

# Sections 95, 95A-E, 104, 104B, 108, 108AA

## Resource Management Act 1991



### Decision/Report

**Report** pursuant to section 42A of the Resource Management Act 1991 recommending whether or not an application for resource consent should be:

- Publicly notified, limited notified or non-notified

<b>APPLICATION NUMBER:</b>	<b>RC245009</b>
<b>APPLICANT:</b>	Cornerstone Rolleston Trust
<b>BRIEF DESCRIPTION OF APPLICATION:</b>	Land use consent RC245009 is sought to construct and operate a church with non-compliant parking, earthworks, light spill and noise.
<b>SITE DESCRIPTION:</b>	Address: 999 Goults Road, Rolleston Legal Description: Lot 19 – 21 DP 7589 Title Reference: CB12K/1351 Area: 1.2138 ha
<b>ZONING / OVERLAYS</b>	<b>Operative Selwyn District Plan (2016), Township Volume</b> Living Z Zone Outline Development Plans: Rolleston ODP Area 10  <b>Partially Operative Selwyn District Plan (Appeals Version)</b> Medium Density Residential Zone  Plains Flood Management Overlay, Liquefaction Damage Unlikely Overlay, Development Area: DEV-RO3
<b>OVERALL ACTIVITY STATUS:</b>	<b>Discretionary</b>

### The Application

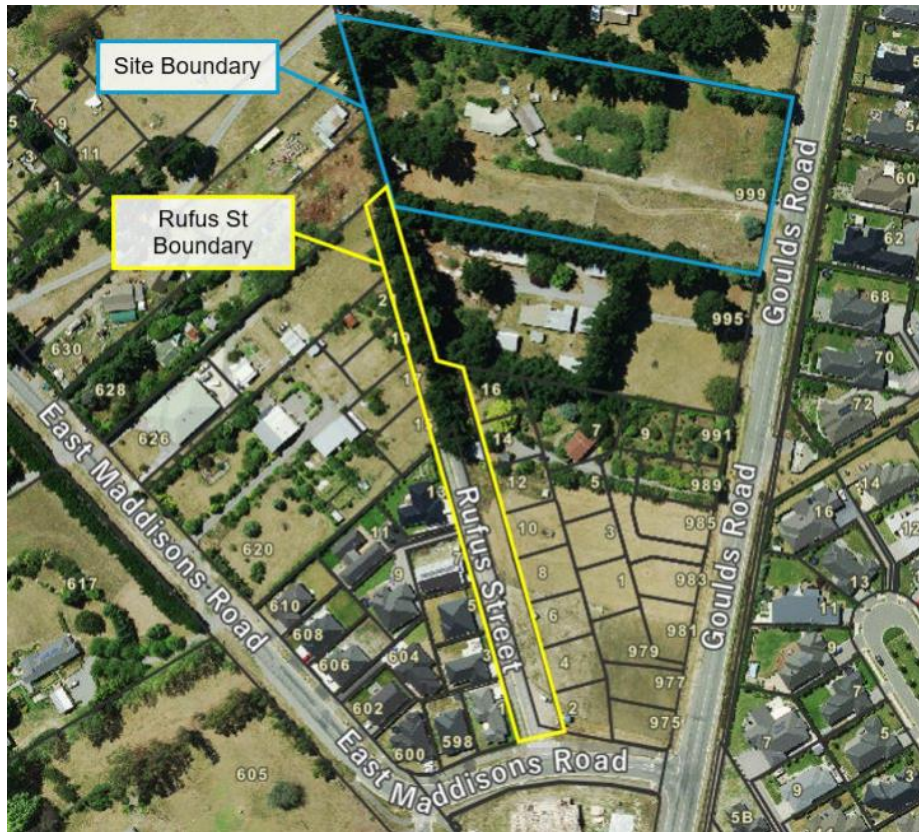
- This application was formally received by the Selwyn District Council on 19 January 2024. Further information was received on 13 February 2024 and 4 May 2024, and this information now forms part of the application.
- The application proposes the construction and operation of a church in a building with a maximum capacity of 505 people, with associated office activities taking place in a separate residential building that is currently on the site.
- The main aspects of the activity are as follows:
  - A main auditorium that can accommodate 350 people, with a useable floor area of 715m<sup>2</sup> (1 person per 2.04 m<sup>2</sup>)
  - A foyer of 335m<sup>2</sup>, which, allowing for egress routes and movements between door and seating, will conservatively seat 155 people.

