

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: Shravan Miryala

Position: Consultant Planner

Resource Consent Number: RC195281

APPLICANT:	Selwyn District Council
LOCATION:	53 and 55 Tennyson Street, Rolleston
LEGAL DESCRIPTION:	Lots 274 and 275 DP 81713 being 1747m ² in area more or less, as contained in Record of Titles CB46C/1195 and CB46C/1196 respectively.

Description of the Proposal

Introduction and Proposal

1. The applicant proposes to develop a public carpark (39 spaces) associated with the phase 1 of the Rolleston Town Centre development. The proposed carpark is located on two rear vacant residential lots with access off Tennyson Street through a 10m wide right of way with a formed width of 6m and footpaths on either side. The proposal will retain the existing 10 mature trees on the site.
2. A detailed description of the proposal is contained in paras 25-35 (pages 6-7) of the application. The layout of the proposed carpark is shown in Figure 1. The applicant has offered 7 conditions to mitigate the adverse effects of the proposed carpark which are outlined in paras 73 and 74 (page 14) of the application.
3. The application was referred to Transport Planner Qi Wu (Harrison Grierson) and Acoustic Consultant Rob Hay (Marshall Day Acoustics) for technical transport and acoustic effects assessment.
4. A request for further information was issued on 15 July 2019 regarding noise and transportation matters. A response was received on 23 July 2019. Following the RFI response, the carpark operation was amended, and a revised application was submitted on 25 November 2019. Further details regarding proposed construction plans were provided on 4 March 2020 which showed more construction related detail. The applicant has stated that they have consulted with the residential neighbours adjoining the site and were unable to obtain their written approval.

