) The proposal breaches Rule 14.2.2.3(ii) because no off-street car parking places are to be provided for use by staff and/or guests as required by Site Standard 14.2.4.1. The particular nature of the present proposal indicates that none will be needed;
- (e) There is a set of rules – also brought in to play by Rule 14.2.2.3(ii) – which have to do with transportation issues and are concerned with the design and location of vehicle access points, vehicle crossings and pump locations. The evidence of Mr Carr (which I accept) establishes that the applicant’s proposals in this regard are appropriate to the activity;

In my view there is nothing in these (taken in themselves) to justify refusal of consent.

(23) Rule 7.6.3.4(v) provides that the breach of Zone Standards leads to non-complying activity status for the activity as a whole. Relevantly the present proposal does this through excessive ‘building coverage’ (sealed hard standing counting as ‘building’ in this context), hours of operation, nature and scale of activities (no-one residing on site), the existence of retail sales and (so it was suggested) breach of Plan noise restrictions. So far as the last of these is concerned, the Plan provides noise standards for the zone expressed as L_{Aeq} and L_{max} , in each case assessed in terms of NZS 6801:2008. At an evaluative level the evidence was that undue levels of nuisance would not occur provided these levels were not (significantly) exceeded.

(24) Standards of this sort govern performance and can be difficult to apply in prospect – at least where the permissibility of activities is in issue. Importantly, the applicant expressly disavowed any intention of seeking a relaxation of or dispensation from the Plan requirements, thus accepting a continuing obligation to remain within them. Whether or not that is likely to happen depends on the assumptions that are made; Dr Chiles, in a peer review forming part of the s42A report, had assumed different levels of night-time usage. The tenor of the information available to me was that contravention was unlikely except in what was described as a ‘worst case’ scenario. As Mr Trevathan put it – his paragraphs (62) and (63).

The relevant District Plan limits in this case are in line with or more conservative than national and international guidance for the protection of residential amenity and sleep disturbance and therefore a minor exceedance (in the order of 2-3 dB) would not be expected to result in unreasonable noise or have an effect that is more than minor

Our analysis indicates that noise associated with all aspects of the operation is expected to comply with the District plan limits

(25) Additionally, Rule 16.2.2.3(i) imposes volumetric limits on fuel storage and Rule 18.2.3(b) imposes an area limitation in signage (in each case as a permitted activity). The purpose of the first of these seems largely subsumed by nationally applicable regulations with which the applicant must comply; the second is best considered under the head of effects on the environment. The present proposal contravenes each and thus falls in to the ‘non-complying activity’ class.

(26) The suite of rules governing the ‘non-residential activity’ as something permitted by the Plan and which deal with hours of operation, what may be sold and the need for on-site residential occupation seem intended to limit the scope of retailing in the Residential Historic Management zone. However the objective/policy reasons underlying this are not spelled out in the Plan – although it is possible to draw an inference from objectives that place importance on “[p]leasant living environments”,¹³ retention and enhancement of “the present character” and the conservation of “residential heritage and building character”.¹⁴ That inference however – that commercial within the zone are to be limited to what might be called ‘home occupations’ – does not fully reflect Objective 4: “Non- Residential Activities which meet community needs and do not undermine residential amenity located within residential areas.” It seems to me that the tension between these purposive statements may be resolved in the following way:

- (a) While ‘residential’ zones are primarily intended for that purpose, the Plan contemplates that they are also an appropriate place for activities which “meet community needs”
- (b) Activities of that sort are, ideally, to be of a character and scale that does not compromise “residential amenity”;
- (c) Within the Arrowtown Residential Historic Management zone the *conservation* of Arrowtown’s stock of residential heritage is a matter of considerable importance, as is the retention and enhancement of its present character; from which it follows that
- (d) New development – ‘residential’ and otherwise – should occur in a way that both acknowledges and respects the area’s existing historic elements and its overall character.

So viewed, it becomes a matter of judgment as to whether any particular proposal is appropriate - something upon which views may differ.

(27) I have already concluded that the second limb of s104D (1) (b) is met and will later consider the applicability of sub-clause (a). In my view, however, and where a proposed activity is for one reason or another constituted ‘non-complying’, a presumption exists against consent even when the threshold test is met. Essentially, this may be inferred from the hierarchy of permissibility which the Act provides and within which ‘non-complying’ lies just above ‘prohibited’. Thus, and even when the s104D (1) gateway is passed the grant or refusal of consent is not a mere ‘on balance’ judgment: a Plan- or Part 2-based rationale is required justifying grant.

¹³ Objective 3

¹⁴ Objective 7.4.3 and its attendant policies

(28) Because the NES (Soil Contamination) operated by providing ‘trigger points’ capable of leading to changes in RMA activity status its effect on the present proposal may usefully be considered here, even though it is separately identified as a matter to which regard must be had (s104(1) (b)(i)). As I understand the position, historic uses of the site (in conjunction with a motor vehicle workshop and as a truck wash-down area) have placed it within a category requiring further investigation, about which Mr Davis gave evidence. As presently understood, identified contaminants “are below the adopted guideline values indicating the site is suitable for commercial/industrial activity” and although “historical land use activities may have impacted the soil quality of the site ... it is highly unlikely that the proposed excavation of soil [will be] a risk to human health. Nevertheless, and because soil analysis shows elevated levels of arsenical compounds, there may be a need to dispose of excavated material to an appropriate facility.

(29) Given that the proposed volume of soil disturbance exceeds the limit in clause 8 (3) (c) of the NES and that soil contamination levels are within guidelines for the intended activity, that activity is constituted ‘restricted discretionary’ by clause 10. I am satisfied that the detailed site investigation was adequate, that the land is suitable for the proposed activity, that remediation or ongoing site management is not required, that disposal of excavated soil is a matter for the Regional Council in the exercise of its functions (sub-clause (e) – something that may of itself require further soil analysis – and that no other matter specified in clause (3) is relevant to the exercise of the discretion there conferred.

OTHER RELEVANT STATUTORY DOCUMENTS

(30) I was not referred to other relevant national environmental standards, regulations, national policy statements or regional policy documents, and it is plain that the provisions of the New Zealand coastal policy statement have no present significance.

ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

Historic Character and Residential Amenity

(31) From information contained in the ‘Arrowtown Design Guidelines’ it appears that the boundaries of the Residential Arrowtown Historic Management Zone roughly approximate the extent to which the town had developed in the mid-1960’s. Thus, and as one might expect, it contains many ‘character’ homes erected before that time as well as those erected since. While the primary ‘historic’ area of the town is contained within the Arrowtown Town Centre zone, the Historic Management zone contains a variety of historic buildings and features identified in the District Plan. The nearest of these to the subject land appears to be (i) a former church near the north-western intersection of Wiltshire and Berkshire Streets, presently undergoing restoration for use by an architectural practice (non-notified consent RM130161), and (ii) a cottage at 28 Wiltshire St occupied by Ms Cleaver and Ms Bunn (in which the former has a “day-time office space”. With the exception of a concern about construction vibration – to which I will turn later – neither of these seem likely to be directly affected (in their historical values) by what is now proposed. In any event the owners of the ‘church’ property have given neighbour approval.

(32) The more general concern is as to the effect of the proposal on the present character of the area, one characterised by Ms Cleaver (and others) as including “visual quality, open space, gardens, trees ...”, valued by residents and visitors alike – in essence, a ‘heritage’ amenity of the area. This is the point to which the Arrowtown Design Guidelines are directed, the aim of which is to:

... protect and enhance the historic character of Arrowtown and reinforce the District Plan provisions. They provide guidance for all projects that have individually or collectively the potential to advance or degrade the character of Arrowtown, irrespective of project size or whether or not consent is required ...

The ‘guidelines’ are not a statutory document and cannot be read as determining what does or does not comply with the objectives and Policies of the District Plan. They were, however, prepared in the light of the district plan, through the use of significant relevant expertise and following a period of public involvement. In the absence of argument to the contrary I think that I am entitled to assume that developments that accord with the ‘guidelines’ will also comply with relevant Plan provisions (although not necessarily the other way round).

(33) Dr Steven, a landscape planner and landscape architect called by the applicant, gave evidence as to his involvement in project design. In his view, and with conditions of a kind that he recommends, the project responds appropriately to the ‘guidelines’.¹⁵ His overall position was expressed in his para. 84:

In my opinion the landscape proposals will fulfil the following design objectives:

- a. The proposals will improve the amenity of the site and its immediate environs particularly the Wiltshire St frontage.
- b. The proposals will enhance total landscape character particularly through the application of historic landscape elements, such as hedging and stone walls.
- c. The proposals will respect and protect historic elements that contribute to landscape character such as the Berkshire St trees adjacent to the site.
- d. The proposals serve to visually mitigate any perceived adverse effects of the development, particularly as perceived by neighbours and nearby residents, and by pedestrians and vehicle occupants using Berkshire and Wiltshire Streets.
- e. The proposals respond to concerns raised by submitters with regard to the potential of the proposals to provide visual mitigation within a reasonable time frame.
- f. The proposals are consistent with the relevant provisions of the District Plan and the Arrowtown Design Guidelines.