- There is a former dwelling located on the site, which will be retained and used as an office and administrative facility. There are currently 3 full-time office staff, who work at the site. The former dwelling has an area of 172m<sup>2</sup>.
- A sealed carparking area is proposed, with 114 carparking spaces, including 4 mobility carpark spaces. 13 cycle parks are proposed. These are accessed via two vehicle crossings, which are anticipated to operate in a one-way configuration.
- Earthworks will be required for the proposal. These are likely to be completed within 12 months. However, final remediation of the site may extend beyond 12 months of the earthworks' completion.

4. The above figures suggest a capacity of 505 people.

## The Existing Environment

5. The application site is currently largely vacant, with an existing former dwelling and accessory buildings located towards the rear half of the site. These can be accessed via an existing accessway. There are mature boundary plantings, screening the site from its neighbouring sites. The site comprises three parcels that sit between 995 and 1005 Goulds Road.
6. The site and surrounding properties are shown in the diagram below, reproduced from the Applicant's noise assessment.



7. The surrounding sites to the subject site's north, west and south are similar in nature, consisting of largely vacant sites with a principal building and accessory buildings, set towards the rear of the site. To the subject site's east is medium density residential development. These residential buildings do not gain access via Goulds Road, and are screened to some degree from Goulds Road by plantings and fences.
8. I visited the site and surrounding area on 17 May 2024.

## Activity Status

### Operative Selwyn District Plan (2016), Township Volume ("the Operative Plan")

9. The application site is zoned Living Z. The site is also subject to Outline Development Plans: Rolleston ODP Area 10.
10. The Council released the Appeals Version of the Partially Operative Selwyn District Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act), and the corresponding provisions in the Operative Plan are treated as inoperative.
11. The rules that still apply following appeals and that this proposal does not meet are as follows.

#### Land Use

12. The proposed land use activity does not meet the following rules:

RULE	TOPIC	COMPLIANCE	STATUS
2.1.1.3	Earthworks	Rule 2.1.1.3 requires that any site subject to earthworks is built upon, sealed, landscaped, or recontoured and replanted no more than 12 months after earthworks are completed. The applicant is unable to confirm if they are able to comply with this timeframe.	Discretionary (Rule 2.1.8)

13. Therefore, the land use proposal is a Discretionary activity under the Operative Plan.

### Partially Operative Selwyn District Plan (Appeals Version) ("the Partially Operative Plan")

14. The application site is zoned Medium Density Residential. The site is also subject to Plains Flood Management Overlay, Liquefaction Damage Unlikely Overlay, Development Area: DEV-RO3.
15. The Council released the Appeals Version of the Partially Operative Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act). Those subject to appeal continue to have legal effect pursuant to s 86B.
16. The rules of the Partially Operative Plan that this proposal does not meet are as follows.

#### Land Use

17. The proposed land use activity does not meet the following rules:

#### ***Operative/treated as operative:***

RULE	TOPIC	COMPLIANCE	STATUS
TRAN-R4/REQ3	Access Restrictions	Part 1 requires that there is no more than one vehicle crossings per site, and in this case two are proposed.	Restricted Discretionary (TRAN R4/REQ3)
TRAN-R6/REQ9	On-site parking	The parallel parks do not comply with TRAN-R6/REQ9, as a width of 2.4m is proposed, and the minimum width is 2.5m.	Restricted Discretionary (TRAN-R6/REQ9.4)
TRAN-R6/REQ11	Cycle parks and facilities	10 (shown on Plans, and 13 stated in transport assessment) cycle parks are proposed. 19 cycle parks are required under the Plan.	Restricted Discretionary (TRAN-R6/REQ11.2)
TRAN R6/REQ10	Mobility parks	the Plan requires mobility spaces to be 6.1m in length and this is not achieved.	Restricted Discretionary (TRAN-R6/REQ10)

