



**NOTIFICATION REPORT ON APPLICATION 102.2025.81.1
SECTIONS 95A & 95B OF THE RESOURCE MANAGEMENT ACT**

Consent Number:	102.2025.81.1
Applicant:	Home Centre Properties Limited
Application Description:	Establishment and operation of café and three restaurants with drive through facilities
Application Status:	Non-complying (ODP)/Restricted Discretionary (PDP)
Property Address:	192, 194, 196-208 Evans Street & 4 Grants Road, Marchwiell, Timaru
Legal Description:	192 Evans St: Lot 1 DP 19425 held in RT CB10B/257, Valuation Ref: 24941/393.00 194 Evans St: Lot 1 DP 15285 held in RT CB10B/256, Valuation Ref: 24941/392.00; and 196-208 Evans St & 4 Grants Rd: Lot 1 DP 29051 held in RT CB11A/47, Valuation Ref: 24941/391.00
Operative District Plan Zone:	Commercial 3 Residential 1 Liquefaction Vulnerability Category: Possible Flood Plain MS – Washdyke/Taitarakihi
Proposed District Plan Zone:	Neighbourhood Centre Zone Designated Area [NZTA-1] Wahi Tupuna [SASM-3] Flood Assessment Area Liquefaction Area Overland Flowpath Assessment Area
Author:	Nick Boyes – Consultant Planner
Date of Report:	6 July 2026

1.0 INTRODUCTION & BACKGROUND

My name is Nicholas (Nick) Boyes. I am an independent planning consultant. I hold a Bachelor of Science (majoring in Plant and Microbial Science and Geography) from the University of Canterbury (1997) and a Master of Science (Resource Management) (Hons.) from Lincoln University (1999). I have worked in the field of planning/resource management since 1999, the last 25 years as a planning consultant.

I have been asked by the Timaru District Council (the Council) to prepare this report to document the notification assessment of the subject application pursuant to sections 95A and 95B of the Resource Management Act 1991 (the Act/RMA) Act. This report also constitutes the reasons for the Council's decision as required under section 113 of the RMA.

This report acts as an audit of the consent application and various supporting information prepared by Perspective Consulting Ltd on behalf of Home Centre Properties Limited (the Applicant). The application was lodged in June 2025 and went on hold pending request for further information. That information was submitted on 16 March 2026, which included a revised proposal in response to the written approval obtained from NZTA.

Following receipt of that information there have been discussions between the Applicant and the Council's roading and stormwater engineers in relation to the demand for on-street parking and flooding of up-stream properties respectively. This involved the Council obtaining a 'Site Specific Flood Assessment' as set out in the NH-R1 and NH-S1 of the Proposed District Plan (PDP).

An updated application AEE setting out an assessment of the proposal following decisions on the Proposed Timaru District Plan was submitted on 26 June 2026. It is that version of the application that is assessed below.

2.0 PROPOSAL DESCRIPTION

Home Centre Properties Limited ('the Applicant') has applied for land use consent to establish four food and beverage outlets (two of which include drive through facilities) at 192, 194, and 196-208 Evans Street and 4 Grant Street, Timaru. The general site layout of the proposed activity is as shown in **Figure 1** below.

2.1 Built Form

Three separate single-story buildings are proposed. The building closest to Grants Road will be occupied by a 'Starbucks' café, having a gross floor area (GFA) of 230m², seating for 47 persons and a maximum height of 4.33m. This building will include a drive through facility. This building is referred to as QSR-1 on the application plans.

The central building will be occupied by 'Popeyes', having a gross floor area of 282m², accommodating 64 customer seats, with a height of 5.3m. This building will include a drive through facility. This building is referred to as QSR-2 on the application plans.

The remaining building will now consist of two separate unnamed tenants; one being 70m² in GFA and the other being 100m². This has reduced from the 227m² GFA originally proposed. The maximum height of this building will be 5.5m. This third building will provide walk-in fast food tenancies; i.e., there are now no drive through facilities included as part of this proposed building. This building is referred to as T-3 and T-4 on the application plans.

All three buildings will accommodate a dining area, toilet, customer service area, kitchen and staff area.

