

18 December 2019

Via Email

Dear

Local Government Official Information and Meeting Act Request

I refer to your official information request received on 6 November 2019 requesting information in relation to the 195454 for the proposed Lincoln Supermarket, we have included the following resource consents:

- 195448
- 195454
- 195455
- 195463

Please note that the application is subject to change, therefore the assessments and conclusions of experts are also subject to change.

Part of the information you have requested is enclosed. However, we have decided to refuse your request for information which relates to:

- Under sections 7(2)(b)(i) and (ii) - commercially sensitive potential amendments that the developer has been discussing with Council. These amendments could potentially effect negotiations if released prior to any decision being made by the applicant about their viability.
- Under section (7)(2)(f) – Parts of Draft Section 95A-E form. This is an early draft of this report, and includes the planner's early thoughts and opinions on the application in its current form, and therefore will be likely to substantially change.
- Under section 7(2)(a) – withholding of external parties contact details.

7(2)(b)(i) *would disclose a trade secret; or*

7(2)(b)(ii) *would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.*

7(2)(a) *protect the privacy of natural persons, including that or deceased natural persons.*

We have considered under section 7(1) of LGOIMA, the public interest in releasing this information, and do not see that the public disclosure outweighs the need to withhold the information at this time.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact Mr Jesse Burgess, Planning Manager on (03) 3472 800.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Harris', with a stylized flourish at the end.

Tim Harris

GROUP MANAGER ENVIRONMENTAL AND REGULATORY SERVICES

File Ref: AC19255 – 02 – R2

22 November 2019

Ms J. Anderson
Selwyn District Council
PO Box 90
ROLLESTON 7643

Email: Jane.Anderson@selwyn.govt.nz

Dear Jane,

Re: **Selwyn District Council RC195448 – Neighbourhood Centre Development, Lincoln**
Review of noise assessment

As requested, we have undertaken a peer review with regard to the noise assessment provided in support of an application for Resource Consent for the proposed neighbourhood centre development to be located at 581 Birchs Road, in Lincoln.

Our review is based on the following documentation:

- Assessment of Noise Effects Report titled *Flemington Development*, as prepared by Marshall Day Acoustics, and dated the 29th of July 2019.
- Letter titled *Flemington Commercial Centre – RFI Responses*, as prepared by Marshall Day Acoustics, and dated the 6th of September 2019.

1.0 NOISE PERFORMANCE STANDARDS

Marshall Day Acoustics (MDA) have correctly identified the District Plan noise limits for the Living zones, and noted that the noise limits apply at 'any point beyond the boundary of the site', and exclude educational activities (noting that preschools fit within this definition).

In regards to noise effects we agree with the following:

- It is in line with good practice to assess the noise in relation to the L_{Aeq} parameter as opposed to L_{A10} .
- Based on the existing ambient noise levels and relevant guidance that it would be appropriate to consider the daytime period from 0700 to 2200 hours.
- A night-time noise limit of 45 dB L_{Aeq} at the boundary of other sites would be appropriate and would not result in sleep disturbance at neighbouring dwellings.

We note that it is suggested that the proposed noise limits will be assessed at the neighbouring Living zone boundaries. However, further discussion within the reports indicates that for [REDACTED] Birchs Road MDA have currently assessed the effects at the notional boundary. Based on the current use of the site we agree that this would be appropriate; however, this would need to be carried through to any proposed noise limit condition.

In addition, we note that [REDACTED] Birchs Road is zoned Living Z. Therefore, if the site is developed in the future in line with a Living zoning the development may need to implement additional mitigation in order to comply. This may need to be encapsulated in any proposed conditions of consent.

In their response to the RFI, MDA have now included an assessment of compliance with the District Plan noise limits. We note that for this compliance assessment it appears that MDA have included the preschool in their assessment (even though it is excluded from the District Plan noise limits) and considered noise levels received at neighbouring properties (rather than at any point beyond the boundary). However, as above, in terms of effects we consider MDA's approach to be appropriate.

2.0 CALCULATION ASSUMPTIONS

Generally, the assumptions regarding the noise emissions from the activity and the expected noise levels at the neighbouring properties are reasonable and in the general order that we would expect. However, we note the following specific comments:

- MDA have applied a blanket adjustment between L_{Aeq} and L_{A10} of +3 dB. While this is likely in the correct order for the noise sources which would be present for the majority of the 15-minute assessment period (i.e. peak activity), it would not be accurate for intermittent sources (such as heavy vehicle movements). In this situation, the L_{A10} level will be dependent on whether the noise source would be within proximity of the neighbouring sites for more than 90 seconds within a 15-minute period.
- MDA have stated that a noise level of 59 dB L_{Aeq} at a distance of 10 metres was representative of 12 children within the play area, and argued that this was in line with what we have used in the past and other relevant guidance. This is correct when considering groups of 10-12 children. MDA have now clarified the methodology they have used to ensure the predicted levels are representative of 100 children.
- We understand that a total of four B-train deliveries may occur on a daily basis. For the purposes of their assessment MDA have assumed two trucks may enter/exit the site within a worst-case 15-minute period. MDA have considered a truck with a sound power of 88 dB L_{AE} at 10 metres, and what appears to be a standard height of 1 to 1.5 metres. This would be appropriate for most heavy vehicles, where the majority of the noise is generated at a low height. However, in this case, as the development is a supermarket it is realistic that refrigeration trucks would also visit the site to deliver goods. These trucks typically include a refrigeration unit above the truck cab, which generates a significant level of noise. As the noise source for these trucks is elevated, the effectiveness of any acoustic fencing will be reduced.

We have considered the significance of these issues below.

3.0 EXPECTED NOISE LEVELS AND EFFECTS

Based on the above, we have the following comments in regards to the expected noise levels:

Heavy vehicle movements

- Two standard heavy vehicles travelling from Birchs Road to the loading bay at the back of the supermarket will likely be generating noise on site for more than 90 seconds within a 15-minute period. Based on the relative distances to the neighbouring sites, we expect that there would be non-compliances at the same sites as those noted in the MDA report – [REDACTED] Caulfield Crescent, [REDACTED] Caulfield Crescent, [REDACTED] Birchs Road, and [REDACTED] Birchs Road. There would also be a technical non-compliance at the adjoining Birchs Road boundary.
- In regards to noise effects, we consider the MDA assessment and conclusions for standard heavy vehicles to be appropriate.

- As above, we consider it likely that refrigeration trucks may visit the site to make deliveries. Based on measurements reported by MDA for another supermarket loading area in the Selwyn District, it is possible that the noise levels presented in the MDA report could increase by up to 4 dB, as the fence will not be effective for screening the high-level refrigeration unit. In order to reduce the noise levels in line with those outlined within the MDA report we recommend that the 2.0-metre-high acoustic fencing surrounding the loading bay is increased in height to 2.5 metres. Assuming a refrigeration unit is located at a height of 2.0 to 2.2 metres high, this should reduce line of sight to the neighbouring properties, and ensure noise levels meet the proposed criteria of 55 dB L_{Aeq} .

