NPD
Self-Serve Fuel Stop

484 Johns Road, Christchurch

Resource Consent Application to

Environment Canterbury

June 2018

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Approved by Release By: Dan Roberts
BPM Limited on behalf of NPD Limited

Resource and Environmental Management Consultants

APPLICATION FOR LAND USE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 – FORM 9

TO: CANTERBURY REGIONAL COUNCIL

NPD Ltd applies for the land use, water take and discharge consents described below.

1. A **description of the activity** to which the application relates:

   To construct, operate and maintain a self-serve fuel stop at 484 Johns Road, Harewood, Christchurch. The development will comprise:

   a) A forecourt with six double sided fuel pumps (12 fuelling points) for retail customers;
   b) A further pump specifically for the Smith Crane and Construction site;
   c) Installation of two underground fuel storage tanks, which will require dewatering
   d) Connection to Council reticulated water supply;
   e) Construction of a soakpit with drains connecting to it across the site for operational stormwater;
   f) One new vehicle crossing from Greywacke Road;
   g) Site landscaping; and,
   h) Associated earthworks.

   The application is more fully described in the "Assessment of Effects", appendices and plans attached to, and forming part of, this resource consent application. The proposed plans are contained in **Appendix 1.**

2. The **resource consents** sought along with the durations sought are as follows

   a) Land use consent for earthworks over an unconfined aquifer – 5 years
   b) Water take and discharge consents for dewatering – 5 years
   c) Discharge consents for construction water – 5 years
   d) Discharge consent for operational stormwater – 35 years

   Consent has been sought separately from Christchurch City Council for the land use activities and works on a contaminated site.

3. The **owner** of the site to which the application relates is:

   Smith Crane and Construction Limited

4. The **location of the site** to which the application relates:

   484 Johns Road, Harewood, Christchurch, being the site area shown on the plans in **Appendix 1**.

5. The **legal description of the land** to which the application relates:

   Sec 63 Survey Office Plan 460822

   The Computer Freehold Register is contained in **Appendix 2.**

6. No other resource consents are required.

7. In accordance with the Fourth Schedule of the Resource Management Act 1991, please find attached an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

8. The deposit fee has been paid.

Angela Penfold
Senior Consultant

David McMahon
Practice Manager / Director

Resource Management Group Limited
On behalf of **NPD**
28 June 2018

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COUNCIL CHARGES: Resource Management Group accepts no liability for any Council costs or charges. All such invoices are to be sent to the Applicant's address for billing.

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APPENDICES

1. INTRODUCTION

1.1. This assessment is provided in accordance with the requirements of Section 88 and the Fourth Schedule of the Resource Management Act 1991 (**the Act**).

1.2. NPD seeks land use, water take and discharge consents to construct, operate and maintain a self-serve fuel stop at 484 Johns Road, Harewood, Christchurch.

1.3. This application and Assessment of Environmental Effects are provided to address the statutory requirements under the Act for the land use consent required under Environment Canterbury's (**ECan**) Regional Plans.

1.4. A key aspect of managing any adverse effects will be the Construction Management Plan (**CMP**). Section 6 of this report volunteers conditions that set out the objectives, contents and processes for the CMP.

1.5. The conclusion of this report is that any adverse effects likely to arise from this proposal can be avoided, remedied or mitigated, and the proposal is consistent with the relevant objectives and policies of the Regional Plans. For these reasons, the application is able to be granted.

2. THE SITE AND SURROUNDING ENVIRONMENT

The site

2.1. The site is a small area of a large allotment legally described as Section 63 Survey Office Plan 460822, which contains a total area of 11.6111ha. The Computer Freehold Register is contained in **Appendix 2**.

2.2. This application is for 3226m^2 in the south eastern corner of the above allotment adjacent to the intersection of Johns Road (SH1) and Greywacke Road. NPD will lease this land from Smith Crane and Construction.

2.3. The site is outlined in red in Figure 1 below.

Figure 1: Aerial photograph of site (Source: Google Maps)

2.4. The site is very flat and is currently vacant of buildings and other land use activities. The water table sits at approximately 2.0 metres.

Contamination

2.5. The entire Smith Crane and Construction site has been listed by ECan on the Listed Land Use Register (LLUR) as it has contained activities such as storage of fuel, chemicals and liquid waste and abrasive blast cleaning. These activities are registered on the Hazardous Activities and Industries List (**HAIL**), which is set by the Ministry for the Environment. More detail can be found in section 4 of the combined Preliminary Site Investigation and Detailed Site Investigation (**PSI/DSI**) by PDP that forms **Appendix 3** to this application.

