

Notification and substantive report for resource consent under the Resource Management Act 1991(RMA)



Discretionary activity under s127(3)

1. Application description

Application number:	R/VCC/2014/3424/1
Applicant's name:	Pacific Car Wash Systems (2008) Ltd.
Original consent number:	R/LUC/2014/3424/1
Site address:	Road reserved operated by Auckland Transport, located west of 277 St Johns Road, Meadowbank.
Legal description:	Unzoned land
NZTM map reference:	1764514.16, 5917913.3
Site area:	n/a
Operative plan:	Auckland Council District Plan (Auckland City Isthmus Section 1999)
Zoning:	n/a
Proposed Auckland Unitary Plan (“PAUP”) Zoning & Precinct:	Road zone in Tamaki precinct
Special features, overlays etc:	Built environment, air quality transfer corridor 70m buffer St Johns Road is a Regional Arterial Road

Locality Plan



Application documents (plans and reference documents)

The following information has been provided:

- Application Form, and Assessment of Effects prepared by Hardacre Planning Limited, dated 4 May 2015.
- S92 Additional Information letter prepared by Colin Hardacre of Hardacre Planning Limited, dated 20 November 2015.

Report title and reference	Author	Rev	Dated
Acoustic assessment- Carwash south of 315 St Johns Road, St Heliers	Golder Associates	0	20 January 2015
Traffic assessment	Flow Transportation Specialists		1 Aug 2014
Trade Waste Discharge Operation and quantification for Washpod Carwash	Brockett and Associates Limited		June 2012
Stormwater calculations	Airey Consultants Limited		30 July 2014
R/LUC/2014/3424/1			14 January 2015

Plan title and reference	Author	Rev	Dated
Dwg 1: Site plan 1:500	Airey Consultants Limited	-	28/7/14
Dwg 2: Site plan 1:200	Airey Consultants Limited	-	28/7/14
Dwg 3: Site plan 1:100	Airey Consultants	-	28/7/14

Plan title and reference	Author	Rev	Dated
	Limited		
3D drawing	Unknown	-	Received at Council 11 May 2015

Approvals and leases	Provider	Dated
Licence to occupy land: Road corridor adjoining 315-317 St Johns Road	Auckland Transport	27/8/14
Asset owner approval - trees	Jon Redfern, Auckland Council	22/10/14

The information has been reviewed and assessed by the following specialist(s):

- Graham Warren, Noise Specialist, Auckland Council sub consultant (Marshall Day Acoustics).
- Scott Paton, Principal Development Engineer, Auckland Council
- Ruben Naidoo, Environmental Health Specialist, Auckland Council
- Leon Blackburn, Specialist Advisor, Natural Resources and Specialist Input, Auckland Council
- Vinh Bui, Principal Traffic Engineer, Auckland Council

2. The proposal, site and locality description

The original Proposal and History

R/LUC/2014/3424/1 was granted resource consent in January 2015. This resource consent involved the following activities:

- A re-locatable 54.6m² fully automated car wash facility with eight parking spaces.
- Operation hours between 7am and 10pm Monday to Saturday and 9am to 6pm Sunday and public holidays.
- 60m³ of earthworks.
- Removal of a street tree
- Construction of a retaining wall.
- Connection to Council services.

Proposal

This application seeks consent to vary the previously consented hours of operation for the automated carwash to a 24 hour 7 day operation. All other aspects of the proposal described above remain the same.

Hours of operation

The proposed additional hours are as following:

- Monday to Saturday: 10pm – 7am
- Sundays and Public Holidays: 6pm – 9am
- Resulting in a 24 hour, 7 days a week operation.

Noise

The proposal will result in the infringement of residential night time noise limits (Rule 7.8.1.10, operative District Plan) by a maximum of 13dB to the property at 315-317 St Johns Road (Sunhill Garden Centre).

Further details related to the District Plan noise control infringement to nearby residential properties are discussed in pages 13-14 of this report.

Trip Generation

In terms of additional trip generation and peak activity levels during the additional hours, page 2 of the applicant's Acoustic Report provides the following comment:

The Applicant has advised, based on data from existing similar operations, a peak throughput rate of 2 cars per hour during night-time periods, typically occurring for less than 30 % of the night-time period. The provided data shows that carwash use during the night typically occurs at the start and end of the night, with no recorded washes occurring between 23:00-05:00.

Lighting

The proposed lighting for the activity will be internal lighting only. The s92 letter dated 20 November 2015 states that, *the internal floodlights inside of the car wash will be an Ecolight LED floodlight- LEDFL09 floodlight. There is no external floodlighting required.*

Proposed Change in Condition

The consent holder wishes to vary the conditions of resource consent R/LUC/2014/3424/1 as follows (with ~~strikethrough~~ for deletion, underline for insertions):

General Conditions

These conditions apply to all resource consents.

1. The carwash shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number R/LUC/2014/3424/1
 - a. Application Form, and Assessment of Effects prepared by Hardacre Planning Limited, dated 8 August 2014 & as varied by S127 Application report prepared by Hardacre Planning Limited, dated 4 May 2015.