Noise from children in outdoor area

- Noise from preschools is excluded from the District Plan noise limits and therefore does not need to be considered in terms of District Plan compliance.
- In relation to noise effects, we have reviewed the location of the preschool and the response to the RFI and we agree that it is reasonable that 100 children within the outdoor area of the preschool could result in noise levels of less than 55 dB L_{Aeq} at the neighbouring properties with 1.8 metre high acoustic fence surrounding it. The associated noise effects would therefore be minimal.

We note that currently no areas of elevated play have been considered, and this would reduce the effectiveness of the fence to [REDACTED] Birchs Road. Therefore, if any areas of elevated play are to be included, they should be located to the north of the outdoor area.

Noise from loading bay

- In the response to the RFI, MDA included an assessment of a forklift within the loading bay and have stated that any forklifts will be fitted with broadband reversing alarms. We recommend that the requirement for broadband alarms is adopted as a condition of consent to ensure both compliance with the District Plan noise limits, and to ensure the associated noise effects are minimal.

Noise from mechanical plant

- MDA have proposed that the mechanical plant noise will be reviewed and comply with a night-time noise limit of 35 dB L_{Aeq} – that is 10 dB below the acceptable noise criteria. We agree that this is appropriate and would ensure there are no significant cumulative noise effects.

Noise from café

- MDA have now also considered the noise from the outdoor area of the proposed café when received at the neighbouring site boundaries. MDA have not stated what noise level they have assumed for the people within the outdoor area; however, based on the relative distance to the neighbouring properties the stated values are in line with what we would expect. Based on this assessment we agree that the overall noise effects from the use of the café outdoor area would be minimal if it was to be used within the daytime or the night-time period. An exceedance of up to 1 dB of the District Plan night-time noise limit would be expected at [REDACTED] Birchs Road if the outdoor area was to be used between 2000 and 0730 hours.

Noise levels at [REDACTED] Birchs Road

- As outlined above, we consider it appropriate to assess the noise levels at the notional boundary of the dwelling on [REDACTED] Birchs Road based on the current site layout. However, as the site is zoned Living Z there is the potential that the site could be developed in the future in line with a typical Living zone. Noise levels of up to 62 dB L_{Aeq} have been predicted at the boundary of this site adjoining the proposed car park during the off-peak time due to the heavy vehicle movements. MDA have recommended that 'The appropriate mitigation in the event of additional residential dwelling developments occurring at [REDACTED] Birchs Road would be to extend the proposed 1.8m solid boundary

fence along the site's entire northern boundary as and when required.' We agree that this would be appropriate and recommend that it is encapsulated within the conditions of consent.

Therefore, while non-compliances of the District Plan noise limits are expected at several neighbouring sites, with appropriate mitigation measures in place the noise effects associated with the proposed activity will be minimal.

4.0 CONCLUSIONS AND RECOMMENDATIONS

We have undertaken a peer review with regard to the noise assessments provided in support of the proposed neighbourhood centre development in Lincoln.

Overall, non-compliances with the District Plan noise limits are expected at ■■■ Caulfield Street, ■■■ Caulfield Street, ■■■ Birchs Road and ■■■ Birchs Road during the daytime period, with a potential exceedance at ■■■ Birchs Road if the outdoor café area was used between 2200 and 0700 hours.

However, we agree with MDA that the noise effects associated with these non-compliances will be minimal, provided that the mitigation measures outlined in the MDA reports (and reiterated below) are implemented on the site.

We recommend the following:

- *Noise from the activity should be meet the following noise levels when received at the boundary of the neighbouring sites, and the notional boundary of the dwelling at ■■■ Birchs Road (measured and assessed in accordance with NZS6801:2008 and NZS6802:2008):*

Daytime (0700 to 2200 hours) 55 dB LAeq

Night-time (2200 to 0700 hours) 45 dB LAeq / 75 dB LAfmax

- *Any forklifts on the site are fitted with broadband alarms*
- *2.5 metre high acoustic fence is located around the supermarket loading bay, and 1.8 metre high acoustic fence around the preschool outdoor area*
- *Service vehicles and deliveries are to be restricted to the daytime period (0700 to 2200 hours)*
- *Prior to the issue of a building consent, the applicant will submit a report from a suitably qualified person demonstrating that the mechanical services for the facility will comply with a noise level of 35 dB LAeq at all neighbouring site boundaries.*
- *In the event that ■■■ Birchs Road is subdivided, 1.8 metre high acoustic fencing will be installed along the northern boundary of the car park, and the noise limits outlined in Condition XX will apply at all site boundaries.*

Please do not hesitate to contact us further as required.

Kind Regards



Clare Dykes
MBS, MASNZ
Senior Acoustic Engineer
Acoustic Engineering Services Ltd



Retail Gravity Model Analysis of: Proposed Supermarket in Lincoln

PREPARED FOR
Lincoln Developments



ABOUT US

OUR AREAS OF EXPERTISE

Economic Analysis

Our work aims to bridge the gap between land-use planning and urban economics. Our focus is on the interaction between land markets, land-use regulations, and urban development. We have developed a range of methodologies using a quantitative approach to analyse urban spatial structure and audit land-use regulations.

Property Research

We provide property and retail market research to assist with planning and marketing of new projects. This includes identification of new sites and market areas, assessments of market potential and positioning, and the evaluation of market-feasibility of specific projects.

Development Advisory

We provide development planning and costing advisory services to support small and large-scale developments.

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1. Executive Summary

The key points to note are:

- The New World Lincoln supermarket is estimated to be operating with a turnover of \$30.2 million (or \$10,400/m²) in 2018.
- The proposed supermarket is estimated to operate at \$28.2 million (or \$7,800/m²) turnover by 2023.
- The New World Lincoln turnover is estimated to reduce from \$30.2 million to \$26.4 million as a result of the competing supermarket.
- The New World Lincoln is estimated to return to its current turnover by 2020-2021 following the introduction of the proposed supermarket.
- Given the above, the New World Lincoln would continue to be commercially feasible, and there would be insignificant economic costs.
- The proposed supermarket would increase competition and access to supermarkets within Lincoln which would have significant economic benefits.

2. Introduction

The proposal is for a 3,060m² GFA Supermarket on the edge of Lincoln, Selwyn.

This report contains the results of a retail gravity model for supermarkets in the Greater Christchurch area. This includes a current market and a market including the proposed supermarket.

BNZ Marketview data is not available for the supermarket sector in Lincoln as there is only one supermarket and it is restricted to protect commercial confidentiality.

3. Christchurch Supermarket Market

The following figures show the estimated turnover per m² of supermarkets in Greater Christchurch. It is worth noting that supermarkets are commercially feasible across a wide range of turnover per m² rates, including within the \$5,000 - \$10,000/m² and below \$5,000/m² ranges.