I accept this view.

Traffic effects

(34) Nearby residents expressed concerns that the proposed development would result in an increase in traffic movements (with attendant nuisance elements) and a reduction in road safety. Some emphasis was placed on the ‘pedestrian’ nature of the area and the absence of formed

¹⁵ This is also the view taken by the Arrowtown Planning Advisory Group

footpaths. Overall it was argued that, from a traffic point of view, the proposed development would be incongruous and disruptive.

(35) The Plan provides some provisions against which the feared effects might be viewed. As previously remarked, the subject land lies at the intersection of an ‘arterial’ and a ‘collector’ road, the latter providing an alternative route to the ‘Millbrook’ development to the west. Given the projected population figures supplied by Mr Todd – and the increasing popularity of Arrowtown and its environs as a tourist destination – it can be expected that traffic volumes on both of these roads will increase markedly over the forthcoming years – this regardless of the presently-proposed development. The real question, therefore, is the extent to which these ‘natural’ increases will be altered by the location of a fuel facility at the intersection and the consequences (in safety and nuisance terms) of those changes.

(36) Allied to this is a concern about parking near the intersection on an area of Wiltshire St road reserve directly to the north of the subject land. This is, I think, at least part of the point about which Ms Cleaver wished to call further evidence. As I understand it, a problem arises from the activities of Shamrock Garage – vehicles undergoing mechanical repairs are (it is said) often parked on-street rather than within the premises. This seems to have been an issue for some time – consent RM130161, in terms of which the church restoration is proceeding and which authorises a re-arrangement of activities on the workshop site, contains a condition requiring on-site car parks and one that:

The consent holder is responsible for ensuring that no vehicles park on the grass road reserve area on either Wiltshire or Berkshire Street

I agree with Mr Todd that this condition has problems of certainty and enforcement, and I do not rely on it. Nevertheless what it does show is that the Council has concerns about the existence of parked cars in this area – a matter about which it has independent powers as a road authority.

(37) Mr Carr’s evidence addresses the first of these issues. On his analysis – and using what he calls a “highly conservative approach”¹⁶ – he concludes that “traffic associated with the proposed development can be accommodated on the roading network without any adverse efficiency or safety related effects arising” (his para. 6.9). Further, and in his opinion, deviations from the Plan rules relating to parking space numbers, vehicle crossings, sight distances, vehicle crossings, accessway design and pump location are, in the circumstances of the present case of no significance (in terms of effects on the roading network). I accept this evidence.

(38) Nevertheless, traffic movements associated with the facility will affect local residents in ways to which they are not presently accustomed and which they may find disruptive. Quite obviously, and even when re-fueling is undertaken as part of a journey that would have been taken in any event. Movements in and out of the facility may be seen (by local residents) as unwelcome. Whether or not this counts as an effect on *the* environment may be debated but, to the extent that it is perceived as adverse, it will be an effect on *their* environment. In my view the proposed entry and exit arrangements have been designed so as significantly to mitigate the

¹⁶ By which he means and assumption of traffic increases greater than he thinks are likely

effects of additional movements – to a point that will, I think, remain within an acceptable level for residential occupation fronting important roads.

(39) The second issue – that relating to on-street parking – appears largely to be resolved in the proposed conditions of consent. The Landscape Design Concept Plan included in the evidence of Dr Steven provides for the establishment of grass berms adjacent to the Wiltshire and Berkshire Street frontages of the site, together with tree planting in Wiltshire St. Condition 4 requires this work to be carried out by the applicant prior to the commissioning of the fuel facility (and maintained by it for the following three years). Condition 20 contemplates the installation, at the applicant's cost, of "pavement markings and signage, including placement of no-stopping/parking restrictions between the roundabout and site accesses to ensure sight distances are not restricted by parked vehicles ..." these conditions appear to be the result of discussions with relevant council officers. The underlying point is, however, that parking of this kind is not a consequence of the proposed development and, to the extent that it presents a problem, the remedy lies with the council in the exercise of its powers as a roading authority.

Noise and vibration

(40) The applicant does not seek relaxation of the district plan provisions governing noise. As I understand the position – and if consent is granted – its activities will only be lawful if carried out within the Plan limitations. Whether or not the applicant can (or will) achieve this – at least so far as night-time limits are concerned – is a speculative issue that will turn (in part) on the extent to which the facility is patronized between 2000 to 0800 hrs.

(41) According to Mr Harvey, patronage between 2300 and 0600 is likely to be very small – this on the basis of records from five of his company's other outlets. It therefore seems likely that noise exceeding the Plan limits will occur only if:

- (a) Patronage – particularly between 2000–2300 and 0600–0800 is greater than anticipated; and/or
- (b) Those using the facility during the night exhibit a significant lack of consideration for residential amenity.

(42) One way of dealing with this possibility might be to close the facility at night. According to Mr Harvey, however, the electronic systems currently employed to control facilities of this kind render that impractical. Why this should be so is unclear to me; I accept what he says but do not accept that this is something incapable of remedy. As it stands, therefore, we have a potential adverse effect of presently uncertain magnitude – a situation for which s128 seems designed.

(43) I take a similar view with regard to the possibility of anti-social or noisy behaviour – something about which the neighbours voice concerns. At least part of this appears to arise from a fear that the facility may become a place of resort for 'disruptive elements' and that the neighbourhood will suffer as a consequence. While possible, this does not appear to me to be likely. Conditions now put forward by the applicant should enable recognition of this problem

(if it eventuates) and s128 provides a means of remedy. As with the matter discussed above it is possible that a s128 review could result in a requirement that the facility cease to be available as a source of fuel during the night.

(44) In considering the issue of noise I am not ‘disregarding’ effects that the Plan permits. I do not think it appropriate that, in a residential neighbourhood of the kind with which we are now concerned, one should say simply that noise limitations provide an ‘envelope’ of the tolerable in to which activities may tightly fit. I thus envisage that, on any review, the question of what is ‘unreasonable’ will remain open. However, and on the information presently available to me, I think it unlikely that this position will be reached given the nature of conditions now proposed – including the condition requiring installation of an acoustic-barrier fence.

(45) Vibration – and other inconveniences to neighbours arising from construction activity such as dust and the like – is an unavoidable consequence of development, even in urban areas. Ms Cleaver says that, when fuel tanks were removed from the motor garage some years ago the house at 30 Wiltshire St owned by her sister and herself “sustained cracks and internal damage to the walls”. She is concerned that something like this may also be a consequence of the works now proposed, as are Mr and Mrs Norris (28 Wiltshire St) and Mr and Mrs Jenkins. I accept that the possibility exists – particularly so far as Mr and Mrs Jenkins are concerned but think that, given standard construction practice and compliance with appropriate conditions, such an effect is both unlikely and of minor consequence.

Other effects of concern

(46) Submitters drew attention to a feared loss of privacy, the possibility of airborne contaminants, the ‘obtrusive’ nature of proposed signage and the possible effect of light spill. I do not think that any of these are entitled to significant weight.

Overall assessment – adverse environmental effects

(47) **I conclude (on balance) that the effects of the proposal on the wider environment – that of the area within the Residential Arrowtown Historic Management zone – will be neutral. This conclusion reflects the view that I have taken as to the overall function of the one as provided for in the Plan. On a narrower approach – that which accommodates only the immediate neighbours – I accept that there will be consequences which they regard as adverse. If necessary, I would conclude (for the purposes of s104D (1) (a) that the adverse effects of the activity on the environment will be minor (or less).**

OTHER MATTERS – s104 (1) (c); AND PART 2 OF THE ACT

(48) In the course of his evidence, and after stating that “Arrowtown had now become the most populated community in the South Island without access to a public fuel station”, the managing director of the applicant company said:

The supply of fuel is an essential service[. I]t will benefit emergency services and give residents peace of mind, especially if they need to travel to Dunedin in an emergency...

...We consider there is a significant demand for fuel in the immediate Arrowtown area. The site proposed is in our view the only commercially viable site for Arrowtown for the supply of fuel ...

While the first part of this statement was questioned by some submitters, the remainder was not. I accept the whole of the passage quoted above.