3. THE PROPOSAL

Overview

3.1. A new NPD self-serve fuel stop is proposed on the site. The fuel stop will operate 24 hours and will be unmanned as it provides self service facilities for patrons. An area outside the retail fuel stop will also be operated by NPD solely for the benefit of Smith Crane and Construction.

3.2. The proposal contains the following elements:

a) A forecourt with six double sided fuel pumps (twelve fuelling points) for retail customers;
b) A further pump specifically for the Smith Crane and Construction site;
c) Installation of two underground fuel storage tanks, which will require dewatering
d) Connection to Council reticulated water supply;
e) Construction of a soakpit with drains connecting to it across the site for operational stormwater;
f) One new vehicle crossing from Greywacke Road;
g) Site landscaping; and,
h) Associated earthworks.

Earthworks and sediment control

3.3. The area of earthworks will be approximately 2,950m^2. Most of the site will require a small amount of levelling as displayed in the engineering drawings in **Appendix 4.** Please note that the civil drawings do not include the earthworks required for the fuel tanks.

3.4. The maximum depth of cut is 4.7 metres, associated with the fuel tanks. Elsewhere on the site cut and fill will mostly have a depth of less than 1.0 metres. The volume of earth cut will be 16m^3 and there will be approximately 1,000m^3 of fill.

3.5. The erosion and sediment control measures are also set out in **Appendix 4** (refer to the report). This is supplemented by Sheet 203 of the architecture plans in **Appendix 1**. Earthworks will also be undertaken in accordance with the CMP that is recommended by the combined PSI/DSI and which is volunteered as a condition of consent (refer to section 6 of this report).

Fuel tanks and dewatering

3.6. Fuel tanks are proposed as follows:

(a) Tank 1 – 55,000L 91 petroleum and 25,000L 98 petroleum (underground);
(b) Tank 2 – 15,000L 95 petroleum and 65,000L diesel (underground); and,
(c) Tank 3 – 4,800L above ground DEF SEBCO tank (above ground).

3.7. The tanks will require excavations to a depth of 4.7 metres. Dewatering will be required as the ground water sits at approximately 2.0 metres. The water will be pumped from the excavation to a new soakpit in the eastern corner of the site and will there re-enter the ground water

system. **Appendix 5** contains the standard dewatering procedure for NPD sites. It sets out a series of treatments that can be adapted to ensure appropriate water quality.

3.8. At this stage, the rate of dewatering is not known. This will be determined by the site contractor, who has not yet been appointed so Council will be advised as part of the CMP that is volunteered as a condition of consent in section 6 of this report. The rate of dewatering will affect the initial size of the soakpit. In the event that the soakpit cannot accommodate the dewatering, either the pump rate will need to be reduced or alternate disposal methods such as trucking the excess water off the site will need to be considered. The detail of this will be provided via the CMP.

3.9. No dewatering will be required after the tanks are installed.

Operational Stormwater

3.10. Once the underground storage tanks are installed and the dewatering is completed, the soakpit can be formed to its final size to accommodate the run off from the impermeable surfacing on the site. Run off will be collected via various sumps that drain to a stormfilter with the forecourt run off being managed by a Puracepture.

3.11. The operational soakpit and treatment systems will be designed to accommodate a 2% AEP event.

4. COMPLIANCE

ECan Regional Plans

4.1. There are two ECan Regional Plans that are relevant to the proposal being:

a) Canterbury Air Regional Plan (**CARP**); and,
b) Canterbury Land and Water Regional Plan (**CLWRP**).

4.2. Each is discussed below. The outcome is that consent is required as a Non-Complying Activity.

Canterbury Air Regional Plan

4.3. The CARP became operative in October 2017. There are no plan changes of relevance to the application.

4.4. The proposal has two activities that are subject to Rules in the Air Plan being:

a) Construction with the potential to create dust (Rules 7-32 and 7-36); and,
b) Storage of petroleum products with the potential to generate odour (Rule 7-53).

4.5. In each case the proposal satisfies the permitted activity standards as set out below.

Construction with the potential to create dust (Rules 7-32 & 7-36)

4.6. As the area of earthworks is greater than 1,000m^2, it is proposed to prepare and implement a dust management plan, consistent with schedule 2 of the CARP. This will form part of the CMP (refer to Section 6 of this report), which will be developed prior to commencement of construction. Accordingly, the proposal will satisfy the permitted activity requirements.

4.7. There may be some stockpiling of soil on the site, which also satisfy the permitted activity standards of Rule 7-36.

Storage of petroleum products (Rule 7-53)

4.8. As the volume of petroleum stored on site will be greater than 1,000L the potential for odour discharges needs to be considered. In this case, the rule is not considered to be triggered as the vents are located more than 20 metres from the boundary of the property. Over this distance, any odour is expected to diffuse.

