

# BURNHAM WHARF BUS DEPOT FACILITY RESOURCE CONSENT APPLICATION

8 JUNE 2022

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## BURNHAM WHARF BUS DEPOT FACILITY RESOURCE CONSENT APPLICATION

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REV	DATE	DETAILS
1	15 October 2021	Resource Consent Application for review
2	15 December 2021	Inserted technical reports
3	20 December 2021	Revised first draft report
4	26 January 2022	Revised notification reason
5	2 February 2022	Finalise draft report for client review
6	1 June 2022	Update transport assessment input

This report ('Report') has been prepared by WSP exclusively for New Zealand Bus Limited ('Client') in relation to a resource consent application and assessment of environmental effects for the establishment of a bus depot facility on Burnham Wharf in Miramar ('Purpose') and in accordance with the Statement of Work No. 22 dated 25 March 2021. The findings in this Report are based on and are subject to the assumptions specified in the Statement of Work No. 22 dated 25 March 2021. WSP accepts no liability whatsoever for any reliance on or use of this Report, in whole or in part, for any use or purpose other than the Purpose or any use or reliance on the Report by any third party.

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# ABBREVIATIONS

AEE	Assessment of Environmental Effects
HAIL	Hazardous Activities and Industries List
NES	National Environmental Standards
NESCS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
NZ Bus	New Zealand Bus Limited
PNBST	Port Nicholson Block Settlement Trust
RMA	Resource Management Act 1991
RPS	Regional Policy Statement for the Wellington Region
WCC	Wellington City Council
WCDP	Wellington City District Plan

# PART A – RESOURCE CONSENT APPLICATION PURSUANT TO SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 – FORM 9

To: Wellington City Council (Development, Planning & Compliance)

Applicant: New Zealand Bus Limited (NZ Bus)

Proposal: To construct and operate a bus depot facility consisting of more than 70 parking spaces in a Business Area, non-compliance with earthworks, noise and hazardous substances standards and disturbance of contaminated soil.

Address: 19 and 25 Shelly Bay Road, Wellington

Legal Description: Part Deposited Plan 8615 and Section 1 Survey Office Plan 35451

Owners/Occupiers: Shelly Bay Road Limited

Co-ordinates: -41.311530, 174.812166

Consents Required: An application for resource consent is being applied for under Rules 30.2.1, 32.2.1, 34.3.1 and 34.3.4 of the Wellington City District Plan, pursuant to Section 9(3) of the Resource Management Act 1991.

An application for resource consent is also being applied for under Regulation 10 of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, pursuant to Section 9(1) of the Resource Management Act 1991.

Attachments: The Assessment of Environmental Effects and appendices are attached as Part B.

On behalf of:

NZ Bus



Dated: 8<sup>th</sup> June 2022

**Address for Service:**

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Attention: Blake Lee

# PART B – ASSESSMENT OF ENVIRONMENTAL EFFECTS

# 1 INTRODUCTION

New Zealand Bus Limited (NZ Bus) is seeking to construct and operate a bus depot facility on 19 and 25 Shelly Bay Road, Wellington adjacent to the Burnham Wharf.

The bus depot facility will involve the storage, cleaning and refuelling of electric and diesel buses and associated ancillary office activities. The development will support NZ Bus in delivering public transport services in the Wellington region and enable the use of additional electric busses to meet their operational requirements.

This Assessment of Environmental Effects (AEE) supports an application for resource consent for land use from NZ Bus to Wellington City Council (WCC) to provide more than 70 parking spaces, non-compliance with earthworks, noise, and hazardous substances Business Area standards, and to use and develop contaminated land.

## 2 SITE DESCRIPTION

The Burnham Wharf site is approximately 1.4 hectares in size and is legally described as Section 1 SO 35451 and Part DP 8615 (the subject site) on 19 and 25 Shelly Bay Road, Wellington. The site is long and narrow as shown in Figure 1 below. The northern section is relatively flat while the southern section has a small mound along the Shelly Bay Road boundary.

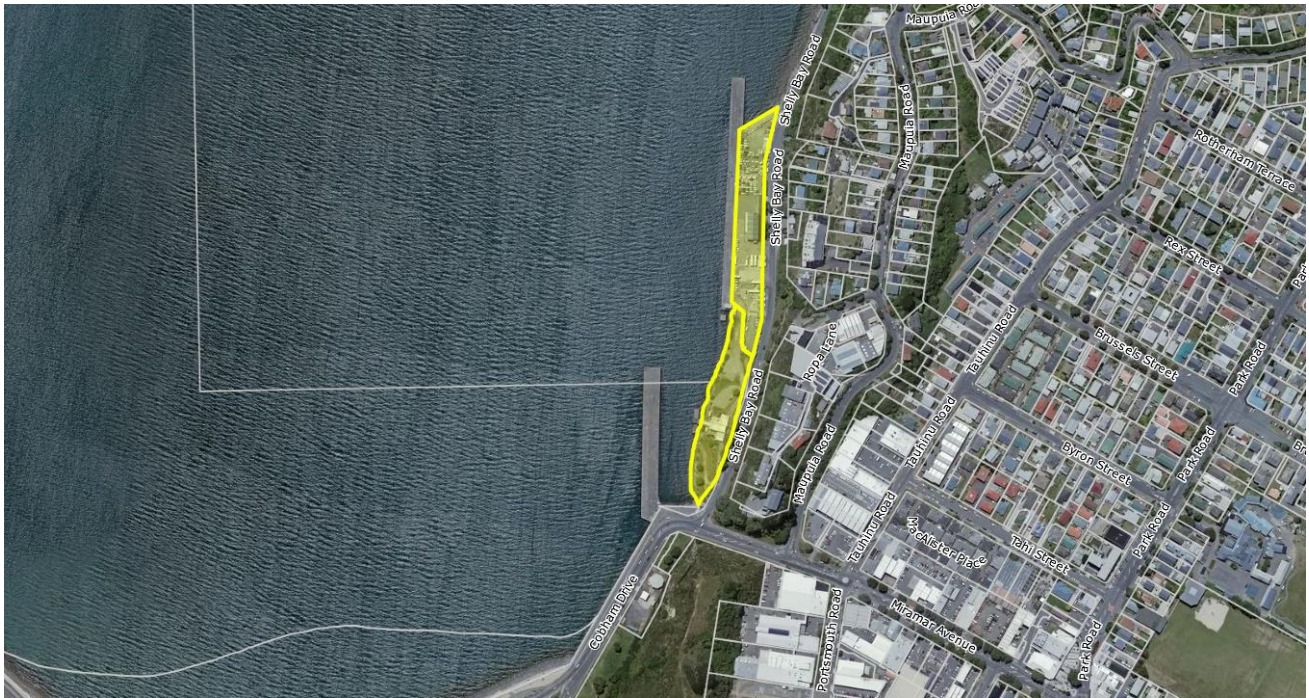


Figure 1: Aerial of subject site outlined highlighted in yellow (source: Grip Map)

The northern section of the site was reclaimed in c.1910 and is currently being used for several businesses including coach storage and vehicle rental companies. The southern section of the site was reclaimed in 1968 by the Wellington Harbour Board to create a waste incinerator facility. The facility was taken over by Medical Waste Limited, which currently remains onsite but ceased operations in 2001.

The location of the proposed development is shown in Figure 2. A more detailed image is attached in **Appendix A**.

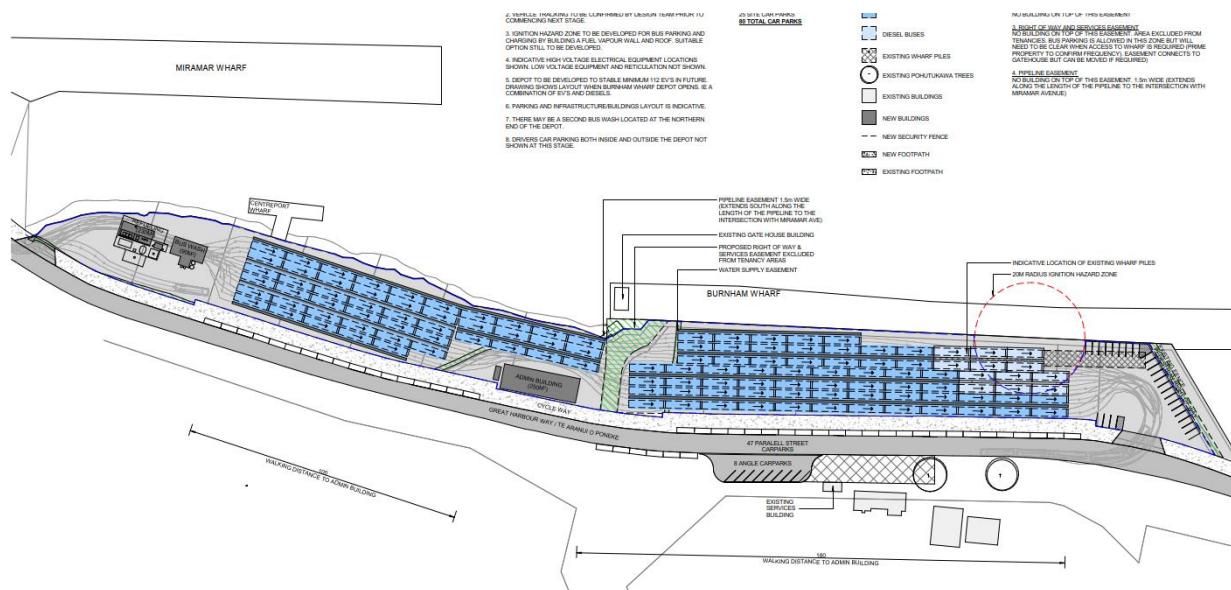


Figure 2 Proposed bus depot

## 2.1 DISTRICT PLAN CONTEXT

The subject site falls under the jurisdiction of the Wellington City District Plan (WCDP). It is zoned Business 2, as shown in Figure 3 below. It is also located in a Character Area - Operational Port Area overlay. No other plan features are identified on the subject site.

The subject site is bordered to the west by Te Whanganui-a-Tara (Wellington Harbour), with the Burnham Wharf also adjoining the north-western boundary of the site. Shelly Bay Road borders the eastern side of the site and intersects with Miramar Avenue to the south. Outer Residential and Business Area 1 zoned land is located across Shelly Bay Road above a cliff that rises steeply from the road. Finally, the State Highway 1 roundabout is approximately 250 metres south of the subject site.