(49) Section 5 of the Act provides a range of objectives which are to be integrated within the determination of applications such as the present. Amongst these is the requirement that plans and consent decision should be such as enable relevant people and communities to provide for their wellbeing (of various kinds). This, to my mind, implies that plans – particularly in relation to urban areas – should provide for the establishment of facilities appropriate both to urban living and to the needs of their ‘catchment’. Provision for the convenient supply of fuel is one such facility. ‘Convenience’ has locational elements; it seems to me to go almost without saying that a ‘hiding away’ of public fuel facilities – such as, perhaps, Arrowtown’s Industrial A zone or somewhere in the rural area – comes close to making no provision at all. No-one sought to argue that the Town Centre zone was an appropriate location. In my view, and if there is to be a public fuel facility at all, its most appropriate location – viewed from the standpoint of Part 2 – must be adjacent to the main roading network and reasonably central to the town.

(50) These considerations lead me to conclude that the above considerations:

- (a) Are ‘relevant’ for the purposes of s104(1) (d);
- (b) Go to the first part of the purpose of the Act; and
- (c) Are capable of providing a justification for consent of the kind discusses in para. 27 above.

(51) No issues arise in terms of sections 6 and 8 of the Act. Those relevant in terms of s7 have already been considered and, in this decision, will be given the weight which that section (and their intrinsic merits) demands. **Overall I conclude that subject to appropriate conditions, a grant of consent better achieves the purpose of the Act than would refusal.**

CONDITIONS

(52) The s42A reports contained, as a recommendation, a set of draft conditions for use in the event that consent was thought to be appropriate. These were largely adopted by the applicant which, at the hearing, suggested some amendments that (in its view) would go some way towards meeting the concerns of submitters. In general, these amended conditions were not the subject of adverse comment although it was strongly argued that they did not go far enough. At the end of the hearing the applicant proposed several amendments and these became the subject of an exchange of further submissions revolving around what by then had become conditions 38, 39, 40 and 41, 42 and conditions 43 and 44.

(53) Condition 38 requires the employment of a person to clean and tidy the facility on a ‘regular’ basis. While ‘regularly’ is not a term of art, when supplemented by an appropriately directed ‘review’ clause, I think that it will suffice.

(54) Condition 39 requires the provision, to nearby residents, of contact details of the person employed to clean and tidy the site. I think that this condition should be expanded to include contact details of the site operator's representative. As I see it, the intention of this condition is to provide those residents with a means of raising operational concerns by providing some form of direct access to the site operator. It seems to me that, while this will not enable such things as anti-social behaviour to be immediately dealt with, it is at least preferable to a process by which Council officers act as intermediaries of necessity. I do not accept Mr Todd's submission that the condition "implies that it will become the neighbours' role to monitor the site".

(55) Conditions 40 and 41 approach the issue of monitoring and require the site operator to contract with a security company for night-time patrols of the site – a minimum of twice/week. As with condition 39, these conditions will enable some sort of a 'handle' to be obtained on site-related antisocial behaviour, should it in fact occur. As indicated, I think the likelihood of this is low. What should be done, should it eventuate, depends upon the form that it takes. For that reason I think that, as a potential adverse effect on the environment (as well as on the neighbours), it is of a kind that cannot now properly be assessed, avoided, remedied or mitigated. Instead it seems to be just the sort of possibility for which clause (b) of s128 was intended.

(56) Conditions 42, 43 and 44 are directed towards that. Mr Todd criticises the 'annual' nature of review and suggests that in any event s128 is inapt for the purpose. If there had been some evidence that his client's concerns were soundly based (as, e.g., evidence of the existence within the Arrowtown area of activities of the feared kind presently being carried on at other locations) I might have come to a different view. As the evidence is, however, I think that the point will need to be demonstrated. In the present case I think I am entitled to assume that night-time patrons of the facility will, in general, behave themselves; I note also the existence of other enforcement mechanisms within the RMA.

(57) I do, however, have a concern with Condition 42, which merely repeats the wording of s128. I do not think this to be sufficient, as least as far a clause (b) is concerned. I read that clause as requiring an identification of the effects of relevance, in part so that it can be said that the *assessment* of them was not something that could have been undertaken at the time of decision. I have some recollection of judicial comment supporting this position but do not now have a reference to it. For that reason I think that some amendment is required.

FORMAL DECISION

For the foregoing reasons *consent is granted* to the establishment on the subject land of an un-manned, self-service, 24 hour, 7days/week facility for the retail sale of diesel and 91 and 95 petrol motor fuel only (including the storage of 60,000 litres of Class 3 Flammable liquids), *subject to the following conditions*:

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:

Chris Normal Architecture Limited

- Location Plan (Option 2) – A100
- Site Plan (Option 2) – A101
- Street Entry/Exit Elevations – A200
- Canopy Elevations – A201

Aurum Surveyors

- Earthworks Plan – 3722.2R.1E

Stamped as approved on 12th January 2015

And the application as submitted, with the exception of the amendments required by the following conditions of consent. Products and services available from the site are limited to the supply of motor fuel.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$240. This initial fee has been set under section 36(1) of the Act.

Trees of significance

- 3 Four trees ('Trees') and the Tree's drip lines are identified on the earthworks Plan 3722.2R.1E
 - a) No machinery is to be driven, or construction and equipment material stored on the open ground within the drip line of the Trees.

- b) When removing the existing hard surface/concrete the contractor must work backwards away from the Trees to ensure that no machinery compacts the existing soil within the drip line of the Trees.
- c) All earthworks within the drip line of the Trees are to be supervised by a qualified arborist, in line with accepted arboriculture practice.
- d) The lower branches of the Red Oak shall be pruned prior to construction beginning onsite to ensure the branches are not damaged by machinery. This work is to be carried out by a QLDC Approved contractor, at the applicant's expense.
- e) In the forming of the vehicle crossing onto Berkshire Street the root area between the Trees shall not be dug out, the access way is to be built over the roots.

Landscaping

- 4 All planting shown on the landscaping plan prepared by Dr Michael Steven entitled "Proposed fuel storage and dispensing facility landscape design concept – Option 2 (revised)" dated 5 November 2014 shall be implemented prior to commissioning the fuel facility. The consent holder shall install an irrigation system when the landscaping is implemented. All approved landscaping shall be maintained in accordance with the approved plan. If any tree or plant shall die or become diseased it shall be replaced in the next available planting season. Except that the landscaping within the Wiltshire Street road reserve shall only be required to be maintained and irrigated by the consent holder for three years following the date of implementation.
- 5 The Hornbeam Hedges shall be established with specimens a minimum of 1.8 metre in height

Storage of Hazardous substances

- 6 Prior to the commissioning of the storage facility, the consent holder shall submit a copy of the Hazardous Substances Stationary Container System Test Certificate required under the Hazardous Substances (Dangerous Good and Scheduled Toxic Substances) Transfer Notice 2004 to the Manager Resource Consents.
- 7 Prior to the commissioning of the storage facility, the consent holder shall submit a copy of the Hazardous Substances Location Test Certificate required under the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001 to the Manager Resource Consents
- 8 The Consent holder shall provide a copy of the annual Hazardous Substances Location Test Certificate, within 8 weeks of the renewal date to the Manager Resource Consents.
- 9 A site specific Emergency Response Management Plan shall be submitted for the approval of the Manager, Resource Consents, prior to commissioning the fuel facility onsite. The Management Plan shall outline steps to undertake in the case of an emergency onsite, and

how this will be made available to visitors to the site. This management plan shall be directed to visitors to the site who may not have access to the RDP Emergency Response Plan which is more directed at employees of RD Petroleum.

Engineering

- 10 All works onsite shall be undertaken in accordance with the recommendations outlined in the Detailed Site Investigation Report prepared by Davis Consulting Group, dated September 2014.
- 11 All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.
- 12 If a water connection is used during construction, prior approval from Council's Senior Engineer and use of a backflow prevention device will be required to prevent contamination of Council's potable water supply if this water supply is to be utilised for dust suppression during earthworks.

To be completed prior to the commencement of any works on-site

- 13 At least 5 working days prior to commencing work on site the consent holder shall advise the Principal Resource Management Engineer at Council of the scheduled start date of physical works. Compliance with the prior to commencement of works conditions detailed in Conditions (14)-(18) below shall be demonstrated
- 14 Prior to commencing works on site, the consent holder shall obtain and implement a traffic management plan approved by Council if any parking, traffic or safe movement of pedestrians will be disrupted, inconvenienced or delayed, and/or if temporary safety barriers are to be installed within or adjacent to Council's road reserve.
- 15 Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The crossing shall be adequate to prevent dirt or construction material being deposited outside of the site boundaries. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 5m into the site.
- 16 Prior to commencing works, the consent holder shall submit to the Principal Resource Management Engineer for review a site management plan for the works. The site management plan shall outline measures to be implemented on site to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with NZS 4404:2004 and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

- 17 Prior to commencing works on the site the consent holder shall obtain approval from Council under a 'Connection to Council Service Application' for the water supply to the site. The approval should be obtained and construction of the connection approved by a Council Inspector. The connection would be at the consent holders cost.
- 18 At least 5 working days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name of a suitably qualified professional as defined in Section 1.4 of NZS 4404:2004 who is familiar with the GeoSolve report – Reference: 140276, dated June 2014 – and who shall supervise the excavation procedure and ensure compliance with the recommendations of this report. This engineer shall continually assess the condition of the excavation and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.
- 19 Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (11), to detail the following engineering works required:
- a) The construction and sealing of all vehicle access and manoeuvring areas to Council's standards. This shall include details of all necessary pavement markings and signage, including placement of no-stopping/parking restrictions between the roundabout and site accesses to ensure sight distances are not restricted by parked vehicles. The design shall be accompanied by a report from a suitably qualified professional detailing all required pavement markings and signage to ensure the safe operation of the site.
 - b) Provision of an on-site stormwater disposal system for the development in accordance with the GeoSolve report, Reference: 140276, dated June 2014. The stormwater system shall be designed by a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 to dispose of water from all impervious areas within the site. Generally the system shall make provision for the interception of settleable solids and floatable debris prior to discharge to ground/receiving waters. Engineer's producer statements/certification shall be provided for design and construction of the system.
- 20 Prior to commissioning the fuel facility necessary pavement markings and signage, including placement of no-stopping/parking restrictions between the roundabout and site accesses to ensure sight distances are not restricted by parked vehicles approved by Council will be installed at the Applicants cost.