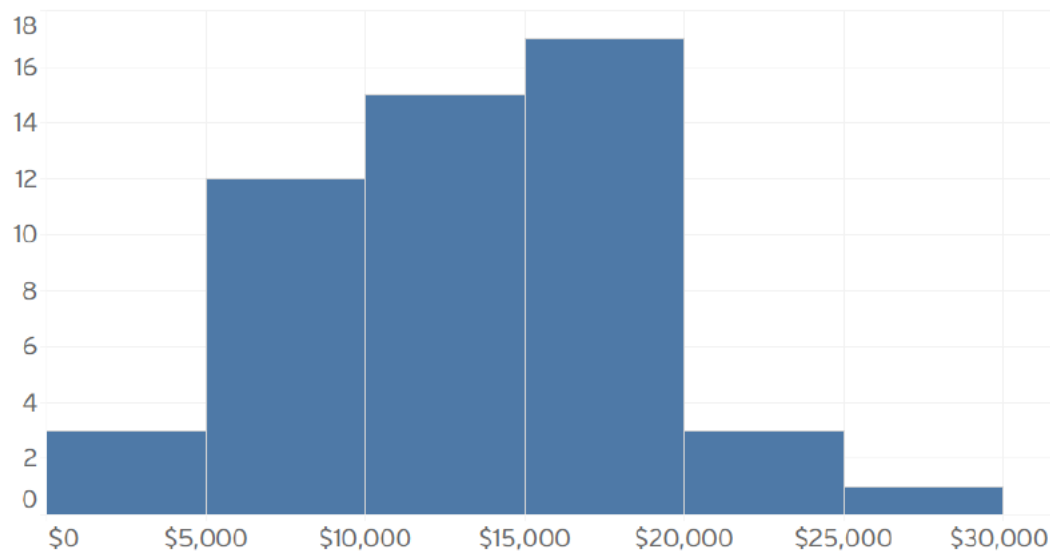
Figure 1: Christchurch Supermarkets Scaled by Estimated Sales per m²





Source: Urban Economics

Figure 2: Distribution of Estimated Turnover per m² in Greater Christchurch



Source: Urban Economics

4. Gravity Model Results

This section contains the results of the supermarket retail gravity model. The technical notes of the retail gravity model can be found in Appendix 1.

Figure 3 shows the estimated gross annual sales of the proposed supermarket with GFA of: 0m² (current market) and 3,060m² (proposed) over time. Figure 4 shows the estimated gross sales of the existing New World Lincoln Supermarket for these three scenarios.

The key point to note is the existing New World Lincoln supermarket was estimated to be operating with gross annual turnover of \$30.2 million (or \$10,400/m²) in 2018 and is expected to exceed this benchmark by 2020-2021 in the presence of the proposed competitor store of 3,060m² GFA. This competitor is expected to operate at \$28.2 million (or \$7,800/m²) gross annual turnover in 2023.

Figure 3: Proposed Supermarket Estimated Gross Annual Sales (2018-2028)

Scenario	
Status Quo (no New Supermarket)	
Counter Factual - 3,060m ²	

Source: Urban Economics



Figure 4: New World Lincoln Estimated Gross Annual Sales (2018-2028)

Scenario	
Status Quo (no New Supermarket)	
Counter Factual - 3,060m ²	
Source: Urban Economics	

Figures 5 & 6 show the above results in turnover per m² of GFA terms.

Figure 5: Proposed Supermarket Estimated Gross Annual Sales per m² (2018-2028)

	2	2
Scenario		
Status Quo (no New Supermarket)		
Counter Factual - 3,060m ²		
Source: Urban Economics		

Figure 6: New World Lincoln Supermarket Estimated Gross Annual Sales per m² (2018-2028)

	2	2
Scenario		
Status Quo (no New Supermarket)		
Counter Factual - 3,060m ²		
Source: Urban Economics		

Turnover estimates are based off Household Economic Survey (HES), Retail Trade Survey (RTS) and 2013 Census data by Statistics NZ. HES and RTS data is forecast by Urban Economics.



5. Appendix 1: Technical Notes

The Huff retail gravity model uses the size (GFA) of a retail store and the inverse of its distance to determine its attractiveness to a given population.

By weighting the proposed supermarket's attractiveness to a given AU by the sum of all other supermarket's respective attractiveness values to that AU we find the proposed supermarket's market share of that AU. The functional form is:

$$Market\ Share_{i,s} = \frac{\frac{GFA_i^\theta}{Distance_{i,s}^\lambda}}{\sum_{j=1}^n \frac{GFA_j^\theta}{Distance_{j,s}^\lambda}}$$

The exponents in the model λ and θ adjust how sensitive the attractiveness is to GFA or Distance, higher values indicate greater sensitivity to that factor.

The index i is a store of interest; index j is a store in the industry as i (including i) and the index s is a given AU.

A retailer will be more attractive, and have more market share, if it is larger and vice versa. A supermarket will be more attractive, and have more market share, if it is closer to the AU and vice versa.

File Note

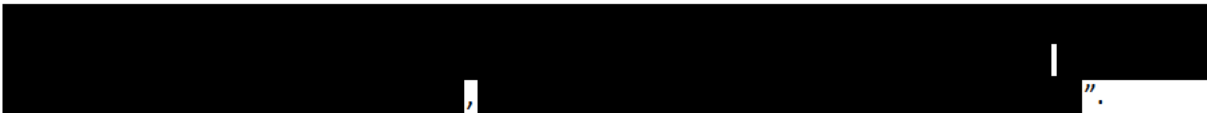

Meeting with Lincoln Developments Ltd - RC195448 / 195454 / 195455 / 195463

Meeting to discuss proposed supermarket

Attendees: Shane Kennedy, Matt McLaughlin, Hugh Nicholson and Jane Anderson

Matt McLaughlin requested on behalf of the applicant to meet with council to discuss proposed changes to the supermarket layout, landscape and elevations.

The proposed



Before discussing the design details of the proposal, both Hugh and I outlined the fundamental issues with the proposal; that is whether the site is in the appropriate location and zone, retail distribution, and urban form issues. These fundamental concerns were returned to throughout the meeting.


Hugh also reiterated Council's position that a plan change/zone change through the District Plan would be Council's preferred approach to considering the future development of this site.

The Southern Boundary

Additional space has been proposed between the building and the road boundary, with a green wall along the southern elevation of the building. It was acknowledged that this was heading in the right direction to address urban design concerns. Further suggestions to reduce the dominance of the building included:

- Increasing the articulation of the wall;
- Extending the green wall, introducing texture, reducing the extent of the "Countdown green";
- Increasing the setback from the road;
- Introducing windows – vertical or horizontal

The Eastern Boundary

The applicant proposed creating a landscape buffer along the eastern boundary – between the loading bay and future residential lots. There may be opportunities to extend this buffer to include a road should .

The Northern Boundary

Shane identified his concern over the treatment of the northern elevation. This extended into discussions over introducing improved treatment of this elevation to improve visual amenity from "the northern block".

The Car Park

We discussed the opportunity for flipping over the supermarket with the car park area, as well as introducing pathways through the car park. We also discussed the limited extent of landscaping, both along the road boundary and throughout the car parking area – noting that the site is part of the gateway into the Lincoln township.

Shane and Matt outlined the restrictions placed on the development by Progressives, including their requirements for the layout of the car park, the location of the building behind the car park area, and objections to wheel stops (health hazard).

The Northern Block

Acknowledging the fundamental issues, particularly relating to the residential zoning, we discussed the possibility of extending the site to provide additional land for the proposed supermarket.