4.9. In summary, no consents are required under the CARP.

Canterbury Land and Water Regional Plan

4.10. The CLWRP became operative in February 2017. There are no plan changes that effect the proposal.

4.11. The site is located in the following overlays:

a) Christchurch Groundwater Protection Zone
b) Christchurch – West Melton Nutrient Allocation Zone
c) Christchurch – West Melton Groundwater Allocation Zone.
d) Water quality outcomes not met
e) Semi confined or unconfined aquifers.

Hazardous substance storage – permitted activity

4.12. The proposal satisfies the permitted activity requirements for Rule 5.1.8.1 which addresses hazardous substances. The following matters are noted:

a) The applicant will obtain the necessary Hazardous Substances and New Organisms Act 1996 approvals as part of the building consent (which is standard practice) and the storage and use of the substance is in accordance with all conditions of the approval;

b) A current inventory of all hazardous substances shall be maintained on the site and made available upon request;

c) The above ground storage facilities on the site will be subject to monthly inspections for storage defects and appropriate remediation will be taken;

d) If there is a physical loss of product ECan will be notified within 24 hours;

e) Records of stock reconciliation and container certifications shall be made available to ECan upon request; and

f) The substances shall not be stored within 20 metres of a surface water body or an abstraction bore.

Consents required under the CLWRP

4.13. Consents are required for the following activities under the CLWRP:

a) Earthworks
b) Dewatering
c) Construction stormwater discharge
d) Operational stormwater discharge

4.14. A District Plan assessment is provided below with the conclusion being that consent is required as a Non-Complying Activity.

Earthworks

4.15. Earthworks - as more than 100m^3 of earth will be excavated and the excavations will intrude into the water table over an unconfined aquifer, the activity is Restricted Discretionary under Rule 5.176.

Dewatering

4.16. Dewatering – the site has low levels of contamination so the activity is Restricted Discretionary under Rule 5.120.

Construction stormwater discharge

4.17. Construction stormwater discharge – the site has low levels of contamination so the activity is Restricted Discretionary under Rule 5.94B.

Operational Stormwater discharge

4.18. Stormwater discharge – due to low levels of contamination the activity is Non-Complying under Rule 5.97 as the site is located within Christchurch City.

Overall status under the CLWRP

4.19. Overall, consent is required as a Non-Complying Activity.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1. Section 88 of the RMA requires the applicant to undertake an assessment of any actual or potential effects on the environment that may arise from a proposal, and the ways in which any adverse effects may be avoided, remedied or mitigated. This is provided below in relation to the following matters:

a) Earthworks over aquifers
b) Dewatering – taking and discharge
c) Discharge of construction stormwater
d) Discharge of operational stormwater
e) Management of hazardous substances on the site

5.2. An overarching mitigation measure relied upon in the AEE below is the CMP, which will be required by a condition volunteered by the applicant. The CMP and its condition are discussed in more detail in Section 6 of this report.

Earthworks over aquifers

5.3. The assessment matters contained in Rule 5.176 are:

i. The actual and potential adverse environmental effects on the quality of water in aquifers, rivers, lakes, wetlands; and
ii. Any need for remediation or long-term treatment of the excavation; and
iii. The protection of the confining layer and maintaining levels and groundwater pressures in any confined aquifer, including any alternative methods or locations for the excavation; and
iv. The management of any exposed groundwater.

5.4. The proposed earthworks are necessary in order to construct the service station and soakpit and install the underground fuel tanks. In this regard, the earthworks are unavoidable and there is no feasible alternative given the size of the site available to the applicant. The earthworks are, however, temporary in nature and the site will be sealed on completion.

5.5. There are two ways in which the water quality could be affected by the proposed earthworks. The first is sediment, and the second is contamination of the dewatered ground water being discharged into the soakpit and then entering ground water without being appropriately tested and treated. It is the role of the CMP condition in section 6 of this AEE to ensure that neither of these scenarios eventuates.

5.6. The CMP will include the following points that relate to sediment management:

a) Exposed soils and any temporary stockpiles will be dampened during dry and windy conditions to minimise the generation of dust;
b) Temporary stockpiling will occur away from the road boundaries of the site;
c) The Site Manager will implement a Health and Safety Plan which will covers measures relating to the contaminants of concern;

d) A sediment control fence will be erected along the down sloping boundaries of the site; and,
e) A stabilised construction entranceway will be formed off Greywacke Road.

5.7. The potential for contamination within the dewatering discharge is addressed in the next section of the report: *Dewatering – taking and discharge*. Again, the CMP condition in Section 6 of this report and the CMP itself are the main means of ensuring any potential effects are appropriately managed.

5.8. The excavation for the underground storage tanks will penetrate into the unconfined aquifer. This will be managed via the dewatering process with the key mitigation measure for capacity being that the water will be treated and then put back into the aquifer via a soakpit so that the aquifer is not depleted.