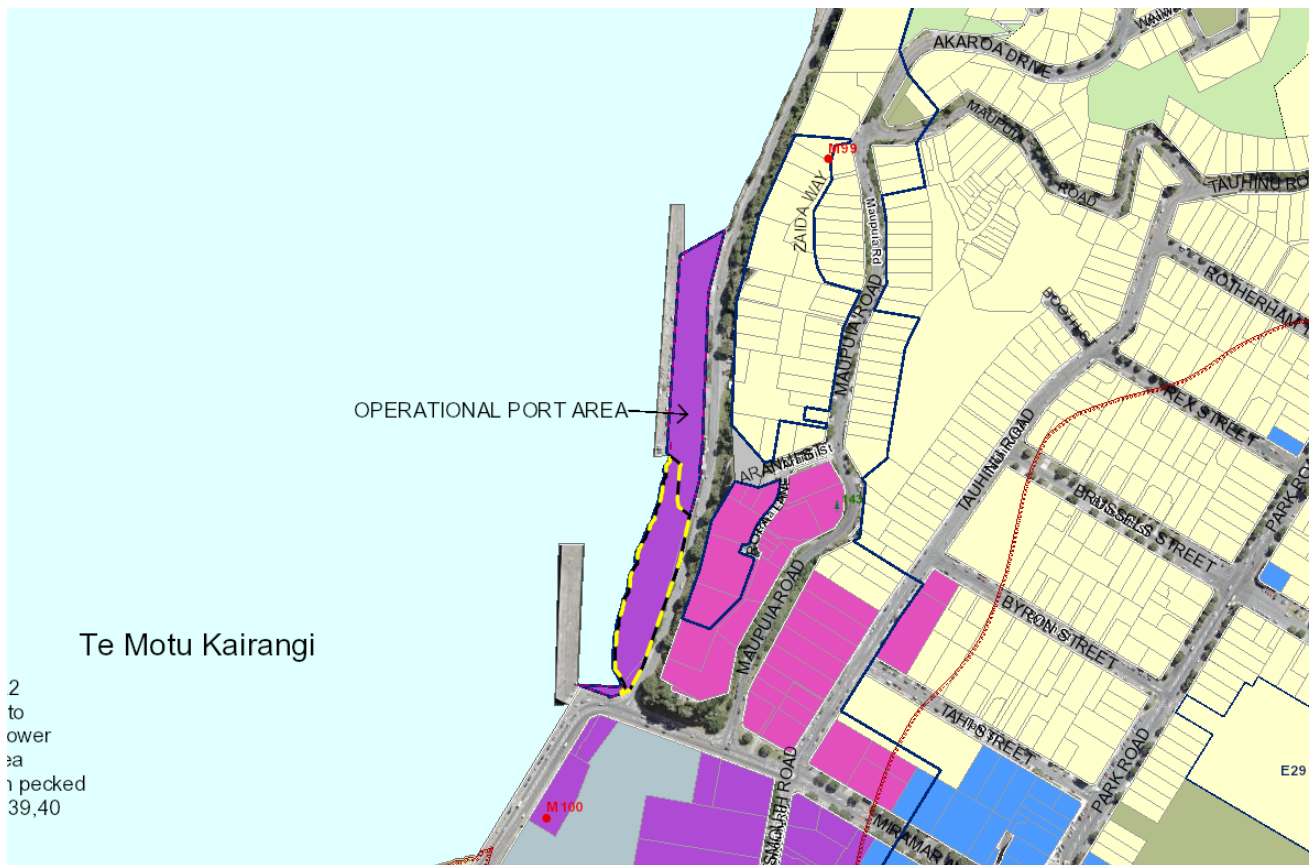


Figure 3: WCDP Map of subject site (source: WCDP Eplan)

## 2.2 CONTAMINATED LAND CONTEXT

As shown in Figure 4 below, the subject site is also identified in Greater Wellington Regional Council's Selected Land Use Register as having, or may have, been used for activities and industries included in the Hazardous Activities and Industries List (HAIL) established by the Ministry for Environment. The following annotations are identified on the subject site:

- SN/05/162/02
  - Site Name: Shell Storage Tanks, Miramar Wharf
  - HAIL: Chemical manufacture, application and bulk storage, mineral extraction, refining and reprocessing, storage, and use
  - HAIL Sub: Storage tanks or drums for fuel, chemicals or liquid waste, asphalt or bitumen manufacture or bulk storage (excluding single-use sites used by a mobile asphalt plant)
  - Category: Verified history of hazardous activity or industry
- SN/05/061//02
  - Site Name: Medical Waste (Wellington) Ltd
  - HAIL: Cemeteries and waste recycling, treatment and disposal, chemical manufacture, application, and bulk storage



- HAIL Sub: Waste recycling or waste or wastewater treatment, storage tanks or drums for fuel, chemicals, or liquid waste
- Category: Verified history of hazardous activity or industry



Figure 4: View of Greater Wellington Regional Council's Selected Land Use Register (source: GWRC Web Map Viewer)

In addition, a combined preliminary site investigation and detailed site investigation (PSI/DSI) was undertaken in November 2021 to determine the contamination risks from soil disturbance onsite (**Appendix B**). Table 1 below summarises the HAIL activities identified on the subject site:

Table 1 HAIL activities on the project area

Hail Codes	Contamination Sources
<b>A17 – Storage tanks or drums for fuel, chemicals, or liquid waste</b>	The site had underground storage tanks (USTs) and aboveground storage tanks (ASTs) containing petroleum-based products.
<b>E2 – Asphalt or bitumen manufacture or bulk storage</b>	The northern portion of the site historically operated as a bitumen depot with ASTs, USTs lorry fill points, blending tanks, flinkote, colas plant and storage warehouse.
<b>G6 – Waste recycling or waste or wastewater treatment</b>	The southernmost area of the site has historically been operated by a medical waste company that incinerated medical wastes for disposal.  Incineration of port, airport, and medical waste

Hail Codes	Contamination Sources
<b>I – Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment</b>	A review of historical aerial photographs indicates demolition of historical buildings and potential lagging for thermal insulation on parts of the incinerator.

The conceptual site model outlines the likely sources and extent of contamination that present potential risks to construction workers, and users and site visitors following development. The contaminants of concern in soil and groundwater and their migration pathways and potential exposure pathways are discussed in the PSI/DSI report.

Following on from the discovery of these contaminants, a targeted soil sampling approach was undertaken on the subject site, which concentrated within the footprints of historical buildings, areas not investigated during previous contamination assessments, locations of former ASTs and USTs, storage areas of bitumen and hydrocarbon-based products and the area immediately adjacent to the north of the incinerator stack.

The sampling sites into four key areas (Figure 5) – namely Areas A, B, and C and the former incinerator building. Additional soil sampling was undertaken to characterise the fill used during the land reclamation of the site. Four groundwater monitoring wells were also installed in the vicinity of the historical ASTs and USTs to provide an indication for potential residual contaminants.

In summary, the soil sampling results confirm that:

- Soils across the site contain concentrations of analytes, mainly TPH, PAHs, lead, and zinc, that exceed the adopted background concentrations but not above the adopted human health criteria. However, due to the exceedance of the background concentrations, additional controls will need to be in place if soils are to be removed from the site.
- Asbestos was also detected in multiple test pits across the site. Concentrations of asbestos did not exceed the human health criteria, except for two sampling locations in Area A (TP11 and BH04). However, soils disturbed within the vicinity of the two sampling locations should be assumed to be impacted by asbestos and be undertaken following appropriate measures.
- Asbestos was detected at 1.5m in one sampling location within Area B. All three types of asbestos (amosite, chrysotile, and crocidolite) were detected in this sample.
- The soils around the northern incinerator stacks and leftover ash within the remains of the stack contained concentrations of arsenic, chromium, lead, and asbestos above the adopted human health guidelines.
- The groundwater samples collected contained a low concentration of pyrene. This concentration does not exceed the adopted human health criteria or the adopted environmental guidelines for marine water.

The PSI/DSI concluded that the site is suitable for its intended use as a bus depot, except the detections of asbestos in soils in locations TP11 and BH04 within Area A and the asbestos and metals in soils around the incinerator building.

The lack of contaminants of concern in groundwater indicates that the soil contamination is relatively limited in concentrations and likely limited to the low solubility contaminants detected in this investigation. Further environmental effects assessment is discussed in Section 7.7 of this report.



Figure 5 Soil sampling locations as part of PSI/DSI investigation



## 3 BACKGROUND

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### 3.1 DECARBONISATION

NZ Bus is New Zealand's largest urban public transport business and operator of metropolitan bus services. It operates a fleet of over 800 buses from 14 depots and employs approximately 1,700 people. The business is underpinned by long term contracts to provide urban bus route services in Auckland, Wellington, and The Bay of Plenty<sup>1</sup>. NZ Bus owns a fleet of over 146 buses in Wellington and runs approximately 0.4 million service trips and 4.9 million in-service kilometres per annum, operating on about 80 routes.

In January 2021, the Government announced its commitment to decarbonising the public transport bus fleet<sup>2</sup>. By 2025, the Government will only allow zero-emission public transport buses to be purchased. This commitment targets complete decarbonisation of the public transport bus fleet by 2035. To achieve the Government's and NZ Bus' own sustainability targets, NZ Bus seeks to grow its number of low emission buses. As of June 2022, NZ Bus operates 68 electric vehicles, with many more planned in the short term.

The existing NZ Bus depots in the Wellington region cannot provide for a full electric operation of its fleet. NZ Bus is therefore, seeking to develop a bus depot on the subject site in order to further grow its number of low emission buses. The intention is only to have electric vehicles operating from the site in the long term.

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### 3.2 PRE-APPLICATION MEETINGS

Five pre-application meetings have occurred with Wellington City Council on 1 June 2022, 7 December 2021, 15 October 2021, 22 February 2021, and 21 January 2021, respectively. Wellington City Council advised of the below, following the first meeting:

- An appropriate specialist is engaged to assist with considering the relevant hazardous substances provisions.
- An appropriate specialist is also engaged to determine the likely activity status for the remediation, use, and development of contaminated land.
- A site-specific noise report for the operation is prepared to show that the noise standards are met (or otherwise) and the mitigation measures of Section 16 of the Resource Management Act 1991 are addressed for auxiliary activities.
- Consultation evidence with Port Nicholson Block Settlement Trust (Taranaki Whānui) and Ngāti Toa is included in the Assessment of Environmental Effects.
- The primary concerns are likely to revolve around noise management, traffic and the ability of the road and nearby intersections to safely absorb the additional vehicle movements.

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<sup>1</sup> <https://www.nzbus.co.nz/>

<sup>2</sup> <https://www.transport.govt.nz/area-of-interest/environment-and-climate-change/public-transport-decarbonisation/>

The Wellington City Council pre-application meeting notes are included as **Appendix C** and include the additional traffic comments provided following the second, third, fourth and fifth meetings.

WCC has identified that the Miramar Avenue/Shelly Bay Road intersection should be improved at a point in the future to accommodate the increasing traffic volumes from the Shelly Bay development. NZ Bus is prepared to make a contribution to the cost towards signalling the Miramar Avenue/Shelly Bay Road intersection to enable works relating to the proposed bus depot to be brought forward. Further correspondences will be made available once discussions are concluded. NZ Bus is prepared to offer this contribution as a condition of the resource consent, the exact quantum of this is still to be agreed with Wellington City Council.

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### 3.3 IGNITION HAZARD EXCLUSION ZONE

The proposed bus depot will be adjacent to a bulk jet fuel unloading area (manifold). The manifold includes an ignition hazard exclusion zone that extends over the property boundary and onto the proposed bus depot site.

Tonkin+Taylor has undertaken a review of the potential implications of the exclusion zone (**Appendix D**). The presence of the exclusion zone has implications on the nature and type of activities that can be undertaken within the zone. The exclusion zone represents an area in which an ignition hazard may exist, and therefore no ignition sources may be present in the exclusion zone. This includes all electrical equipment, including vehicles, cell phones, cameras, and other ignition sources such as smoking.

In terms of the proposed bus depot, this would restrict the following proposed activities during pumping:

- Operation of buses or vehicles including vehicle parking or driving through the zone;
- Charging of electric buses; and
- Any staff activities where the use of cell phones or other small electrical equipment is likely or staff smoking.

Pipeline, right-of-way, and services easements are also located on the site in favour of the Burnham Wharf use.

Therefore, all parking spaces are not to be located within the ignition hazard zone and not restrict access to Burnham Wharf from Shelly Bay Road.

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### 3.4 RESOURCE CONSENT

Resource consent SR 345711 was granted to Centreport Limited in August 2016 for the establishment of a car park facility on the subject site, including the use and development of a potentially contaminated site (**Appendix E**). Given that Resource Consent SR 345711 has lapsed and was granted to Centreport Limited, this consent is not applicable in this instance.