Report title and reference	Author	Dated
Acoustic assessment	Golder Associates	12-Sept-2014
<u>Acoustic assessment- Carwash south of 315 St Johns Road, St Heliers</u>	<u>Golder Associates</u>	<u>20 January 2015</u>
Traffic assessment	Flow Transportation Specialists	1 Aug 2014
Trade Waste Discharge Operation and quantification	Brockett and Associates Limited	June 2012

Plan title and reference	Author	Dated
Dwg 1: Site plan 1:500	Airey Consultants Limited	28/7/14
Dwg 2: Site plan 1:200	Airey Consultants Limited	28/7/14
Dwg 3: 1:100	Airey Consultants Limited	28/7/14
3D drawing	Unknown	Received at Council 28/9/14
<u>3D drawing</u>	<u>Unknown</u>	<u>Received at Council 11 May 2015</u>

Approvals and leases	Provider	Dated
Licence to occupy land: Road corridor adjoining 315-317 St Johns Road	Auckland Transport	27/8/14
Asset owner approval - trees	Jon Redfern, Auckland Council	22/10/14
Affected party approval	Gaech Chhoun (Fruit Shop)	14/11/14
Affected party approval	Kelvin Syme (Garden Centre)	14/11/14

2. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:
 - a. All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
 - b. All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.
3. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Advice Note:

Development contributions levied under the Local Government Act 2002 may be payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at www.aucklandcouncil.govt.nz.

4. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. The consent is given effect to; or

- b. The Council extends the period after which the consent lapses.
5. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$540 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

Advice Note:

The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will Council issue a letter confirming compliance on request of the consent holder.

Flooding

6. Flood sensitive electrical equipment shall include flood protection, and be located a minimum of 0.3 metres from the ground.

Noise

- ~~7. Within 20 working days of the premises operating under the provisions of this consent, the consent holder is to provide an acoustic report to the satisfaction of the Team Leader Central Monitoring. The report shall demonstrate that the proposal, when operating at maximum capacity within its approved hours complies with:~~
- ~~(i) the noise limits outlined in Rule 7.8.1.10 when assessed at all residentially zoned properties with the exception of 315-317 St Johns Road; and~~
 - ~~(ii) a noise level of L_{40} 60dBA when assessed at the boundary of 315-317 St Johns Road.~~
- ~~8. If within the condition above the proposal does not comply with the requirements of the consented noise levels, then within 10 working days of the date that the noise report was submitted to the Council, the applicant shall submit and have approved details of works to be undertaken to ensure compliance with these noise levels. This report on works shall also specify time frames for the work to be done, interim control measures and the compilation of a further acoustic report demonstrating compliance with the above noise limits.~~

Noise

9. The noise level from activities within the site shall not exceed the following limits when measured within:
- (a) The boundary at 275 and 273 St Johns Road and the notional boundary (20m from the façade of the dwelling) at 279 St Johns Road:
 - 0700 – 2200 hours 55 dB L_{Aeq}
 - 2200 – 0700 hours 45 dB L_{Aeq} and 75 dB L_{Amax}

(b) The boundary of the sites at 315 – 317 St Johns Road (Lot 1 DP 74916 and Lot 2 DP 74916)

At all times 60 dB LAeq

10. Noise levels shall be measured and assessed in accordance with the requirements of New Zealand Standards NZS 6801:2008 Measurement of Sound and NZS 6802:2008 Assessment of Environmental Sound.
11. Monitoring of noise emission levels shall be undertaken as received at 275 St Johns Road, during the period 2200 hours to 0700 hours during operation of the carwash for the purposes of checking compliance with the night-time limit of 45 dB LAeq and 75 dB LAmax (Condition 9). This monitoring shall be undertaken by a suitably qualified Acoustic Engineer within four weeks of the full operation of the carwash and the results reported to the Council within 14 days of completion.
12. If required by the Council, following receipt of a reasonable and legitimate complaint of noise from occupiers in the vicinity the Consent Holder shall undertake monitoring of noise emission levels within 5 days of notification by Council at relevant representative positions determined by Council and the results reported to Council within 14 days of completion.
13. In the event of the monitoring as required by 11 and 12 above demonstrating that there is non-compliance with the noise limits of condition 9 the Consent Holder shall cease the activity between the hours of 2200-0700 until achieving compliance with Condition 9 is achieved and details of the remedial action provided to the Council.

Tree removal

14. The consent holder shall directly contract the council arborist advisor Local Sports Parks, Central Area (Howell Davies on 301 0101) to arrange for the removal of the council owned Ash tree growing outside 277 St Johns Road, Meadowbank.
15. A council approved arboricultural contractor shall remove the tree located in the council verge area; unless prior written permission has been provided by Auckland Council.
16. A minimum of 10 working days notice shall be given to enable the works to be programmed with the council contractor.
17. The consent holder shall be directly responsible for all costs (\$545 per tree) associated with the Ash removal (stump grinding if required) and replacement plantings of the tree (minimum size 80L/PB150)
18. Two replacement plants shall be planted within the road reserve near to the location of the Ash tree. This shall be to the satisfaction of Auckland Council's Team Leader – Central Monitoring, and be maintained thereafter by the consent holder, for a minimum duration of 1 year.