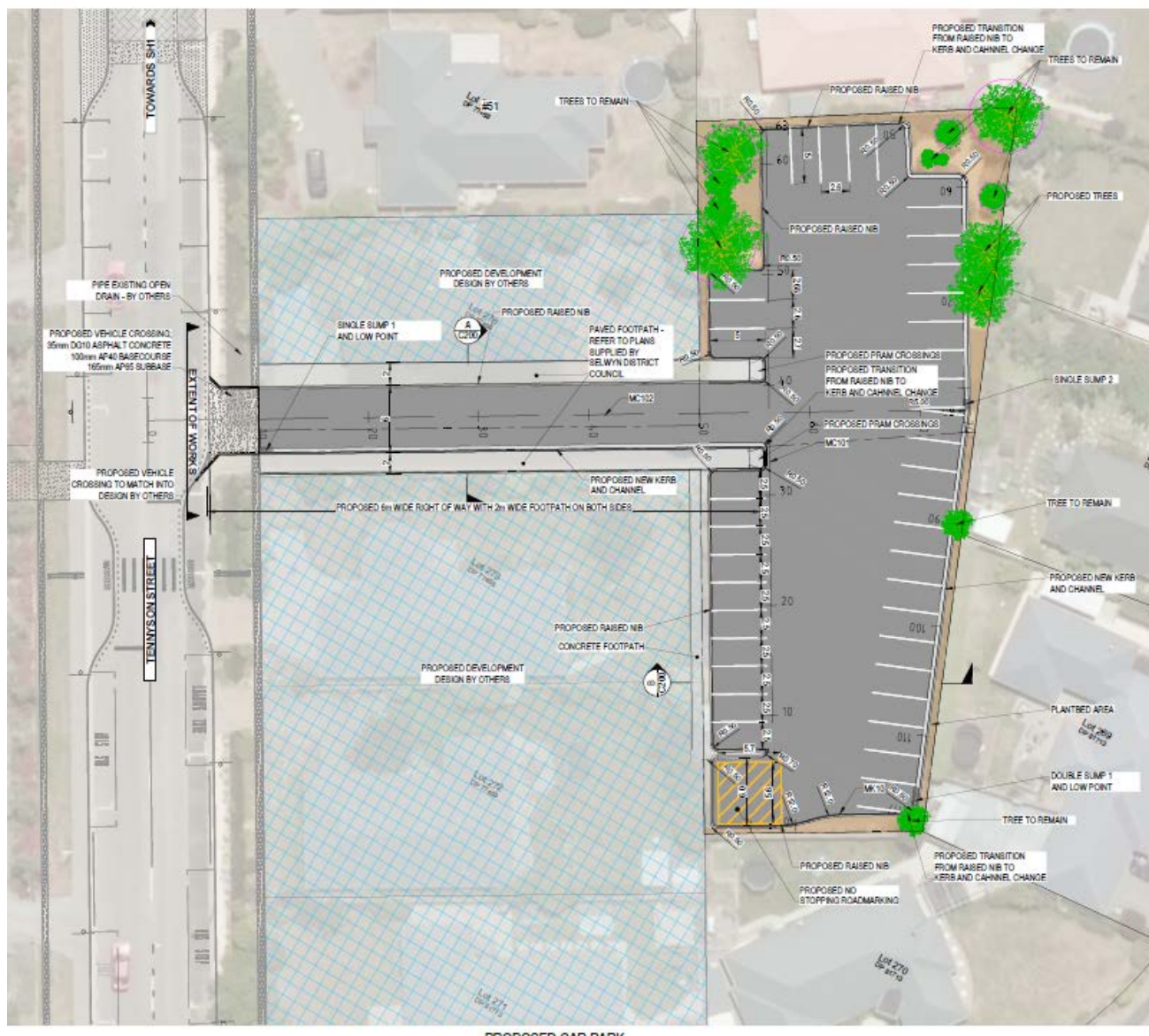


Figure 1: Site Plan showing the proposed parking. Source: Application

Description of the Existing Environment

5. The application site is legally described as Lots 274 and 275 DP 81713 being 1747m² as contained in the Record of Title.
6. The site is currently vacant and is fenced off. It is a rear site which has legal and physical access from Tennyson Street by a right of way.
7. The residential units on the adjoining sites to the south-east (57,59 & 61 Tennyson Street) and north-west (51 Tennyson Street) of the driveway have been demolished. These sites are currently vacant with earthworks being undertaken for the consented retail and hospitality development.
8. The site is surrounded by predominantly single storey residential properties to the north and east. Residential properties on the eastern side of Tennyson Street to the west and south-west of the subject site include some which are transitioning into commercial uses with approved consents and buildings under construction. A dental clinic is located to the north-east of the site and an early learning centre on the north-east corner of Moore Street and Tennyson Street.
9. Tennyson Street is classified as a Collector Road in the Selwyn District Plan and forms part of the Primary Transport Network through Rolleston. Tennyson Street is proposed to be upgraded as part of phase 1 of the Rolleston Town Centre development. The former open water race on the eastern side of Tennyson Street has recently been piped.