Resource consent SR 468659 was granted to The Wellington Company Limited in October 2019 for the redevelopment of an existing site on Shelly Bay Road, including multi-unit residential, mixed-use, and non-residential buildings and activities, with associated earthworks, 11 lot fee simple subdivision of land with road to vest and soil disturbance, change of use and subdivision of contaminated or

potentially contaminated land (**Appendix E**). Resource consent SR 468659 forms part of the receiving environment considered as part of this application and is discussed further in Section 7 of this report.

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### 3.5 TRANSPORT CONTEXT

Shelly Bay Road is classified as a secondary collector road and serves as the only route to access Shelly Bay from the south. Shelly Bay Road is 7.4m wide with a footpath on the western side only.

Miramar Avenue (and the section of Cobham Drive north of the roundabout) are identified as arterial roads. These roads link to regionally significant places, industries, ports, and airports. Miramar Avenue is 13.8m wide, with footpaths on both sides of the road.

A bus depot generates two types of trips – staff driving to and from the site and buses departing and arriving from the site, which varies throughout the day and week. A Transportation Assessment was undertaken in November 2021 to investigate the impacts on existing and future traffic networks from operating a bus depot on the subject site (**Appendix F**). To summarise, the current roading network and future network changes:

- The traffic flows on Shelly Bay Road are relatively low (less than 10% of the flows on Miramar Avenue), with reasonable proportion of heavy vehicles.
- Shelly Bay Road currently does not have marked spaces for on-street parking, but there is excess capacity on Maupuia Road to accommodate new or relocated parking if required.
- It is noted that there is a shared path along the length of Cobham Drive. However, it currently ends at Shelly Bay Road/Miramar Avenue intersection.
- WCC is currently constructing improved facilities for pedestrians and cyclists along Miramar Avenue. The changes at Miramar Avenue/Shelly Bay Road intersection include tighter curve radii on the east side of the intersection and a pedestrian and cycling crossing facility on a raised platform across the intersection.
- Shelly Bay development proposes to include a provision of a short left-turn lane on Shelly Bay Road and widening of the right turn bay. It is noted that the additional turn lane on the Shelly Bay Road approach is not consistent with the changes being constructed by WCC as part of the cycleway project.
- Let's Get Wellington Moving Programme could potentially introduce a Mass Rapid Transit system to the eastern suburbs. If the subject site is used as a bus depot, there is potential to convert this site to house the mass rapid transit vehicles in the future.
- WCC has identified that the Miramar Avenue/Shelly Bay Road intersection should be improved at one point in the future to accommodate the increase in traffic volumes arising from Shelly Bay development. WCC is considering signalling the Shelly Bay/Miramar Avenue intersection. However, no dates for the works had been set and no budget have been committed to the project. NZ Bus will make a contribution to the cost towards signalling the intersection to enable works relating to the proposed bus depot to be brought forward. It is noted that a signalised layout would improve safety and intersection performance.

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## 3.6 ARCHAEOLOGY

An archaeological risk check of the proposed development was undertaken by WSP and is attached to this report as **Appendix G**. The archaeological risk check consisted of a brief desk-based study of recorded archaeological sites in the project area and the potential for unrecorded archaeological sites. The archaeological risk check concluded the following:

- The proposed project area was reclaimed in two phases; the northern half was reclaimed in the 1910s and the southern half in the 1960s.
- Two recorded archaeological sites extend into the proposed project area at the southern end. These sites include an 1890s magazine wharf and an 1840s drainage tunnel.
- Both archaeological features were present on the foreshore of Evans Bay but historic photographs over time show the features were removed by the 1950s, and by the time the area was reclaimed in the 1960s there was unlikely to be any physical remains of the two sites.

Given the above, it was determined that the proposed works are unlikely to affect any pre-1900 archaeological features as the excavations will be restricted to the reclamation fill. It was therefore recommended that the works could proceed following an Accidental Discovery Protocol (ADP) whereby the contractors will be responsible for ceasing works and contacting an archaeologist for advice should any suspected archaeological material be found.

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## 3.7 TREES WITHIN ROAD RESERVE

The NZ Bus depot facility development requires relocation and potentially removal of the Pōhutakawa trees on Shelly Bay Road, which would be determined and informed by the developed design and construction methodology following on from approval of consent.

Correspondence has been undertaken with WCC in October 2021 (**Appendix C**) and an arboricultural assessment will be provided accordingly pending the issue of consent. It is noted that these trees are not listed as heritage trees in the WCDP.

In addition, under Rule 34.1.1, relocating these trees is a permitted activity provided it complies with the relevant standards specified in Section 34.6.1.

# 4 PROPOSAL

The bus depot facility will involve the storage, cleaning and refuelling of electric and diesel buses and associated ancillary office activities, and includes the construction and establishment of:

- open-air parking for up to 120 buses and 80 light vehicles
- 290m<sup>2</sup> refuelling building which will house a 30,000 L double-skinned diesel storage tank;
- 90m<sup>2</sup> bus wash building;
- 250m<sup>2</sup> admin building;
- electric vehicle transformer;
- demolition of existing Ace Car Rental and incinerator buildings
- two entry points servicing busses/cars and one exit point; all onto Shelly Bay Road.

The refuelling building, bus wash building, and admin building are all standalone single-storey buildings. Construction works are scheduled for the latter half of 2022 and is expected to take approximately 12 months to complete. The proposed development is shown in Figure 6 below. A more detailed image is attached in **Appendix A**.

It is noted that there will be reduced operations during weekends, but in terms of operational hours, the earliest shift is expected to begin at 4:45 am and the latest to finish at 12:45 am.

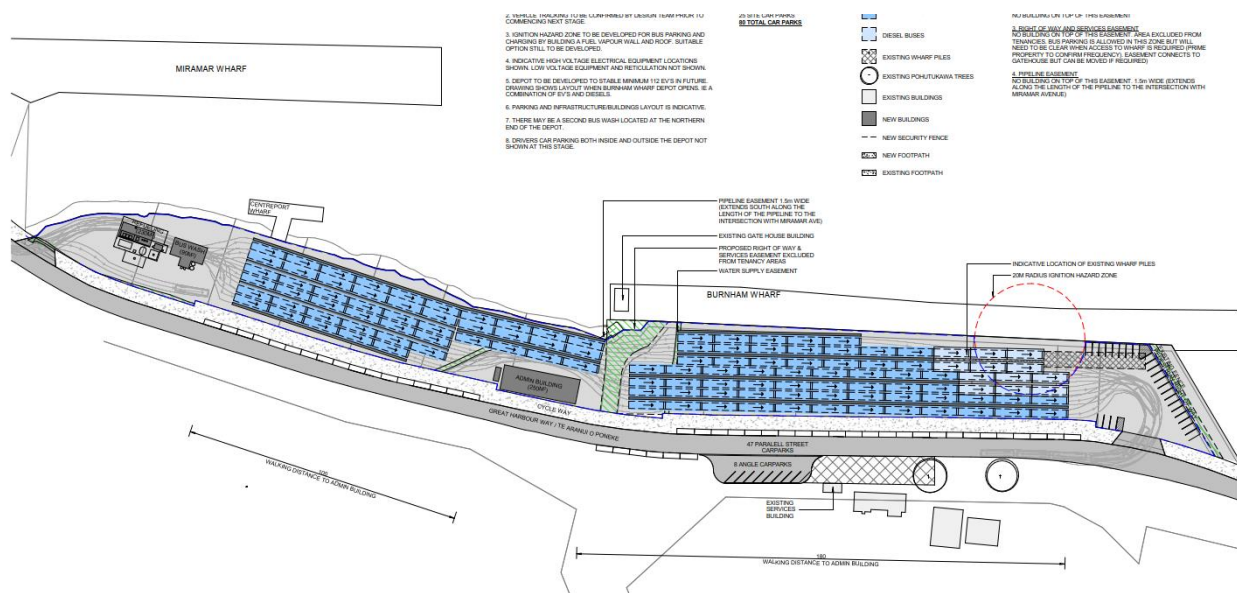


Figure 6: Proposed bus depot facility

## 4.1 BULK DIESEL STORAGE

The proposed 30,000L diesel storage tank will be located toward the southern portion of the site on a refuelling pad approximately 290m<sup>2</sup> in size (Figure 7). Aqueous urea solution will be stored in a dedicated 10,000L tank adjacent to the diesel tank and used as a diesel fuel additive.



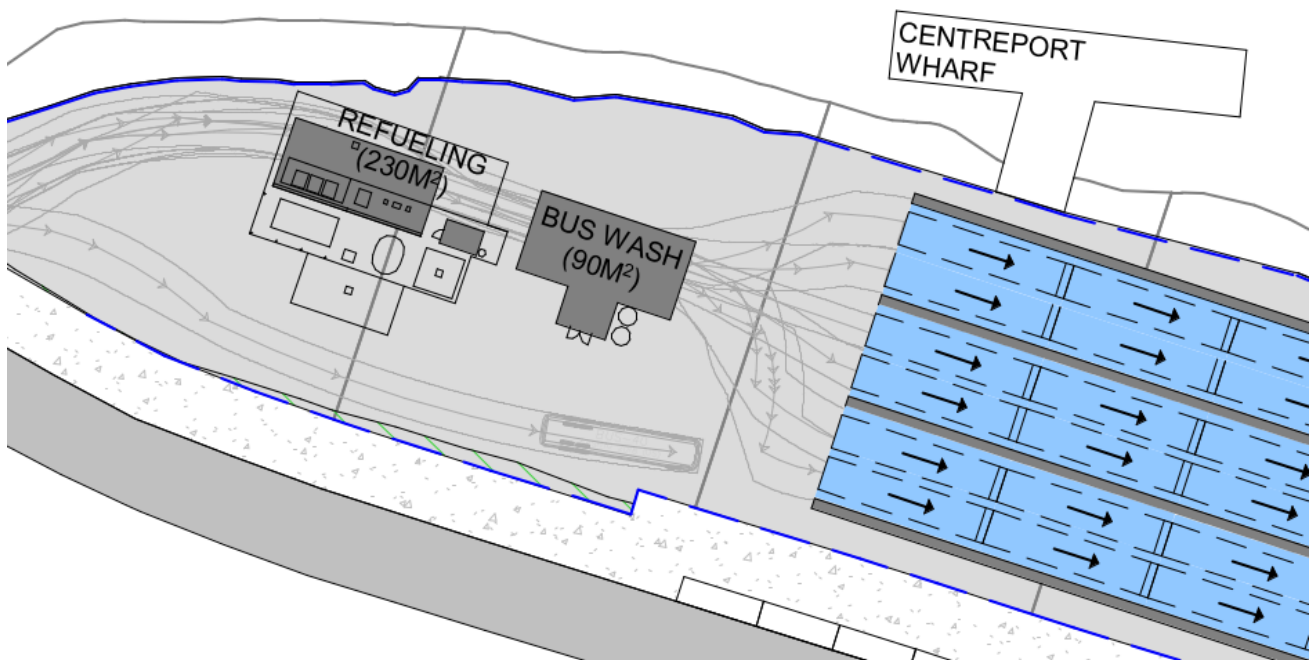


Figure 7 Diesel storage, bus wash facility and bus refuelling bay

## 4.2 BUS REFUELING BAY

Buses will enter the refuelling bay via the southern site entrance, accessible by Shelly Bay Road (Figure 7). Activities in the refuelling bay will include refilling the bus fuel tanks with diesel and aqueous urea and topping up oil and coolant levels. Containers (drums or IBCs) of oil and coolant will be kept beside the entrance to the refuelling bay in a bunded enclosure. Slot drains, and an API separator will pick up site stormwater runoff, with the primary use of spill kits located close by to address any spillages. The API separator will treat any surface runoff prior to discharging to the public stormwater system.