To be monitored throughout earthworks

- 21 The earthworks, batter slopes, retaining and site management shall be undertaken in accordance with the recommendations of the report by GeoSolve report, Reference: 140276, dated June 2014.

- 22 The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
- 23 No earthworks, temporary or permanent, are to breach the boundaries of the site except for the works required for the vehicle crossings and landscaping of the Wiltshire Street road verge.
- 24 If at any time Council, or its elected representatives, receive justifiable complaints about or proof of effects from vibration sourced from the earthworks activities approved by this resource consent, the consent holder at the request of the Council shall cease all earthworks activities and shall engage a suitably qualified professional who shall prepare a report, which assesses vibration caused by earthworks associated with this consent and what adverse effect (if any) these works are having on any other land and buildings beyond this site and mitigation measures proposed to mitigate any adverse effects so that they are no more than minor. The consent holder shall submit the report to Council and Council may require a peer review to be undertaken by another suitably qualified professional at the consent holder's expense. This report must take into consideration the standard BS 5228:1992 or a similar internationally accepted standard. The peer review (if required) shall be submitted to Council for acceptance and approval. Once the report and peer review (if required) is approved by Council works may recommence.

On completion of works

- 25 On completion of earthworks, a suitably qualified engineer experienced in soils investigations shall provide certification to the Principal Resource Management Engineer at Council, in accordance with NZS 4431:1989.
- 26 On completion of the earthworks and prior to the operation of the development, the consent holder shall complete the following:
 - a) The completion of works detailed in Condition 21 above.
 - b) The informal residential access from Wiltshire Street (serving the adjacent property at 16 Berkshire Street) shall be permanently and physically closed off to vehicular traffic.
 - c) All earthworked/exposed areas shall be permanently stabilised.
 - d) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

Ongoing Conditions

- 27 All vehicles on site including vehicles utilised for servicing the facility and fuel delivery shall be restricted to a maximum 9.5m long rigid vehicles not towing a trailer unit.

Noise

- 28 Prior to the commencement of works onsite, the applicant shall submit to the Manager, Resource Consents for certification, a Construction Noise Management Plan that details the management of noise associated with construction works onsite. Including, the pile driving method, equipment and separation distances which must be reviewed by an acoustic engineer to ensure they comply with New Zealand Standard NZS 6803:1999 Acoustics – Constructions Noise. Construction works onsite shall be designed and conducted to ensure that construction noise from the site does not exceed noise limits specified within the Construction Noise Management Plan.
- 29 Piling work must only occur between 0730 and 1800 hours, Monday to Saturday, and not at all on public holidays.
- 30 Prior to commencement of works on site, the consent holder shall submit to the Manager, Resource Consents, for certification, details of the fencing along the boundary of the site with 16 Berkshire Street to ensure the fencing proposed is of a height of 2 metres, and a weight of at least 10 kg/m²
- 31 Prior to works commencing on site, the fencing certified in Condition 30 above shall be establish and there shall be no gaps in the fencing.
- 32 Refuelling trucks must not be on the site between 2000h and 0800h.
- 33 Petrol pumps associated with the facility must be designed and installed to comply with the District Plan night time limit of 40 dB LA_{eq}

Signs

- 34 The luminance level of spot lighting of the free standing sign as approved by this resource consent shall not exceed 150cd/m².
- 35 All signs as approved as part of this resource consent (as indicated in the approved plans), shall be erected onsite prior to the commissioning the fuel facility.
- 36 Power and telecommunications connections to the site shall be provide via underground connections.
- 37 The removal of the power pole within the site shall be undertaken in accordance with the network provider's requirements.

Site Management

- 38 Prior to commissioning the fuel facility, the consent holder shall employ a person to regularly clean and keep the site in a tidy state.
- 39 Prior to commissioning the fuel facility the consent holder shall provide details (including phone number) of (i) the person employed in accordance with condition 38 and (ii) the principal executive officer of the site operator ('Contact Details') to the Manager, Resource Consents. Contact Details must also be provided to the following landowners and/or occupiers ('Landowners'):
- 16 Berkshire Street – Section 2 Block 13 Town of Arrowtown – OT211/95
 - 28 Wiltshire Street – Part Sections 1 & 2 Block 7 Town of Arrowtown – OT7D/648
 - 30 Wiltshire Street – Lot 1 DP8580 – OT3B/663
 - 34 Wiltshire Street – Section 20 Block 7 Town of Arrowtown – OT7D/1180
 - 36 Wiltshire Street – Section 14 Block 7 – OT401/110

The Contact Details are to be sent by post to the above street addresses. Evidence shall be provided to the Manager, Resource Consents confirming the Contact Details have been provided to the Landowners. In the event that the Contact Details change the consent holder shall notify the Manager, Resource Consents and the Landowners.

- 40 Prior to the commissioning of the fuel facility the consent holder shall employ a security company to undertake patrols of the site at night time (8pm to 8am). The frequency of the patrols must be no less than twice per week and must include either a Friday or Saturday night.
- 41 Prior to commissioning the fuel facility, the consent holder shall provide details of the security company employ in accordance with condition 40 to the Manager, Resource Consents. This information must include the contact details of the security company and confirmation of the frequency of the visits. Changes thereafter are also to be notified to the Manager Resource Consents

Review

- 42 Within ten working days of each anniversary of the date of this decision the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.
 - (b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.

- (c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.

Without limiting the foregoing, this condition applies in particular to the effects of unreasonable noise, of disruptive and/or behaviour on the part of users of the facility or those who may choose to gather there and which may arise if the site is not maintained in a clean and tidy condition. These issues, although raised at the hearing, could not adequately be assessed at that time – this because of the limited nature of relevant evidence and uncertainties as to the way in which the facility would be patronized.

- 43 As part of the review stated in condition 42, the Council may have the Construction Noise Management plan referred to in condition 28 audited at the consent holder's expense.
- 44 As part of the review stated in condition 42 the Council may review the frequency of the security patrols detailed in condition 40. Consideration can also be given to the need to install a security camera, to a reduction in the permitted hours of night-time operation and to other necessary measures to address any adverse effects that may arise from exercising the consent.

Accidental Discovery Protocol

- 45 If the consent holder:

- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
 - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
 - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, the New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

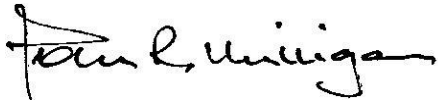
- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
- (i) stop work within the immediate vicinity of the discovery or disturbance and;
 - (ii) advise Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;
 - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

Advice Notes

- If it is found that a wastewater connection is needed, any new connection requires approval by Council under a 'Connection to Council Service Application'. The approval should be obtained and construction of the connection approved by a Council Inspector. Any connection would be at the consent holders cost.
- If a water connection is used during construction, prior approval from Council's Senior Engineer and use of a backflow prevention device will be required to prevent contamination of Council's potable water supply if this water supply is to be utilised for dust suppression during earthworks.
- The consent holder is advised to undertake a pre-construction condition survey, including photographs, to record the existing condition of all neighbouring buildings, landscaping and roads that lie within 20m of the proposed excavations. The extent of the pre-construction survey is related to the site and its surrounds and the associated potential risks. The existing condition of roading, landscaping and structures needs to be documented by way of photos, focusing on any damage that is already apparent. Items such as minor cracking in plaster will be very difficult to identify, and in these cases other methods would need to be employed to determine if they were formed as a result of the consented works. The survey will never cover everything but it aims to provide a record that can be reviewed in the event of a complaint or issue being raised.
- Section 2 of the HNZPTA defines an archaeological site as:
 - (a) any place in New Zealand, including any building or structure (or part of a building or structure), that—
 - (i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and
 - (ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand;

- The Heritage New Zealand Pouhere Taonga Act 2014 provides protection for all archaeological sites, whether recorded or not. It is unlawful to modify or destroy an archaeological site without the prior authority of Heritage New Zealand. By careful project design, it is frequently possible to avoid any such modification. However, where avoidance of an archaeological site is not possible, an Archaeological Authority will be required. An Authority is also required if there is reasonable cause to suspect that an archaeological site may be modified or destroyed. All applications for Archaeological Authorities must be made to Heritage New Zealand.
- If there are any queries regarding the archaeological authority process, please contact the Regional Archaeologist, Heritage New Zealand on 03 477 9871 or ArchaeologistOS@heritage.org.nz.