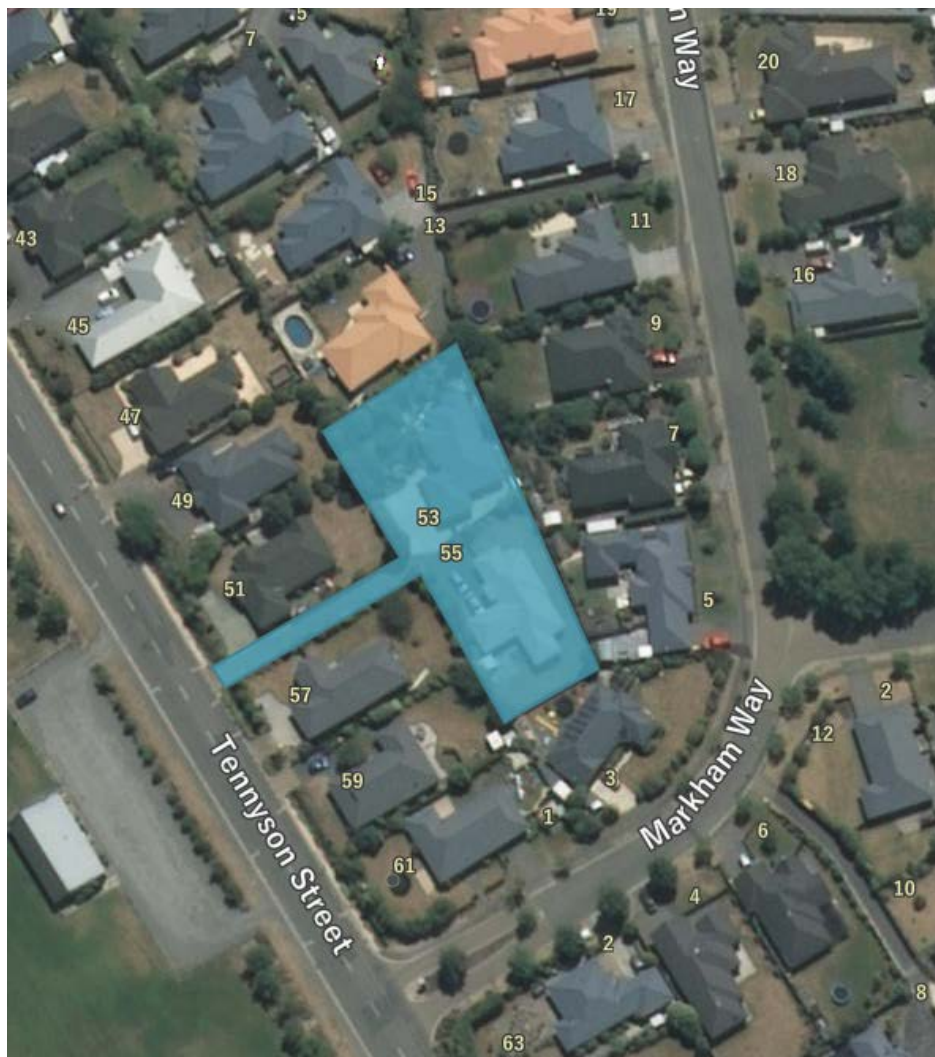


Image 1: Aerial Image showing the site and the surrounding environment. Source: Canterbury Maps.

Operative District Plan

10. The Selwyn District Plan ('the District Plan') was made operative on 03 May 2016. Under the District Plan the application site is zoned Living 1 Zone. The site is also subject to the Rolleston Key Activity Centre (KAC) – Precinct Plan. The right of way falls within Precinct 5 (Living 1 Transitional Living Precinct) while the carpark is not located within a Precinct and is marked Living 1 Zone.

Land Use

11. The following rules are applicable to the application:

RULE	TOPIC	COMPLIANCE
Chapter 5 Living Zone Rules – Roads and Transport		
5.5 Vehicle Parking and Cycle Parking	5.5.1.7 Cycle parking spaces are provided in accordance with the standards in Appendix 13.1.4.	No cycle parking spaces are provided on site.
	5.5.2 Any activity which does not comply with Rule 5.5.1 shall be a discretionary activity	Discretionary Activity under Rule 5.5.2.
Chapter 10 Living Zone Rules – Activities		

RULE	TOPIC	COMPLIANCE
10.6.1 Activities and noise	10.6.1 Any activity which is not a residential activity, spiritual activity or educational activity, shall be a permitted activity if the following noise limits are not exceeded within the timeframes stated. 7.30am – 8.00pm 50 dBA L ₁₀ 8.00pm – 7.30am 35 dBA L ₁₀ 7.30am – 8.00pm 85 dBA L _{max} 8.00pm – 7.30am 70 dBA L _{max} 10.6.3 Any activity which is not residential, spiritual or educational which does not comply with Rule 10.6.1 shall be a discretionary activity	Exceeding noise standards at a site within a Living Zone: • Exceedance of the 35 dBA LA10 night time standard to the adjacent residential properties due to vehicles manoeuvring on site and conservations of visitors within the carparking area. Discretionary Activity under Rule 10.6.3
	10.8.1.3 Vehicle movements do not exceed: <ul style="list-style-type: none">• State Highways, Arterial Roads and Collector Roads: 40 per day plus 4 heavy vehicle movements per day• Local Roads: 20 per day plus 2 heavy vehicle movements per day. (PC42) 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.	The ITA estimates the site will generate 330-340 vehicle movements per day which exceeds the requirements in Rule 10.8.1.3. Discretionary Activity under Rule 10.8.2.
10.9.1.2 Hours of operation	10.9.1 Any activity, which is not a residential activity, shall be a permitted activity if the following conditions are met: 10.9.1.1 The employment of staff who are not resident on the site; and	 <

RULE	TOPIC	COMPLIANCE
	<p>10.9.1.2</p> <p>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 7:00am and 10:00pm on any day.</p> <p>10.9.2</p> <p>Any activity which is not a residential activity, and which does not comply with Rule 10.9.1 shall be a discretionary activity.</p>	<p>to Thursday and 0700-2300 hrs</p> <p>Friday and Saturday</p> <p>Discretionary Activity under Rule 10.9.1.</p>

Table 2 – District Plan compliance, land use rules

12. The land use proposal is a **Discretionary Activity** under the District Plan.

National Environmental Standards

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

13. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NЕСS) controls activities on land on which any activity or industry on the Ministry for the Environment's Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken, or more likely than not is, or has been, undertaken on it.
14. The Environment Canterbury Listed Land Use Register (LLUR) contains information relating to any known HAIL activity that may have occurred on site. The LLUR summary is attached to **Appendix Six** for information purposes. It confirms there are no known current or previous HAIL activities that have occurred on site.
15. Therefore, the NESCS does not apply.