Earthworks

19. All earthworks shall be managed to ensure that no debris, soil, silt, sediment or sediment-laden water is discharged beyond the subject site to either land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works shall cease immediately and the discharge shall be mitigated and/or rectified to the satisfaction of the Team Leader Central Monitoring.

Lighting

20. The consent holder shall within one month of commencement of operation of the lights, provide a lighting report from a lighting engineer to the satisfaction of the Team Leader: Compliance Monitoring, to confirm compliance with the lighting requirements of the Auckland Council Lighting Bylaws.

Site and surrounding environment description

The application site is located in a road reserve adjacent to 277 St Johns Road. The road reserve is split into two areas. The northern area is zoned residential 6b and owned by Auckland Council where a fruit shop and garden centre is currently operating.

The southern area is owned by Auckland Transport and a coffee shop leases land from Auckland Transport.

The land immediately East to the application site being 277 and 279 St Johns Road is zoned Residential 6a and is currently vacant. This land is owned by Auckland Transport and is occupied by a pony club.

The land across St Johns road to the west of the application site is zoned Open Space 2.

The land south to the application site is zoned Residential 6b and is occupied by residential development. The closest residential development to the site being 275 St Johns Road is located approximately 40m from the application site and is owned by Auckland City Council Property Group.



Fig 1. Surrounding activity

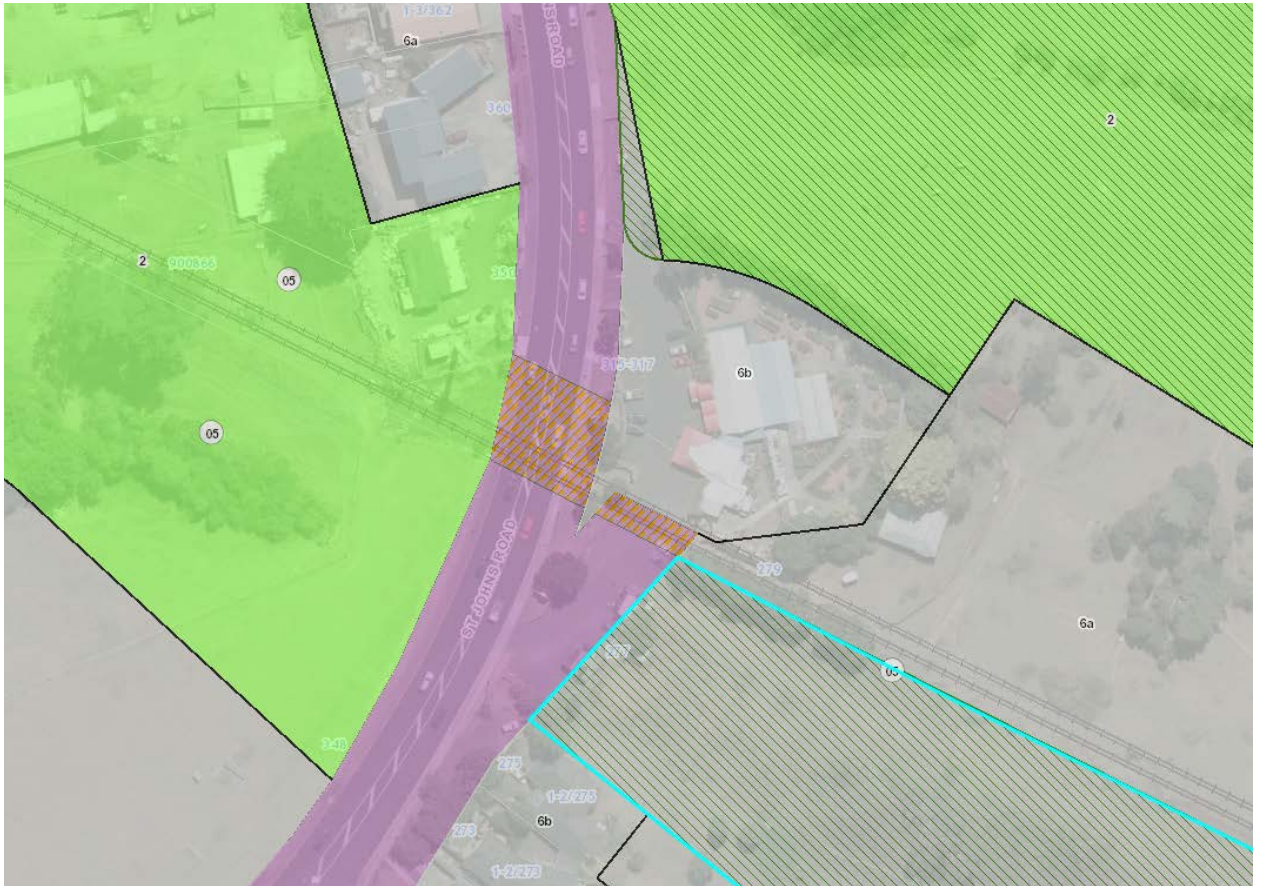


Fig 2. Surrounding Zoning

Background

Local Board Consultation

Local board consultation was sought on 10 December 2015 as the original application had been consulted with the Orakei Local Board. In an email dated 10 December 2015, Orakei Local Board Planning Spokesperson Mr. Troy Churton has provided the following comment:

This remains a non-complying activity. A 24 hour proposal is incongruent with planning policies for the site and surrounding sites which include considerable green field and recreational pathway developments.

The specified departures enabling commercial activity do not sanction extended trading hours into the evenings and it would be a very dangerous precedent to allow that 24 hour operation to take place at this site and establish a cumulative effect or precedent effect that other future applicants could follow.

I do not support the proposal for 24 hour activity on this site and at least the matter ought be fully notified as, by asking for 24 hours in this area, it is a special circumstance that justifies full notification.

Further email correspondence from Colin Davis and Desley Simpson of the Orakei Local Board had highlighted their concerns related to the site being closely located to the new footpath/cycle route presently under construction.

Comment relating to the above are provided in the s95A and s95B part of this report.

3. Reasons for the application

The proposed changes are within the scope of the original consent as the overall activity remains the same with limited numbers of additional vehicles anticipated to use the car wash facility during the extended hours. As this is an application for a variation to conditions under s127 the application is treated as if it is a discretionary activity.

Resource consent is needed for the following reasons:

Auckland Council District Plan (Auckland City Isthmus Section 1999)

- The proposal will result in the infringement of residential noise limits (Rule 7.8.1.10) by a maximum of 13dB to the property at 315-317 St Johns Road (Sunhill Garden Centre) during 2200 – 0700 hours. This is a discretionary activity pursuant to Rule 4.3.1.2B (Development Control Modification).

Proposed Auckland Unitary Plan

- Resource consent is not required under the PAUP.

Overall, consent is required as a discretionary activity.

Sections 88 to 121 apply, though all references to resource consent and activity are replaced with reference to the change or cancellation of the condition, and the resultant effects.

Notification

4. Public notification assessment (sections 95A, 95C-95D)

The applicant has not requested public notification.

All further information requested (under s92) has been provided by the due date.

5. Adverse effects assessment (section 95A)

The following assessment addresses the adverse effects on the environment from the variation of the consent conditions.

Effects that must be disregarded

Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land

The adjacent land includes the following properties:

Table 1

Address	Owner
277 St Johns Road	NZ Transport Agency
279 St Johns Road	Auckland Council
315-317 St Johns Road	Auckland City Council Property Group

Address	Owner
348 St Johns Road	NZ Transport Agency
275 St Johns Road	Auckland City Council Property Group

Any effect on a person who has given written approval to the application

The following have provided their written approval:

Table 2

Address	Legal Description	Owner / Occupier
315-317 St Johns Road - Licence to occupy land: Road corridor adjoining 315-317 St Johns Road	Lot 1 and 2 DP 74916	Auckland Transport
277 St Johns Road - Asset owner approval - trees	Lot 1 and 2 DP 74916	Jon Redfern, Auckland Council

Effects that may be disregarded – permitted baseline assessment

The permitted baseline refers to the effects of permitted activities on the subject site.

As the application involves the variation of condition of an existing resource consent, the permitted baseline is not considered relevant in determining the adverse effects above and beyond those from the activity undertaken under the original consent.

Receiving environment

The receiving environment is made up of:

- the existing environment and associated effects from lawfully established activities;
- effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- the existing environment as modified by any resource consents granted and likely to be implemented; and
- the environment as likely to be modified by activities permitted in the plan.

This is the reasonably foreseeable environment within which the adverse effects of the proposal are considered. As this is an application for a variation to condition of an existing consent, this also includes the effects of the original consent that is subject to the variation application (as only the effects of the variation can be considered under s127(3)). In this case:

- The receiving environment includes all the activity described in section 2 of this report including a 54.6m² re-locatable and fully automated car wash that operates between the hours of 7am and 10pm Monday to Saturday and 9am to 6pm Sunday and public holidays.
- The receiving environment is also comprised of the surrounding environment description provided in page 7-8 of the report.

Adverse effects

The potential adverse effects on the environment are related to additional noise generation, traffic generation and trade waste disposal.

Noise effects

In terms of noise generation the adverse noise effects have been considered. The proposal is unlikely to have adverse noise effects beyond neighbouring sites. Accordingly the adverse noise effects have been assessed in the s95B section of this report.

Traffic Generation

This proposal has been consulted with the Council Principal Traffic Engineer, Vinh Bui. Mr. Bui has provided the following comments in terms of additional traffic:

The proposal is to increase the hours of operation of the consented car wash facility from 8pm to 7am Monday to Saturday and 6pm to 9am Sunday and Public Holidays. The car wash facility will be fully automatic 24 hours per day/ 365 days per year operation. The applicant has obtained a lease from Auckland Transport.