## 4.3 BUS WASHING FACILITY

Surface cleaning of buses will occur in the bus wash bay toward the north of the site, and associated detergents will be stored undercover in bunded containment (Figure 7). Wash water generated at the bus wash will discharge to the trade waste network.

## 4.4 HAZARDOUS SUBSTANCES

A summary of hazard classifications and proposed cumulative storage volumes of substances used onsite in greater than domestic quantities is provided in **Appendix H**. The quantity ratio for diesel storage has been calculated as:

- 0.26 for health/explosion hazards;

- 0.86 for human health hazards; and
- 2.87 for environmental hazards.

The cumulative Effect Ratio has therefore been calculated to be 4.0.

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## 4.5 ACCESSES, PARKING AND MANOEUVRING

The development will have one access for buses and vehicles to enter via the northbound lane of Shelly Bay Road. Eighty vehicle parking spaces are proposed to cope with the parking demand for staff vehicles in the form of parallel or angle parking. 25 of these spaces are proposed within the development and 55 are proposed outside of the development within the Shelly Bay road reserve. The development also provides 120 bus parking spaces (108 electric buses and 12 diesel buses).

Queuing of buses to enter this southern entrance is not expected to occur given the available manoeuvring space within the site. Access to the bus wash and refuelling station will be managed operationally (as required) to ensure queuing does not extend outside the site. The site has only one exit which is located on the northern side of the depot. All bus and vehicles are expected to use this egress when exiting the site (Figures 8 and 9).

Buses arriving on site are only intended to access through the southern access, so the internal traffic circulation is one-way for all buses, from the entrance towards the northern exit as indicated by the arrows in Figures 8 and 9 below. Small vehicles that make use of this northern access to enter the site are only expected to circulate in the northern area of the depot as the parking area is located here.

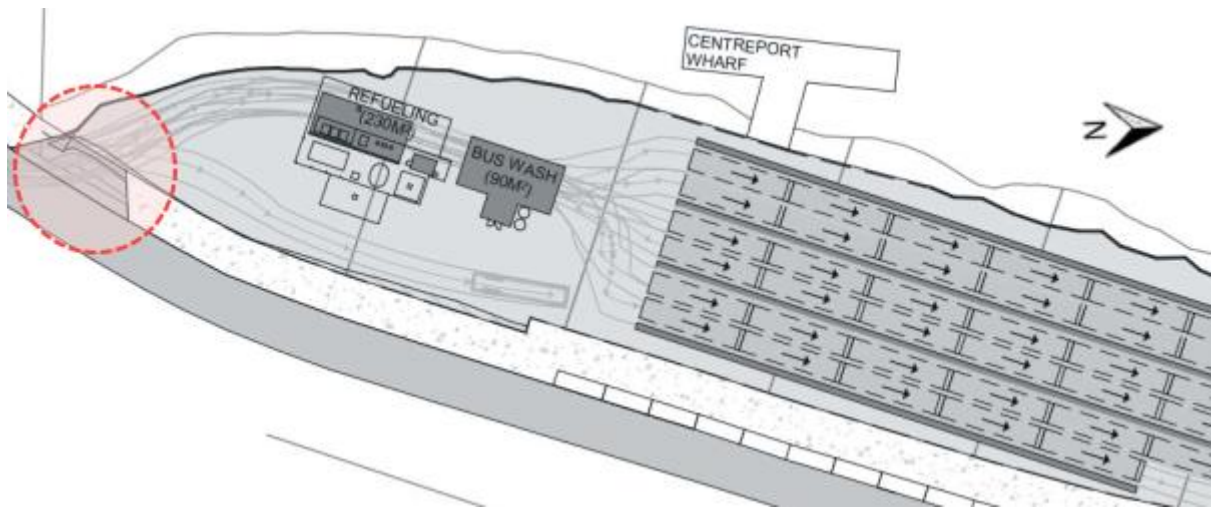


Figure 8 Bus and vehicle entrance to the site from the southern entrance

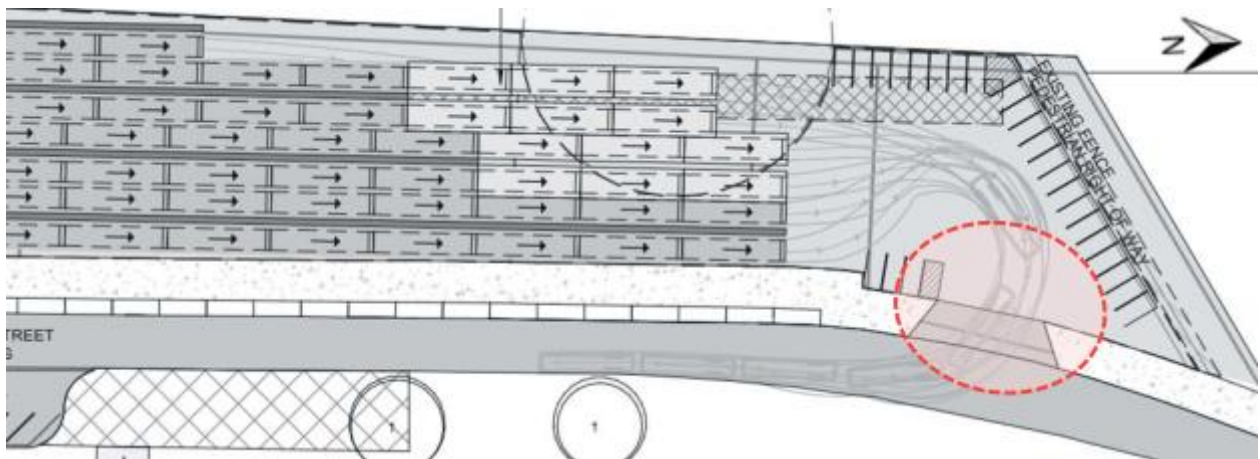


Figure 9 Bus and vehicle entrance to the site from northern entrance

It is expected that any of the bus parks or carparks on site can be used as visitor/loading bay parking when necessary. Several parks will be designated as such. A low number of visitors are, however expected as people don't normally go to a bus depot unless they work there.

Finally, as part of the proposed changes to provide on-street parking, the existing footpath will be amended in some locations to retain the provision for pedestrians to walk along this part of Shelly Bay Road.

# 5 REASONS FOR CONSENT

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## 5.1 DISTRICT PLAN

The Wellington City District Plan (WCDP) details the specific objectives, policies and rules that have been adopted to promote the sustainable management of natural and physical resources in Wellington.

### 5.1.1 BUSINESS AREA

#### 5.1.1.1 Construction and Demolition

It is proposed to construct three buildings (refuelling, bus wash and admin buildings) on the site, which is zoned Business 2. The existing Ace Car Rental and incinerator buildings are proposed to be demolished to accommodate the new bus depot facility onsite.

Under Rule 34.1.6, the construction of buildings and structures is a **Permitted Activity** provided it complies with the standards specified in Section 34.6.2. Under Rule 34.1.7, the total or partial demolition or removal of buildings and structures is a **Permitted Activity**.

#### 5.1.1.2 Operating Bus Depot

Under Rule 34.1.1, any activity in a Business 2 Area Zone is a **Permitted Activity** provided that it complies with the standards specified in Section 34.6.1.

The proposed activity will not meet the following standards outlined in Section 34.6.1:

- Noise; and
- Servicing and site access

Under Rule 34.3.4, activities which would be permitted but that do not meet one or more of the following standards outlined in Section 34.6.1, are a **Restricted Discretionary Activity** subject to compliance with the following conditions:

- Noise emission levels under Standards 34.6.1.1 and 34.6.1.2 shall not be exceeded by more than 5 decibels; and
- Maximum lighting levels under standard 34.6.1.8 must not be exceeded by more than 20 percent; and
- For hazardous substances, the cumulative Effect Ratio as assessed under the Hazardous Facilities Screening Procedure for the site where the activity is to occur is greater than or equal to 0.1 or does not meet the Standard 34.6.2.3 unless the site is located in a Hazard Area.

The noise emission levels associated with the proposed bus depot facility is predicted to be exceeded by up to 1 decibel (dB). The relevant standards for lighting can be met.

In terms of hazardous substances, under Section 34.6.1.8.1, activities that do not meet the Effects Ratio criteria or do not otherwise comply with the applicable conditions under the use, storage, or handling of hazardous substances will be a **Restricted Discretionary Activity**. The cumulative Effects Ratio for the development is 4.0.

### 5.1.1.3 *Parking*

Under Rule 34.3.1, any activity that provides more than 70 parking spaces is a **Restricted Discretionary Activity**. The proposed bus depot facility will include 200 parking spaces.

#### *MATTERS OF DISCRETION*

Under Rule 34.3.1, the matters over which discretion is restricted are:

- the movement of vehicular traffic to and from the site
- the impact on the roading network and the hierarchy of roads from trip patterns, travel demand or vehicle use
- the provision and location of facilities for multiple modes of transport.

The above matters are addressed in Section 7 of this report.

#### *NOTIFICATION*

Under Rule 34.3.1, applications will not be publicly notified (unless special circumstances exist) or limited notified, except that the New Zealand Transport Agency must be notified where it is considered to be an affected party to an application.

Under Rule 34.3.4, applications will not be publicly notified (unless special circumstances exist) or limited notified for the following items:

- vehicle parking, servicing, and site access (except New Zealand Transport Agency must be notified where it is considered to be an affected party to an application).
- screening of activities and storage
- dust
- electromagnetic radiation

### 5.1.2 *CONTAMINATED LAND*

Under Rule 32.2.1, the remediation, use and development of any contaminated land, or potentially contaminated land is a **Restricted Discretionary Activity**. A detailed site investigation stating that the subject site is contaminated is attached to this report as **Appendix B**.

#### *MATTERS OF DISCRETION*

Under Rule 32.2.1, the matters over which discretion is restricted are:

- The level, nature, and extent of contamination in relation to the proposed use, development, or subdivision.
- The methods to address the risks posed by contaminants to public health and safety.
- The effects of contamination on built structures, ecological and amenity values, soil quality and the wider environment.
- The approach to the remediation and / or on-going management of the contaminated land and the mitigation measures (including monitoring) proposed to avoid adverse effects on public health, safety and the environment including the provision of a Remediation Plan or a Site Management Plan.

These matters are addressed in Section 7 of this report.

## *NOTIFICATION*

Under Rule 32.2.1, applications do not need to be notified and do not need to be served on affected persons.

### *5.1.3 EARTHWORKS*

Under Rule 30.1.1, earthworks in the Business Areas is a **Permitted Activity** provided it complies with the following conditions:

- The cut height or fill depth does not exceed 1.5m measured vertically; and
- the cut or fill is not an existing slope angle exceeding 34 degrees; and
- the cut height or fill depth does not exceed the distance from the nearest site boundary, building or structure (above or below ground) measured on a horizontal plane; and
- the area to be cut or filled does not exceed 250m<sup>2</sup>
- the cut or fill is no closer than 5m to the coastal marine area
- there is no visible evidence of settled dust beyond the boundaries of the site
- the cut or fill is no closer than 12m to the closest visible edge of the foundation of a high voltage transmission line support structure
- earthworks do not reduce the clearance distance from the conductor to ground to less than 10m within 12m of the centreline of an electricity transmission line

Details of the extent and volume of earthworks will be finalised during the developed design stage and provided to council if requested. However, earthworks are anticipated to exceed 250m<sup>2</sup>. Under Rule 30.2.1, earthworks that do not comply with the permitted activity conditions under Rule 30.1.1 is a **Restricted Discretionary Activity**.