TRAN-R8	High Trip Generating Activities	50 to 120 vehicle movements will be generated in the peak hour. This triggers the need for a Basic Transportation Assessment.	Restricted Discretionary (TRAN-R8)
EW-R1/REQ3	Earthworks subject to a building consent	The earthworks for the proposed building will exceed a maximum depth below natural ground level of 2 metres. The applicant has stated that any filling of land will not consist of cleanfill material only.	Restricted Discretionary (EW-R1/REQ3.3)
LIGHT-R2/REQ1	Artificial outdoor lighting	The maximum level of light spill from artificial outdoor lighting shall not exceed the horizontal or vertical illuminance levels outlined in LIGHT-TABLE1 on an adjoining site, including roads. Light Spill at side boundaries will be 3.1 lux (as opposed to 2 Lux permitted)	Restricted Discretionary (Light R2)
LIGHT-R2/REQ2	Glare	Artificial outdoor lighting will not be directed away from and/or screened from adjoining properties and roads.	Restricted Discretionary (LIGHT-R2)
LIGHT R2/REQ3	Glare	Lighting is directed downward and shielded from above	Restricted Discretionary (LIGHT-R2)
NOISE-R1/REQ1	Activities not otherwise specified	The maximum permitted noise levels are 50 dB LAeq (15min) between 0700 – 2200, and 40 dB LAeq (15min) / 70 LAFmax between 2200 – 0700. The noise assessments identified that noise experienced at 995 and 1005 Goulds Road may be up to 55 dB LAeq.	Restricted Discretionary (NOISE-R1/REQ1.2)
MRZ-R14	Community Facilities	Places of worship fall under the definition of community facilities. All community facilities are a Discretionary activity under the Plan.	Discretionary (MRZ-R14)

***Has legal effect – subject to appeal:***

RULE	TOPIC	COMPLIANCE	STATUS
EW-R2/REQ1	Earthworks	150m <sup>3</sup> of earthworks are permitted in residential zones. This volume will be exceeded.	Restricted Discretionary (EW-R2/REQ1.2)
EW-R2/REQ3	Excavation and Filling	Earthworks shall not exceed a maximum depth below or height above natural ground level of: 2m, when 1.5m or more from the boundary of a site in separate ownership; or 0.5m, when within 1.5m of the boundary of a site in separate ownership. Filling will exceed 0.5m within 1.5m of the boundary. Any potentially contaminated soils will be removed.	Restricted Discretionary (EW-R2/REQ3.3)
EW-R2/REQ4	Rehabilitation and reinstatement	Rehabilitation may not be completed within 12 months	Restricted Discretionary (EW-R2/REQ4)

18. Therefore, the land use proposal is a Discretionary activity overall under the Partially Operative Plan.

***Appeals***

19. Rule EW-R2 has been appealed by CSI Property and iPort Rolleston Holdings, and Dairy Holdings Limited (DHL). The appeal from DHL relates to the requirement for earthworks in an ONL to comply with NFL-REQ9, which requires earthworks within the ONL Rakaia River Overlay to comply with the NFL-Table 1 earthworks thresholds. They also state it is unclear if NFL-R2 applies to activities covered by EI rules, within an ONL Overlay. Relief sought by the appellant is clarification that NFL-REQ9 and NFL-Table 1 do not apply to activities undertaken pursuant to EI rules, and to exempt irrigation infrastructure from NFL-REQ9 and NFL-Table 1.

Should the Court determine it appropriate for resource consent to be required for irrigation infrastructure within the ONL Rakaia River Overlay, then DHL seeks that the activity status for when compliance with NFL-REQ9 is not achieved be restricted discretionary rather than non-complying. The appeal does not affect the proposed activity for which consent is sought.