A handwritten signature in black ink, appearing to read 'John Milligan', with a stylized, cursive script.

John Milligan
Commissioner
13 January 2015

Queenstown Lakes District Council
Application by RD Petroleum Ltd
RM 140623

APPENDIX A
Summary of evidence heard

Donald Harvey: Managing Director of Applicant;

- Describes company's history of fuel provision, particularly in relation to self-service operations; first self-service site established at Clinton in 2010. Access to fuel facilities an essential service;
- Significant customer base in Queenstown/Arrowtown area; aware of a clear demand for a facility in Arrowtown, "the most populated community in the South Island without access to a public fuel station."
- A central location is pivotal, as that is the place to which visitors to Arrowtown have recourse. No other available site satisfies this criterion;
- Only staff involvement will be a part time cleaner/caretaker;
- The present site has been associated with a service station / workshop facility over the road for many years. The fuel supply aspect of that operation disappeared some years ago;
- No complaints regarding the operation of other self-service facilities operated by the applicant, considers that the design and location of the present proposal makes it unlikely that problems of the kind feared by submitters (noise, anti-social behaviour etc.) will occur;
- Overnight use likely to be minimal as illustrated by information from other sites. Says that the available control systems for operations of this kind make it impractical to shut down and 're-boot' operations on a daily basis.

Christopher Norman: Registered Architect; director of Chris Norman Architecture Ltd; practiced in Wanaka since 2003; chair of Wanaka Urban Design Panel since 2008;

- Describes and verifies photo-montages which, he says, may be used as a guide and give "a general appreciation of what the proposal may look like";
- Has been involved in the present project since April 2014; prepared conceptual design options; consulted with Arrowtown Advisory Group. Revisions followed that consultative exercise. Developed alternative access arrangements in consultation with Southern Planning Group;
- Option 2 decided on after notification – Option 1 no longer pursued;
- Describes other post-notification alterations to proposal – these shown in revised plans [made available before preparation of the s42A reports]

Glenn Davis: MSc (Geography), 20 years' experience in environmental consultancy, Director Davis Consulting Group, Arrowtown;

- Oversaw completion of a detailed site investigation by staff member with BSc (Geology)
- Established site history by enquiry of residents; some use as a truck wash-down area and suggestions that site had been sprayed with Tordon;
- Collected and had analysed 6 surface soil samples – all returned with soil contaminant results well below guidelines relating to health of those using the site. However, levels of

heavy metals (arsenic) suggest a need for further analysis at the time of earthworks – soil removed may need to be disposed to a Class B facility. This a matter capable of being dealt with by conditions on any consent;

- Enhanced arsenic levels often a phenomenon associated with soils derived from the weathering of schist – natural rather than the result of human activity – likely to be observed in many parts of the Queenstown / Lakes area.

Craig Fitzgerald: Director, STRADA Ltd, provider of design and project management experience in the construction of fuel storage and dispensing facilities; 24 years' experience.

- Prepared Hazardous Substance Assessment Report attached to the AEE.
- 2 pumps, fuel sourced from underground tanks, pre-payment facilities in small adjacent canopy;
- Re-filling of underground tanks to occur only in daylight hours – condition to ensure; likely to occur on a weekly basis;
- 24 hour self-service facility; problems likely to arise if the system is shut down and 're-booted' irregularly
- Describes proposed earthworks; sheet piling likely to reduce excavation for tank installation (and also to ensure stability of immediately adjacent area); tank installation likely to take about 10 days after which sheet piling will be removed. A 'high frequency' driving head likely to be used to reduce disturbance of local residents;
- Power supply and stormwater discharge available;
- Comments on submitters' concerns – "customers using the site late at night are in my opinion only likely to be Arrowtown residents. Due to fuel sales only at the site there is not the sale of products that would generate rubbish on site." Safety and fuel-related nuisance issues obviated by current practice and proposed design. "In all projects I have been involved in sheet piling has not caused damage [to] buildings and any ground slumping has been localized slumping within the property where the piling is occurring and this is generally the result of poor soils."
- Discusses s42A report.

Mike Steven; Practicing Landscape Architect, extensive qualifications, 25 years' experience in landscape architecture, resident of Arrowtown for 7 years.

- Describes the locality in the context of Plan provisions; site presently inconsistent with the wider characteristics of the zone;
- Although site planning is largely a technical and pragmatic matter, 'soft' landscaping opportunities are available and have been implemented in a manner consistent with the objectives of the zone;
- While the 'Arrowtown Design Guidelines' are not a statutory document they emerged from a community-driven process and in his opinion) reflect the requirements of the Plan;
- Discusses the application of these 'Guidelines' – the site in its present condition does not accord with them (vehicle parking, storage of old tyres, weed infestation, derelict remnants of former structures);
- Explains approach adopted to landscape design for the present proposal; 4 primary objectives; draws on local design idioms – hedges, planting along residential internal boundary, reformation of the Wiltshire Street frontage, selection of species from those recommended in the 'Guidelines'

- So that planting will have early effect, proposes that container-grown specimens of significant height be used for the hedge. This will not achieve the immediate density desired, but that will develop over in 2 years – an acceptable level of screening within that time.
- Some other shrubs and small trees also to be sourced from advanced container-grown specimens;
- Describes how these proposals respond to the ‘Guidelines’ and says that they also provide an appropriate response to relevant objectives and policies of the Plan; Notes a relevant assessment matter (xvii(2)) – says that a condition re lighting / light spill is required to meet that assessment matter;
- Accepts the appropriateness of a condition requiring maintenance of landscaping;
- Discusses matters raised in the conditions;
- Agrees with Glenn – report 10/Nov/14 – that the form of development now proposed will have very little impact on existing trees;
- Implementation of the present proposals will improve the amenity of the site and its immediate environs, enhance local landscape character particularly through the use of local landscape elements, respect historic local landscape elements, mitigate perceived adverse effects, respond to concerns made by submitters as to the provision of visual mitigation within a reasonable time frame and are consistent with the relevant provisions of the Plan and with the ‘Guidelines’.

Jeremy Trevathan: Acoustic Engineer, BE(Hons) PhD (Mechanical Engineering – Acoustics), 7 years’ experience in the field of acoustic engineering consultancy.

- Summarises Plan noise requirements;
- Discusses ambient levels – affected by acceleration at intersection;
- Noise to be expected from proposals likely to comply with the Plan requirements, although occasional exceedances are possible;
- Discusses expected noise sources: no problems expected in daytime; some changes in the present noise characteristics at night.
- Says that provided vehicle visits at night are relatively few (11 or so per hour) there is unlikely to be a problem;
- Re-fuelling activities of little significance;
- Discusses construction activities – regards the proposed conditions as appropriate;
- After considering the ‘peer review, conducted by Dr Chiles considers his own assumptions to be a reasonable ‘worst case’. Adopting Dr Chiles' assumptions means that exceedance of the Plan provisions would occur with fewer night-time visits. Given the evidence of Harvey, the visitation level suggested by Chiles would still produce compliance;
- Proposes a further condition regarding the design and operation of pumps.

Andrew Carr: Chartered Professional Engineer; Masters degrees in Transport Engineering and Operations, and in Business Administration; 25 years’ experience in traffic engineering. Director of Carriageway Consultancy Ltd.

- Describes local roading network and local road conditions; notes that Wiltshire St (east of the roundabout) is an arterial road as is Berkshire St to the south; Wiltshire St (west) and Berkshire St (south) are collector roads, the former providing access to the town from the

west and the latter a principal link to the town centre; points out that this 'Plan' classification implies a 'through traffic' (in addition to a residential access) function.