In terms of traffic generation and queuing, the increase in hours of operation will have negligible effect on the Garden Centre and St Johns Road. On this basis, the proposed increase in hours of operation is considered acceptable.

I concur and adopt the above assessment and conclude that there are less than minor traffic effects on the environment.

Lighting

The proposed lighting has been reviewed by Council Environmental Health Specialist Rueben Naidoo. It was advised that although the proposed lighting wattage is low the proposed LUX information was not provided. It was advised although the LUX information is not provided to confirm the compliance with the Council Lighting Bylaw, as the lighting will be directed away from the residential dwellings and the road, a condition of consent requiring a lighting report to be submitted to council within one month of the activity commencing would ensure that any lighting effects would be monitored to ensure that compliance with the Auckland Council Lighting Bylaw is achieved.

This condition of consent has been accepted by the Applicant in an email dated 17 December 2015. As this now forms part of the proposal I consider that the adverse lighting effects are less than minor on the environment.

Wastewater

In terms of additional trade waste generated from the additional activity the adverse effects on the wider environment are concluded to be less than minor as the trade waste will discharge into the public wastewater line that has been consented under the previous resource consent.

Furthermore, this proposal has been assessed by Council Specialist Advisor, Natural Resources and Specialist Input, Leon Blackburn. Mr. Blackburn considers this proposal is acceptable as the trade waste will be disposed into a public wastewater line.

Orakei Local Board Comment - Adverse Cumulative Effects of this variation

In response to Mr Churton's comments I comment that this application will have less than minor cumulative effects as this application is for only a standalone and re-locatable unmanned automated carwash with a small (54.6m²) footprint.

In the event of a larger scale 24 hour commercial activity such as a service station, public notification may be triggered on the basis of cumulative effects and special circumstances, however no such application has been made. Furthermore in the event of such application made the adverse effects of the application would be assessed on its own merits.

I consider for these reasons that this variation will have less than minor adverse cumulative effects to the wider environment.

Orakei Local Board Comment – Foot Path/ Cycleway

In response to Mr Davis and Ms Simpson's comments, the footpath and cycle way which is mentioned is referring to the Merton Road to St Johns Road Shared Pathway project consented under R/LUC/2015/1695.

The consented plans have been reviewed and it is confirmed that the consented path is to be constructed behind the existing Sunhill Garden Centre Building and the access to this footpath will be further north to the existing vehicle crossing for the Sunhill garden centre. Accordingly, any vehicles accessing the application site to use the automated carwash will not hinder the public's ability to access or enjoy the new pathway. For these reasons I consider that the adverse effects on the public are less than minor.

Comments regarding special circumstance are discussed in the following parts of this report below.

Adverse effects conclusion

The adverse effects on the environment resulting from this application is concluded to be less than minor as the additional noise, traffic and servicing requirements are acceptable.

Special circumstances and general discretion to publicly notify

Despite the above, the council may publicly notify an application if

- special circumstances exist (s95A(3)); or
- it decides that there are other reasons that warrant notification (s95A(1)).

There are no special circumstances or other reasons to warrant notification of this variation as:

- The receiving environment includes all the activities described in section 2 of this report including a 54.6m² re-locatable and fully automated car wash that operates between the hours of 7am and 10pm Monday to Saturday and 9am to 6pm Sunday and public holidays.
- The additional activity during the night times will infringe the residential noise limits of the operative District Plan by a maximum of 13db as it relates to a garden centre which will not be occupied during the time of during 2200 – 0700

hours and 1db to the closest existing residential dwelling to the activity being 275 St Johns Road.

- In my opinion the above small additional number of vehicle trips (anticipated to be two vehicles) and noise limit infringements are not considered to be significant to qualify it as an activity being unusual or exceptional as although the existing surrounds are zoned residential, commercial activities are the dominant land use in the surrounding area. The existing dwellings are on a High Land Transport Route Noise Overlay under the PAUP (St Johns Road) and the existing commercial activities have existed in this area for some time. Public notification would not result in any further information that would assist the consideration of this proposal.

Public notification assessment conclusion

The applications should be processed without public notification for the following reasons:

- The adverse effects of the variation of consent condition are less than minor.
- There are no special circumstances.
- No reasons exist to exercise the general discretion under s95A(1).

6. Limited notification assessment (sections 95B, 95E-95G, s127(4))

If the application is not publicly notified the council must decide if there are any affected persons, or adversely affected customary rights or title groups. As a variation to condition of an existing resource consent, the council must consider in particular every person who made a submission on the original application and who may be affected by the change or cancellation.

In deciding if a person is affected:

- A person is affected if the adverse effects of the variation on them are minor or more than minor (but are not less than minor).
- Adverse effects permitted by a rule in a plan may be disregarded.
- The adverse effects on those persons who have provided their written approval must be disregarded.

