

3. CALTEX, RICCARTON ROAD

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This report is in response to a request by the Board for further information relating to a letter presented by Claire Mouat regarding noise nuisance issues at the Caltex Service Station in Riccarton Road.

The response has been prepared by Jan Anderson and Graeme Pulley, Environmental Health Officers.

In response to the letter dated 13th March 2001 from Clare Mouat to Riccarton Wigram Community Board;

Extract of 13 March 2001 letter, numbered paragraphs 1-11(a) inclusive

1. *On behalf of the ratepayers and residents of the area bounded by Straven Road, Harakeke Street, Bradshaw Terrace and the service lane running between Straven Road and Harakeke Street I am expressing their considerable concern caused by the excessive noise emanating from the Carwash and Jetdryer operated at the above service station. This matter has been on-going for a number of years.*
2. *A complaint regarding the noise was made to the Christchurch City Council Noise Pollution Unit in June 1999. Sound monitoring undertaken by the Unit on 5 July 1999 revealed the Service Station was not in compliance with the applicable Noise Standards and Caltex and the operators were advised of that non-compliance.*
3. *An on-site meeting with representatives of Caltex was held at which an undertaking was given on behalf of the Caltex Southern Regional Office to alleviate the noise pollution by reducing the levels during the day and at night.*
4. *In September 2000 written complaints regarding the continuing noise pollution were lodged with the Caltex Southern Regional Office and with the Christchurch City Council.*
5. *A letter dated 29 September 2000 from G K Woodgate, External Services Manager of Caltex advised the Service Station operators that the jetdryer cycle of the carwash should not be operated between the hours of 11.00 pm and 7.00 am but the staff were still authorised to sell basic carwash cycles after 10.30 pm. This recommendation was not followed.*
6. *On 7 December 2000 the Environment Service Unit again monitored the noise levels uncovering continuing non-compliance with the applicable day and night time City Plan Noise Standards.*
7. *Caltex was advised of that non-compliance in a letter dated 8 December 2000 by Jan Anderson, Environmental Health Officer.*
8. *The letter further reveals that no consent as required, was obtained for the changes made to the carwash by Caltex in 1998 involving the replacement of the original brush dryers with an even noisier airjet dryer. There can be little doubt the installation and operation of the carwash at the Caltex Service Station has been unlawful since 1998.*
9. *Further to the Environmental Health Officer still felt it necessary to instruct that the recommendation of Mr Woodgate should be enforced without exception.*
10. *Again at an on-site meeting representatives of Caltex pledged to take steps to alleviate the problems caused by the noise at all times by January 2001. These commitments have not been kept.*
11. *On 26 February 2001 I wrote to the General Manager at the Caltex Head Office Wellington (copy attached) pointing out the residents' concerns as follows:*
 - (a) *The carwash noise; and*

Officer response to numbered paragraphs 1-11(a) inclusive

The first complaint received by the Council concerning this brushless car wash was 23rd June 1999. The blower or drying cycle of the "wash" was considered the most intrusive. Noise measurements taken on 5 July 1999 confirmed non-compliance with both the daytime and night time City Plan Noise Standards. As the night time noise standards are more sensitive and because nearby residents could have sleep disturbed, Caltex quickly agreed to close the car wash between 10 pm and 7 am every day as requested. Initially this may not have been adhered to totally. Further noise measurements on 7th December 2000 were taken during an on site meeting with Caltex representatives. In a letter dated 8th December 2000 Caltex were requested to seek acoustic advice on attenuation measures to address non-compliance with the daytime standard. Caltex responded in a letter dated 27th December 2000 to the Council that they intended installing a carwash door at the northern or entry end of the car wash commencing in January 2001.

Extract of 13 March 2001 letter, numbered paragraph 11(b)

11. *On 26 February 2001 I wrote to the General Manager at the Caltex Head Office Wellington (copy attached) pointing out the residents' concerns as follows:*

- (b) *The health hazard created by allowing the rubbish skip to become overfull and leaving in that state for lengthy periods leading to a proliferation of blowflies and rats in the area; and*

Officer response to numbered paragraph 11(b)

The refuse container has been replaced with a larger one that has close fitting lockable lids. It is emptied weekly. On the 18th April 2001 there were no nuisance conditions evident.

Extract of 13 March 2001 letter, numbered paragraphs 11(c) & 11(f)

11. *On 26 February 2001 I wrote to the General Manager at the Caltex Head Office Wellington (copy attached) pointing out the residents' concerns as follows:*

- (c) *Permanent Monday to Friday car parking at the rear of the LPG tank; and*
- (f) *The need for a protective wall on the rear boundary of 14 Bradshaw Terrace and on the side boundary of 16 Bradshaw Terrace.*

Officer response to numbered paragraphs 11(c) & 11(f)

A letter dated 14th September 1992 from the Dangerous Goods Inspector granted an exemption to permit the parking of motor vehicles within 5 metres from the LPG installation having regard to the water spray installation and associated equipment. There is no requirement for "protective walls" to be erected at the boundaries of 14 and 16 Bradshaw Tce.

Extract of 13 March 2001 letter, numbered paragraphs 11(d) (e) & (g)

11. *On 26 February 2001 I wrote to the General Manager at the Caltex Head Office Wellington (copy attached) pointing out the residents' concerns as follows:*

- (d) *Trailers for hire being parked in carparks marked in the Service Lane; and*
- (e) *That shrubs and trees planted in the Council verge at the rear of 16 Bradshaw Terrace to upgrade and beautify the Service Lane and to mask the smells, noise and visual pollution were being damaged by the repeated ramming of trailers across the parking zone and into the vegetation; and*
- (g) *During weekends and on busy week days the Service Lane is blocked by vehicles queuing for a carwash. There should be a "Wait for Wash" lane clearly marked and enforced on the land belonging to Caltex away from and not obstructing users of the service lane.*

Officer response to numbered paragraphs 11(d) (e) & (g)

The service lane issues have been responded to by Paul Burden (Area Engineer) in his report of April 2001. Caltex has been made aware of the residents concerns.