These matters are addressed in Section 7 of this report.

## *MATTERS OF DISCRETION*

Under Rule 30.2.1.1, the matters of discretion are:

- earthworks stability
- erosion, dust, and sediment control
- visual amenity
- earthworks and structure closer than 5m to the coastal marine area
- the transport of material exceeding 2000m<sup>3</sup>
- volume, area, and location of the works, including temporary activities such as stockpiles
- timing of the works
- site remediation
- the use of mobile machinery

## *NOTIFICATION*

Under Rule 30.2.1, applications do not need to be publicly notified and do not need to be served on affected persons.

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## 5.2 NATIONAL ENVIRONMENTAL STANDARDS

### 5.2.1 ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) provides national planning controls that direct the requirement for consent or otherwise for activities on contaminated or potentially contaminated land.

All territorial authorities are required to give effect to and enforce the requirements of the NESCS in accordance with NES functions under the RMA as they relate to contaminated land. The NES applies to a piece of land which is, has, or is more likely than not to have an activity or industry occurring on it described in the Hazardous Activities and Industries List (HAIL).

The NESCS permits the disturbance of soil on a piece of land, provided the volume of disturbance is no more than 25m<sup>2</sup> per 500m<sup>2</sup>. The NESCS, however restricts the volume of soil to be taken off a piece of land to a maximum of 5m<sup>3</sup> per 500m<sup>2</sup>. The NESCS also restricts the change of use of the piece of land unless a preliminary site investigation states that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land.

Under Regulation 10(2), the proposed change of use and disturbance of soil over the permitted limits is a restricted discretionary activity while the following requirements are met:

- (a) a detailed site investigation of the piece of land must exist;
- (b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard;
- (c) the consent authority must have the report; and
- (d) conditions arising must be complied with.

A detailed site investigation of the piece of land stating that the soil contamination exceeds the applicable standard is attached to this report as **Appendix B**.

### *MATTERS OF DISCRETION*

Under Regulation 10(3), the matters over which discretion is restricted are as follows:

- (a) the adequacy of the detailed site investigation, including-
  - (i) site sampling
  - (ii) laboratory analysis
  - (iii) risk assessment
- (b) the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination
- (c) the approach to the remediation or ongoing management of the piece of land, including-
  - (i) the remediation or management methods to address the risk posed by the contaminants to human health
  - (ii) the timing of the remediation
  - (iii) the standard of the remediation on completion



- (iv) the mitigation methods to address the risk posed by the contaminants to human health
- (v) the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants.
- (d) the adequacy of the site management plan or the site validation report or both, as applicable
- (e) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity
- (f) the requirement for and conditions of a financial bound
- (g) the timing and nature of the review of the conditions in the resource consent
- (h) the duration of the resource consent.

These matters are addressed in Section 7 of this report.

## 5.3 SUMMARY

Resource consents are required as a **Restricted Discretionary Activity** overall under Sections 9(1) and 9(3) of the Resource Management Act 1991. A summary of the resource consents required is provided in Table 2 below.

Table 2: Resource Consent Summary Table

ACTIVITY	RULE	CONSENT REQUIRED
Earthworks area exceeding 250m <sup>2</sup>	Rule 30.2.1 (WCDP)	Restricted Discretionary Activity
The use and development of a contaminated land	Rule 32.2.1 (WCDP)	Restricted Discretionary Activity
Construction of new buildings and structures	Rule 34.1.6 (WCDP)	Permitted Activity
Demolition of existing buildings	Rule 34.1.7 (WCDP)	Permitted Activity
An activity that provides more than 70 parking spaces	Rule 34.3.1 (WCDP)	Restricted Discretionary Activity
Noise emission levels exceeding no more than 5 decibels	Rule 34.3.4 (WCDP)	Restricted Discretionary Activity
Servicing and site access	Rule 34.3.4 (WCDP)	Restricted Discretionary Activity
Cumulative Effect Ratio for hazardous substances is greater than 0.1	Rule 34.3.4 (WCDP)	Restricted Discretionary Activity
Change of use and disturbance of soil	Regulation 10 (NESCS)	Restricted Discretionary Activity



## 6 STATUTORY FRAMEWORK

Section 88(2) of the RMA stipulates that an application must include an assessment of environmental effects as required by Schedule 4 and be in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

Pursuant to Schedule 4(7)(1) of the RMA, subject to the provisions of any policy statement or plan, an assessment of environmental effects on the environment must address the following matters:

*(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:*

*(b) any physical effect on the locality, including any landscape and visual effects:*

*(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:*

*(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:*

*(e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:*

*(f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.*

These matters are addressed in Section 7 of this report.

Matters to be assessed by the consent authority when considering applications under Section 104(1) of the RMA include (subject to Part 2), any actual and potential effects on the environment and any relevant provisions of a national environmental standard, a regional policy statement and plan or proposed plan.

An assessment of any actual and potential effects on the environment, as required under Section 104(1)(a), is provided in Section 7 of this report.

Under Section 104(1)(ab), no specific offsetting or environmental compensation measure is proposed to ensure positive effects on the environment. This section of the RMA will therefore, not be addressed any further in this report.

Under Section 104(1)(b), the relevant RMA national environmental standards, plans, and policy statements are:

- Wellington City Council's District Plan;
- Greater Wellington Regional Council's Regional Policy Statement for the Wellington region; and
- Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

An assessment of the relevant RMA national environmental standards, plans and policy statements is provided in Section 8 of this report.

Under Section 104(1)(c), there are no other matters considered relevant to the assessment of this application. Of note, the proposed bus depot will be located outside of the marine and coastal area as it will be on the landward side of the line of mean high-water springs. The provisions of the Marine

and Coastal Area (Takutai Moana) Act 2011 are therefore not considered to apply to this application. Section 104(1)(c) of the RMA will therefore not be addressed any further in this report.

Overall, the proposed activity is classified as restricted discretionary. Under Section 104C, when considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which –

*(a) a discretion is restricted in national environmental standards or other regulations:*

*(b) it has restricted the exercise of its discretion in its plan or proposed plan*

The consent authority may grant or refuse a resource consent application for a restricted discretionary activity. If it grants the application, it may impose conditions under Section 108 only for those matters over which discretion is restricted in the WCDP and NESCS.

Finally, an assessment of the purpose and principles of the RMA is provided in Section 9 of this report.

# 7 SECTION 104(1)(A) – ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

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## 7.1 PERMITTED BASELINE

The permitted baseline refers to the effects of permitted activities on the subject site. The permitted baseline may be taken into account, and the council has the discretion to disregard those effects where an activity is not fanciful. In this case, the permitted baseline is:

- An activity that provides less than 70 parking spaces.

The above constitutes the permitted baseline, and these adverse effects have been discounted as the level of adverse effect arising from those permitted activities is deemed to be acceptable. It is only any other or further adverse effects arising from the proposal over and above the permitted baseline which has been assessed below.

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## 7.2 RECEIVING ENVIRONMENT

The receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;
- 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. In this case, the following are included in the receiving environment:

- Resource consent SR 468659 for the redevelopment of an existing site on Shelly Bay Road including multi-unit residential, mixed-use, and non-residential buildings and activities.

There are no other unimplemented consents of relevance that are likely to be implemented.

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## 7.3 POSITIVE EFFECTS

As noted in Section 3.1 of this report, NZ Bus is seeking to grow its number of low emission buses to achieve Governmental and organisational sustainability targets. The proposed bus depot provides an electrical infrastructure to allow for electric buses to operate from the subject site and further grow the number of low emission buses operated by NZ Bus. Although the proposed bus depot includes diesel buses, the intention is only to have electric vehicles operating from the site in the long term.

Transitioning into a full electric operated NZ Bus fleet means the use of fewer hazardous substances, lower noise emissions and fewer greenhouse gases and air pollutants than diesel vehicles. The proposed development will therefore, help achieve the Government's commitment to decarbonising the public transport bus fleet and provide various benefits derived from the use of renewable energy.

In addition, as noted in Section 4.5 of this report, it is proposed to construct eighty vehicle parking spaces to cope with the parking demand from staff based at the bus depot. 25 of these spaces are proposed within the development, and 55 are proposed outside of the development within the Shelly Bay road reserve. The car parks within the road reserve will not be restricted to only staff use. They are proposed to be available to the general public. This will result in positive effects on the parking availability of the area, especially on the weekend when there is less demand from the bus drivers and more from the general public for recreation around Evans Bay and on Shelly Bay Road.

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## 7.4 TRANSPORT EFFECTS

A Transport Assessment of the proposed development was undertaken by WSP and is attached to this report as **Appendix F**. The Transport Assessment assessed the effects of the bus depot on safety, intersection performance, vehicle tracking and parking and concluded the following:

- The overall safety impacts along Shelly Bay Road are expected to be minor;
- The overall effect on intersection performance with base level of NZ traffic (existing traffic volume + traffic volume introduced by NZ Bus) is expected to be minor;
- The overall effect on intersection performance with Shelly Bay development (existing traffic volume + traffic volume from Shelly Bay development + traffic volumes from NZ Bus) is moderate to significant, with the greatest impact felt by the users of Shelly Bay Road. The impact on performance is also likely to affect safety at the intersection, with longer wait times potentially resulting in higher risk-taking;
- The impacts from the bus circulation within the site, in/out of the site and on the Miramar Avenue/Shelly Bay intersection are expected to be minor; and
- The impact on parking capacity onsite and adjacent roads is expected to be minor. The new on-street parking spaces proposed will cope with the peak parking demand generated from the site. It is also noted that Maupuia Road can allocate up to 44 additional vehicles if needed.

Overall, the proposed bus depot will have no more than minor adverse transport effects on the safety, vehicle tracking, parking and intersection performance when taking the base level of traffic volumes into account. Only when considering traffic volumes from Shelly Bay development, the impacts on the intersection performance have been assessed as being moderate to significant.

The following sub-sections summarises the key findings from the Transport Assessment in accordance with the matters of discretion under Rule 34.3.1 and outlines potential additional mitigation measures which would alleviate the overall effect on intersection performance from moderate to significant to less than minor.

### 7.4.1 *THE MOVEMENT OF VEHICULAR TRAFFIC TO AND FROM THE SITE AND THE PROVISION AND LOCATION OF FACILITIES FOR MULTIPLE MODES OF TRANSPORT*

Buses and most vehicles within the site are expected to enter the site via the southern/northern accesses and exit the site via the central access. This means that traffic movements within the site will be one-way only, which reduces the potential for conflicts within the site and when turning out onto Shelly Bay Road.

All accesses provide sufficient visibility to observe oncoming vehicular and foot traffic with sight distances of 55m, which is 20m further than the minimum requirement set out in AS/NZS 2890.1:2004. It is also noted that buses are expected to exit from the site at 90 degrees with the road, which is good for sightlines.

The visually permeable boundary fence/gate proposed at these accesses will also meet the minimum requirements for pedestrian splays at accesses in accordance with AS/NZS 2890.1:2004. The footpath next to the subject site will remain, with security fencing separating the footpath from the site, and thereby, reducing conflicts between pedestrians and bus movements. The footpath will be reduced to a minimum of 1.5m to accommodate the new parking spaces. However, given the lack of connecting facilities to the north of the site, the reduction in footpath width is not expected to significantly impact pedestrian safety.

The parking facilities proposed are considered to sufficiently accommodate the parking demand arising from the development. As previously noted, Maupuia Road can allocate up to 44 additional vehicles if needed. The new parking facilities on the eastern side of Shelly Bay Road will require parking users to cross the road. Given the low vehicle demand for crossing use and the speed limit on Shelly Bay Road is 40 km/h, no safety issues are expected for users crossing from the new parking facility to the proposed bus depot site.