Limited notification / adversely affected persons assessment

No persons made a submission on the original application.

No other person is considered adversely affected for the following reasons:

In terms of additional trip generation and peak activity levels during the additional hours the applicant's Acoustic Report provides the following comment:

The Applicant has advised, based on data from existing similar operations, a peak throughput rate of 2 cars per hour during night-time periods, typically occurring for less than 30 % of the night-time period. The provided data shows that carwash use during the night typically occurs at the start and end of the night, with no recorded washes occurring between 23:00-05:00.

Noise

The main issue considered is the noise generated from the carwash activity during the additional hours being 10pm to 7am on weekdays and 6pm to 9am on Sundays and public holidays.

The previous consent was granted on the basis of St. Johns Road being a busy arterial road and the noise limits on that road already exceeding the residential noise limits.

However in this case it is noted that the additional hours of operation will be undertaken when the traffic on St. Johns Road is significantly less.

The proposed hours of operation will result in the infringement of the residential noise control to the respective properties as following:¹

- 275 St Johns Road: This dwelling is located south of the application site by a distance of approximately 40m. The noise generated from the peak activity level is predicted to exceed the District Plan night –time limits for residentially zoned land at or within the boundary of 275 St Johns Road by up to 1dB.
- 277 St Johns Road: the District Plan night –time limits for residentially zoned land at or within the boundary of 277 St Johns Road is predicted to be infringed by up to 6dB.
- 279 St Johns Road: the District Plan night –time limits for residentially zoned land at or within the boundary of this property is predicted to be infringed only at the road frontage and access. It is noted that the night time noise limits will comply at the notional boundary (20m from the residential dwelling) of 279 St Johns Road.
- 315-317 St John Road: the night time noise non-compliance will be greatest at the boundary of this property currently being occupied by Sunhill Garden Centre. The District Plan night –time limits for residentially zoned land at or within the boundary of 315-317 St Johns Road is predicted to be infringed by up to 13dB.

The Applicant's Acoustic Report has been peer reviewed by Graham Warren of Marshall Day Acoustics being the Council's sub-contractor. The following comments are provided by Mr. Warren:

MDA is generally in agreement with the findings of the Golder report in regard to the potential noise effects of the proposal, subject to there being very limited use of the carwash during the night-time period (two car washes per hour). In the event of continuous carwash operation during the night-time period the noise effects could be significantly greater but this has not been examined by the Golder report so the potential usage of the carwash in this manner has not been sufficiently examined.

Nevertheless, MDA considers that due to the relatively high traffic flows on St Johns Road and the associated traffic noise generated it is considered that consent could be granted for the extended hours (24 hours) subject to appropriate conditions, including those for monitoring of the noise emission levels generated by the activity during the night-time period and in the event of any complaint of noise effects being received.

¹ Pg 3-5 of the Applicant's Acoustic Report entitled Acoustic Assessment – Carwash South of 315 St Johns Road St Heliers dated 20 January 2015.

Overall it is considered that due to the existing elevated ambient noise levels, the non-noise sensitive character of proximate activities that noise effects generated by the proposal, although exceeding residential District Plan noise limits, would be no more than minor.

If Council decides to grant consent to this application it is recommended that the following noise conditions of consent be imposed.

It is considered that the potential adverse noise effects to adjacent sites are less than minor for the following reasons:

- Mr. Warren has reviewed the Applicants proposal and concludes that the effects are less than minor subject to the Applicant accepting the condition of consent.

The Applicant has accepted the conditions of consent after some changes made to the wording. The final wording of the agreed conditions is shown in conditions 9-13 in section 2 of this report.

I agree to the assessment made by Mr. Warren and conclude that the effects are less than minor as the Applicant has accepted the proposed conditions.

- It is noted that 275 St Johns Road being approximately 40m away from the application site has the greatest potential to be adversely affected by the additional hours of operation. The level of non-compliance in relation to this property is predicted to be 1dB and is understood to be a level not perceptible to persons.² Furthermore page 4 of the Applicant's Acoustic report states that the existing measured ambient night time noise levels already exceed the District Plan Residential Noise limit (ranging between 44 dB L_{A10}- 45 dB L_{A10}). This is also acknowledged in Section 3.3 of the Council Acoustic Specialist's report. As the existing ambient noise levels exceed the proposed peak activity noise levels, I concluded that the adverse noise effects to the occupants of this property is less than minor.
- 277 St Johns road is a vacant site and there are no Resource Consents that are associated with a new residential development at this site. Accordingly any adverse noise effects to this site are considered less than minor.
- 279 St Johns Road: The residential dwelling on this land is separated from the application site by approximately 60m through existing vegetation on the southern boundary of 279 St Johns Road as shown in the below figure. The separation distance coupled by existing vegetative screening provides sufficient mitigation.