## National Environmental Standards

### National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

20. The subject site is currently listed under the Environment Canterbury Listed Land Use Register, due to possible exposure to persistent pesticide use associated with horticultural activities between 1962 – 1974. A Detailed Site Investigation (DSI) has been submitted as part of the application for resource consent. The DSI states that the NES-CS is considered to not apply to the identified horticultural area pursuant to Regulation 5(9), as the concentration of contaminants in the soil comfortably meet applicable NES-CS guidelines and are representative of background levels.
21. The DSI has been reviewed by Environment Canterbury's contaminated land experts. They have agreed that the contamination identified in the DSI is minor, with concentrations of arsenic and lead slightly exceeding background levels. Organochloride pesticides were not detected in any of the samples collected. ECan have noted that if development activity involves demolition of onsite buildings, contamination from lead/asbestos from demolition should be considered, and that overall a precautionary approach be taken, and that appropriate conditions can be imposed on any consent granted.

## Overall Activity Status

22. At the time of lodgement, the application was assessed/treated as being for a **Discretionary** activity.
23. As per the Activity Status section above, at the time of writing this report the proposal is still for a **Discretionary** activity (i.e. the most restrictive status applicable).
24. Therefore, the proposal is being considered as a **Discretionary** activity overall.

## Written Approvals (Sections 95D(e), 95E(3)(a) and 104(3)(a)(ii))

25. The provision of written approvals is relevant to the notification and substantive assessments of the effects of a proposal under sections 95D, 95E(3)(a) and 104(3)(a)(ii). Where written approval has been provided, the consent authority must not have regard to any effect on that person. In addition, that person is not to be considered an affected person for the purposes of limited notification.
26. No written approvals have been provided.

## Notification Assessment

### Assessment of Adverse Environmental Effects (Sections 95A, 95B, 95D and 95E)

#### Permitted Baseline

27. Sections 95D(b) and 95E(2)(a) allow that a consent authority "may disregard an adverse effect" if a rule or a national environmental standard permits an activity with that effect, a concept known as 'the permitted baseline'. The application of the permitted baseline is discretionary, as denoted by the use of the word "may". It is understood that its intention is to identify and exclude those adverse effects that would be permitted by the Plan from consideration. The proposal is for a discretionary activity, and there are no permitted activities that would generate a similar level of effect as the proposed church. I therefore consider that there is no relevant permitted baseline.

#### Assessment

28. The receiving environment for this proposal includes the existing environment and the future environment as it could be, i.e. as modified by non-fanciful permitted activities and unimplemented resource consents. In this case, the receiving environment is surrounded by predominantly rural zoned land, which in the future will be developed for medium density development.



29. The status of the activity is Discretionary. As such, the Council's discretion is unrestricted, and all adverse effects must be considered.
30. The adverse effects that are relevant to this proposal relate to transport, lighting, contaminated land, earthworks, stormwater, noise, and effects on the character and amenity of the surrounding area. Each of these effects are addressed below, following the order in which they were addressed in the AEE.

### ***Transportation Effects***

31. The application has been supported by a comprehensive assessment of the transportation related issues undertaken by Mr Andy Carr of Carriageway Consulting. This has been peer reviewed by Mr Nick Fuller of Novo Group, Council's consulting transportation engineers. I note that generally the two experts are agreed on the appropriateness of what is provided, with some matters to be resolved through a discussion around conditions of consent. The key elements forming part of the proposal are addressed below.

#### Parking

32. The application was supported by a transportation assessment prepared by Mr Andy Carr of Carriageway Consulting. The assessment was revised following changes to the building size through the RFI process.
33. Based on a congregation size of 350, with a typical attendance of 250, the applicant's traffic assessment notes that:
- For a typical Sunday attendance, 1 car parking space for 3.3 seats is appropriate. Hence the typical congregation of 250 people equates to demand for 76 parking spaces.
  - For peak use occasions, additional parking of 1 car parking space for 2.5 seats may be required. The additional 100 churchgoers would therefore require an additional 40 car parking spaces, making 116 spaces in total.
  - If the church was to grow and to regularly have 505 attendees (the maximum capacity of the building) then this would require 153 car parking spaces
34. Mr Carr's assessment notes that the church has indicated that it will likely take some time for the congregation to increase in size from current numbers. The existing congregation of 250-350 people will therefore increase gradually over the foreseeable future.
35. The Plans forming part of the application identify that 114 car parking spaces will be provided on the site, meaning that for the regular church services and the (occasional) 'peak use' services, there will be sufficient parking, requiring minimal use of the surrounding kerbside parking resources for even the maximum size of current congregations. There is also sufficient area on the site to provide additional parking in the future should growth require extra spaces to be available. Novo Group, the consultant transportation planners for the Council have agreed that the parking provided will be sufficient. They have also recommended the additional area be available for intermittent parking should it be required.
36. I note that both transportation consultants are agreed that the parking provided is appropriate. I accept this advice and consider that any parking related effects will be less than minor.