- Traffic flows in Arrowtown heavily affected by 'events' – otherwise quite small;
- Pedestrian movement typical of a quiet residential location; Anglesea St – the 5th leg to the roundabout – is a local road, a category that the Plan indicates are “not intended to act as through routes for vehicles”;
- Describes current traffic flows – “generally very light”;
- Accident record in the area good – no recorded accidents at the roundabout in the last 10 years;
- Refuelling facilities are not, in general, traffic generators – refuelling usually undertaken as part of trips intended for other purposes. However, and because this will be the only *local* facility, it may give rise to a local increase in traffic. Has therefore assumed a 50% increase as a result of this factor, and a further 50% increase in traffic for reasons unrelated to the proposed facility. On these assumptions expects no noticeable increase in congestion;
- Several of the Plan requirements are of little relevance – staff/visitor car parks unnecessary, because of the generally low levels of traffic and low expected vehicle speeds the distance and sight lines of the Wiltshire St accessway are acceptable (notes that Wiltshire St is entry only and that the roundabout will reduce west-bound speeds “apart from suicidal manoeuvres”).
- Discusses submitters' concerns – says that analysis does *not* support road safety concerns, the likelihood of a significant increase in traffic arising from operation of the facility, the suggestion that resident access to Wiltshire St properties will be impeded or that the entry/exit arrangements are unsafe;
- Addresses Plan objectives and policies – says that the present proposal advances those;
- Comments on s42A reports. largely concurring – says that suggested condition 7(a) should be re-worded to make it clear that 'implementation' of pavement markings is a matter for the Council and that condition 14 should preclude the use of trailers with tanker vehicles.
- “I am of the opinion that the traffic generated by the proposed re-fuelling facility will have no adverse effects upon the performance, operation or safety of the adjacent transport networks ... I consider that there are no traffic and transportation reasons why consent should not be granted.”

Timothy Williams: BRes Stud (Lincoln). M Urban Design and Development (NSW); employed by southern Planning Group as a resource management planning Consultant / urban designer; worked in Queenstown since 2003.

- Only Option 2 now advanced, with amendments detailed in Norman's evidence; these amendments provided to Council prior to preparation of s42A report;
- Agrees with s42A report as to relevant planning provisions and consents required; application to be considered as non-complying;
- Site has a history of non-residential use and is opposite (Wiltshire St) non-residential uses;
- Discusses environmental effects, essentially concurring with s42A report; relies on evidence of other witnesses in the areas of their expertise;

- Discusses nature and scale of activity and its effects on character and amenity – concludes not detrimental and an improvement on the present situation;
- Exit to Berkshire St is to a road which serves as a main entrance to Arrowtown – able to accommodate traffic movements;
- Considers night operations as unlikely to have significant adverse effects – “... on balance, the positive effects significantly outweigh any potential adverse effects”;
- Discussions submissions both for and against the proposal – notes number of submissions ‘for’ and infers general community acceptance;
- Potential for light spill slight, and mitigated by proposed conditions;
- Congregation on site unlikely;
- Discusses Plan objectives and policies – agrees with assessment in s42A report; relates applicant’s evidence to Plan provisions; concludes that relevant provisions are either advanced or not compromised;
- As to NES (soil contamination) – proposal meets the objectives of that standard;
- Proposal meets both parts of the ‘gateway’ test;
- Considers Part 2: proposal supported by the first part of s5(2). Adverse effects can appropriately be dealt with, s6 not relevant, s7 (a), (b) and (f) relevant and met;
- Discusses proposed (and largely agreed) conditions.

Sue Patterson – for Arrowtown Promotion and Business Association

- Association represents ‘downtown’ businesses and is funded through the QLDC; all business operators ‘members’ in the sense that their view are sought and communicated; canvassed in respect of this proposal – no negative views expressed;
- Endorses grant of consent – a low key environmentally friendly solution;
- An unsatisfied demand for fuel from visitors and from local businesses;
- Association prefers Option 1, considers Option 2 acceptable.

Grahame Warren: He and wife Carol own 34 Wiltshire St

- Emphasises that theirs is a residential occupation in the ‘Residential Arrowtown Historic Zone’; says that the house has “historic associations”
- If the proposal proceeds “we will be losing our unique piece of paradise ... None of the residents want a petrol station spoiling the view.”
- Comments on present parking problems [vehicles left on the Wiltshire St frontage of the subject land, a use largely associated with the operations of Shamrock Garage]; says that if the project goes ahead the problem will simply shift to “our” verge;
- Access/exit dangerous;
- Concerned about the effect on parking/traffic movements on days in which the Anglican Church (Berkshire St) holds services;
- Points to ‘proximity’ of (un-identified) child care centres;

Sebastiaan Bruinsma: clubhouse Manager at ‘Hills’ Golf Club – in support

- When I arrived in Arrowtown there were fuel facilities [across Wiltshire St from the subject land], these apparently removed for economic reasons;
- Difficult for people such as myself who have no real need to make frequent trips to larger centres – obtaining petrol either involves my making a special trip or wife collects petrol in cans as part of her shopping trips;

- Often asked by visitors [to the golf course] where it is possible to obtain fuel – sometimes they run out and ask me for supplies;
- Arrowtown has many visitors here for significant periods, especially in winter (skiing) – thee likely to have similar problems.

Andrew Morris: He and wife Nadia live at 28 Wiltshire St, “directly opposite” the subject site [to the west of the proposed access way and opposite a part of the subject land proposed to be landscaped]

- Purchased home in 2007; although accepts existing uses does not accept changes to those activities that are arising through the approval of a non-notified application;
- Particularly concerned with parking activities associated with the garage/workshop – parking (both on and off street) not adequate;
- Concerned with the prospect of traffic increases as affecting residential amenity;
- Referring to submissions, says that they do not demonstrate overwhelming *local* support – many from Arthurs Point addresses;
- “Arrowtown has functioned perfectly well ... without a service station.”
- Concerned with light spillage and noise transmission – bedroom faces the facility;
- Refers to “Spanish research” concerned with the effects of air-borne benzene contamination; Will be forced to sell the house and relocate to protect children from the effects of the development; “We are already under significant stress”;
- Refers to a passage in an EC decision, which seems to deal with the appropriateness of full-blown ‘service stations’ in an Auckland residential area.

Susan Cleaver: 30 Wiltshire St, on behalf of herself and co-submitter Carol Bunn.

- Works from home office;
- Never consulted about the present proposal;
- As to earthworks/ sheet piling – hose sustained some damage from the removal of fuel tanks from the shamrock motors site;
- This part of Wiltshire St part of a recognised walking track; is concerned with the effect of changes / loss of amenity for a reasonably large number of pedestrians – most walking occurs on the carriageway;
- Area is predominantly residential; current changes to the east (Church to office, alteration to workshop, relocation of gallery) evidence a creeping commercialism detrimental to present character and likely to be made worse by the present proposal – develops that theme by reference to other (feared) local and district development;
- Proposal will not deal with issues relating to Shamrock Motors;
- Not confident that there will not be an increase in the range of goods available from the site;
- Raises a variety of possible effects, largely relating to unlawful / anti-social behaviour;
- Refers to plan provisions – says that proposal will not ‘preserve and enhance’ the area as required.

Warwick Jenkins: (Brief read by Mr Todd); 16 Berkshire St – the only immediately neighbouring property to the subject land.

- Refers to closure of earlier fuel facility, suggesting that this one won’t last;
- Property has been in the family for 70 years;

- Concerned about disturbance – bedroom close to the development;
- Argues that in the future these facilities will be redundant.

Maureen Jenkins: As above

- “A commercial venture in a residential zone ... a dangerous precedent”;
- Residents have invested a lot in the area, particularly in its historic elements;
- Proposal is against our rights to retain existing amenities – an erosion of our basic human right to be in control of our environment;
- Concerned, on health and safety grounds, to airborne pollutants and refers to other feared effects.

QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140623

Monday, 12 January 2015



CHRIS NORMAN
architecture

17-19 Reece Crescent Wanaka 9305, 03 443 8060
www.chrisnorman.co.nz

 **NZIA**
PRACTICE

NZRB REGISTERED ARCHITECT:
REG No. 2530

RD PETROLEUM
WILTSHIRE STREET, ARROWTOWN

JOB No.	14_047
SCALE:	1:500 @ A1
DRAWN BY:	DB
CHECKED BY:	DB
REV.	G
DATE:	11 NOV. 2014

A 100

LOCATION PLAN
(OPTION 2)



LOT AREA: 683.0m2
PAVED AREA INCL. RAISED PLINTH: 387.7m2
SITE COVERAGE: 56.7%

PRELIMINARY
NOT FOR CONSTRUCTION

CHRIS NORMAN
architecture

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 **NZIA**
PRACTICE

NZRB REGISTERED ARCHITECT:
REG No. 2530

RD PETROLEUM
WILTSHIRE STREET, ARROWTOWN

JOB No.	14_047
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CHECKED BY:	DB
REV.	G
DATE:	11 NOV. 2014