² Pg 4 of Applicant's Acoustic Report



- 315-317 St Johns Road: The effects on the commercial activities being undertaken on this site is concluded to be less than minor as the existing fruit shop and garden centre will not be open during the additional hours of operation.
- 348 St Johns Road is a vacant site does not have access on St Johns Road. The site is zoned Open Space 2 therefore noise sensitive activities are not anticipated to occur during the night time activity of the carwash.

Lighting

The potential adverse lighting effects are less than minor for the same reasons discussed in the s95A part of this report. The applicants have accepted the condition of consent relating to Lighting as proposed by Mr Naidoo of Auckland Council that will ensure any adverse lighting effects are less than minor to adjacent sites and persons in those properties.

Traffic

In terms of traffic generation, using the above data it is considered that the maximum additional cars accessing this site would be 2 cars.

The adverse traffic effects are less than minor to neighbouring sites and persons for the following reasons:

- 315-317 St Johns Road: The owners of the Garden centre and Fruit shop that occupies this site has provided their written approval for the original proposal. I consider that the 24hour operation does not affect the persons at this property as the commercial activity on this site is not operational during the additional hours that this application is seeking consent for. There will be less than minor effects on the existing commercial activities on this site.

- 279 St Johns Road: The anticipated amount of cars being 2 cars throughout the new consented hours is considered to have less than minor impacts to this person as it will not hinder the ability to access this site during all times.
- 275 St Johns Road: For the same reasons discussed for 279 St Johns Road the effects to this person is concluded to be less than minor.
- All other sites identified in table 1 of this report will not be affected as the increase in traffic is anticipated to be small in nature and will not affect the ability to access the respective sites at all times.

Limited notification assessment conclusion

This application should be processed without limited notification as:

- The adverse effects to any persons are less than minor.
- No customary rights holders or title groups are considered adversely affected as the variation does not interfere with any customary rights or titles.

7. Notification recommendation

Non-notification

For the above reasons, this application may be processed without public notification or limited notification.

Accordingly I recommend that these applications are processed non-notified.



Baris Chung

Intermediate Planner

Resource Consents

14/01/2016

Approved for release

Notification recommendation reviewed and released for consideration by duty commissioner.

A handwritten signature in black ink that reads "A Francis". The letter "A" is stylized with a long horizontal stroke that extends to the left and loops back under the "F".

Alison Francis

18/01/2016

Team Leader

Resource Consents

Consideration of the application

8. Statutory considerations

In considering any variation under s127, Council must have regard to Part 2 of the RMA (“Purposes and Principles” – ss5 to 8), ss104, 104B, and 108 of the RMA. The weighting under s104 is subject to Part 2.

Under s104B and s127, a consent authority may grant or refuse consent for a variation. If it grants the application, it may impose or vary conditions under s108 of the RMA.

Actual and potential effects on the environment

Section 104(1)(a) of the RMA requires the council to have regard to any actual and potential effects on the environment of allowing the variation. This includes both the positive and the adverse effects.

Positive effects

The proposal will have the following positive effects:

- The proposal will enable further activity on this underutilised land whilst mitigating any adverse effects associated to noise and traffic effects.

Adverse effects

In considering the adverse effects of the change or cancellation of the conditions of consent, the council:

- must consider only those effects from the change or cancellation;
- may disregard those effects where the plan permits an activity with that effect;
- must disregard those effects on a person who has provided written approval.

The assessment and conclusion to disregard the “permitted baseline” for the s95A adverse effects assessment are considered applicable to s104(2). Any adverse effects on persons who have provided written approvals (identified in Table 2) are disregarded.

The assessment of adverse effects done for notification identified and evaluated adverse effects only and these are adopted for the purposes of s104(1)(a).

The potential adverse effects on the environment including adjacent sites are concluded to be less than minor as discussed in section 5 and 6 of this report.

Summary

The adverse effects on the environment are concluded to be less than minor.

9. Relevant statutory instruments

Plan or Proposed Plan – section 104(1)(b)(vi)

Section 104(1)(b) of the Act sets out that when considering an application for resource consent, the Council shall have regard to any relevant provisions of policy statements, or plans or proposed plans.

In this case, it is considered that the Auckland Council District Plan (Auckland City Isthmus Section 1999) and the Proposed Auckland Unitary Plan are the relevant documents to have regard to in the assessment of the proposal.

As the application site is located in an unzoned land within a road reserve, the only relevant objectives and policies to consider would relate to roading in Clause 12.6.1 of the operative District Plan.

However considering that the application site is located near residential 6a and 6b zone land the relevant objective and policies of the Residential 6 zone have also been considered.

Auckland Council District Plan (Auckland City Isthmus Section 1999)

Relevant objectives and policies

Clause 12.6.1 Roading Objectives and Policies

The application is considered to be consistent with the roading objectives and policies as the proposed additional hours will not attract a large amount of additional traffic to the site.

Furthermore, the vehicles accessing the site during the additional hours will be off the main St Johns road (being a regional arterial road) providing a safe environment for road users and will not result in adverse traffic effects.

Residential 6 zone

Clause 7.6.6 of the operative District Plan sets out the objectives and policies of the Medium intensity zone which aim to provide an area of land suitable for medium intensity development whilst protecting the external environment and the amenity of the surrounding area.