Written approvals [Sections 95D, 95E(3)(a)]

16. The applicant has obtained written approval from the owners and occupiers of the following properties:
- 49, 51, 57, and 59 Tennyson Street (JPN Trustees Limited and Neilsons Trustee (2016) Limited–owner; - occupier)
17. I have considered these written approvals to be incomplete for the purposes of section 95D(e) of the Act as Neilsons Trustee (2016) Ltd has not signed the written approval form and plans. I note that the former residential units on 51, 57 and 59 Tennyson Street have been demolished and the sites are vacant and unoccupied. It is not clear whether the dwelling at 49 Tennyson Street is currently occupied.

Adverse effects on the environment and affected persons [Sections 95A, 95B, 95E(3) and 95D]

Relevant Assessment Matters

18. When assessing whether adverse effects on the environment will be, or are likely to be, more than minor, any effects on the owners and occupiers of the application site and adjacent properties must be disregarded (section 95D(a)). The assessment of affected persons under section 95E includes persons on adjacent properties as well as those within the wider environment.

19. As a discretionary activity the Council's assessment of this proposal is unrestricted and all actual and potential effects must be considered.
20. Having regard to this planning framework, I consider that the primary effects of the proposal on the environment relate to:
- Vehicle access and traffic generation
 - Car park construction
 - Car park operation
 - Amenity effects (vehicle and patron noise, privacy and visual effects)

Vehicle access and traffic generation

21. The application includes an Integrated Transport Assessment prepared by Chris Rossiter Principal Transportation Engineer (Stantec). The ITA has been reviewed by Qi Wu, Transportation Engineer of Harrison Grierson Consultants Ltd.
22. The ITA estimates the carpark will generate 330-340 vehicle movements per day. Ms Wu considers this vehicle generation rate calculated to be accurate. This volume of vehicle movements will exceed the permitted baseline for vehicle movements in the Living Zone which is less than 40 per day plus 4 heavy vehicle movements per day and between 7:00am and 10:00pm on any day. Ms Wu has considered the effects of this increased traffic generation on traffic safety and sought further information on queuing analysis on Tennyson Street and clarification of the effects of the vehicle access on the tram crossing on Tennyson Street from the applicants.
23. Ms. Wu assessed the additional information provided regarding the effects of vehicle access, including SIDRA results, and concluded that the volume of traffic entering and egressing the carpark will not adversely affect the tram crossing being built as part of phase 1 of the RTC. Ms Wu also concluded that the proposed accessway meets the permitted baseline dimensions of Table E13.7 of the District Plan regarding vehicle crossing and access requirements.
24. Based on Ms. Wu's advice, I consider that the effects of increased traffic generation on Tennyson Street and overall safety of the vehicle access are less than minor and acceptable.

Car park construction

25. The application states that 575m³ earthworks to a depth of 350mm are required to level the site. I agree with the applicant that the earthworks are a permitted activity as they are less than the permitted volume of 2000m³ under Rule 2.1.1.6 of the District Plan. As I understand that the proposed earthworks will meet the permitted baseline, I have not considered the effects of earthworks any further.
26. Ms Wu has noted that the effects of the carpark construction on the safe operation of Tennyson Street have not been addressed in the application. She has recommended consent conditions requiring; preparation of a Construction Traffic Management Plan; site loading; and limiting hours of site deliveries to mitigate the effects of carpark construction on the safe operation of Tennyson Street. I accept Ms Wu's recommendations as being sufficient to mitigate construction vehicle related effects on Tennyson Street.

Car park operation

27. The proposed carpark is proposed to operate 0700-2200 hrs Sunday to Thursday and 0700-2300 hrs Friday and Saturday. Public entry into the carpark will be prevented 30 minutes prior to the closure of the carpark by a barrier arm at the eastern end of the vehicle access. Outside of the operational hours, vehicles locked within the carpark can be released via the remote control of the barrier arm. However, this will incur a fee to the driver of the vehicle which will be set at a level that will discourage such circumstances occurring.
28. The proposed carpark layout is shown on the landscape plan submitted with the application. The application states that the carpark design will comply with the dimensions for parking spaces outlined in Table 13.2 of the District Plan and no further details are provided. The applicant has provided a Planting Plan prepared by Selwyn District Council and intends to retain the 10 existing trees on site. The proposed landscaping will consist of Sophora microphylla, Dianella revelation and Coprosma virescens. The

proposed retention of mature trees and landscaping is considered appropriate. However, the proposed landscaping may not be sufficient to reduce the visual amenity effects of the acoustic fencing and lighting poles on adjoining properties as discussed further below.