#### Cycle parking

37. Given the floor area proposed in the auditorium and foyer areas, a capacity of 505 people requires 19 cycle parking spaces (17 visitor plus two staff), based on a capacity of 505 people. The layout includes provision of ten cycle stands, although the layout of these is unclear. The Novo Group peer review has noted that the applicant's Transport RFI response suggests that the provision of seven 'hoops / staples' will be sufficient to effectively comply with the District Plan requirement based on the 350-person capacity of the main auditorium. The Novo Group review agrees that this is appropriate, and I therefore consider that there will be adequate provision for cycle parking, and that there will be no adverse effects relating to cycle parking.

#### Vehicle Access and Internal Circulation

38. Mr Fuller has noted that the application indicates that both accesses to the site from Goulds Road will be two-way (i.e. both ingress and egress), whereas the plans provided with the Application indicate that the southern access is egress only and the northern access is ingress only (i.e. both one-way). For the purpose of this assessment, the Novo Group review assumed that the accesses will both operate as two-way. Mr Fuller was satisfied that the vehicle accesses will generally operate satisfactorily.
39. Mr Fuller noted that there are presently no details of signage or landscaping proposals, giving rise to a concern that visual obstructions around the access could obscure drivers (exiting the site) from seeing passing pedestrians. On this basis I agree that there is merit in limiting the height of landscaping/planting and signage

to the northern side of the accesses. Provided these conditions are included, I consider that any adverse effects relating to the operation of the accesses will be less than minor.

40. I also agree with Mr Fuller that the proposed internal directional line-marking should be removed, allowing for two-way travel within the site. Removal of the marking would be supported by two-way vehicle accesses and, importantly, would avoid drivers needing to circulate back to Goulds Road to find on-site car parks.

#### Pedestrian Access

41. The Carriageway assessment has noted that the church has agreed to fund the construction of a footpath across the site frontage, extending the current provision that terminates at the northern boundary of the site. Novo Group has noted that provision should also be made for pedestrian access to Goulds Road from the main building entrance. I consider this is appropriate to avoid potential conflicts between pedestrian access and moving vehicles.
42. With respect to potential issues relating to pedestrians crossing Goulds Road, I note Mr Carr's view that the flat and straight alignment of the road means that sight distances are excellent, and all road users will have excellent intervisibility of one another. Anyone walking to the site is therefore likely to be doing so outside the times of peak traffic flows on the road but even if they were to be crossing the road at the busiest times, the relatively low traffic flows create ample gaps for pedestrians to cross. I generally agree with this statement, but note that over time, as the immediate and wider area develops, traffic is likely to increase. I also note that at the present time there are no formed footpaths on the opposite side of Gould's Road from the site.
43. The ability for the mobility impaired to cross the site accesses was noted in the applicant's response to an RFI; however, I note the response that the site does not differ from any other site access that needs to be crossed by the mobility impaired. Mr Carr noted that if the accesses were to be considered as highly-trafficked, then tactile paving could be provided at the vehicle crossings. However, I agree that this is a matter than can be considered at Engineering Approvals stage, or otherwise covered in a review condition.