It is noted that the neighbouring sites to the east being 277 and 279 St Johns Road is zoned Residential 6a. They are largely vacant sites at the moment and are land owned by Auckland Council and Auckland Transport.

It is noted that the area north of the application site being Residential 6b zoned land is not utilised for residential activities but for commercial activities including a garden centre and a fruit shop.

It is considered that the granting of this resource consent will not be contrary to the objectives and policies of the Residential 6 zone land as the proposed additional hours of operation will not hinder the access to any future residential sites that may be developed in the above mentioned sites.

Development Control Infringements

The proposal infringes residential noise limits as outlined in Rule 7.8.1.10 of the operative District Plan by a maximum of 13dB to the property at 315-317 St Johns Road (Sunhill Garden Centre).

The Applicant's Acoustic Report assesses the potential adverse noise related effects to potential future residential activities.

It is noted that under the Unitary Plan the land located on the eastern area of the application sites including 275, 277, 279, and 315-317 St Johns Road has the PAUP Overlay, Infrastructure: High Land Transport Route Noise applied to it. This is due to the sites being located close to St Johns Road being a busy regional arterial road.

Page 4 of the Applicant's Acoustic Report States the following:

New or altered activities sensitive to noise (primarily any residential or educational activities) located in this overlay will be required to achieve minimum internal noise levels, through increased acoustic performance of building facades. It is noted that similar policies to this exist in the various Auckland Council's District Plans, for example Criteria R2 of Element 7 in Appendix 10 of the Isthmus District Plan.

Further guideline requirements for new noise sensitive activities in proximity to busy transport corridors are also provided in the New Zealand Transport Agency's (NZTA's) published reverse sensitivity guidelines, which are drawn from the internal noise levels suggested in AS/NZS 21 07:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors.

I concur and adopt the assessment made by the Applicant's Acoustic Consultant as above.

Furthermore it is anticipated that any private outdoor areas would be facing away from St. Johns Road with future dwellings providing additional noise screening from the noise emitted from the car wash facility.

For the reasons discussed above, it is considered that the proposal is consistent with the criteria outlined in Clause 4.3.1.2B, as the adverse effects on the environment of such modifications are deemed less than minor having regard to the Plan's express explanation of the development controls and the modifications are not contrary to any relevant objectives or policies of the Plan.

Proposed Auckland Unitary Plan

Traffic Objectives and Policies

Under the PAUP the application site is zoned Road and located within the Tamaki Precinct.

The relevant PAUP objective and policies are related to Transport objectives and policies outlined in Part 2 Chapter C.1.1.2 which seek to provide safe access, parking and loading facilities that support viable business and residential activities whilst mitigating and managing adverse effects.

The proposed additional hours will not impact the viable access, safety of the surrounding sites and will incur limited amount of extra vehicle trips during the extra hours of operation.

Accordingly, it is considered that the proposed additional hours of the automated carwash facility is consistent with the relevant transport objectives and policies under the PAUP.

Residential Objectives and Policies

Under the PAUP the land located on the eastern area of the application site including 275,277,279,315-317 St Johns Road has the following common zone and relevant overlay status

- Zone: Mixed Housing Suburban
- Precinct: Tamaki
- Overlay:
 - Infrastructure: High Land Transport Route Noise

For the same reasons discussed in the operative District Plan, Residential objective and policies part of this report, it is considered that the proposal is not contrary to the residential objectives and policies of the Mixed Housing Suburban Zone.

Any other matter - (s104(1)(c))

There no other matters that is relevant to this application.

Other relevant RMA sections

Conditions of resource consents – s108

In addition to the variations sought by the applicant, or identified in the s104 assessment, the additional conditions and variations are recommended in the recommended Decision for this application.

10. Part 2 (Purpose and Principles)

Section 5 sets out the purpose of the RMA, and requires a broad judgement as to whether a proposal would promote the sustainable management of natural and physical resources. This exercise of this judgement is informed by the principles in sections 6 to 8, and considered in light of the particular circumstances of each application.

In this case it is considered that the proposed extended hours of operation of the automated car wash facility is consistent with Part 2 of the RMA as it enables a compatible landuse activity in the subject site when considering the receiving environment which it will be situated, whilst mitigating the adverse noise and traffic effects to nearby residential development.

11. Conclusion

Overall the proposal is consistent with the relevant RMA and Residential objectives and policies of the operative District Plan and the PAUP.

12. Recommendation

Under sections 104, 104B, 108 and 127 of the RMA, I recommend that this non-notified s127 application is granted.

The reasons for this decision are detailed in the attached draft decision and recommended changes to conditions.

This report and recommendation prepared by:

Name: Baris Chung

Title: Intermediate Planner, Resource Consents

Signed:



Date: 14/01/2016

Approved for release

Recommendation reviewed and released for consideration by duty commissioner.

Name: Alison Francis

Title: Team Leader, Resource Consents

Signed:



Date: 18/01/2016