Riccarton Service Lane (Ownership Issues)

The Riccarton Service Lane has developed in an extremely piecemeal fashion over the last 10 to 15 years. Originally the land required for the lane was designated in the Riccarton Borough District Planning Scheme. The current "City Plan" retains designations only over a small length currently occupied by a building. This is potentially very dangerous as the Council could do little to prevent landowners fencing their boundaries to prevent the passage of vehicles along the lane or in fact building on the Lane itself.

The Lane was developed through a mix of methods. As sites redeveloped the owners were required (due to the designation) to leave a 6m wide strip on the designated alignment of the Service Lane. In some instances this was purchased by the Council and dedicated as "Service Lane". However more often it was left in the ownership of the property owner who then (by virtue of the underlying designation) permitted the passage of vehicles across his property. Some parts of the Lane were specifically subdivided off, purchased and dedicated by the Council.

Therefore the Lane currently exists as a mix of privately and publicly owned land parcels. This mix often gives rise to confusion particularly in the areas of maintenance responsibilities and the enforcement of parking restrictions.

The area in question i.e. between Harakeke and Straven is dedicated "Service Lane" from Straven Road heading east for a distance of approximately 95 metres. The balance to Harakeke Street is under private ownership. This includes the Caltex site in question.

As mentioned the situation with respect to some parts being public and some privately owned is unsatisfactory since the designations no longer exist. The situation needs to be resolved by Council purchasing and dedicating as "Service Lane" the balance of the privately owned sections.

Extract of 13 March 2001 letter, numbered paragraph 12

12. *To date I have not had the courtesy of even an acknowledgement let alone a reply to my letter from either the Wellington or Christchurch offices of Caltex although I understand "acoustics people" have been on site recently.*

Officer response to numbered paragraph 12

No response required from the Council.

Extract of 13 March 2001 letter, numbered paragraphs 13-14

13. *A major cause of the concern with the night time operation of the carwash was a successful promotion employed by Caltex to attract more business during those hours by providing free carwash tickets to taxis.*
14. *The success of the promotion was such that there was an un-ending succession of vehicles up and down the Service Lane throughout the night accompanied by almost continuous noise and disturbance.*

Officer response to numbered paragraphs 13-14

Caltex have stated that at no time were there free carwash tickets supplied to taxis although there has been discount arrangements.

Extract of 13 March 2001 letter, numbered paragraph 15

15. *The problems are made worse by vehicles being driven over loose, ill-fitting metal covers to the filler nozzles of the underground bulk fuel tanks situated near 16 Bradshaw Terrace. Matters are so bad resident properties as far away as Straven Road have reported being woken by the shrill clattering of those lids during the night.*

Officer response to numbered paragraph 15

Caltex have agreed to fit all loose metal filler covers with rubber rings to reduce impact noise.

Extract of 13 March 2001 letter, numbered paragraphs 16-18 & 20

16. *Another concern is that when Caltex takes steps to alleviate the problems they will return or seek to return a full 24 hour operation of the carwash notwithstanding the ongoing failure to meet the Noise Standards during either day or night time.*
17. *We oppose any operation of this carwash between the hours of 10.00 pm and 7.00 am as it is a non-essential service, it creates a health hazard and disturbance for the residents who are unable to obtain uninterrupted sleeping hours during the night and most certainly any promotional gifts such as was offered to the Taxi operators.*
18. *There are other 24 hour Service Stations with carwash facilities situated in commercial and industrial areas which could just as easily provide carwashes between 10.00 pm and 7.00 am.*
20. *Excuses have been advanced by the franchise holder of the service station as a justification for the generation of the noise pollution and disturbance of the his neighbours throughout the night by the unlawful operation of the carwash. It appears to use that there exists many possible solutions to the service station proprietor's perceived problem which do not necessitate an unlawful activity and which do not alienate nearby residents. We invite Caltex NZ and the proprietor to explore those options showing good faith and to consider the rights and interests of others even if they do not always accord with their own motivation and desired goals. We do not believe we should suffer in their drive for wealth accumulation and maximisation of returns.*

Officer response to numbered paragraphs 16-18 & 20

After attenuation work to the car wash building (including new plant) has been completed Caltex state they have no intention to operate the carwash after 10 pm or before 7 am.

Extract of 13 March 2001 letter, numbered paragraph 19

19. *In view of the concern expressed by the Canterbury Regional Council for our environment and the finite nature of our clear artesian water supply non-essential, profit-making use of the carwash should be curtailed. There also should be concern for the petrol/oil/detergent wash-off contaminants that are polluting the City's waste water system.*

Officer response to numbered paragraph 19

The carwash has a current Trade Waste Consent to discharge into the Councils waste water system.

Extract of 13 March 2001 letter, numbered paragraph 21

21. *We are most concerned at the cavalier and high handed attitude displayed by Caltex New Zealand driven as the evidence shows by profit making to the detriment of their neighbours.*

Officer response to numbered paragraph 21

No response required by the Council

A further meeting on site on the 18th April 2001 with Caltex representatives and Council staff resulted in the following agreement being reached.

Caltex will cease operating the carwash night and day on 1st May 2001 until attenuation work has been undertaken and evaluated. There is no intention to operate the carwash after 10 pm, even after the attenuation work is completed. They may operate the new installation prior to the arrival of the automatic door, without the blower cycle provided tests show noise levels to be within the Council's development standard day time noise rules.

Recommendation: That the information be received.

Chairperson's

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