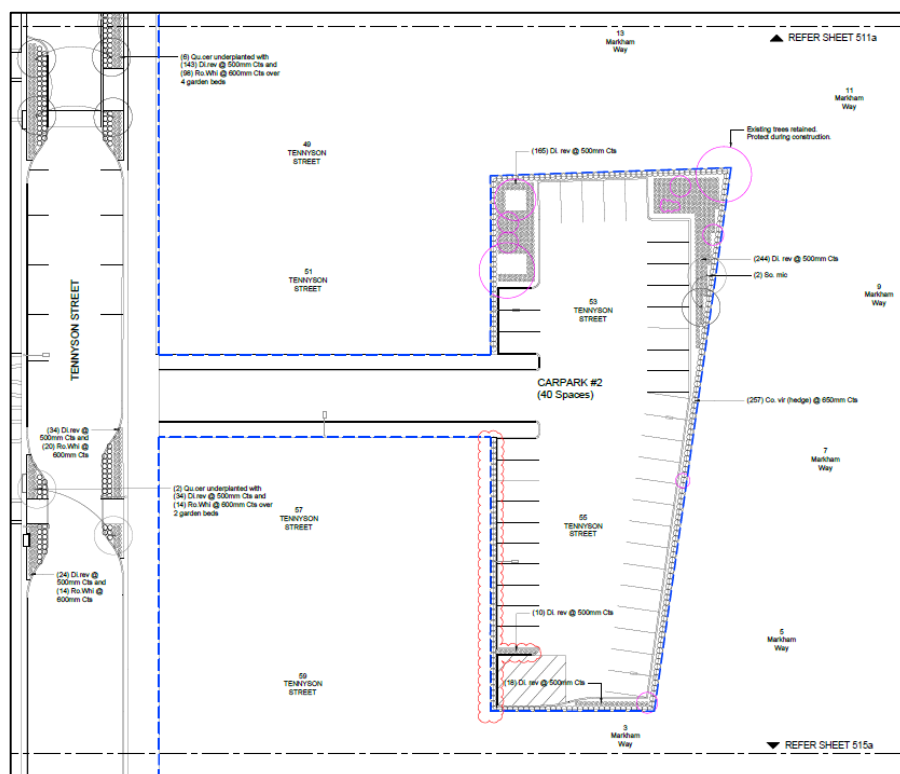


Figure 2: Landscaping for the carpark. Source: Applicants landscape plan

29. The ITA notes that no cycle parking is proposed. I agree with and adopt the applicant's assessment of the effects of not providing cycle parking in paras 55-58 (page 12) of the application. The cycle parking proposed near the north-eastern corner of Te Ara Ātea by Tennyson Street and the community garden within phase 1 of the RTC will serve any needs of the community if required. Therefore, I consider that there will be nil effects associated with not providing any on-site cycle parking.
30. The application states that the carpark will be illuminated at night for safety reasons and will achieve compliance with Rules 5.5.1.2 and 10.7.1 of the District Plan. These rules require parking areas used at night to have a minimum maintained level of 2 lux, with high uniformity, during the hours of operation and have a lux spill (horizontal or vertical) of less than 3 on to any part of any adjoining properties. No lighting plan was submitted with the application. In my opinion, consent conditions requiring compliance with these standards would be an appropriate mitigation measure for managing lighting and glare effects particularly in the absence of a more comprehensive lighting plan. The potential amenity related effects of lighting poles are discussed further in the residential amenity effects section below.
31. The applicant has stated that any signs will comply with the relevant standards of Rule 19.1 as such I have not considered this matter in my assessment.
32. The applicant has volunteered various consent conditions regarding operation of the carpark related to; construction noise; operational noise; the barrier arm and signage. Ms Wu has recommended additional consent conditions requiring the proposed carparks meet all the car park dimension requirements in Table 13.2 of the District Plan. I accept Ms Wu's advice and consider the conditions proffered by the applicant and Ms Wu to be appropriate particularly in managing the operating hours of the carpark. However, I consider that additional conditions are required to ensure that landscaping proposed is planted and maintained over time.

Residential amenity effects

33. In my opinion, assessing the effects of the proposed carpark on the wider environment and adjoining properties requires consideration of; amenity related rules (permitted baseline); relevant policy which provides guidance on amenity effects; and the consented baseline (activities consented on adjoining

land). The key amenity related effects are noise from vehicles and patrons and privacy. These matters are discussed in further detail below.