#### Traffic Generation

44. Aside from Sunday services, other activities that are anticipated to occur at the site generally include:
- Small groups, meeting every second Monday 6pm to 8pm, every Tuesday 7pm to 9pm, every Wednesday 7pm to 9 pm, every Thursday 9am to 12pm and 1pm to 2pm, every Friday 6pm to 9pm ;
  - Saturday meetings for youth events, working bees etc;
  - Monday to Friday, 8am to 6pm for office/administrative purposes; and
  - Other events that are not regularly scheduled.
45. Other more infrequent activities will include weddings and funerals, and the applicant also intends to make the building available to community groups for programmes and events, and potentially host conferences into the future.
46. While many of these activities are infrequent, there is the potential for them to generate larger volumes of traffic. These have been addressed in detail in the Carriageway assessments, where it is concluded that overall, there would be no adverse effects on the operation of the site accesses, nearby intersections, or issues with the capacity of Goulds Road. I note that overall Mr Fuller agrees and I rely on these expert assessments.
47. The site is zoned for Medium Density Residential activities, and while the traffic can be accommodated on the roading network, I consider that the level of traffic that will be generated will at times be greater than the traffic generation from activities that are anticipated or permitted in residential zones. I therefore consider that the concentration of traffic movements will have a minor effect on the immediate neighbouring properties given they will experience a higher degree of activity on the site than if it were developed for residential purposes.

#### **Noise**

48. Potential noise to be generated from the operation of the church was addressed in a technical assessment provided by AES Ltd, which was peer reviewed for the Council by Marshall Day Acoustics.
49. As identified in the noise assessments, the main noise sources associated with the operation of the church are expected to be:
- Break-out noise from the congregation and music within the building.
  - Noise generated by vehicles travelling about on the site (engine noise, exhaust noise, road/tire noise and door slams).
  - Noise from external mechanical plant associated with the church.

50. The Marshall day assessment identified that the highest predicted noise levels from the auditorium or from vehicle movements were likely to be in the order of 55 dB LAeq at the boundary of 995 Goulds Road, and 51 dB LAeq (from auditorium) and 55 dB LAeq (from vehicles) at the boundary of 1005 Goulds Road. Although these levels exceed the permitted maximum of 50 dB LAeq, both noise assessments agreed that actual noise received at the notional boundaries of the existing dwellings on these sites would be in the order of 50 dB LAeq or lower, which is consistent with the noise environment anticipated in the zone. However, given that Noise Table 5 identifies that the noise measurement is to be taken from any part of the receiving site, I consider that this should be considered a minor effect on those two properties.
51. Similarly, both assessments agreed that construction noise effects would be consistent with the construction noise limits.
52. Overall, the Marshall Day peer review confirmed the findings in the applicant's noise assessment, noting that noise effects would be less than minor at existing adjacent properties. The peer review concluded by recommending conditions of consent limiting the generation of noise within the auditorium, and that amplified music only be permitted between 0900 and 1130 on Sundays. It also recommended that conditions require that all noise generated on the site should not exceed the following noise limits at any point within 995 or 1005 Goulds Road:
- (a) 0700 to 2200 hrs 55 dB LAeq
- (b) 2200 to 0700 hrs 40 dB LAeq and 75 dB LMax
53. Overall, I agree with the conclusions of the noise assessments, noting however that the predicted noise exceedances for the two adjoining properties should be considered to be a minor effect on those parties.

### ***Lighting***

54. The AEE notes that outdoor lighting of the accessways and parking areas is necessary to provide for nighttime events and for purposes of security and Crime Prevention Through Environmental Design. The exceedances of the light standards are minimal, and I agree with the applicant that any adverse effects on adjacent properties and the road will be less than minor.

### ***Character and Amenity***

55. Consent is sought to construct and operate a church on the site. As a Medium Residential Density zone, the anticipated character and amenity is determined largely by the relevant rules and standards. Large scale activities such as a church are discretionary activities, and the bulk of buildings and level of traffic generated are not of a scale commensurate with residential activity. The site is large, and I consider that the level of activity that will be generated will have at least minor effects on the immediately adjoining or adjacent neighbouring properties given the level of activity that they will experience as opposed to what may ordinarily be anticipated if the site was developed for residential activity.
56. Earlier in this assessment it was identified that the noise and traffic effects on the immediately adjoining neighbouring properties to the north and south would be minor. I also consider that the general scale of activity on the site
57. Will have minor effects on the properties in close proximity, and particularly the following properties as shown in the diagram below:
- 54, 60, 62 and 68 Stanford Way
  - 995 and 1005/1007 Goulds Road
  - 628, 630 and 632 East Maddisons Road.