Shane and Matt outlined opportunities for providing a landscape buffer along the northern boundary of the supermarket and along the loading bay. Additionally, they advised that subject [REDACTED]

[REDACTED]

Shane and Matt advised that they will be meeting with representatives of Progressives next week to discuss the matters outlined in this meeting and determine what changes can be made to the layout whilst also meeting the functional requirements of the supermarket. They also advised that the applicant is committed to developing a supermarket in this location.

At the conclusion of the meeting, Shane and Matt advised that they will be in contact regarding potential changes to the layout and design of the supermarket.

From: [Matthew McLachlan](#)
To: [Jane Anderson](#)
Subject: Re: Accepted: Supermarket - Flemington
Date: Friday, 1 November 2019 8:55:53 AM

Thanks Jane. See you then.

Matt

Sent from my iPhone

> On 1/11/2019, at 8:44 AM, Jane Anderson <Jane.Anderson@selwyn.govt.nz> wrote:
>
> Hi Matt
>
>
> A room at the council has been booked, so we'll see you at the council on the 13th
>
>
> Cheers
>
> Jane
>
> [http://www.selwyn.govt.nz/_data/assets/image/0011/83/SDC_white_RGB_web.jpg]
>
> 2 Norman Kirk Drive, Rolleston 7614
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> www.selwyn.govt.nz | www.selwynlibraries.co.nz
> www.selwyn.getsready.net
> <Supermarket - Flemington>

From: [Matthew McLachlan](#)
To: [Jane Anderson](#)
Subject: RE: RC195448 - follow up from meeting 13.11.2019
Date: Thursday, 14 November 2019 10:18:29 AM
Attachments: [~WRD000.jpg](#)
[image001.jpg](#)

Hi Jane

Thanks for your time yesterday. Shane and I were happy with the progress (aside from the 'fundamental' matters of the proposal.....)

[REDACTED]

Regards

MATT MCLACHLAN / Principal Planner / [REDACTED] / Dip Env Mgt, Assoc.NZPI

Davis Ogilvie & Partners Ltd

Engineers / Surveyors / Planners

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From: Jane Anderson [mailto:Jane.Anderson@selwyn.govt.nz]

Sent: Wednesday, 13 November 2019 3:09 p.m.

To: Matthew McLachlan

Subject: RC195448 - follow up from meeting 13.11.2019

Hi Matt

Further to our meeting today, please find below a brief outline of the issues discussed.

There are a number of fundamental issues that the proposal faces, including the construction and operation of a large scale commercial activity in a living zone, potential effects on the KAC and urban form issues. As noted in the meeting, the Council remains of the opinion that a plan change or zone change through the District Plan review is the best process for considering the future development of this site. Putting aside the fundamental issues, the Council considers that there remains a number of issues regarding the location and design of the building. It is acknowledged that a number of the changes proposed in today's meetings are heading in the right direction to address the urban design concerns. As discussed, there are a number of opportunities to reduce the dominance of the building, including:

- Increasing the articulation of the wall;
- Extending the green wall, introducing texture, reducing the extent of the "Countdown green";
- Increasing the setback from the road;
- Introducing windows – vertical or horizontal

[REDACTED]

[REDACTED]. As Hugh and I

noted, extending the land area for the supermarket may resolve a number of the urban design issues by providing more land for the supermarket, car parking area and landscaping.
Further, it is understood that the applicant will no longer be progressing [REDACTED]
[REDACTED]

As discussed, we are more than happy to continue to discuss any proposed changes to the layout and design of the supermarket with you and your team. As requested by Mike Foster, all applications (including supermarket, subdivision, childcare and earthworks) remain on hold while discussions continue.

Please do not hesitate to contact me should you wish to discuss these matters further

Kind regards

Jane

Jane Anderson

Consultant Planner

DDI: +64 33472810

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From: [Matthew McLachlan](#)
To: [Jane Anderson](#)
Subject: RE: RC195448 - meeting to discuss options for supermarket
Date: Thursday, 31 October 2019 1:10:27 PM

Thanks Jane. Let's book 9:30am Wednesday 13 November. If we cannot get a meeting room at Council, we can meet on-site to discuss. We can sort this later to the time.

Matt

-----Original Message-----

From: Jane Anderson [<mailto:Jane.Anderson@selwyn.govt.nz>]
Sent: Thursday, 31 October 2019 9:51 a.m.
To: Matthew McLachlan
Subject: RC195448 - meeting to discuss options for supermarket

Hi Matt

Thanks for the call this morning.

Hugh and I are both free from 9.30am on Wednesday 13 November. We are working on a meeting room, but as discussed, it would be appreciated if you could see if the back option of meeting on site is available.

Cheers

Jane

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countdown



open

xam-xpm
7 days

COFFEESHOP COMPANY



From: [Shane Kennedy](#)
To: [Jane Anderson](#); "Mike Foster"; "matthew [REDACTED]"
Subject: RE: RC195448/195454/195455/195463 - progressing the consent applications
Date: Wednesday, 20 November 2019 12:40:59 PM
Attachments: [image001.png](#)
[CD Lincoln 3d Images 191118.pdf](#)

Thanks Jane,

Appreciate the update, here is the updated supermarket elevations images for your comment. I am currently working on the Birches Rd streetscape which will be built by Lincoln developments to align with the rest of the Flemington development and this will improve the supermarket frontage.

KIND REGARDS

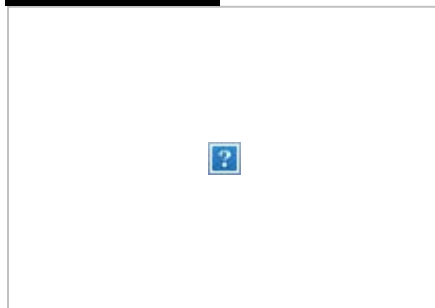
SHANE KENNEDY

92 RUSSLEY ROAD

AIRPORT BUSINESS PARK

CHRISTCHURCH

[REDACTED]



From: Jane Anderson
Sent: Wednesday, 20 November 2019 12:27 PM
To: 'Mike Foster' ; 'matthew [REDACTED]' ; Shane Kennedy
Subject: RC195448/195454/195455/195463 - progressing the consent applications

Hi Mike, Matt and Shane

Further to the various consent applications I am currently processing, I wanted to give you all a heads up that I am going to be out of the office from the 20th December until the end of January. Whilst all of the consents remain on hold while various options and issues are discussed, I understand that your team is in the process of working through these matters. I have discussed how the Council best manages the processing of your consents in my absence with Rosie Flynn (Resource Consents Team Leader). This response will depend heavily on when you will be in a position to progress these consents, however Rosie will be available to manage the ongoing communication as necessary through January. In the meantime, I will do what I can to progress with the reports to ensure that the ball keeps rolling.

Please feel free to contact me to discuss,

Kind regards

Jane

Jane Anderson

Consultant Planner

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Selwyn District Council



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countdown



open

xam-xpm
7 days

COFFEESHOP COMPANY



From: [Matthew McLachlan](#)
To: [Jane Anderson](#)
Cc: [Shane Kennedy](#) [REDACTED]; [Mike Foster](#) [REDACTED]
Subject: Supermarket - Flemington
Date: Wednesday, 20 November 2019 12:55:34 PM
Attachments: [image001.jpg](#)
[CD Lincoln 3d Images 191118.pdf](#)

Hi Jane,

See attached images of the southern façade for your review/comment.