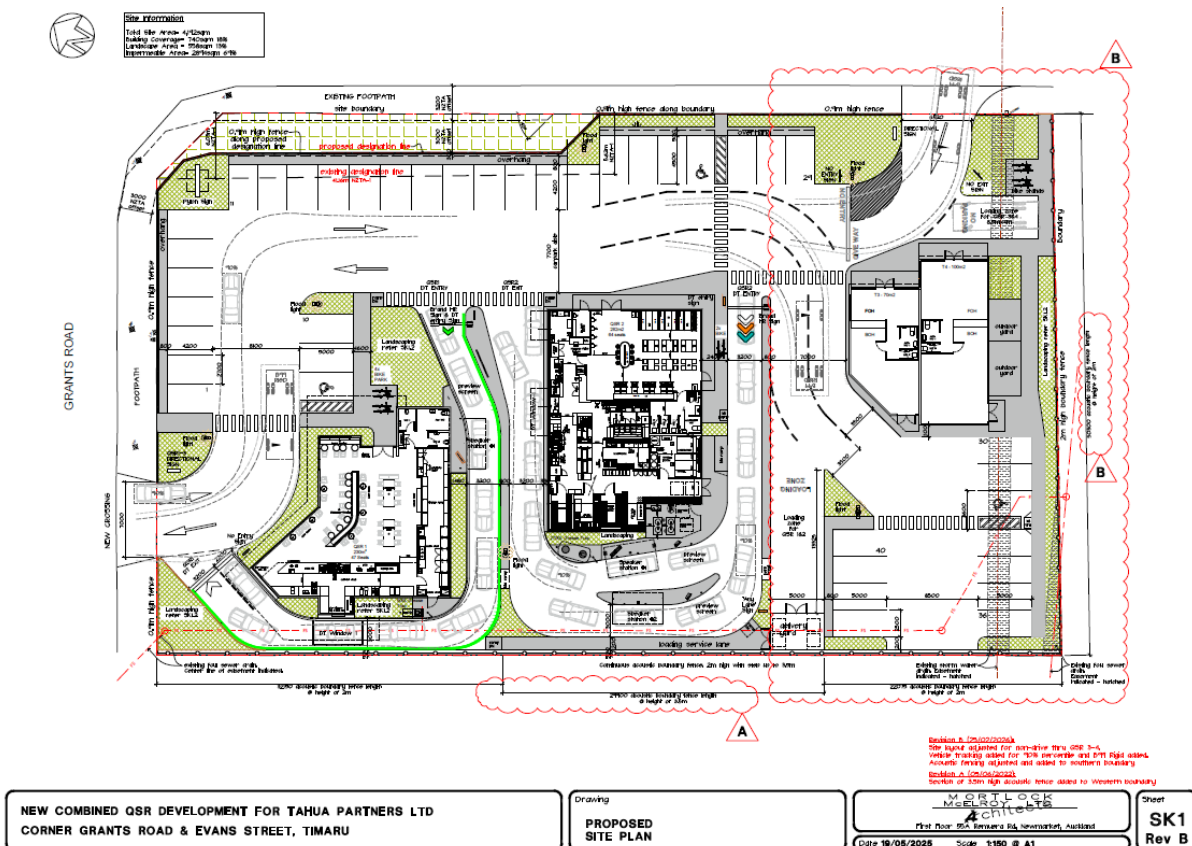


Figure 1: General Site Layout (Source: Revised Application AEE).

2.2 Access and Parking

The revised proposal sets out that the process of obtaining the written approval of NZTA necessitated the redesign of the southern part of the site, and in particular the access and parking arrangements.

These changes are summarised as follows:

- Ensuring vehicles can only enter the site via the State Highway 1 vehicle crossing (no vehicle exit provided for).
- Reconfiguration of the internal layout to reduce the potential for vehicles using the Evans Street/SH1 access to conflict with internal traffic.
- Moving the location of the third building (T-3 & T-4) eastward.
- Increasing the onsite parking spaces from 30 (original) to 40 (proposed).
- Changing the loading and servicing area configuration from one combined area for all three tenancies in the original application to one combined loading and servicing area for buildings QSR-1 and QSR-2 and a separate services loading area for the building accommodating T-3 and T-4.

Pedestrian access will be from the Grants Road and Evans Street footpath. Pedestrian markings will indicate the pedestrian route within the car park to each premises.

The car park will be sealed, marked and drained and include directional signage. The number of bicycle parks available on site has been increased from 6 originally to now be 14.