Dewatering – taking and discharge

5.9. Dewatering will occur for approximately ten days while the underground storage tanks are being installed. The removed water will be will be treated via NPD's standard dewatering protocol (refer to **Appendix 5)** and then pumped to the soakpit in the eastern corner of the site before re-entering the aquifer.

5.10. The main potential effects with dewatering are discussed below. The mitigation measures for each effect will be managed though the CMP condition discussed in section 6 of this report.

a) Ground stability

If the dewatering draws too much water from the surrounding soils then the soil strength is weakened which can cause subsidence. In this case the risks of any subsidence will be less than minor because:

i. The gravelly clast supported deposits that will be dewatered are not prone to subsidence;
ii. The excavations will be at least 20 metres from the nearest road;
iii. The excavations are more than 100 metres from the nearest building;
iv. The water will re-enter the aquifer in close proximity to the take; and,
v. The excavations are temporary in nature.

b) Capacity of original water body

There is potential for the dewatering to impact on bores in the area. Accordingly, an Interference Report has been prepared by PDP, which can be found in **Appendix 6.** The report considered approximately 50 domestic bores and one public supply bore in the area and found that any interference effects will be less than minor.

The closest bore is located over 100 metres from the site of the excavation and is 22 metres deep. Because of the shallow depth of the proposed dewatering compared to the 22 metres depth of the existing bore, no adverse effects are anticipated.

The report also considers the closest shallow bore, which is at a depth of four metres and a distance of 225 metres from the dewatering. The report finds that the dewatering discharge will be re-infiltrated between the abstraction and the bore and therefore there will be no drawdown effects.

In addition, the applicant volunteers as part of the CMP that in the event any bores within 250 metres of the site do experience noticeable interference, sufficient water for their day to day needs will be provided to them. This matter is set out in Section 6 of this report.

c) Quality of the discharge

It is important to ensure that the water discharged as part of the dewatering process does not contain contaminants from previous site activities or migration from neighbouring properties. This is discussed on pages 3-4 of the Interference Report in **Appendix 6.**

The Interference Report finds that there has been some limited migration of Copper Chromium Arsenic from a neighbouring site. That contamination is confined to a natural topographic depression away from the application area as shown in Figure 1 of **Appendix 6**). Hence the grab bottle water test provides a reasonable indication of the water quality for the dewatering. The grab bottle had acceptable water quality indicating that it is likely that the only required treatment for the dewatering discharge is sediment settling.

Regardless, the water will be regularly tested to ensure it meets the following quality levels:

- Total copper: 2mg/L
- Total chromium: 0.004mg/L
- Total arsenic: 0.01mg/L

The testing for total contaminants rather than dissolved contaminants is a conservative approach to provide degree of certainty for Council. The regime set out on page 7 of the Interference Report will form part of the CMP as volunteered in section 6.

In the event that the water tests show levels in excess of the above standards the treatment processes agreed as part of the construction management plan will be implemented. **Appendix 5** contains the dewatering protocol that will be applied to the site. Compliance with this protocol will form part of the CMP.

Council has indicated an interest in the extraction methodology for the dewatering. This will be determined once a contractor is appointed to the site and detailed design commences. Council will be informed of the preferred methodology via the CMP. The volunteered CMP condition in section 6 requires minimisation of the contamination migration plume be taken into account when determining the methodology.

d) Capacity of the discharge location

The dewatering flow rate and the detailed capacity will be determined together as part of the CMP, which is volunteered as a condition of consent. This will ensure that the capacity of the soakpit can accommodate the dewatering. Once dewatering is complete the pond will be reshaped to accommodate the operational stormwater run-off. In the event that the soakpit does not have sufficient capacity for the dewatering, the CMP will require that the excess dewatered water is trucked from the site.

Discharge of construction stormwater

5.11. During the construction phase, stormwater will be captured within the excavations and allowed to infiltrate to ground. This requires consent as the ground has low levels of contamination. The activity is consistent with the current situation, where rainfall infiltrates the permeable ground and potentially enters the ground water system. Construction management practices will ensure that the stormwater is contained within the site area. There will be no increase in the amount of stormwater nor in the potential for contamination. Accordingly, no adverse effects are expected.

Discharge of operational stormwater

5.12. The assessment matters contained in Rule 5.94B are:

i. The actual and potential effects of the discharge on the quality of surface water, aquatic ecosystems, Ngai Tahu cultural values; and

ii. The actual and potential effects of the discharge on the quality and safety of human and animal drinking water; and

iii. The actual and potential adverse environmental effects of the quantity of water to be discharged on the banks or bed of a waterbody or on its flood carrying capacity, and on the capacity of the network to convey that discharge; and

iv. The potential benefits of the activity to the applicant, the community and the environment.