We will prepare a elevation along Birches Road showing the landscape proposal and are working with progressive on the internal car parking arrangement.

I will be in touch shortly on this.

Any questions let me know.

Regards

MATT MCLACHLAN / Principal Planner / [REDACTED] / Dip Env Mgt, Assoc.NZPI

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File Ref: AC19255 – 02 – R2

22 November 2019

Ms J. Anderson
Selwyn District Council
PO Box 90
ROLLESTON 7643

Email: Jane.Anderson@selwyn.govt.nz

Dear Jane,

Re: **Selwyn District Council RC195448 – Neighbourhood Centre Development, Lincoln**
Review of noise assessment

As requested, we have undertaken a peer review with regard to the noise assessment provided in support of an application for Resource Consent for the proposed neighbourhood centre development to be located at 581 Birchs Road, in Lincoln.

Our review is based on the following documentation:

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- Letter titled *Flemington Commercial Centre – RFI Responses*, as prepared by Marshall Day Acoustics, and dated the 6th of September 2019.

1.0 NOISE PERFORMANCE STANDARDS

Marshall Day Acoustics (MDA) have correctly identified the District Plan noise limits for the Living zones, and noted that the noise limits apply at 'any point beyond the boundary of the site', and exclude educational activities (noting that preschools fit within this definition).

In regards to noise effects we agree with the following:

- It is in line with good practice to assess the noise in relation to the L_{Aeq} parameter as opposed to L_{A10} .
- Based on the existing ambient noise levels and relevant guidance that it would be appropriate to consider the daytime period from 0700 to 2200 hours.
- A night-time noise limit of 45 dB L_{Aeq} at the boundary of other sites would be appropriate and would not result in sleep disturbance at neighbouring dwellings.

We note that it is suggested that the proposed noise limits will be assessed at the neighbouring Living zone boundaries. However, further discussion within the reports indicates that for [REDACTED] Birchs Road MDA have currently assessed the effects at the notional boundary. Based on the current use of the site we agree that this would be appropriate; however, this would need to be carried through to any proposed noise limit condition.

In addition, we note that [REDACTED] Birchs Road is zoned Living Z. Therefore, if the site is developed in the future in line with a Living zoning the development may need to implement additional mitigation in order to comply. This may need to be encapsulated in any proposed conditions of consent.

In their response to the RFI, MDA have now included an assessment of compliance with the District Plan noise limits. We note that for this compliance assessment it appears that MDA have included the preschool in their assessment (even though it is excluded from the District Plan noise limits) and considered noise levels received at neighbouring properties (rather than at any point beyond the boundary). However, as above, in terms of effects we consider MDA's approach to be appropriate.

2.0 CALCULATION ASSUMPTIONS

Generally, the assumptions regarding the noise emissions from the activity and the expected noise levels at the neighbouring properties are reasonable and in the general order that we would expect. However, we note the following specific comments:

- MDA have applied a blanket adjustment between L_{Aeq} and L_{A10} of +3 dB. While this is likely in the correct order for the noise sources which would be present for the majority of the 15-minute assessment period (i.e. peak activity), it would not be accurate for intermittent sources (such as heavy vehicle movements). In this situation, the L_{A10} level will be dependent on whether the noise source would be within proximity of the neighbouring sites for more than 90 seconds within a 15-minute period.
- MDA have stated that a noise level of 59 dB L_{Aeq} at a distance of 10 metres was representative of 12 children within the play area, and argued that this was in line with what we have used in the past and other relevant guidance. This is correct when considering groups of 10-12 children. MDA have now clarified the methodology they have used to ensure the predicted levels are representative of 100 children.
- We understand that a total of four B-train deliveries may occur on a daily basis. For the purposes of their assessment MDA have assumed two trucks may enter/exit the site within a worst-case 15-minute period. MDA have considered a truck with a sound power of 88 dB L_{AE} at 10 metres, and what appears to be a standard height of 1 to 1.5 metres. This would be appropriate for most heavy vehicles, where the majority of the noise is generated at a low height. However, in this case, as the development is a supermarket it is realistic that refrigeration trucks would also visit the site to deliver goods. These trucks typically include a refrigeration unit above the truck cab, which generates a significant level of noise. As the noise source for these trucks is elevated, the effectiveness of any acoustic fencing will be reduced.

We have considered the significance of these issues below.

3.0 EXPECTED NOISE LEVELS AND EFFECTS

Based on the above, we have the following comments in regards to the expected noise levels:

Heavy vehicle movements

- Two standard heavy vehicles travelling from Birchs Road to the loading bay at the back of the supermarket will likely be generating noise on site for more than 90 seconds within a 15-minute period. Based on the relative distances to the neighbouring sites, we expect that there would be non-compliances at the same sites as those noted in the MDA report – [REDACTED] Caulfield Crescent, [REDACTED] Caulfield Crescent, [REDACTED] Birchs Road, and [REDACTED] Birchs Road. There would also be a technical non-compliance at the adjoining Birchs Road boundary.
- In regards to noise effects, we consider the MDA assessment and conclusions for standard heavy vehicles to be appropriate.

- As above, we consider it likely that refrigeration trucks may visit the site to make deliveries. Based on measurements reported by MDA for another supermarket loading area in the Selwyn District, it is possible that the noise levels presented in the MDA report could increase by up to 4 dB, as the fence will not be effective for screening the high-level refrigeration unit. In order to reduce the noise levels in line with those outlined within the MDA report we recommend that the 2.0-metre-high acoustic fencing surrounding the loading bay is increased in height to 2.5 metres. Assuming a refrigeration unit is located at a height of 2.0 to 2.2 metres high, this should reduce line of sight to the neighbouring properties, and ensure noise levels meet the proposed criteria of 55 dB L_{Aeq} .

Noise from children in outdoor area

- Noise from preschools is excluded from the District Plan noise limits and therefore does not need to be considered in terms of District Plan compliance.
- In relation to noise effects, we have reviewed the location of the preschool and the response to the RFI and we agree that it is reasonable that 100 children within the outdoor area of the preschool could result in noise levels of less than 55 dB L_{Aeq} at the neighbouring properties with 1.8 metre high acoustic fence surrounding it. The associated noise effects would therefore be minimal.

We note that currently no areas of elevated play have been considered, and this would reduce the effectiveness of the fence to [REDACTED] Birchs Road. Therefore, if any areas of elevated play are to be included, they should be located to the north of the outdoor area.

Noise from loading bay

- In the response to the RFI, MDA included an assessment of a forklift within the loading bay and have stated that any forklifts will be fitted with broadband reversing alarms. We recommend that the requirement for broadband alarms is adopted as a condition of consent to ensure both compliance with the District Plan noise limits, and to ensure the associated noise effects are minimal.