2.3 Staff Numbers

The application AEE sets out that the actual number of staff normally recruited for new stores are: Popeyes = 55 / QSR3 = 45 / Starbucks = 12 (TOTAL 112). However, it should be noted that not all these roles will be full time, with most positions being shift workers. The total employment number includes cleaners, managerial and support staff. The application AEE sets out that it is likely about a third of the total amount of staff will be on site at any one time.

It is noted that the revised integrated traffic assessment (ITA) submitted in February 2026 refers to a maximum of 29 staff being on site at one time.

2.4 Hours of Operation

The hours of operation proposed are different for each of the proposed building tenancies. The hours sought for the third building (T-3 and T-4) were revised as part of the updated application received. The proposed hours are as follows:

Starbucks (QSR-1):	0500 to 2200hrs
Popeyes (QSR-2) & Third building (T-3, T-4):	0700 to 0000 Sunday-Wednesday, 0100 Thursday -Saturday

2.5 Signage

Signage at the site will consist of a free-standing sign located along the Evans Street frontage advertising each of the tenants. This free-standing sign is 10m in height and 2.4m in width. The façade of each building will also contain corporate branding.

Some directional signage is also proposed internally within the carpark, including a give way sign and no exit sign located on the site's Evans Street/SH1 vehicle entranceway.

2.6 Boundary Treatment and Landscaping

Boundary treatment at the site will consist of a new acoustic fence along the site's western and southern boundaries with residential neighbours. Portions of this fence will be up to 3.5m in height.

The boundary treatment of Evans Street and Grants Road frontage will consist of a 0.9m high fence and landscaping.

2.7 Lighting

Exterior lighting is proposed to light the entrance, drive throughs, carpark, signage and entranceways to buildings.

The application sets out that all exterior lighting proposed will comply with the requirements of the operative Timaru District Plan (TDP) and conditions have been recommended to ensure this.

2.8 Earthworks and Three Waters

Earthworks are principally proposed to create building platforms and level the car parking area. A Site Management Plan is proposed to manage any actual and potential effects of earthworks, with a draft being supplied as part of the application.

The application AEE states that the development would take advantage of existing wastewater, stormwater, and water supply infrastructure having previously served the application site.

Stormwater attenuation is to be confirmed during the detailed design and also subjected to TDC's attenuation requirements. The Applicant stormwater design is sought to be approved through TDC's service application process; with the four existing kerb discharge outlets being abandoned. It is proposed to have two new kerb discharge outlets from the proposed sumps. Each new outlet will have two hot-dipped galvanized Rectangular Hollow Sections that maintain the same number of kerb discharge pipes as the existing. Conditions have been offered by the Applicant to ensure the stormwater discharge complies with the PDP requirements.

Furthermore, in response to the above, the application states that there will need to be consequential changes to the easements in relation to sewer, stormwater and water services. It is assumed these will occur following the grant of any resource consent to the proposed activity.

3.0 APPLICATION SITE AND SURROUNDING ENVIRONMENT

3.1 Application Site

The subject property covers approximately 4,208m² and is broadly rectangular, apart from a small chamfer at the northern corner representing the intersection between Evans Street and Grants Road, as shown in **Figure 2** below.

Until recently, the site accommodated both commercial and residential activities; however, all buildings have now been removed.