34. I consider that the amenity effects of the proposed car park are different to the north, east and south-east of the subject site and the west and south-west due to the different policy framework within the Rolleston Key Activity Centre - Precinct Plan and the consented baseline of land to the south-west. The land immediately adjoining the subject site to the west and south-west comprising (49-61 Tennyson Street) is zoned for Living 1 but is contained within Precinct 5 Transitional Living Rolleston Key Activity Centre - Precinct Plan reflecting a long-term transition to commercial uses. The properties at 51-61 Tennyson Street have had consents granted for commercial development, including a carpark on part of 57-61 Tennyson Street, which directly adjoins the subject site. The former residential dwellings located on these sites have been demolished. Therefore, regardless of the Living 1 Zoning, the receiving environment to the west and south-west is proposed to be used for more commercial uses and the amenity effects on these properties are likely to be different to land to the north, east and south-east of the subject site. Therefore, my assessment considers these two receiving environments differently.

Vehicle and patron noise

35. The applicant has provided an assessment of the noise effects of the proposal prepared by Acoustic Engineering Services (AES Report). The AES Report is based on information regarding traffic generation and carpark operation contained in the ITA including the proposed operation of the carpark including; management of the carpark entry and exit via a barrier arm limiting use of the carpark between 2200-0700 hrs Sunday to Thursday and 2300-0700 hrs Friday and Saturday; and associated vehicle release fees which are to be set at a level to discourage operation of the car park outside of the standard hours.
36. The AES Report includes the findings of daytime ambient noise level measurements in the vicinity of Tennyson Street. It also anticipates worst-case noise levels from vehicles moving in the car park on Tennyson Street and Markham Way at both day and night-time.
37. The AES Report concludes that the proposed carpark will exceed noise standards at a site within a Living Zone in a scenario where no more than 20 vehicle movements within any hour and/or no more than 5 movements within any 15-minute period, between 12 – 13 dB LA10 (10 dB LAeq) of the District Plan 35 dB LA10 night time boundary limit at the closest residential properties due to vehicles manoeuvring on site and conservations of visitors within the carparking area.
38. The AES Report acknowledges that conversations from people walking to and from their cars may contribute to overall noise levels generated on the site at times. Based on a scenario that five people (full car load) are speaking at the same time using a normal voice effort, AES has assumed that people would generate a sound power level of 75 dB LwA,eq. They have concluded that if this occurs approximately 6 metres from a residential boundary then noise levels of 41 dB LAeq would be received at the boundary which is an 8 dB exceedance of the District Plan 35dB LA10 night time limit at the closest boundaries to the carpark.
39. The AES Report considers that the District Plan night-time noise levels (35 dB LA10 and 40 dB LA10) are unduly restrictive given the residual noise environment and current New Zealand Standard 6802 and proposes the following noise standards are more appropriate for the subject site:
- Noise assessed within a Living zone:

Daytime:	0700 to 2200 hours	
	55 dB LAeq	
Night-time:	2200 to 0700 hours	
	45 dB LAeq	70 dB LAFmax
40. The AES Report considers that the predicted noise levels from the capark will comply with the above nominated daytime noise criterion by some margin and that worst-case noise levels during the night-time period are expected to meet the proposed 45 dB LAeq criterion. AES recommends mitigation of noise effects on adjoining properties through a 2 metre high acoustic fence constructed of either timber, plywood, fibre cement, masonry or concrete block with a surface mass of at least 10kg/m² as located below.



Figure 4.1 – Acoustic fencing plan

41. The applicant has volunteered a set of conditions to mitigate the effects of noise including use of the entry barrier and construction of the proposed acoustic fencing along the residential boundaries to the north, east and north-east of the subject site.
42. The AES Report, and additional information provided in response to a request for further information, has been reviewed by Rob Hay, Marshall Day Acoustics. Mr Hay agrees with the AES assessment of the noise effects of the proposal with the exception of the noise effects on the adjoining residential properties during night-time.
43. Mr Hay disagrees with the AES assessment regarding the effect of the proposed commercial buildings along Tennyson Street on ambient noise levels in Markham Way. He considers that these buildings will form an effective screen to traffic noise from Tennyson Street and lower the resulting residual noise at the affected properties and make carpark noise even more apparent as they are higher in height than the former residential dwellings. Mr Hay goes on to say that whilst the commercial development may add mechanical plant of greater scale to the area, this would have to comply with the operative District Plan limits, or consent would need to be sought to exceed the limit. He states that the commercial development cannot then be used as justification for greater noise exposure to the occupants of residents on Markham Way.
44. The applicant has presented cumulative noise emissions based on predicted noise levels wherein noise from people in the carpark spaces is in the same period as peak vehicle movements at the same time. The cumulative predicted noise levels in Table 3.4 of the AES Report are 45 dB LAeq and will therefore comply with the proposed noise criteria. Mr Hay disagrees with this assumption and considers 48 – 49 dB LA10 to be pragmatic.
45. Mr Hay considers that the proposed mitigation measures will not be able to ensure compliance with the proposed night-time noise standard. In summary, Mr Hay concludes:

"I have reviewed the applicant's document. I remain unconvinced that compliance will always be/will be regularly achieved during night-time use of the carpark. However, the proposed use of a barrier and the associated time restrictions do go some way to mitigating potential adverse effects. The proposed fence is also appropriate, as is the identification of NZS6803:1999 for construction noise."
46. I accept Mr Hay's advice that the proposed conditions are not sufficient to mitigate vehicle noise effects sufficiently. In addition, the current District Plan noise rules for Living Areas are more restrictive than the criterion nominated by the applicant as the basis for assessing the night time noise effects. The further

information provided by AES confirms that the predicted night time noise levels are 12 – 13 dB above the District Plan night time noise standards (permitted baseline). I agree with the AES assessment that this is a large exceedance of the permitted baseline.

47. For the above reasons, I consider that any adverse noise effects on the owners and occupiers of 3, 5, 7, 9, 11 and 13 Markham Way will be at least minor. I consider the adverse effects on the wider environment to be less than minor as the operational noise effects of the carpark are anticipated to be localised. I agree with the applicant's assessment that the noise effects of the carpark on the properties to the west and south-west of the subject site, which are consented for a carpark and commercial development will be less than minor as the consented use of these sites is less sensitive to night-time noise than residential activities.

Overlooking and privacy

48. There is no relevant permitted baseline for overlooking and privacy. However, the adjoining residential sites to the north, east, north-east and south all appear to have private open space adjoining the proposed car park. The pleasantness and enjoyment of outdoor living areas of these properties may be adversely affected by actual or perceived overlooking from an increased number of car park patrons in close proximity to the rear boundaries of these properties. The acoustic fence proposed as a noise mitigation measure may also adversely affect the amenity of outdoor living areas. None of the owners or occupiers of these properties have provided their written consent. Therefore, the effects of overlooking and privacy on these parties have the potential to be at least minor.
49. I do not consider the properties at 49-61 Tennyson Street to the west and south-west of the subject site to be adversely affected by overlooking and privacy issues from carpark patrons. RC 185298 provides the consented baseline for these sites as it permits retail and hospitality uses. Therefore, it is my opinion that the effects of any overlooking on these properties which will be used for more commercial uses in the future will be less than minor.
50. There are no wider environmental effects associated with overlooking and privacy.

Light poles

51. No detail was provided in the application regarding the height and placement of light poles. The height and placement of light poles has the potential to lead to adverse visual amenity effects on adjoining properties to the north, east and south of the subject site and the owners and occupiers of these properties have not provided their written consent. Therefore, the visual effects of light poles on these parties have the potential to be at least minor.

Effects Assessment Conclusion

52. For the reasons discussed above, I consider that the adverse effects related to vehicle and patron noise; visual effects of light poles and the proposed acoustic wall; and overlooking on the properties to the north, east and south of the subject site will be at least minor. I therefore consider it appropriate for each of these parties to be notified through a limited notification process.
53. I consider the adverse effects on the wider environment to be less than minor and that full notification of the application is not required.

PUBLIC NOTIFICATION TESTS [Section 95A]

54. Section 95A sets out the steps that must be followed to determine whether public notification is required:

Step 1 – Mandatory public notification

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

	Y	N
1.1 The applicant has requested public notification	<input type="checkbox"/>	<input checked="" 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"/>	✓

56. Public notification is not mandatory under this section.

Step 2 – Public notification precluded in certain circumstances

57. 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"/>	✓

58. Public notification is not precluded under this section.

Step 3 – Public notification required in certain circumstances

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

		Y	N
3.1	Any activity in the application is subject to a rule or national environmental standard that requires public notification	<input type="checkbox"/>	✓
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>)	<input type="checkbox"/>	✓

Step 4 – Public notification in special circumstances

	Y	N
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4.1

Do special circumstances exist in relation to the application that warrant public notification?