5.13. The operational stormwater will be collected via drains and will pass through various interceptors prior to discharge to a soakpit in the eastern corner of the site. As the soakpit is both specific to this proposal and artificial, there will be no adverse effects on water quality values. There is potential for the stormwater to enter the unconfined aquifer but appropriate treatment mechanisms are in place so that water quality will not be affected. The amount of water entering the aquifer will be unchanged as the water in the soakpit will only have been collected from the site.

5.14. The stormwater from the site will arise from 3 different types of locations:

a) general vehicle and pavement areas; parking and manoeuvring areas:
b) rainwater from the forecourt canopy;
c) the forecourt where fuel filling areas are carried out.

5.15. General parking, pavement and manoeuvring areas where fuelling is not carried out will drain to standard type 2 building code sumps. This stormwater will then be piped to an approved treatment device (e.g. Stormwater 360 Stormfilter) that will be specifically designed and sized for the project.

5.16. The StormFilter stormwater treatment system uses rechargeable, self-cleaning, media-filled cartridges to absorb and retain pollutants from stormwater runoff including total suspended solids, hydrocarbons, nutrients, soluble heavy metals, and other common pollutants. From the treatment device, the water will discharge to the soak pit. This system will also collect and treat the canopy roof stormwater.

5.17. Stormwater from forecourt areas around the dispensers and tank fill points will be separate

from general site stormwater. Stormwater from this forecourt area will be drained into separate sumps and a SPEL Puraceptor. As most of this area will be covered by the canopy amount of this discharge will be minimal). The SPEL Puraceptor will then also discharge to the above stormfilter and flow through to the soak pit.

5.18. The stormwater from the SPEL is treated to meet the discharge quality specified in the industry guidelines (15mg/l hydrocarbons.

5.19. To ensure that the quality of the stormwater discharge is maintained over the long term, the applicant volunteers that a condition is imposed requiring maintenance of the filters in accordance with the manufacturer's specifications. This is likely to require replacement of the cartridges in the filters every three years.

5.20. The soakpit will be designed to accommodate water from a 2% AEP event. If a large event occurs then stormwater will overflow into overland flow paths towards the Smith Crane and Construction yard. As the soak pit will be designed for hydraulic neutrality in a 2% AEP site no flooding or ponding is expected to occur. 2% AEP is the accepted stormwater design standard for Christchurch.

5.21. The proposal satisfies the assessment matters and any adverse effects from the discharge are expected to be less than minor.

Management of hazardous substances on the site

5.22. The information below was provided by the applicant and explains how the risk of contamination is managed from installation and operation of hazardous substance facilities, including storage tanks, the DEF and fuel dispensers.

> The installation of underground storage tanks is done so in accordance with the HSWA 2015 and the Health and Safety at Work (Hazardous Substances) Regulations 2017. This is done via compliance with HSNO COP44 for the installation of the underground infrastructure and compliance with HSNO COP45 for the ongoing operation and maintenance of the facilities.
>
> Installations are stringently tested in accordance with these Code of Practise and are approved for operation via Worksafe approved HSNO inspectors.
>
> Fuels originate from the below ground tank. These are then pumped under pressure via submersible pump and double wall underground pipework through to the dispenser. The entire dispensing system is tested vigorously in accordance with the HSNO Code of Practice and is held under test until the entire backfill and surface reinstatement process is complete.
>
> Safety devices to detect and prevent leaks are installed through-out the system such as line leak detection with automatic shut-off of the submersible pump should a leak be detected.
>
> Automatic tank gauging monitors the tank product levels and the interstitial space and undertakes reconciliations against sales data to detect if there is any loss of product.
>
> Shear valves are installed underneath dispensers to trigger and close off the pipework should a

leak be detected within the under pump sump. Also float switches are located within the under pump sump to shut down the dispenser should any liquid be detected within the under pump sump.

Dispensers and filling points are installed in non-permeable areas with all drainage within these areas being piped to an automatic shut-off interceptor that shuts off upon detection of any petroleum or diesel product.

5.23. Accordingly, the potential for any contamination to result from installation and operation of the fuel dispensers and tanks is less than minor.

Alternatives considered for all discharges

5.24. Five options have been considered for disposal of discharges. Each is briefly discussed below:

a) Not undertaking the activity – disregarded as the discharges will not result in more than minor effects and are not contrary to policy guidance;

b) Trucking all the water from the site – disregarded as impractical;

c) Installing all the storage tanks aboveground – disregarded due to lack of space;

d) Obtaining CCC stormwater reticulation to the site – disregarded due to high level of delays and uncertainty;

e) Discharging elsewhere such as to a surface water body – disregarded as unnecessary and not guaranteed to return the dewatering discharge to the aquifer; and,

f) Discharge to an on-site soakpit – preferred as is practical and will not result in more than minor effects and are not contrary to policy guidance.