The effects on cyclists are mitigated by virtue of the narrow lanes (3.1m) on Shelly Bay Road. This is because cyclists and buses are expected to travel in single file and not be alongside the bus when turning on Shelly Bay Road. In terms of the potential conflicts between cyclists and buses turning out of the site, effects on the cyclists are expected to be minor given the good sightlines from the accesses onto Shelly Bay Road. Given the walking and cycling improvements proposed by WCC along Miramar Avenue, users of the Cobham Drive shared path are also not considered to be significantly impacted by the proposed bus depot development.

#### *7.4.2 THE IMPACT ON THE ROADING NETWORK AND THE HIERARCHY OF THE ROADS FROM TRIP PATTERNS, TRAVEL DEMAND OR VEHICLE USE*

Sidra intersection modelling was undertaken as part of the Transport Assessment to understand the potential impacts of the trips generated by the bus dept on Miramar Avenue/Shelly Bay Road intersection. Four traffic scenarios were modelled to consider traffic demands in the existing environment in comparison with the addition of NZ bus depot and Shelly Bay development.

To summarise, the intersection would be over capacity with only the Shelly Bay development traffic. The modelling results also showed that the current give way intersection can function effectively with the addition of NZ Bus depot traffic if there is no Shelly Bay development traffic.

As noted in Section 7.2, the Shelly Bay Development is considered as part of the existing environment. Therefore, the combined effects of the Shelly Bay and NZ Bus depot developments on the intersection performance is moderate to significant with the greatest impact felt by the users of Shelly Bay Road. This is due to the increase in delay for Shelly Bay Road users turning right turn in the morning peak traffic, and Miramar Avenue right turn in the afternoon peak traffic.

WCC is currently investigating the potential of signalising the intersection with NZ Bus. Signalising the Miramar Avenue/Shelly Bay Road intersection will accommodate the traffic volumes from both Shelly Bay and NZ Bus depot developments and significantly improve safety and intersection performance. The trade-off of signalising the intersection is a moderate increase in delay for the Cobham Drive approach, which is considered acceptable as part of the Transport Assessment.

The signalised layout is an underlying determinant of the overall effect on intersection performance when taking into account the traffic volumes arising from Shelly Bay development. However, as noted above, the proposed NZ Bus depot on Burnham Wharf can operate with acceptable traffic performance at the Miramar Avenue/Shelly Bay Road intersection in the period before the Shelly Bay development is fully built out.

With the increase in traffic expected from the Shelly Bay development, the intersection would have unacceptable delays with or without the NZ Bus depot. NZ Bus is prepared to make a contribution to the cost towards signalling the Miramar Avenue/Shelly Bay Road intersection so works relating to the proposed bus depot can be brought forward.

## 7.5 ACOUSTIC EFFECTS

A Noise Assessment has been undertaken in November 2021 using existing data available from around the subject and NZ Bus depot data from other sites (attached as **Appendix I**). The key noise sources predicted for the proposed site are being generated from the following activities listed in Table 3 below.

Table 3 Noise sources predictions

Noise Sources	Average Sound Power Level (L <sub>WA</sub> )	Maximum sound Power level (L <sub>WAFmax</sub> )
Bus movements into site and parking	113 dB SEL	98 dB
Bus movements starting and exiting site	113 dB SEL	98 dB
Bus wash operating	90 dB SEL	100 dB
Standard vehicle entering site	100 dB SEL	91 dB
Fuel pump	74.5 dB SEL	98 dB

The predicted noise levels from the proposed NZ Bus station will comply with the relevant WCDP noise standards and any potential noise impacts arising from the development are predicted to be negligible. However, as part of the assessment, the existing ambient noise environment is considered for noise impacts to quantify and assess the cumulative operational noise associated with the NZ Bus depot.

The assessment confirmed that the ambient noise around the site (predominantly from traffic and aircraft noises) is already above the District Plan noise limits. Therefore, acoustic criteria was developed to consider the existing ambient noise environment with the WCDP noise limits. Where noise levels comply with the District Plan noise limits or are greater than 10dB below the existing measured ambient noise levels, the noise impact is expected to be negligible. Where the predicted noise levels are above the WCDP noise limits but below the measured ambient noise levels, the noise effects are expected to be minimal.

The report assesses the noise impacts from the NZ Bus depot development on several properties located on Ropa Lane, Aranui Street and Shelly Bay Road. The noise impacts on these properties were compared over a 24 hour period. As part of this assessment, bus wash and fuel pump have been

assumed to continuously operate during the entire daytime period, which in reality, is unlikely to occur.

Overall, based on the findings of the Noise Assessment, the proposed bus depot will have no more than minor adverse noise effects on the surrounding environment and less than minor adverse noise effects on any person.

The following sub-sections summarises the predicted operational noise levels from the proposed NZ Bus depot over the daytime operation, evening operation and night-time operation, maximum noise levels and potential mitigation measures provided as part of the Wellington Airport Quieter Homes packages.

### **7.5.1 DAYTIME OPERATIONS**

- Noise associated with the daytime operation of the proposed bus depot is predicted to comply with the WCDP daytime noise limits at the site boundary of most adjacent properties, apart from two residential zoned properties, which exceeds the limit by 2dB.
- The average ambient noise level at the site was measured to be 62 dB  $L_{Aeq}$  during the daytime, which is 10 dB greater than the predicted noise level.
- Given that the noise from the proposed bus depot will likely not be heard over the ambient noise, the noise effects associated with the daytime operation are negligible at all properties.

### **7.5.2 EVENING OPERATIONS**

- Noise associated with the evening operation of the proposed bus depot is predicted to comply with the WCDP evening noise limits at the site boundary of all adjacent properties, apart from four residential zoned properties, which exceeds the limits by up to 4 dB.
- The noise levels from the evening operations are predicted to be 10 to 13 dB lower than the measured ambient noise levels during the same period.
- Similarly, this difference in noise level means that the noise from the proposed bus depot is not likely to be heard over the ambient noise, and the noise effects associated with the proposal are negligible.

### **7.5.3 NIGHT-TIME OPERATIONS**

- Noise associated with the night-time operation of the proposed bus depot is predicted to comply with the WCDP evening noise limits at the site boundary of most adjacent properties, apart from five residential zoned properties, which exceeds the limits by up to 11 dB.
- The noise levels from the night-time operation are predicted to be 1 to 9 dB lower than the measured average ambient noise levels during the same period. On this basis, the cumulative ambient noise at any one property is predicted to increase between 0 to 3 dB.
- Although the overall ambient noise level around the site is predicted to increase, the increased level would be barely audible, and any potential noise effects associated with the proposed bus depot are minimal.

### **7.5.4 MAXIMUM NOISE LEVELS**

- Noise effects from maximum noise level events are expected to be negligible for most properties that can comply with the permitted limit of 70 dB  $L_{AFmax}$ .

- Where maximum noise levels are predicted to exceed the WCDP noise limits, the noise effects associated with the proposed bus depot are expected to be minimal.

### 7.5.5 QUIETER HOMES PACKAGES

As part of the Quieter Homes packages, Wellington Airport is offering homeowners within the airport's Air Noise Boundary a subsidised package of acoustic mitigation treatment that includes a dedicated ventilation system such that windows and doors can be kept closed, and insulation, acoustic glazing, and new seals to be installed.

These mitigation treatments are designed to reduce aircraft noise in habitable rooms to a day/night average (Ldn) of 45 dB. Furthermore, having a ventilation system allows doors and windows to be kept closed, which substantially reduces the impact of external noise levels inside the properties.

Given that the properties in close proximity of the site may be eligible to be part of the Quieter Homes programme, noise from the proposed NZ Bus depot will also be reduced when considering internal noise levels.

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## 7.6 HAZARDOUS SUBSTANCES EFFECTS

The risk posed by the storage of diesel on the site relates to the accidental release to the environment. The controls in place to avoid accidental release are set out in detail in the Emergency Management Plan contained within the Hazardous Substance Assessment (**Appendix H**).

The residual risks associated with the overall use of hazardous substances has been assessed by Tonkin+Taylor, and it is considered that adverse effects can be managed through the implementation of appropriate controls outlined in the report. This includes suitable containment controls, emergency response provisions and operation and supervision by trained staff. Furthermore, the design of the bus depot storage facility and procedures for managing hazardous substances will minimise any potential adverse effects to off-site people, property, and the environment.

The potential adverse effects of transporting hazardous substances will also be reduced by delivering any hazardous substances via an appropriate truck or tanker, with a trained supervisor present for delivery. Any waste will also be periodically removed by an authorised contractor to a licenced disposal facility.

Overall, based on the Hazardous Substances Assessment, the proposed bus depot will have no more than minor adverse effects on the surrounding environment and less than minor adverse effects on any person from the use, storage, handling, and transport of hazardous substances on, from and to the site.

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## 7.7 CONTAMINATED LAND EFFECTS

As outlined in Section 2.2, the PSI/DSI undertaken identified the nature and extent of contamination that presents several migration pathways to the receiving environment and potential exposure pathways to construction workers and users and visitors post-development.

That being said, the PSI/DSI concluded that the site is suitable for its intended use as a bus depot, except for the detections of asbestos in soils and metals, which is limited to the area around the incinerator building.



It is noted that a Remediation Action Plan and a Site Management Plan is currently being prepared and will be provided to WCC pending issue of consent. These site-specific plans outline the controls to manage the impacted soils onsite, which will address the health and safety of workers and protocols during earthworks or removal of material from the site.

Overall, with suitable controls in place, the proposed bus depot and adverse effects associated with the risks posed by contaminants to public health and safety will be no more than minor on the surrounding environment and less than minor on any persons .

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## 7.8 EARTHWORKS EFFECTS

Earthworks will be undertaken to form the appropriate footprints for the bus depot facility. The site is relatively flat in nature with a small mound along the southern section of the site. All earthworks will only occur as necessary for construction and be undertaken in accordance with a site-specific construction management plan.

A construction management plan will be prepared pending issue of consent and will set out erosion and sediment control measures specific to the site to minimise sediment runoff into Te Whanganui-a-Tara or WCC's stormwater network. Any potential adverse effects will be contained within the worksite and limited to the duration of construction of approximately 12 months.

Overall, the earthworks associated with the proposed bus depot will have less than minor adverse effects on the surrounding environment.

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## 7.9 CONSTRUCTION EFFECTS

As with all construction projects, there are short-term construction effects that occur. These construction effects are a temporary increase in movements to and from the site to deliver construction materials and a short-term increase in construction-related noise and dust effects. These effects are temporary in nature and can be avoided or mitigated through routine site management measures by the contractor.

A construction management plan will be prepared pending issue of consent, which can be provided to council at request. The management plan will outline site-specific management measures in accordance with the relevant New Zealand Standards. For example, construction noise can be managed to not exceed the limits recommended in NZS 6803:1999 Acoustics – Construction Noise. Dust will be managed with water sprinkles should this become necessary due to dry conditions.

In terms of construction-related traffic, works associated with the bus depot facility will be undertaken within the site. The relocation of Pōhutukawa trees may impact vehicular traffic on Shelly Bay Road. In that instance, any temporary traffic controls will be implemented and managed by the contractors in accordance with the WCC's Code of Practice for Working on the Road.

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## 7.10 CONCLUSION

Only the effects on the Miramar Avenue/Shelly Bay intersection is moderate to significant as the addition of more vehicles from the NZ Bus depot development would add to the traffic delay when combined with traffic from the Shelly Bay Development. However, as previously noted, the traffic arising from the proposed bus depot facility itself will result in no more than minor effects on the intersection performance.