Noise from mechanical plant

- MDA have proposed that the mechanical plant noise will be reviewed and comply with a night-time noise limit of 35 dB L_{Aeq} – that is 10 dB below the acceptable noise criteria. We agree that this is appropriate and would ensure there are no significant cumulative noise effects.

Noise from café

- MDA have now also considered the noise from the outdoor area of the proposed café when received at the neighbouring site boundaries. MDA have not stated what noise level they have assumed for the people within the outdoor area; however, based on the relative distance to the neighbouring properties the stated values are in line with what we would expect. Based on this assessment we agree that the overall noise effects from the use of the café outdoor area would be minimal if it was to be used within the daytime or the night-time period. An exceedance of up to 1 dB of the District Plan night-time noise limit would be expected at [REDACTED] Birchs Road if the outdoor area was to be used between 2000 and 0730 hours.

Noise levels at [REDACTED] Birchs Road

- As outlined above, we consider it appropriate to assess the noise levels at the notional boundary of the dwelling on [REDACTED] Birchs Road based on the current site layout. However, as the site is zoned Living Z there is the potential that the site could be developed in the future in line with a typical Living zone. Noise levels of up to 62 dB L_{Aeq} have been predicted at the boundary of this site adjoining the proposed car park during the off-peak time due to the heavy vehicle movements. MDA have recommended that 'The appropriate mitigation in the event of additional residential dwelling developments occurring at [REDACTED] Birchs Road would be to extend the proposed 1.8m solid boundary

fence along the site's entire northern boundary as and when required.' We agree that this would be appropriate and recommend that it is encapsulated within the conditions of consent.

Therefore, while non-compliances of the District Plan noise limits are expected at several neighbouring sites, with appropriate mitigation measures in place the noise effects associated with the proposed activity will be minimal.

4.0 CONCLUSIONS AND RECOMMENDATIONS

We have undertaken a peer review with regard to the noise assessments provided in support of the proposed neighbourhood centre development in Lincoln.

Overall, non-compliances with the District Plan noise limits are expected at [REDACTED] Caulfield Street, [REDACTED] Caulfield Street, [REDACTED] Birchs Road and [REDACTED] Birchs Road during the daytime period, with a potential exceedance at [REDACTED] Birchs Road if the outdoor café area was used between 2200 and 0700 hours.

However, we agree with MDA that the noise effects associated with these non-compliances will be minimal, provided that the mitigation measures outlined in the MDA reports (and reiterated below) are implemented on the site.

We recommend the following:

- Noise from the activity should meet the following noise levels when received at the boundary of the neighbouring sites, and the notional boundary of the dwelling at [REDACTED] Birchs Road (measured and assessed in accordance with NZS6801:2008 and NZS6802:2008):

Daytime (0700 to 2200 hours) 55 dB L_{Aeq}

Night-time (2200 to 0700 hours) 45 dB L_{Aeq} / 75 dB L_{AFmax}

- Any forklifts on the site are fitted with broadband alarms
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- Service vehicles and deliveries are to be restricted to the daytime period (0700 to 2200 hours)
- Prior to the issue of a building consent, the applicant will submit a report from a suitably qualified person demonstrating that the mechanical services for the facility will comply with a noise level of 35 dB L_{Aeq} at all neighbouring site boundaries.
- In the event that [REDACTED] Birchs Road is subdivided, 1.8 metre high acoustic fencing will be installed along the northern boundary of the car park, and the noise limits outlined in Condition XX will apply at all site boundaries.

Please do not hesitate to contact us further as required.

Kind Regards



Clare Dykes
MBSoc, MASNZ
Senior Acoustic Engineer
Acoustic Engineering Services Ltd

File Ref: AC19255 – 02 – R2

22 November 2019

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Please do not hesitate to contact us further as required.

Kind Regards



Clare Dykes
MBS, MASNZ
Senior Acoustic Engineer
Acoustic Engineering Services Ltd

From: [Contaminated Land](#)
To: [Jane Anderson](#)
Subject: RE: RC195463 earthworks application for 581 Birchs Road
Date: Wednesday, 28 August 2019 3:32:02 PM

Hi Jane,

Thanks for sending this through. I've looked at this report relatively recently and we already have it audited and on the LLUR under the category of "below guideline values – residential".

Contaminant concentrations in the proposed stage 12a area were essentially around background levels, or only slightly above the background levels. The identified HAIL areas in the report were in other parts of the subdivision, and these were remediated prior to development taking place. I agree that the works would fall under a controlled activity in regards to the NES. Because some contaminants did exceed the expected background levels the material may not be suitable to be deposited at a cleanfill if removed from the site. However I do not have any significant concerns with the proposed works from a contaminated land perspective, and I agree with the conclusions and recommendations of the DSI, as well as the application.

Thanks,

Stephen

From: Jane Anderson
Sent: Wednesday, 28 August 2019 12:55 PM
To: Contaminated Land
Subject: RC195463 earthworks application for 581 Birchs Road

Hello

I am processing an earthworks consent for 581 Birches Road, Lincoln. The applicant has provided the attached application with DSI <https://we.tl/t-aE7KjDW6y8> (Please note that we have placed the processing of this consent on hold as we consider that the earthworks are inextricably linked with the proposed supermarket and subdivision). Please can you review the DSI and provide comment as to whether there is sufficient information provided and whether you accepted the conclusions and recommendations.

Many thanks in advance for your help

Jane

Jane Anderson

Consultant Planner
DDI: +64 33472810
Selwyn District Council



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PO Box 90, Rolleston 7643
Phone: (03) 347-2800 or (03) 318-8338
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www.selwyn.getsready.net

Section 95A-E Resource Management Act 1991



Report pursuant to section 42A of the Resource Management Act 1991 recommending whether an application for resource consent should be publicly notified, limited notified or non-notified

Decision pursuant to section 95A-E

Author: Jane Anderson

Position: Consultant Planner

Resource Consent Number: RC195454

APPLICANT:	To establish and operate a supermarket and café, with associated car parking and landscaping
LOCATION:	581 Birchs Road, Lincoln
LEGAL DESCRIPTION:	Lot 4000 DP 518987 being 4.8380 hectares in area more or less, as contained in Record of Title CB22F/1359.

Description of the Proposal

1. The proposal seeks to construct and operate a supermarket with a gross floor area of 3063m², and a 80m² café with outdoor seating for 20 people. The building will have a maximum height of 7.5m at the front entrance, while the roof top plant will be 8.2m high.
2. The supermarket car park will provide parking spaces for 176 cars, this includes four mobility spaces, and car parking spaces for grocery pick up, parent only and electric vehicle charging. Parking space for 10 bicycles are proposed to be provided neat the customer entrance area.
3. Two way vehicular access to the site for customers is provided from Birchs Road and from the proposed Makybe Terrace. Service vehicles will access the site from Birches Road and exit onto the proposed Makybe Terrace.
4. The supermarket is proposed to be open between the hours of 7am and 10pm, seven days a week. Deliveries are to be undertaken between 7am and 7pm. The opening hours for the café are proposed to be 9am to 10pm daily.
5. A pylon sign is proposed to be located adjacent to the intersection between Birches Road and Makybe Terrace. The pylon sign will be 9m high by 3.3m wide. Additional signage is proposed on the Makybe Terrace elevation of the building (area?). Two wall signs for the café tenancy are proposed, with an area of 2m². Additional signage will be located within the car park. A total of 192.4m² of signage is proposed.