5.25. As the above assessment of alternatives shows, the discharge of dewatering discharge, construction discharge and operational discharge to an on-site soakpit is the most practical and effective option.

Summary of effects

5.26. Overall, any adverse effects are considered to be less than minor and able to be appropriately managed via the CMP which is discussed next.

6. CONSTRUCTION MANAGEMENT PLAN

6.1. The most effective way of managing the various construction effects of this proposal is through the production, certification and implementation of a CMP. The CMP will address construction effects resulting from, among other matters:

a) Dewatering;
b) Contamination; and,
c) Earthworks.

6.2. The Construction Management Plan is volunteered as a condition of consent, as set out in Clauses A-C below:

*A) Prior to commencement of any works on site, a contamination management plan (**CMP**) shall be submitted to and certified by Council prior to commencement of works. The CMP shall provide the name and contact details of a suitably qualified and experienced land contamination export who will be responsible for preparation and implementation of the CMP, which must:*

a) Achieve the overarching objectives, which are to:

(i) manage earthworks so that sediment, run-off and erosion are contained within the site and that any dust issues are resolved promptly and effectively;

(ii) manage contamination to minimise risk to human and environmental health, including waterways and water bodies;

(iii) Manage dewatering so that nearby bores are not interfered with

b) Specify the dewatering method taking into regard the nature of the strata required and minimisation for migration of any contamination plume in the vicinity of the dewatering

c) Include a detailed programme for dewatering that sets out the steps to ensure that the water discharged to the soakpit has appropriate quality levels

d) Include provision for alternate water supplies in the event that drawdown is experienced by nearby bores

e) Include the detailed design of the soakpit for dewatering to accommodate the predicted flows and its reshaping after dewatering to accommodate a 2% AEP for operational stormwater

f) Include provision for trucking water off the site in the event that the soakpit cannot accommodate the dewatering discharge

g) Include an outline of the testing regime and associated water quality standards for disposal of the dewatering discharge that is generally in

accordance with the information provided in the interference report by PDP provided in the application.

h) Be updated following any testing undertaken on site to reflect the findings and ensure the CMP will continue to achieve the overarching objectives

i) Provide a dust management plan that satisfies permitted activity standards 7-32 and 7-36 of the Canterbury Air Regional Plan

j) Provide a sediment management plan to retain construction run-off within the site and that any construction run-off entering the soakpit has appropriate quality levels. It shall include the following:

(i) Exposed soils and any temporary stockpiles will be dampened during dry and windy conditions to minimise the generation of dust;

(ii) Temporary stockpiling will occur away from the road boundaries of the site;

(iii) The Site Manager will implement a Health and Safety Plan which will covers measures relating to the contaminants of concern;

(iv) A sediment control fence will be erected along the down sloping boundaries of the site; and,

(v) A stabilised construction entranceway will be formed off Greywacke Road.

B) The consent holder may request in writing for the CMP to be altered and these alterations shall be certified by Council if condition (A) above continues to be complied with.

C) All works shall be undertaken in accordance with the CMP.

***Note:** The Council will either certify, or refuse to certify, the CMP within 10 working days of receipt. Should the Council refuse to certify the CMP, then the Council will provide a letter outlining why certification is refused based on the parameters contained in this condition. Provided that the information requirements are addressed by the CMP, certification will not be withheld.*

6.3. The CMP will be prepared by suitably qualified and experienced experts. The condition requires the CMP to be certified by Council's Compliance Monitoring Officer prior to commencement of construction once the compliance monitoring officer is satisfied the above objectives will be achieved.

6.4. All the advice provided by the contracted experts will be brought together in the CMP as the overarching construction document to ensure that the construction effects are appropriately managed. This enables a holistic approach to be taken.

6.5. It is important that a degree of flexibility is provided for the CMP as sometimes more information becomes available or unforeseen circumstances arise. Accordingly, the conditions framework provides for the CMP to change during construction, provided it still satisfies the above objectives.