### Cultural Effects

58. A Cultural Advice Report was received from Mahaanui Kurataiao Ltd on behalf of Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga, both of whom have mana whenua over the project's location. Key issues raised in the report are:
- *earthworks can have significant adverse effects on the environment through erosion and sedimentation of waterways, impacting the mauri of these wāhi taonga. As such, during all works associated with the development of the proposed commercial property an Erosion and Sediment Control Plan (ESCP) must be in place and strictly adhered to until such a time as soils have been stabilised. If the erosion and sediment controls prove to be inadequate, works must cease until appropriate and effective measures are in place. All disturbed surfaces must be adequately topsoiled and vegetated as soon as possible to limit sediment mobilisation. All contractors working on site must be made aware of these measures and strictly adhere to them. The ESCP must include specific dust suppression measures to protect the mauri of air on site.*
  - *Indigenous biodiversity, landscapes and ecosystems are a fundamental part of the culture, identity, and heritage of Ngāi Tahu. Indigenous vegetation provides a range of benefits such as increasing indigenous habitat throughout the takiwā, binding/stabilising soil, nutrient uptake, and carbon sequestration – all of which help support a healthy environment. To mitigate the effects of earthworks, enhance the cultural landscape, increase indigenous habitat, filter sediment and sequester carbon, indigenous planting is required on site.*
  - *Contaminated land can have adverse effects on the environment, including the potential for contaminants to runoff into surface water, or leach into groundwater. Contaminated land can also have effects on mana whenua cultural values such as wāhi taonga. Contaminated material should be disposed of at a suitable facility and contaminated material should not be stockpiled on site. During earthwork an accidental contamination discovery protocol must be implemented to ensure contaminated materials are correctly handled and disposed of.*

- *Kaitiaki are also concerned with the accumulation of contaminants such as heavy metals in the receiving environment. Long term, untreated discharges have the potential to cause the accumulation of contaminants in soils and water. An effective filtration mechanism an/or heavy metal traps must be installed and regularly maintained to treat dissolved contaminants in stormwater (e.g., dissolved metals) from all hardstand areas on site, for the protection of the environment. The filtration mechanism can include swale, rain garden, or proprietary device.*
- *Stormwater infrastructure (both operational and construction phase) is designed to ensure the ongoing protection of land/soil and groundwater used as the receiving environment. Operational phase stormwater infrastructure must be maintained and monitored in accordance with the manufacturers guidelines to ensure designed levels of treatment.*
- *The overall development of the proposed building should align with the Ngāi Tahu Subdivision and Development Guidelines (Appendix 2) to the greatest practical extent, particularly with regards to stormwater controls and greywater re-use.*

59. Subject to the above matters being addressed in conditions attached to any consent, Mahaanui have noted that Rūnanga will not consider themselves an affected party. I infer from this that the cultural effects of the proposal are considered to be less than minor.

#### **Positive Effects**

60. Positive effects are not relevant to the consideration of notification and will be considered as part of the substantive 104 assessment that will be prepared following the close of submissions.

#### **Conclusion**

61. Overall, considering the matters raised in the application and in the assessment undertaken above, I consider that the adverse effects on the wider environment will be less than minor. However, I consider that the potential effects on the properties identified above will be at least minor.

### **Public Notification (Section 95A)**

62. Section 95A states that a consent authority must follow the steps in the order given to determine whether to publicly notify an application for resource consent.