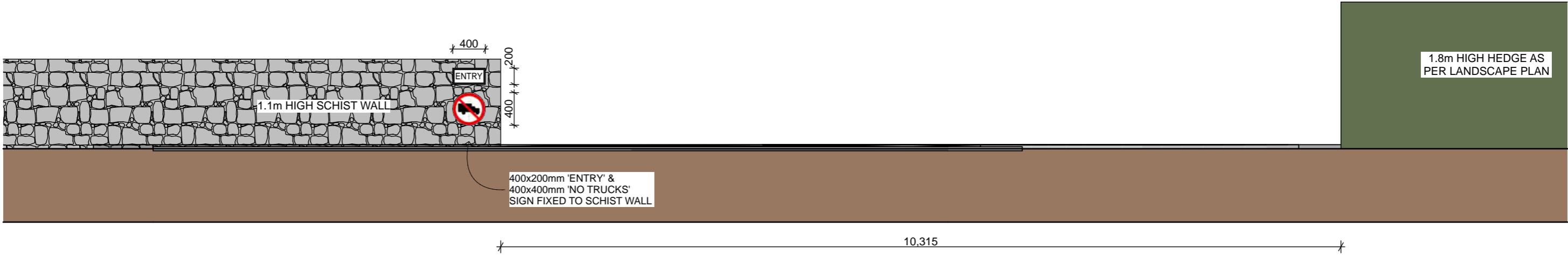
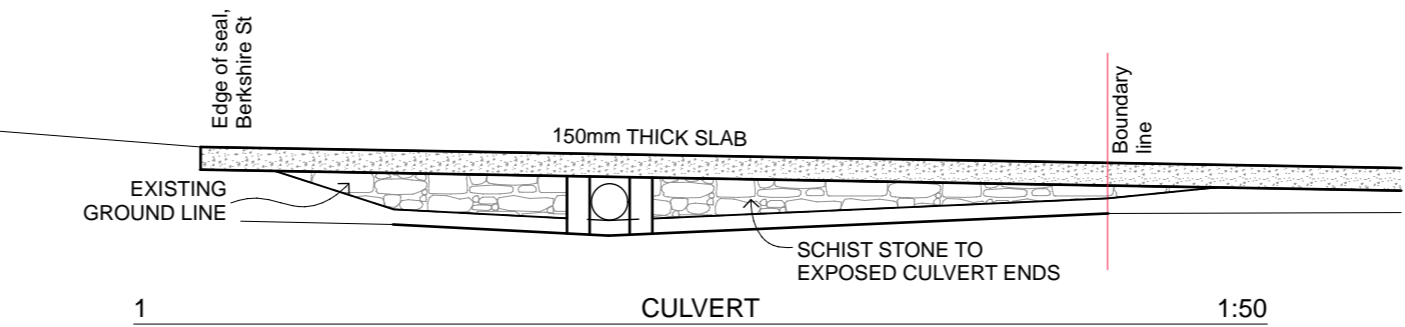
A 101

SITE PLAN (OPTION 2)

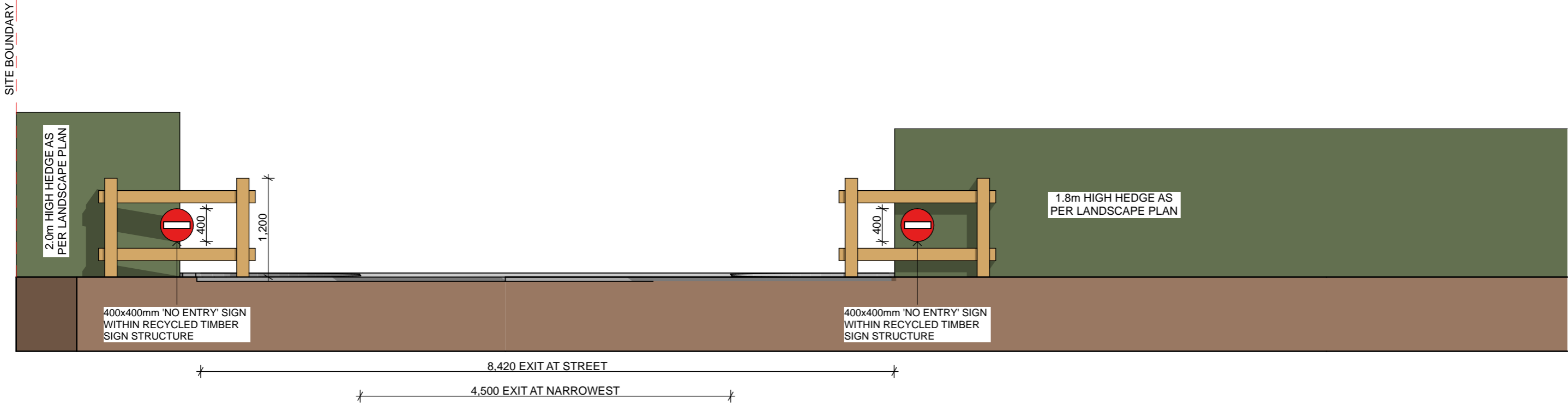
QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLAN:
RM140623

Monday, 12 January 2015



2 WILTSHIRE STREET ENTRY ELEVATION 1:50



3 BERKSHIRE STREET EXIT ELEVATION 1:50

PRELIMINARY
NOT FOR CONSTRUCTION

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architecture

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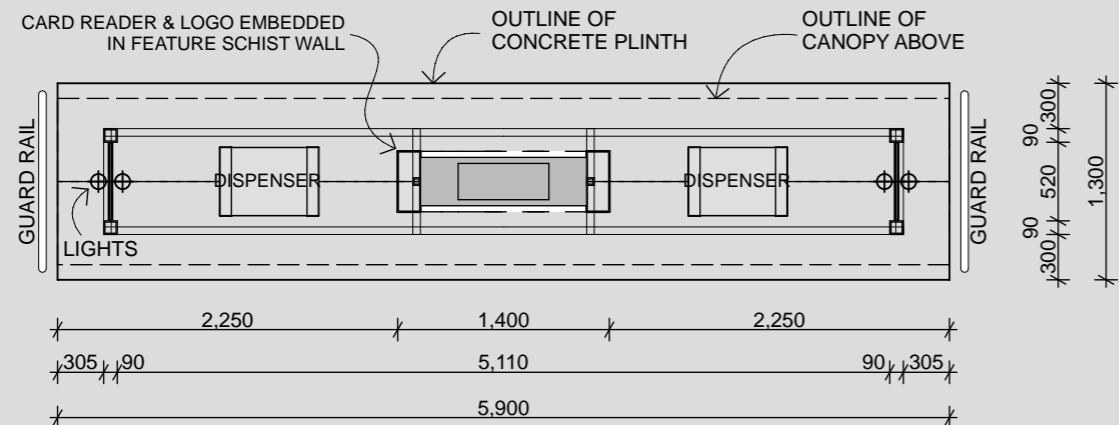
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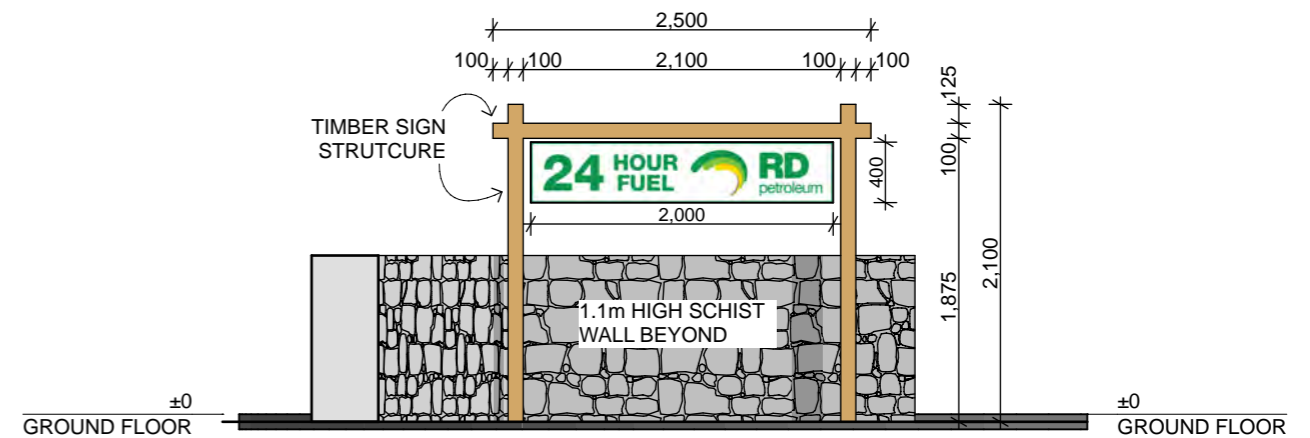
RD PETROLEUM
WILTSHIRE STREET, ARROWTOWN