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60. I have considered whether any special circumstances apply. The term special circumstances is not defined in the RMA. However, it is generally accepted by the courts in RMA proceedings that a special circumstance is something which is exceptional, abnormal or unusual but less than extraordinary or unique.
61. Although Selwyn District Council is the applicant, I do not consider this to be special circumstances requiring notification. I note that in *Urban Auckland, Society for the Protection of Auckland City and Waterfront Inc v Auckland Council [2015] NZHC 1382*, Venning J concluded that Council’s pecuniary interest alone was not sufficient to justify special circumstances requiring notification. In my view the proposal does not contain any unusual features that would justify the conclusion that there are special circumstances.

Conclusion on public notification

62. Having evaluated the application against the provisions of section 95A, my conclusion is that the application must not be publicly notified as discussed under “Adverse effects on the environment and affected persons” subheading.

LIMITED NOTIFICATION TESTS [Section 95B]

63. Where an application does not need to be publicly notified, section 95B sets out the steps that must be followed to determine whether limited notification is required.

Step 1 – Certain affected groups and affected persons must be notified

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

		Y	N
1.1	There are affected protected customary rights groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.2	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 checked="" type="checkbox"/>
1.3	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 checked="" type="checkbox"/>

Step 2 – Limited notification precluded in certain circumstances

65. 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 limited notification	<input type="checkbox"/>	✓
2.2	The application is for either or both of the following, but no other activities		
	<ul style="list-style-type: none"> A controlled activity, that requires consent under a district plan (other than a subdivision) 	<input type="checkbox"/>	✓
	<ul style="list-style-type: none"> An activity prescribed by regulations made under section 360H(1)(a)(ii) of the RMA (if any) precluding limited notification 	<input type="checkbox"/>	✓

66. There are no preclusions to limited notification under this section.

Step 3 – Certain other affected persons must be notified

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

		Y	N
3.1	In the case of a boundary activity, an owner of an allotment with an infringed boundary	<input type="checkbox"/>	✓
3.2	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"/>	✓
3.3	For other activities, are there any affected persons in accordance with section 95E of the RMA (<i>See section 95E assessment in this report</i>)	✓	<input type="checkbox"/>

Step 4 – 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"/>	✓

Conclusion on limited notification

68. Having evaluated the application against the provisions of section 95B and 95E of the RMA, my conclusion is that the application must be limited notified to the owners and occupiers of properties identified under the “Adverse effects on the environment and affected persons” subheading. The effects on these persons are minor or more than minor for the reasons outlined in the above effects assessment.

NAME (OWNERS AND OCCUPIERS (UNKNOWN))	ADDRESS/LEGAL DESCRIPTION	REASON	AFFECTED PARTY APPROVAL PROVIDED?
Allun John Bulmer Bennett, Neil Richard Gerard Breen, Rebecca Cherie Bennett, Susan Linda Breen	3 Markham Way	Reduced Amenity	No
Marcel Geoffrey Murfitt Moreton and Rebecca Ann Moreton	5 Markham Way	Reduced Amenity	No
Mark Charles Dobbin and Maureen Elizabeth Dobbin	7 Markham Way	Reduced Amenity	No
Bernard Francis Kilbride and Elisabeth Faye Kilbride	9 Markham Way	Reduced Amenity	No
Lihua Li and Ping Ni	11 Markham Way	Reduced Amenity	No
Ronald Terry Harding and Mildred Lowen	13 Markham Way	Reduced Amenity	No

Recommendation

69. It is recommended that the application be processed on a limited notified basis.

Reported and recommended by Shravan Miryala, Consultant Planner	Date: 27 March 2020
Report reviewed by Rachel Ducker, Consultant Planner	

Commissioner's Note

I have read the above planning report, and the application. I have not carried out a site visit, due to the Covid 19 lockdown, but I have studied Google maps, and discussed the location with Rachel Ducker, listed above as the Reviewer of the planning report.

I agree that the identified properties (3 to 13 Markham Way), which all adjoin the application site, may be affected, in at least a minor way, from at least amenity affects, and that the owners and occupiers of those properties should be limited notified.


I agree that the adjoining properties facing Tennyson Street (49-61 Tennyson Street) will have effects that are less than minor, because of the potential more commercial use of those properties. 51 to 62 Tennyson Street have a resource consent for commercial use, and 49 Tennyson Street is owned by one of applicants of that consent, and may seek commercial use in the future.

I do not consider that any further properties beyond those identified would be affected by the application.

I consider it would be appropriate for the applicant to now request that this application be put on hold, and to delay the serving of notice on the affected properties until after the Covid 19 lockdown has been sufficiently lifted.

Decision

That the above recommendation be adopted under delegated authority.

 Ken Lawn Commissioner	Date: 1 April 2020
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