To address the road safety concerns and traffic congestion, WCC is currently investigating arrangements for an appropriately designed traffic signals on the Miramar Avenue/Shelly Bay intersection. With the implementation of a signalised intersection layout, any transport effects would be less than minor. NZ Bus will make a contribution to the cost towards signalising the intersection to allow works relating to the proposed bus depot be brought forward. NZ Bus is prepared to offer this contribution as a condition of the resource consent, the exact quantum of this is still to be agreed with Wellington City Council.

On the basis of the above assessment, it is considered that the proposed bus depot is appropriate for the area and that any adverse effects relating to transport safety, vehicle tracking, parking, noise, hazardous substances, earthworks, and contamination will be no more than minor on the environment and less than minor on any person overall.

# 8 SECTION 104(1)(B) – RELEVANT STATUTORY DOCUMENTS

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## 8.1 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

The NESCS applies to certain activities on land affected or potentially affected by soil contaminants. A detailed site investigation of the piece of land stating that the soil contamination exceeds the applicable standard is attached to this report as **Appendix B**. As part of the remediation action plan and site management plan, all contaminated soil will be removed from the site prior to any other earthworks occurring and will be disposed of at an approved facility. As such, the proposed works are considered consistent with the direction within the NESCS.

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## 8.2 REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION

The second-generation Regional Policy Statement for the Wellington Region (RPS) was made operative on 24 April 2013 and sets out the framework and priorities for resource management in the Wellington Region. It identifies the regionally significant issues around the management of the region's natural and physical resources and sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods). The RPS also sets out a series of methods that Greater Wellington Regional Council and its partners will undertake, and how the RPS will be monitored to see how the anticipated results of its policies are being achieved.

The RPS contains objectives and policies that seek to enable people and communities in the Wellington Region to provide for their social, economic, and cultural well-being as well as objectives and policies which seek to safeguard environmental quality. Section 3 is pertinent in this regard.

The provisions of the regional plans<sup>3</sup> give effect to and are consistent with the high-level direction contained in the RPS document. As the proposed bus depot does not require resource consent under the provisions of the regional plans, this is considered to concurrently demonstrate consistency with the objectives and policies set out in the RPS to achieve the integrated management of natural and physical resources in the Wellington Region.

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<sup>3</sup> Proposed Natural Resources Plan, Regional Air Quality Management Plan, Regional Coastal Plan, Regional Freshwater Plan, Regional Soil Plan and Regional Plan for discharges to land

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## 8.3 WELLINGTON CITY DISTRICT PLAN

### 8.3.1 OBJECTIVES AND POLICIES

#### 29 EARTHWORKS

##### OBJECTIVE

29.2.1 To provide for the use, development and protection of land and physical resources while avoiding, remedying, or mitigating any adverse effects of earthworks and associated structures on the environment.

29.2.1.1 Ensure that the design and assessment of earthworks and associated structures is coordinated with future land development and subdivision.

29.2.1.3 Ensure that earthworks are designed to minimise the risk of instability.

29.2.1.4 Require earthworks to be designed and managed to minimise erosion, and the movement of dust and sediment beyond the area of the work, particularly to streams, rivers, wetlands, and the coastal marine area.

29.2.1.7 Ensure that earthworks and associated structures are designed and landscaped (where appropriate) to reflect natural landforms and to reduce and soften their visual impact having regard to the character and visual amenity of the local area

29.2.1.11 Ensure the transport of earth or construction fill material, to and from a site, is undertaken in a way that is safe and minimises adverse effects on surrounding amenity and the roading network.

29.2.1.12 Protect koiwi (human remains), taonga, Maori and Non-Maori material and archaeological sites dated form before 1900, by advising applicants of their obligations under legislation and using enforcement powers where necessary.

#### 31 CONTAMINATED LAND

##### OBJECTIVE

31.2.1 To manage the remediation, use, development, and subdivision of contaminated and potentially contaminated land so as to avoid or mitigate the risk of adverse effects on human health and the environment.

31.2.1.2 Minimise and control the adverse effects that may arise from the use, development, and subdivision of any contaminated or potentially contaminated land.

31.2.1.3 Encourage the remediation and/or ongoing management of contaminated or potentially contaminated land as is appropriate for any likely future use of the land.

31.2.1.4 Ensure that the exposure from the ongoing use of land affected by soil contaminants is managed in a manner that avoids or mitigates the risk of adverse effects on human health and the environment.

#### 33 BUSINESS AREAS

##### OBJECTIVE - ROLE AND FUCNTION OF BUSINESS AREAS

33.2.1 To provide Business Areas that can accommodate a wide range of business and industrial activities to meet the social and economic needs of the City.

33.2.1.1 Recognise and provide for both Business 1 and Business 2 Areas within the City.

33.2.1.3 Maintain and enhance the viability and vibrancy of Regionally Significant Centres in the Wellington region.

#### *OBJECTIVE - ACTIVITIES*

33.2.2 To enable an appropriate range of activities to occur in Business Areas, provided they do not undermine the City's Centres, and that adverse effects are avoided, remedied, or mitigated.

33.2.2.2 Enable business and industrial activities and specified retail activities within Business 2 Areas provided that character and amenity standards of adjoining Residential Areas are maintained, and that any potential adverse effects can be satisfactorily avoided, remedied, or mitigated.

33.2.2.3 Ensure the retention of suitable land for industrial and business activities, by restricting the establishment of non-industrial activities, specifically residential and some retail activities, in Business 2 Areas.

33.2.2.9 Control the adverse effects of noise within all Business Areas.

33.2.2.13 Ensure that activities creating effects of lighting, dust and the discharge of any contaminants are managed to avoid, remedy, or mitigate adverse effects on other activities within Business Areas or in nearby Residential Areas.

#### *OBJECTIVE - BUSINESS PRECINCTS*

33.2.3 To recognise where unique development opportunity areas exist within Business Areas and encourage redevelopment of these in a manner that is compatible with and enhances amenity values and contribute to the City's distinctive physical character, sense of place and contained urban form.

33.2.3.3 Provide for the development of port related activities in the Miramar/Burnham Wharf Operational Port Area and manage the height, bulk and location of buildings and structures in a way that:

- recognises the unique characteristics of port structures and mitigates or remedies any adverse effects on the character and amenity of nearby residential properties; and
- ensures that the height of proposed buildings and structures does not adversely affect the safe and efficient operation of Wellington International Airport

#### *OBJECTIVE - BUILT DEVELOPMENT, URBAN DESIGN AND PUBLIC SPACE*

33.2.4 To ensure that activities and developments at least maintain the amenity values and public safety within Business Areas and those of any nearby Residential Areas.

33.2.4.2 Ensure that buildings, structures, and spaces in Business 2 Areas that abut or adjoin a state highway are designed to establish positive visual effects through appropriate siting and building design.

33.2.4.6 Ensure an appropriate transition between activities and buildings within Business Areas and adjoining Residential Areas.

33.2.4.7 Manage the height, bulk and location of buildings and developments in Business Areas so that they avoid, remedy, or mitigate the adverse effects of shading, loss of daylight, privacy, scale and dominance and any other adverse effects on amenity values within Business Areas and on adjoining Residential Areas.

*OBJECTIVE - BUILDING EFFICIENCY AND SUSTAINABILITY*

33.2.5 To promote energy efficiency and environmental sustainability in new building design.

33.2.5.1 Promote a sustainable built environment in Business Areas, involving the efficient end use of energy and other natural and physical resources and the use of renewable energy, especially in the design and use of new buildings and structures.

33.2.5.2 Ensure all new buildings provide appropriate levels of natural light to occupied spaces within the building

*OBJECTIVE - ACCESS AND TRANSPORT*

33.2.6 To maintain an efficient and sustainable transport network that enables the provision of convenient and safe access for people and goods to and within Business Areas.

33.2.6.1 Ensure that activities and developments are designed to be accessible by multiple transport modes.

33.2.6.2 Ensure that the location and design of activities and developments that generate significant levels of traffic or increase demand for parking are accessible by multiple transport modes and do not result in:

- a significant increase in traffic that would be incompatible with the capacity of adjoining roads and their function in the road hierarchy, or would lead to unacceptable congestion; or
- an on-street parking demand that extends into Residential Areas and/or leads to unsatisfactory parking arrangements; or
- the creation of an unacceptable road safety risk.

33.2.6.3 Support and maintain the defined road hierarchy as identified on District Planning Map 33.

33.2.6.4 Maintain or enhance safe, convenient, and easily legible pedestrian access to buildings.

33.2.6.5 Encourage buildings and spaces to have a high level of accessibility, particularly for people with restricted mobility.

33.2.6.6 Require the provision of appropriate servicing and site access for activities in Business Areas.

*OBJECTIVE - COASTAL ENVIRONMENT*

33.2.10 To maintain and enhance access to, and the quality of the coastal environment within and adjoining Business Areas.

33.2.10.1 Maintain the public's ability to use and enjoy the coastal environment by requiring that, except in the Operational Port Areas, public access to and along the coastal marine area is maintained and enhanced where appropriate and practicable.

33.2.10.2 Ensure that any developments near the coastal marine area are designed to maintain and enhance the character of the coastal environment and waterbodies.

*OBJECTIVE - NATURAL AND TECHNOLOGICAL HAZARDS*

33.2.11.4 Ensure that the adverse effects on the natural environment arising from a hazard event are avoided, remedied, or mitigated.

## OBJECTIVE - HAZARDOUS SUBSTANCES

33.2.12 To prevent or mitigate any adverse effects of the storage, use, disposal, or transportation of hazardous substances, including waste disposal.

33.2.12.1 Ensure the environment is safeguarded by managing the storage, use, handling, and disposal of hazardous substances.

33.2.12.2 Reduce the potential adverse effects of transporting hazardous substances.

33.2.12.4 To require hazardous facilities to be located away from Hazard Areas.

33.2.12.5 In assessing an application for a resource consent relating to hazardous substances, the following matters will be considered:

- site layout, design, and management to avoid, remedy or mitigate any adverse effects of the activity;
- the adequacy of the design, construction, and management of any part of a hazardous facility site where hazardous substances are used for their intended function, stored, manufactured, mixed, packaged, loaded, unloaded, or otherwise handled such that:
- any significant adverse effects of the intended use from occurring outside the intended use, handling or storage area is prevented
- the contamination of any land in the event of a spill or other unintentional release of hazardous substances is prevented
- the entry or discharge of the hazardous substances into surface or groundwater, the stormwater drainage system or into the sewerage system (unless permitted under a regional plan, resource consent or trade waste permit) is prevented.
- necessity for secondary containment of bulk storage vessels;
- location of and separation distance between the hazardous facility and residential activities;
- location of and separation distance between the hazardous facility and critical facilities and lifelines;
- location of the facility in relation to the nearest waterbody or the coastal marine area;
- access routes to the facility, location and separation distance between the facility and sensitive activities and uses, sensitive environments and areas of high population density;
- transport of hazardous substances to and from the site, including the tracking of waste where it is disposed off-site;
- existing and proposed (if any currently under consideration by Council) neighbouring uses;
- potential cumulative hazards presented in conjunction with nearby facilities;
- potential for contamination of the surroundings of the site and sensitivity of the surrounding environment;
- fire safety and fire water management;
- site drainage and utility infrastructure;
- whether the site has adequate signage to indicate the presence of hazardous substances;

- whether adequate arrangement has been made for the environmentally safe disposal of any hazardous substance or hazardous wastes generated, including whether off-site disposal is a more appropriate solution, including whether off-site disposal is a more appropriate solution;
- whether the site design has been subject to risk analysis, such as Hazop (Hazard and Operabilities Studies), to identify the potential hazards, failure modes and exposure pathways;
- where the hazardous facility is located within a Hazard Area, any additional requirements to mitigate the potential effect of a natural hazard event;
- type and nature of the existing facility;
- whether appropriate contingency measures and emergency plans are in place;
- whether the facility complies with the provisions of the Hazardous Substances and New Organisms Act 1996, and whether more stringent controls are required to take account of site-specific conditions.