Description of the Existing Environment

6. The site is legally described as Lot 4000 DP 518987 being 4.8380 hectares in area more or less, as contained in Record of Title CB22F/1359.

7. The site is located on the eastern side of Birchs Road at the northern end of the Lincoln township. The site and surrounding land is zoned Living Z and is subject to ODP Area 3.
8. The site is topographically flat and is currently in pasture.
9. Immediately to the south and west of the site are recently built residential dwellings.

Operative District Plan

10. The application site is zoned Living Z within the Townships volume of the Operative District Plan.

RULE	TOPIC	COMPLIANCE
C4 Buildings		
4.8 Buildings and Building Height		
4.8.1		
The erection of any building which has a height of not more than 8 metres shall be a permitted activity		
4.8.4		
Any activity which does not comply with Rule 4.8.1 shall be a discretionary activity		
4.8.1		
The erection of any building which has a height of not more than 8 metres shall be a permitted activity	The proposed building, including the rooftop plant, will have a maximum height of 8.5m	Discretionary
C5 Transport		
Rule 5.3 Vehicle Crossings		
5.3.1.1		
The vehicle crossing is formed to the relevant standards in Appendix E13.2.2, E13.2.4 and E13.2.5		
5.3.2		
Any activity which does not comply with Rule 5.3.1.1 and 5.3.1.2 shall be a restricted discretionary activity		
E13.2.4.2		
For all sites in a Living zone there shall be a maximum of one vehicle crossing per site	Three vehicle crossings are proposed	Restricted Discretionary
E13.2.4.5		
The maximum spacing and width of any vehicle crossing shall comply with Table E13.7	The three vehicle crossings will not comply with the requirements in Table E13.7	Restricted Discretionary
Rule 5.5 Vehicle Parking and Cycle Parking		
5.5.1		
Any activity which provides for car parking, cycle parking, vehicle loading and parking access in accordance with the relevant conditions shall be a permitted activity		
5.5.1		
Any activity which does not comply with Rule 5.5.1 shall be a discretionary activity		
5.5.1.2	The proposed queuing spaces for Makybe Terrace is 8m, where 15.5m is required by Appendix E13.1.10	Discretionary

Commented [JA1]: Check setbacks on final plans

All car parking spaces and vehicle manoeuvring areas are designed to meet the criteria set out in Appendix E13.1.5.2, E13.1.6 - E13.1.11.

C7 Signs

7.1 Outdoor signs

7.1.1

Where any sign is not covered by Rules 7.2, 7.3 and 7.4, it shall be a permitted activity where the relevant conditions are met

7.1.2

Any activity which does not comply with Rule 7.1.1 shall be a discretionary activity

7.1.1.5

The sign does not exceed the height of:

- (a) The building to which it is attached; or
- (b) 2 metres if the sign is not attached to a building

The supermarket pylon sign will have a height of 9m.

Discretionary

7.1.1.6

The sign does not exceed 1m² in size

The proposal seeks to establish 9 signs on site, between 2m² and 58.54m² in size. The overall signage area proposed is 192.4m².

Discretionary

7.1.1.9

The sign complies with the relevant rules for building size, design or siting if it is attached to a building.

As above

Discretionary

7.2 Directional signage

7.2.1

Any sign to direct pedestrians, cyclists or motorists shall be a permitted activity subject to the relevant conditions

7.2.2

Any activity which does not comply with Rule 7.2.1 shall be a discretionary activity

7.2.1.1

The sign does not exceed a height of 3m above the ground

A number of the signs will be located more than 3m above ground

Discretionary

7.2.1.2

The display area does not exceed 0.6m²

The directional signage will exceed 0.6m in display area.

Discretionary

7.2.1.3

The messages in the signs include the name of commercial services

Discretionary

The message on the sign is limited to arrows or the word 'entry' or 'exit'

C9 Waste

9.1 Waste Generation

9.1.1

Any activity, which is not a residential activity, which generates not more than 1 cubic metres of solid waste on average per week over a year, other than inert landfill, shall be a permitted activity

The proposed supermarket will exceed the 1 cubic metres of waste standard

Restricted Discretionary

9.1.2

Any activity which does not comply with Rule 9.1.1 shall be a restricted discretionary activity.

C10 Activities

C10.8 Activities and Scale of Activities

10.8.1

Any activity, which is not a residential activity, shall be a permitted activity if the following conditions are met

10.8.3

Any activity which is not a residential activity, and which does not comply with Rules 10.8.1 or 10.8.2 shall be a discretionary activity

10.8.1.1

No more than two full time equivalent staff employed on the site live off site

Whilst the application does not specify the number of staff that will be employed on site, there will be more than two full time equivalent staff employed on the site

Discretionary

10.8.1.2

The gross floor area of any building(s) other than the dwelling does not exceed 300m²

The floor area of the proposed supermarket is 3063m², and the floor area of the café is 80m²

Discretionary

10.8.1.3

Vehicle movements do not exceed

Collector Road: 40 per day plus 4 heavy vehicle movements per day.

Local Road: 20 per day plus 2 heavy vehicle movements per day.

It is anticipated that the afternoon peak hour trip generation will be 325 vehicles per hour, with 70% of the traffic anticipated to use Birch Road (collector) and 30% to use proposed Makybe Road (local).

Discretionary

10.9 Activities and Hours of Operation

10.9.1

Any activity, which is not a residential activity, shall be a permitted activity if the relevant conditions are met:

10.9.2

Any activity, which is not a residential activity, which does not comply with Rule 10.9.1 shall be a discretionary activity

10.9.1.1

The employment of staff who are not resident on site

No staff employed on site will be residents

Discretionary

10.9.1.2

Visits by customers, patrons, clients or other people to the site, who are not resident on the site shall only occur between the hours of 7am and 10pm on any day

The supermarket will be open between 7am and 10pm.

11. Overall, the proposal is a Discretionary activity under the Operative District Plan.

National Environmental Standards

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

12. The NES manages activities which involve the disturbance of land which may be contaminated. This is determined by whether activities have or are likely to have occurred on the site, which are listed in the Hazardous Activities and Industries List (HAIL).
1. The Listed Land Use Register identifies the land as a HAIL site type A10 – persistent pesticide bulk storage or use and therefore the NES applies to activities on the site. The applicant has provided a Detailed Site Investigation report identifying areas where the contaminants exceeded the expected background levels. The Contaminated Land Officer at Environment Canterbury has reviewed the DSI and confirmed that excavated material may not be suitable to be deposited at a cleanfill facility if removed from the site.
13. The proposal is therefore a Controlled activity in terms of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Step 1 – Mandatory public notification

14. Does the application meet any of the following criteria?

		Y	N
1.1	The applicant has requested public notification	<input type="checkbox"/>	✓
1.2	Public notification is required under section 95C RMA (no response or refusal to provide information or agree to the commissioning of a report under section of the 92 RMA)	<input type="checkbox"/>	✓
1.3	The application has been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act	<input type="checkbox"/>	✓

If the answer is yes, **public notification is required**

If the answer is no, continue to **Step 2**.