7. ASSESSMENT OF OBJECTIVES AND POLICIES

7.1. The objectives and policies of the CLWRP relevant to the proposal are considered below.

Objective/Policy	Assessment
Groundwater *3.13* *Groundwater resources remain a sustainable source of high quality water which is available for abstraction while supporting base flows or levels in surface water bodies, springs and wetlands and avoided salt-water intrusion.*	The Interference Report in **Appendix 6** shows that drawdown for nearby bores is not expected. In addition, the dewatering is temporary, with a ten day duration and the water is not being consumed. Instead of being used, the water will be pumped to the soakpit so it can re-enter the aquifer. The ground water policy is satisfied.
Discharges *4.13* *For other discharges of contaminants into or onto land where it may enter water or to surface water bodies or groundwater (excluding those passive discharges to which Policy 4.26 applies), the effects of any discharge are minimised by the use of measures that:* *(a) first, avoid the production of the contaminant;* *(b) secondly, reuse, recovers or recycles the contaminant;* *(c) thirdly, minimise the volume or amount of the discharge; or* *(d) finally, wherever practical utilise land-based treatment, a wetland constructed to treat contaminants or a designed treatment system prior to discharge; and* *(e) in the case of surface water, results in a discharge that after reasonable mixing meets the receiving water standards in Schedule 5 or does not result in any further degradation in water quality in any receiving surface waterbody that does not meet the water quality standards in Schedule 5 or any applicable water conservation order.*	The policy provides a hierarchy of interventions. The applicant is unable to avoid production of the contaminant which is already present in the soil. Hence, the second tier will be applied, as the water will be treated prior to discharge to remove/recover the contaminants.

Objective/Policy	Assessment
Earthworks over aquifers *4.19* *The discharge of contaminants to groundwater from earthworks, excavation, waste collection or disposal sites and contaminated land is avoided or minimised by ensuring that:* *(a) activities are sited, designed and managed to avoid the contamination of groundwater; and* ***(b)** existing or closed landfills and contaminated land are managed and monitored where appropriate to minimise any contamination of groundwater.*	The CMP will ensure that the groundwater will not be contaminated by run off from the siteworks.
Dewatering *4.76* *Localised land subsidence or other significant effects on the flows or levels of surface water or groundwater from the dewatering of construction sites or other sites, is avoided by limiting the rate or duration of pumping or other appropriate mitigation measures.* *4.76A* *Adverse effects on surface water quality are minimised through limiting the concentration of sediment and other contaminants present in the dewatering water prior to its discharge to surface water.*	No land subsidence is expected for the reasons set out on page 3 of the PDP water take Interference Report in **Appendix 6.** The quality of the dewatering discharge will be managed by the dewatering protocol in **Appendix 5** and by the CMP.

7.2. The construction and operation of the self-service fuel stop is consistent with the relevant objectives and policies of the CLWRP.

7.3. Next the proposal is assessed against the Canterbury Regional Policy Statement (**CRPS**). It is noted that as the RPS was made operative in 2013 and the CLWRP operative in 2015, the High Court decision of RJ Davidson Family Trust v Marlborough District Council allows that provided there are no inconsistencies, gaps or ambiguities within and between the planning documents and the regional documents give effect to the CRPS, a more detailed assessment is not required. Our assessment finds that all of the above tests are satisfied.

7.4. Regardless, an assessment is provided below.

7.5. The CRPS has been reviewed in terms of:

a) Development
b) Freshwater
c) Air quality
d) Contaminated sites
e) Hazardous substances

A summary of the review is provided below.

Development (Policies 5.3.1 & 6.3.1)

7.6. The CRPS expects that:

a) Development will occur within the locations shown in Map A or within existing urban areas, which is achieved as the Fuel Stop is an intensification of activities on an existing industrial site

b) Developments will avoid effects on the strategic transport network, which is achieved as the site gains access from a local road rather than SH 1 and NZTA has provided written approval.

Freshwater (Objective 7.1.1 and Policies 7.3.1, 7.3.3 & 7.3.5

7.7. The CRPS expects that:

a) Community, stock water and customary uses are provided for. This is achieved as the dewatering is not located in the vicinity of a community water supply (refer to Appendix 6). In addition, the applicant has volunteered conditions in case the dewatering does unexpectedly interfere with other users.

b) Land use will be managed to maintain water quality. The proposal includes several measures to protect water quality, including monitoring and treatment of the dewatering discharge and the construction water discharge and on-going treatment of the operational stormwater system, and various contingency measures to firstly prevent, and secondly, contain, any spill of hazardous substances.

c) Land uses do not affect the flow of water in surface water bodies or the recharge of ground water. As the only water take is for dewatering, and the water will be replenished into the ground water system rather than consumed, this requirement is achieved.

Air (Objective 14.2.1)

7.8. The CRPS expects that air quality is maintained and that nuisance effects are reduced. The development will be subject to the CMP which includes specific measures for dust management and hence no nuisance effects are expected to eventuate.

Contaminated Land (Policy 17.3.1)

7.9. The CRPS expects that where there is potential contamination, appropriate investigations will be undertaken and appropriate mitigation implemented. The site has been investigated and the results are in the combined PSI/DSI in Appendix 3. Various measures are included in the application to address the contamination, particularly treatment of the dewatering discharge and sealing of the site prior to operation.