<b>Step 1: mandatory public notification in certain circumstances (sections 95A(2) and 95A(3))</b>	Y	N
Has the applicant requested that the application be publicly notified?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is public notification required under section 95C (no response or refusal to provide information or agree to the commissioning of a report under section 92)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has the application has been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*If the answer to any of the above criteria is yes, the application must be **publicly notified**, and no further Steps are necessary.*

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

<b>Step 2: public notification precluded in certain circumstances (sections 95A(4) and 95A(5))</b>	Y	N
Are all activities in the application subject to one or more rules or national environmental standards that preclude public notification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the application for one or more of the following, but no other types of activities:		
• A controlled activity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• A boundary activity only (as per the definition of "boundary activity" in s 87AAB of the Act)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*If the answer to any of the above criteria is yes, continue to **Step 4**.*

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

<b>Step 3: public notification required in certain circumstances (sections 95A(7) and 95A(8))</b>	Y	N
Is the activity subject to a rule or national environmental standard that requires public notification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer to any of the above criteria is yes, the application must be **publicly notified**, and no further Steps are necessary.

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

<b>Step 4: public notification in special circumstances (section 95A(9))</b>	Y	N
Do special circumstances exist in relation to the application that warrant public notification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer is yes, the application must be **publicly notified**.

If the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application.

63. In conclusion, in accordance with the provisions of section 95A, the application must not be publicly notified and a determination on limited notification must be made, as follows.

### Limited Notification (Section 95B)

64. Section 95B states that a consent authority must follow the steps in the order given to determine whether to give limited notification of an application for resource consent, if it is not publicly notified under section 95A.

<b>Step 1: certain affected groups and affected persons must be notified (sections 95B(1)-(4))</b>	Y	N
Are there any affected protected customary rights groups, as defined in s 95F?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are there any affected customary marine title groups, as defined in s 95G (in the case of an application for a resource consent for an accommodated activity (as defined in the Act))?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the proposed activity on or adjacent to, or may it affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and is the person to whom that statutory acknowledgement is made an affected person under s 95E?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer is yes, **notify the application to each affected group/person** and continue to **Step 2**.

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

<b>Step 2: limited notification precluded in certain circumstances (sections 95B(5) and 95B(6))</b>	Y	N
Are all activities in the application subject to one or more rules or national environmental standards that preclude public notification?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the application for a controlled activity only and not a subdivision of land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

<b>Step 3: certain other affected persons must be notified (sections 95B(7)-(9))</b>	Y	N
In the case of a "boundary activity", is an owner of an allotment with an infringed boundary an affected person?	<input type="checkbox"/>	<input type="checkbox"/>
For any other activity, are there any affected persons in accordance with section 95E of the Act (as assessed in the Assessment of Adverse Environmental Effects above)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is yes, **notify the application to each affected person** and continue to **Step 4**.

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

<b>Step 4 – Limited notification in special circumstances</b>	Y	N
Do any special circumstances exist in relation to the application that warrant notification to any other persons not already determined to be eligible for limited notification (excludes persons assessed under section 95E as not being affected)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer is yes, **notify the application to those persons**.

If the answer is no, do not notify anyone else.

65. In conclusion, in accordance with the provisions of section 95B, the application must be limited notified. As concluded above in the Assessment of Adverse Environmental Effects, the following are affected persons; therefore, they must be served notice.

The owners and occupiers of the following properties:

54 Stanford Way	Lot 217 DP 467539
60 Stanford Way	Lot 220 DP 467539
62 Stanford Way	Lot 221 DP 467539
68 Stanford Way	Lot 224 DP 467539
995 Goullds Road	Lot 22 DP 7589
1005/1007 Goullds Road	RS 41717
628 East Maddisons Road.	Lot 33 DP 7589
630 East Maddisons Road.	RS 41714
632 East Maddisons Road.	Lot 35 DP7589

## Notification Recommendation

66. I recommend that the application RC245009 is processed on a **limited notified** basis to the properties identified above in accordance with sections 95A-E of the Resource Management Act 1991.

<b>Report by:</b> Andrew Henderson, Consultant Planner	<b>Date: 20 August 2024</b>
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## Notification Decision

67. For the reasons set out in the report above, the Notification Recommendation is adopted under delegated authority.

 <b>Commissioner Graham Taylor</b>	<b>Date: 21 August 2024</b>
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