#### OBJECTIVE - TANGATA WHENUA

33.2.13 To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by Wellington's tangata whenua and other Māori.

33.2.13.1 Identify, define, and protect sites and precincts of significance to tangata whenua and other Māori using methods acceptable to tangata whenua and other Māori.

33.2.13.3 In considering resource consents, Council will take into account the principles of Te Tiriti o Waitangi/the Treaty of Waitangi.

### 8.3.2 ASSESSMENT

#### 29,31 EARTHWORKS AND CONTAMINATED LAND

The works will not be contrary to the above objectives and policies. A detailed site investigation of the piece of land stating that the soil contamination exceeds the applicable standard is attached to this report as **Appendix B**.

As part of the remediation action plan and site management plan (which is currently being prepared), all contaminated soil will be removed from the site prior to any other earthworks occurring and will be disposed of at an approved facility to ensure any risk of adverse effects on human health and the environment are appropriately avoided or mitigated, minimised and/or controlled.

All earthworks will be undertaken and managed in accordance with the site-specific construction, erosion, and sediment control measures to minimise erosion, and the movement of dust and sediment beyond the area of the work, particularly the Te Whanganui-a-Tara.

#### 33 BUSINESS AREAS

The works will not be contrary to the above objectives and policies. Given where the proposed NZ Bus depot facility is located and how the site is connected to Miramar Avenue, which links to industries, ports and airports, the proposal is considered to maintain and enhance the viability and vibrancy of Regionally Significant Centres in the Wellington region. The development will not introduce a nature of activities that would significantly deviate from what already existed in the surrounding area. Any potential amenity or privacy effects would be mitigated by virtue of the existing cliff that separates the development from neighbouring residential properties. In terms of policy



33.2.2.9, any potential adverse noise effects have been assessed to be minimal, and noise arising from the development is not considered a material constraint to the reasonable operation of the facility.

In terms to policy 33.2.5.1, relocating the NZ Bus depots to the subject site will also accommodate for a full electric operation of the NZ Bus fleet in the long-term, which will help reduce the use of fewer hazardous substances and release fewer greenhouse gases and air pollutants, and thereby, promoting a sustainable built environment in the Business Area.

In relation to access and transport, appropriate considerations have been given to designing parking and access to maintain an efficient and sustainable transport network that enables the provision of convenient and safe access for people and goods to and within Business Areas. Only the Miramar Avenue/Shelly Bay intersection is considered to be impacted by the development. However, Miramar Avenue is identified as an arterial road, which is designed to accommodate higher traffic volumes. It is noted that Shelly Bay Road is classified as a secondary collector road. Hence, pending an upgrade by way of signalisation, the implementation of a signalised intersection would mitigate any road safety risk and unacceptable congestion. It is noted that NZ Bus is prepared to make a contribution to the cost towards signalising the Miramar Avenue/Shelly Bay Road intersection to allow works relating to the proposed bus depot be brought forward.

In regard to the coastal environment and the use, handling and storage of hazardous substances, the appropriate containment controls and emergency response provisions proposed will avoid any accidental release to the environment. In addition, the operation and supervision by trained staff onsite are also considered to mitigate any adverse effects of the storage, use, disposal, or transportation of hazardous substances.

# 9 PART 2 OF THE RMA

Part 2 sets out the purpose and principles of the RMA. Taking guidance from the Supreme Court Decision, *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, decisions on resource consents must have regard to Part 2 of the RMA provisions where it is appropriate to do so. In this instance, the Wellington City Council District Plan has been prepared with regard to Part 2 of the RMA and reflect Section 5 to 8. Accordingly, no assessment is required. However, the following section assesses the proposal's consistency with Part 2 for completeness.

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## 9.1 SECTION 5 – PURPOSE

Section 5(1) of the RMA states that “the purpose of the Act is to promote the sustainable management of natural and physical resources”, where “sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

Public transport bus depots are physical resources that are essential for the effective movement of people within the Wellington region. Providing a new facility which will enable the increased use of electric busses is a resource management issue of significance for the Wellington region.

In addition, management measures will ensure adverse effects are appropriately avoided, remedied, or mitigated as to safeguard the life-supporting capacity of the surrounding water, soil, and ecosystems.

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## 9.2 SECTION 6 – MATTERS OF NATIONAL IMPORTANCE

In exercising its functions and powers under the RMA, the consent authority is required to recognise and provide for the following matters which are of national importance, that is:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development;*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*
- (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;*

- (f) the protection of historic heritage from inappropriate subdivision, use, and development;*
- (g) the protection of protected customary rights.*

The proposal is considered consistent with Section 6 of the RMA. The bus depot will not adversely affect the natural character, features, and landscapes of the adjacent coastal environment over and above how the Burnham Wharf site is currently being used. Management measures will ensure adverse effects on the indigenous vegetation and habitats of indigenous fauna of the adjacent coastal environment are appropriately avoided, remedied, or mitigated.

The subject site is currently privately owned and does not allow public access to the coastal marine area in this location. The proposed bus depot will retain the private nature of the site and therefore maintain the existing access arrangement of the area.

The site adjoins Te Whanganui-a-Tara (Wellington Harbour) which is a known site of significant māna whenua value. Management measures will ensure adverse effects on the māna whenua and historic heritage values of the adjacent coastal environment are appropriately avoided, remedied, or mitigated.

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### 9.3 SECTION 7 – OTHER MATTERS

Section 7 details other matters that should be considered by the consent authority when deciding to grant or refuse consent, including among others the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, the maintenance and enhancement of the quality of the environment and the benefits to be derived from the use and development of renewable energy. The proposal is consistent with these matters, for the reasons provided previously in this report.

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### 9.4 SECTION 8 – TREATY OF WAITANGI

Section 8 requires the consent authority to take into account the principles of the Treaty of Waitangi. It is considered that the proposal does not raise any matters which would be contrary to the Principles of the Treaty of Waitangi. The site adjoins Te Whanganui-a-Tara (Wellington Harbour) which is a known site of significant māna whenua value. Management measures will ensure adverse effects on the māna whenua values of the adjacent coastal environment are appropriately avoided, remedied, or mitigated.

# 10 NOTIFICATION

Under Section 95A of the RMA, public notification of an application is at the consent authority's discretion. However, none of the conditions specified in Section 95A which would require public notification is applicable to this application and there are no special circumstances.

Under Section 95B, Council must give limited notification of an application to any affected person. A person is considered to be affected, under Section 95E, if the activity's adverse effects on that person are minor or more than minor, but not less than minor.

Public notification and limited notification are both precluded under Sections 95A(5)(a) and 95B(6)(a) subject to Rule 34.3.1 of the WCDP. In respect to Rule 34.3.1, applications will not be public notified (unless special circumstances exist) or limited notified, except that the New Zealand Transport Agency (Waka Kotahi NZ Transport Agency) must be notified where it is considered to be an affected party to an application. As the site does not front a state highway, Waka Kotahi are not considered adversely affected.

Even though the Miramar Avenue/Shelly Bay Road intersection performance has been assessed to be moderate to significant (without signalisation of the intersection), the proposed activity will not be contrary to the relevant objectives and policies of the WCDP. It is also noted that improvements to the Miramar Avenue/Shelly Bay Road intersection is under active consideration, and the implementation of a signalised intersection would reduce any potential impacts on road users. NZ Bus is also prepared to make a contribution to the cost towards signalising the intersection to allow works relating to the proposed bus depot be brought forward. The overall activity status of the application is restricted discretionary under the WCDP and NESCS and any effects from the proposed activity will be no more than minor overall, as assessed in Section 7 of this report. On that basis, no special circumstances are considered to exist.

It is therefore determined that the application can be considered on a non-notified basis.

# 11 CONSULTATION

With mitigation, the proposed bus depot facility will overall result in no more than minor adverse effects on the environment and less than minor adverse effects on any person. As such, it is considered that no parties would be considered affected by the proposed works, and therefore, consultation has not been undertaken with the owners/ occupiers of neighbouring properties.

Only the effects on the Miramar Avenue/Shelly Bay Road intersection have been assessed as moderate to significant. However, as previously mentioned, WCC is investigating improvements on this intersection at one point in the future, which would mitigate any potential adverse effects and improve performance and safety of this intersection. In that instance, any potential adverse effects would be less than minor.

It is noted that in respect to Rule 34.3.1, applications will not be public notified (unless special circumstances exist) or limited notified, except that the New Zealand Transport Agency (Waka Kotahi NZ Transport Agency) must be notified where it is considered to be an affected party to an application. As the site does not front a state highway, Waka Kotahi are not considered adversely affected. Consultation has therefore not been undertaken with this party.

The work site is also not located within a site and place of significance to Māna Whenua as identified in the Wellington City District Plan, nor is the activity anticipated to generate any adverse effects on Māna Whenua and their relationship with their ancestral land, water, site, waahi tapu and other taonga. Consultation has therefore not been undertaken with Māna Whenua.

## 12 CONCLUSION

New Zealand Bus Limited seeks resource consent as a **Restricted Discretionary Activity** under Sections 9(1) and (3) of the RMA for the construction and operation of a bus depot facility.

The proposal has been assessed in terms of the relevant matters detailed in Section 104 of the RMA. It is considered that the adverse effects on the environment from the bus depot will be no more than minor on the environment and less than minor on any person.

Only the effects on the Miramar Avenue/Shelly Bay intersection are considered more than minor, which is due to the traffic delays when considering the traffic from the Shelly Bay Development. The traffic arising from the proposed bus depot facility itself will result in no more than minor effects on the intersection performance.

The proposal has been assessed in terms of the relevant statutory documents and is consistent with the provisions of the relevant plans.

An assessment in terms of Part 2 of the RMA has been made, and it has been concluded that the proposal is consistent with the purpose and principles of the RMA.

Finally, taking into consideration the notification 'tests' set out by Section 95 of the RMA, it is considered that the application is precluded from notification of any form and no special circumstances are considered to apply.

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This report ('Report') has been prepared by WSP New Zealand Limited ('WSP') exclusively for New Zealand Bus Limited ('Client') in accordance with the Statement of Work No. 22 dated 25 March 2021 ('Agreement').

## Permitted Purpose

This Report has been prepared expressly for the purpose of a resource consent application and assessment of environmental effects for the establishment of a bus depot facility on Burnham Wharf in Miramar ('Permitted Purpose'). WSP accepts no liability whatsoever for the use of the Report, in whole or in part, for any purpose other than the Permitted Purpose. Unless expressly stated otherwise, this Report has been prepared without regard to any special interest of any party other than the Client.

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# APPENDIX A

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## PLANS

# APPENDIX B

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## PRELIMINARY & DETAILED SITE INVESTIGATIONS

# APPENDIX C

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## PRE-APPLICATION MEETING NOTES

# APPENDIX D

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## IGNITION HAZARD ZONE REVIEW LETTER

# APPENDIX E

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## RESOURCE CONSENTS SR 345711 & 368659

# APPENDIX F

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## TRANSPORT ASSESSMENT

# APPENDIX G

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## ARCHCHECK

# APPENDIX H

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## HAZARDOUS SUBSTANCES ASSESSMENT



# APPENDIX I

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## ACOUSTIC ASSESSMENT

# APPENDIX J

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## BUSINESS AREA STANDARDS

# APPENDIX K

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## RECORD OF TITLE