Step 2 – Public notification precluded in certain circumstances

15. Does the application meet either of the following criteria?

		Y	N
2.1	All activities in the application are subject to one or more rules or national environmental standards that preclude public notification	<input type="checkbox"/>	✓
2.2	The application is for one or more of the following, but no other types of activities		
	▪ A controlled activity	<input type="checkbox"/>	✓
	▪ A restricted discretionary or discretionary activity that is a "residential activity" (as defined in section of the 95A RMA) or a subdivision of land	<input type="checkbox"/>	✓
	▪ A restricted discretionary, discretionary or non-complying activity that is a boundary activity	<input type="checkbox"/>	✓
	▪ An activity prescribed by regulations made under section 360H(1)(a)(i) of the RMA (if any) precluding public notification	<input type="checkbox"/>	✓

If the answer is no, continue to **Step 3**

If the answer is yes, continue to **Step 4**

Step 3 – Public notification required in certain circumstances

16. Does the application meet either of the following criteria?

		Y	N
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3.1	Any activity in the application is subject to a rule or national environmental standard that requires public notification	
3.2	The activity has, or is likely to have, adverse effects on the environment that are more than minor in accordance with section 95D of the RMA (<i>complete section 95D assessment, section 5 to this report</i>)	

17. [Comment \(if required\)](#) [Click here to enter text.](#) [Comment \(if required\)](#)

If the answer is yes, **public notification is required**

If the answer is no, continue to **Step 4**

Commented [EL2]: If public notification is required here you should still identify parties who should be directly notified using the affected persons table below

Step 4 – Public notification in special circumstances

	Y	N
4.1	Do special circumstances exist in relation to the application that warrant public notification?	<input type="checkbox"/> <input type="checkbox"/>

18. [Comment \(if required\)](#) [Click here to enter text.](#) [Comment \(if required\)](#)

If the answer is yes, **public notification is required**

If the answer is no, continue to **Step 5**

Commented [EL3]: If public notification is required here you should still identify parties who should be directly notified using the affected persons table below

Step 5 – Certain affected groups and affected persons must be notified

19. Does the application meet any of the following criteria?

	Y	N
5.1	There are affected protected customary rights groups	<input type="checkbox"/> <input type="checkbox"/>
5.2	There are affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity)	<input type="checkbox"/> <input type="checkbox"/>
5.3	The proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with the Act specified in Schedule 11 of the RMA; and the person to whom that statutory acknowledgement is made in accordance with an Act specified in Schedule 11 of the RMA; and the person to whom the statutory acknowledgement is made is affected under s95E of the RMA	<input type="checkbox"/> <input type="checkbox"/>

20. [Comment \(if required\)](#) [Click here to enter text.](#) [Comment \(if required\)](#)

If the answer is yes, **notify the application to each affected group/person and continue to Step 6**

If the answer is no, continue to **Step 6**

Step 6 – Limited notification precluded in certain circumstances

21. Does the application meet either of the following criteria?

	Y	N
6.1 All activities in the application are subject to one or more rules or national environmental standards that preclude limited notification	<input type="checkbox"/>	<input type="checkbox"/>
6.2 The application is for either or both of the following, but no other activities		
▪ A controlled activity, that requires consent under a district plan (other than a subdivision)	<input type="checkbox"/>	<input type="checkbox"/>
▪ An activity prescribed by regulations made under section 360H(1)(a)(ii) of the RMA (if any) precluding limited notification	<input type="checkbox"/>	<input type="checkbox"/>

22. [Comment \(if required\)](#) [Click here to enter text.](#) [Comment \(if required\)](#)

If the answer is yes continue to **Step 8**

If the answer is no continue to **Step 7**

Step 7 – Certain other affected persons must be notified

23. Are any of the following eligible persons affected under section 95E of the RMA?

	Y	N
7.1 In the case of a boundary activity, an owner of an allotment with an infringed boundary	<input type="checkbox"/>	<input type="checkbox"/>
7.2 A person prescribed in regulations made under section 360H (1)(b) of the RMA (if any) in respect to the proposed activity	<input type="checkbox"/>	<input type="checkbox"/>
7.3 For other activities, are there any affected persons in accordance with section 95E of the RMA (complete section 95E assessment, attachment 2 to this report)	<input type="checkbox"/>	<input type="checkbox"/>

24. [Comment \(if required\)](#) [Click here to enter text.](#) [Comment \(if required\)](#)

If the answer is yes, **notify the application to each affected group/person and continue to Step 8**

25. If the answer is no, continue to **Step 8**

Step 8 – Limited notification in special circumstances

	Y	N
4.1 Do special circumstances exist in relation to the application that warrant notification to any persons not already determined to be eligible for limited notification (excludes persons assessed under section 95E of the RMA as not being affected)?	<input type="checkbox"/>	<input type="checkbox"/>

26. [Comment \(if required\)](#) [Click here to enter text.](#) [Comment \(if required\)](#)

Section 95D Assessment – Environmental Effects

27. Section 95D sets out the relevant considerations for determining whether adverse effects on the environment are likely to be more than minor for the purposes of making a decision on notification.

95D Consent authority decides if adverse effects likely to be more than minor

A consent authority that is deciding, for the purpose of section 95A(8)(b), whether an activity will have or is likely to have adverse effects on the environment that are more than minor—

- (a) must disregard any effects on persons who own or occupy—
 - (i) the land in, on, or over which the activity will occur; or*
 - (ii) any land adjacent to that land; and**
- (b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and*
- (c) in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion; and*
- (d) must disregard trade competition and the effects of trade competition; and*
- (e) must disregard any effect on a person who has given written approval to the relevant application.*

Advisory

[REDACTED]

[REDACTED]

Section 95E Assessment – Affected Person

54. Section 95E sets out the relevant considerations for determining whether a person is an affected person in relation to the application.

95E Consent authority decides if person is affected person

- (1) *For the purpose of giving limited notification of an application for a resource consent for an activity to a person under section 95B(4) and (9) (as applicable), a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor).*
- (2) *The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—*
 - (a) *may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and*
 - (b) *must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and*
 - (c) *must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*
- (3) *A person is not an affected person in relation to an application for a resource consent for an activity if—*
 - (a) *the person has given, and not withdrawn, approval for the proposed activity in a written notice received by the consent authority before the authority has decided whether there are any affected persons; or*

(b) the consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person's written approval.

(4) Subsection (3) prevails over subsection (1).

NAME	ADDRESS/LEGAL DESCRIPTION	REASON	AFFECTED PARTY APPROVAL PROVIDED?
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Discussion

55.

Commented [EL4]: Include a discussion here about who is affected and why. Also consider whether an explanation is needed for parties that are not considered affected.

Recommendation

56. It is recommended that the application be processed on a Choose an item. basis.

Reported and recommended by Jane Anderson Consultant Planner	Date: Click here to enter a date.
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Decision

That the above recommendation be adopted under delegated authority.

« Delegated officer Choose an item. Delegated officer »	Date: Click here to enter a date.
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