Hazardous Substances (Objectives 18.1.1 & 18.1.2 and Policy 18.2.2)

7.10. The CRPS expects that:

a) Adverse effects from hazardous substances are avoided, remedied or mitigated – the AEE sets out a series of measures designed to avoid adverse effects from hazardous substances.

b) Hazardous substances do not create new land contamination issues - the AEE sets out a series of measures designed to avoid spills and hence additional contamination

c) Appropriate information is available to Councils so that unplanned events can be effectively managed. The documents mentioned in CLWRP permitted activity standards will be prepared, maintained and available.

7.11. Overall, the proposal is considered to be in accordance with the objectives and policies of the CRPS.

8. STATUTORY CONSIDERATIONS

Purpose and Principles of the Act

8.1. The High Court decision of RJ Davidson Family Trust v Marlborough District Council provides direction on the application of Part 2 (purpose and principles) of the RMA. In short, unless a Plan is invalid, incomplete or uncertain, the objectives and policies are deemed to give effect to Part 2 and, thus, do not need consideration.

8.2. In the preceding section an assessment of the proposal against the objectives and policies of the relevant objectives and policies has been undertaken. The objectives and policies are clear in their purpose with respect to the general outcomes sought. Within this context, and with respect to Davidson, the Purposes and Principles of the RMA need not be considered.

8.3. On the basis of the above, it is considered that the proposal is in accordance with the principles and achieves the purpose of the RMA.

Notification of the Application

8.4. Notification of an application lies at the discretion of the Consent Authority.

8.5. Section 137 of the Resource Legislation Amendment Act amended the provisions of sections 95A to 95E on 18 October 2017. Section 95A and 95B now include steps to determine whether an application should be notified. These steps are assessed in relation to the application as follows:

Section 95A – Public notification

Step 1

(a) The applicant has not requested public notification.
(b) Public notification is not required under section 95C.

Step 2

(a) Public notification is not precluded under a rule or national environmental standard.
(b) The application is not for a controlled activity, a residential activity or a boundary activity.

Step 3

(a) Public notification is not required under a rule or national environmental standard.
(b) As outlined in the Assessment of Effects, above, the effects of the activity are not more than minor.

Step 4

(a) There are no special circumstances.

Section 95B – Limited notification

Step 1

(a) There are no affected protected customary rights groups or marine title groups.
(b) The activity is on land that is the subject of a statutory acknowledgement. However, the proposal does not impact on the iwi.

Step 2

(a) Limited notification is not precluded under a rule or national environmental standard.
(b) The application is not for a controlled activity.

Step 3

(a) As outlined in the Assessment of Effects, above, no persons are considered affected persons in accordance with section 95E.

Step 4

(a) There are no special circumstances.

8.6. Based on the above steps, public or limited notification of the application is not required and there are no affected persons from whom written consent is required.

Consideration of Application

8.7. Section 104D sets out additional restrictions for Non-Complying Activities. The consent authority can only consider granting consent if:

(a) The adverse effects will be minor; or
(b) The proposal is not contrary to the objectives and policies.

8.8. As set out above in Section 5 (assessment of effects) and Section 6 (consideration of objectives and policies), the proposal satisfies both tests and it is appropriate for Council to consider granting the consent.

8.9. Section 104(1) of the Act requires, amongst other matters, that when considering an application for resource consent, a Consent Authority must have regard to any actual and potential effects on the environment; any relevant provisions of a regional policy statement and regional plan; and any other matters relevant and reasonably necessary to determine the application.

8.10. All matters listed in section 104(1) are subject to Part 2 of the Act which contains its Purpose and Principles.

8.11. The above assessments show that the proposal satisfies the matters within section 104(1) and hence consent should be granted.

9. CONCLUSION

9.1. NPD seeks land use consent to construct, operate and maintain a self-service fuel stop at 484 Johns Road, Harewood, Christchurch.

9.2. It is considered that any adverse effects likely to arise from this proposal can be avoided, remedied or mitigated, and the proposal is consistent with the relevant objectives and policies of the relevant regional plans and policy statements. The volunteered CMP in section 6 forms a key aspect of the proposal to ensure any potential adverse effects are appropriately managed. For these reasons, the application is able to be granted.

Resource Management Group Limited
WELLINGTON

June 2018

APPENDIX 1: ARCHITECTURAL PLANS

APPENDIX 2: COMPUTER FREEHOLD REGISTERS

APPENDIX 3: COMBINED PSI & DSI

APPENDIX 4: EARTHWORKS & CIVIL

APPENDIX 5: DEWATERING PROTOCOL

APPENDIX 6: WATER TAKE INTERFERENCE REPORT