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DATE:	11 NOV. 2014

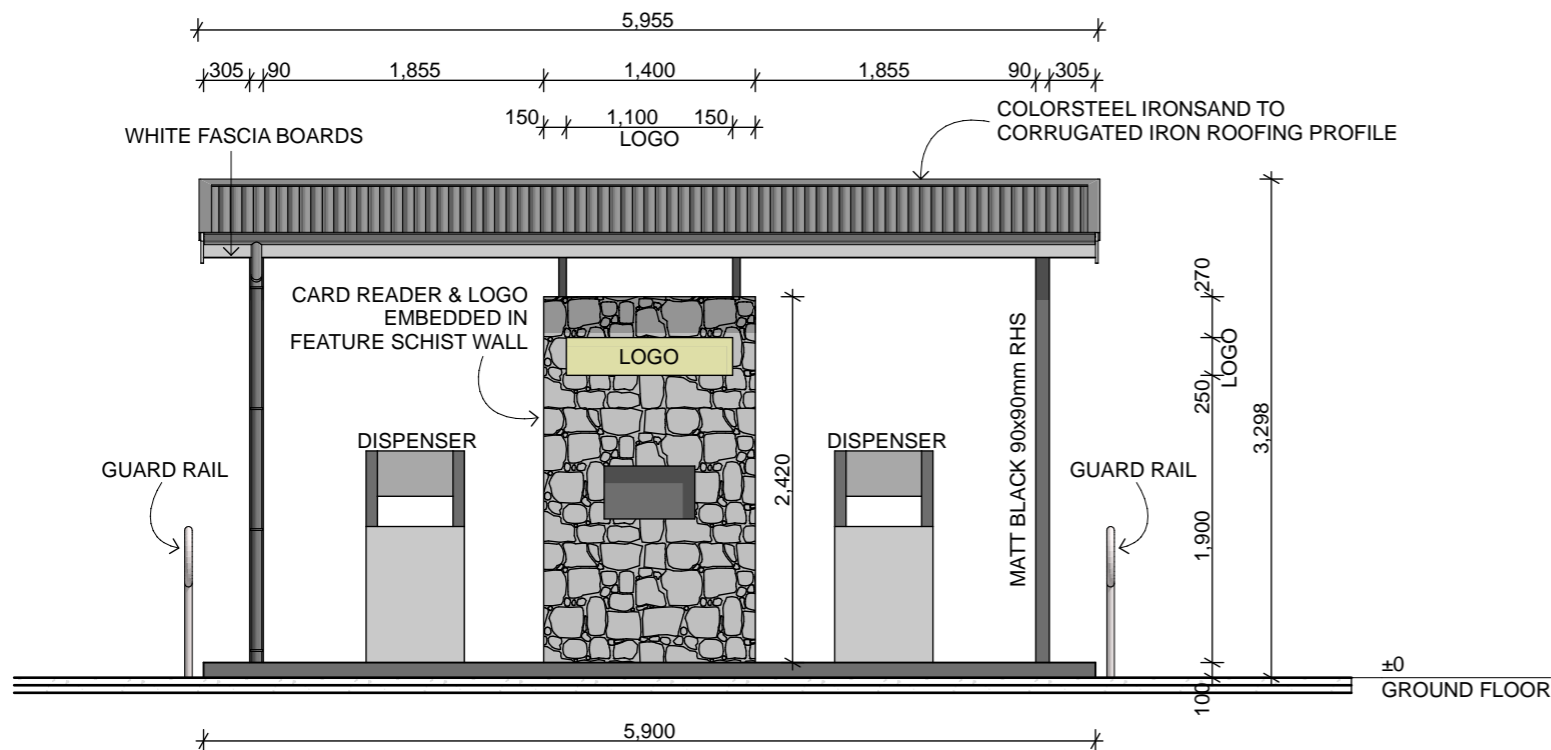
A 200
SREET ENTRY/EXIT
ELEVATIONS



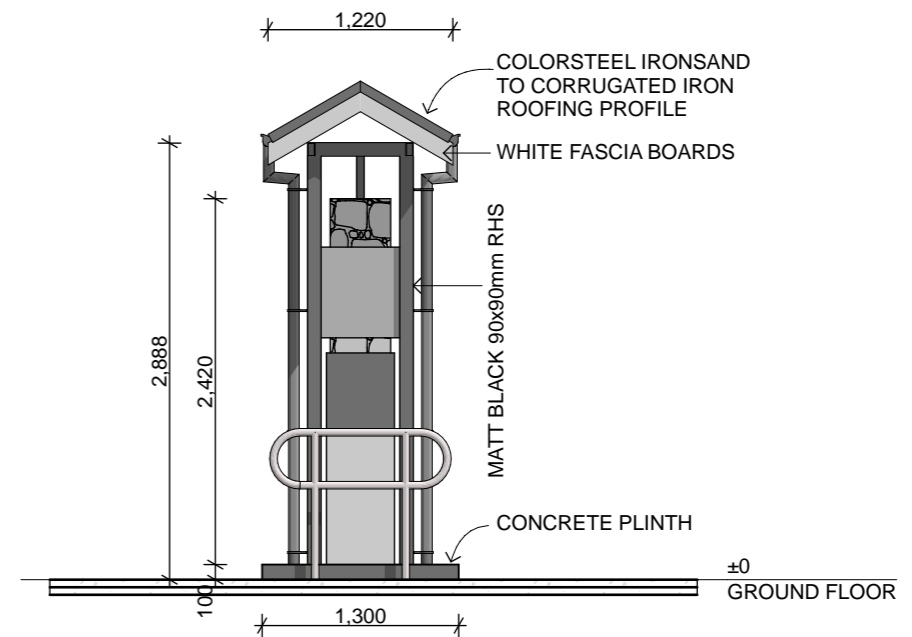
1 GROUND FLOOR 1:50



4 SITE SIGN (VIEW FROM WITHIN SITE) 1:50



3 North Elevation 1:50



2 West Elevation 1:50

PRELIMINARY
NOT FOR CONSTRUCTION

CHRIS NORMAN
architecture

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NZIA
PRACTICE

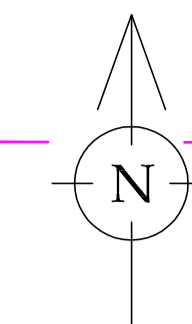
NZRB REGISTERED ARCHITECT:
REG No. 2530

RD PETROLEUM
WILTSHIRE STREET, ARROWTOWN

JOB No.	14_047
SCALE:	1:50 @ A1
DRAWN BY:	DB
CHECKED BY:	DB
REV.	G
DATE:	07 NOV. 2014

A 201

CANOPY ELEVATIONS



WILTSHIRE STREET

overhead powerlines

H hydrant

H hydrant

Survey Control

traffic island

 valves

SITE STRIPPING ALLOWANCE
Balance of site area approx 600m²
Volume 300m³

Section 1

Block XIII, Town of Arrowtown
OT6C/782 Title area 683m²

PROPOSED TANK EXCAVATION

66m² area
4.1m deep
270m³ volume of cut
sheet pile retaining

3.0

6.7



PROPOSED SEPARATION
TANK EXCAVATION
12m² area
2m deep
24m³ volume of cut

— PROPOSED SOAK PIT
6m² area
2.5m deep
16m³ volume of cut

Section 2
Block XIII, Town of Arrowtown

EARTHWORKS SUMMARY

680m² total area
610m³ total volume of cut
4.1m max depth

Note: Excavation quantities based on vertical sides (sheet pile). Excavated holes to be backfilled upon installation of tanks and associated equipment. Site stripping allowance is for pavement construction and finishing.

DATA QUALITY STATEMENTS

PROPERTY DATA

The property data has been sourced from Land Information New Zealand (LINZ) and compiled from limited survey data. Given the limited boundary information for the site, the boundary data should only be considered indicative. An accurate boundary definition would require a full and formal redefinition survey of the site.

SURVEY DATA

Surveyed data has been captured using GPS & Total Station survey equipment, to a relative accuracy within approximately 30mm (horizontal and vertical).

SERVICES DATA

Where services have features visible on the surface, their positions have been measured by field survey. There will be services which are not shown on this plan, buried or otherwise. In all cases, if the location of a service is considered important, the relevant service provided should be consulted.

SURVEY DATUMS

Horizontal coordinates are in terms of NZ Geodetic Datum 2000, Mount Nicholas 2000 Circuit.
Vertical elevations are in terms of Dunedin Vertical Datum (MSL). The origin of levels is from SO 24437. Reference datum is OIT II DP 3905, boxed at edge of traffic island, RL 421.89m.

Title: PROPOSED EARTHWORKS
OPTION 2

Project: RD Petroleum
25 Wiltshire Street
Arrowtown

ISSUE DATE:	ISSUE:	PREPARED BY: B McLeod
1 August 2014	A - Original Issue	Scale 1:100 @ A1 1:200 @ A3 DRAWING & ISSUE No. 3722.2R.1
4 August 2014	B - stripping added	
8 August 2014	C - tank position adjst	
17 Oct 2014	D - soak & sep pos'n adjst	

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