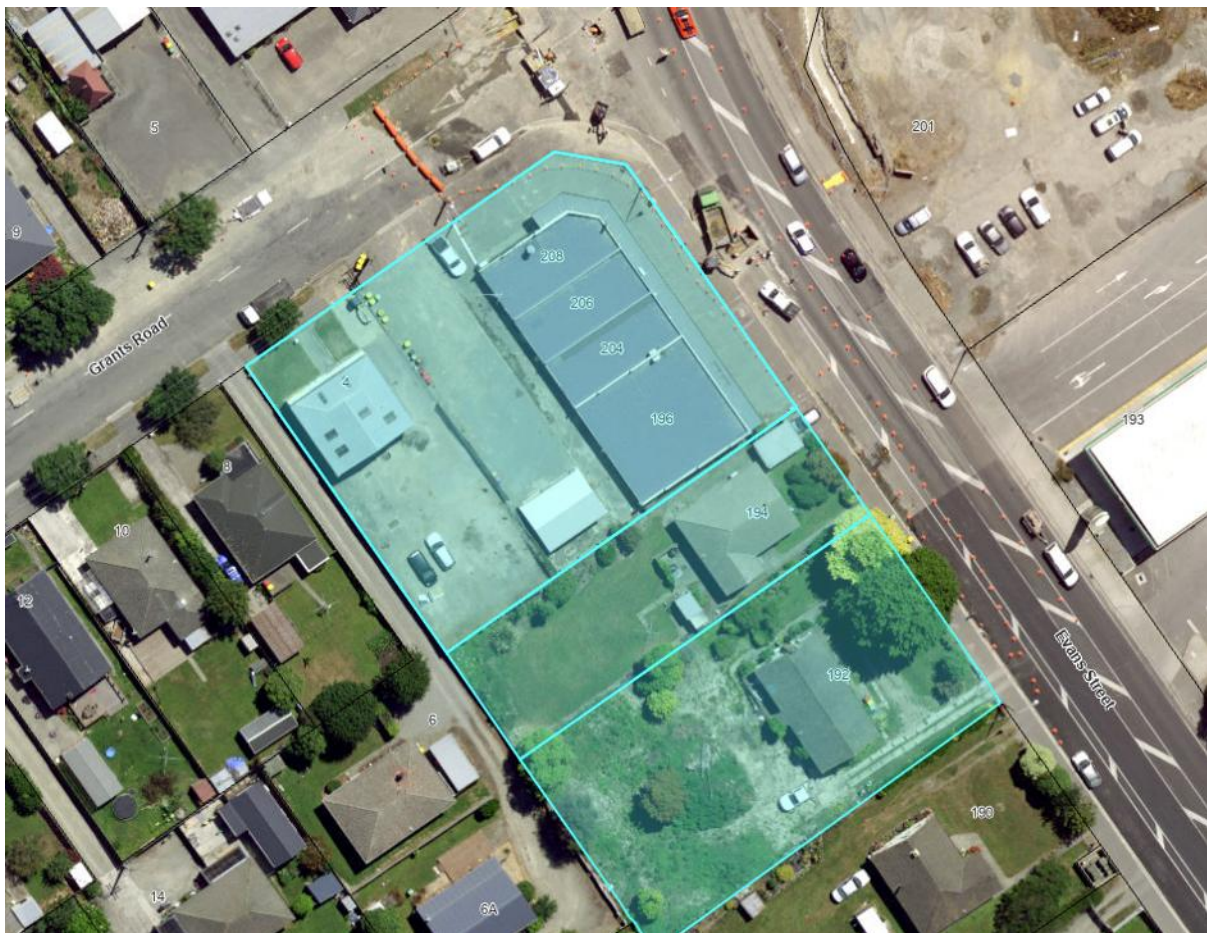


Figure 2: Aerial imagery of application site relative to other properties in this part of Marchwiell (Source: GeoMaps).

On Evans Street/SH1, the former dwellings at 192 and 194 each comprised a detached, single-storey building. Adjoining these, 196–208 Evans Street was occupied by a single-storey, terraced commercial block with three separate tenancies fronting the street. The remaining building at 4 Grants Road is a standalone, ground-floor commercial premise that the Agent confirms was last used as a scaffolding business and as confirmed via an earlier site visit undertaken by a TDC Council Planning Officer, showed evidence of historic workshop activities.

The ground naturally inclines toward the southwest, producing a fall of about 1.2 m along the southern boundary, tapering off as it approaches the Grants Road frontage. Existing on-site vegetation is minimal, with only a small lawn remaining in front of 4 Grants Road, and all other landscaping formerly at 192 and 194 Evans Street having been removed as part of demolition/site scrape works.

Vehicular access to 192 and 194 Evans Street is directly off Evans Street, whereas the larger commercial parcel at 196–208 Evans Street is served by entrances on both Evans Street and Grants Road.

3.2 Surrounding Area

Surrounding land uses are mixed. Immediately adjoining the western and southern boundaries along Grants Road and Evans Street lie residential properties, while across the road(s) to the north and east are a range of commercial activities especially the newly developed Showgrounds Retail Park. The broader area slopes gently down towards Te Taitarakihi Creek to the east, and the site itself adjoins State Highway 1 (Evans Street). The Evans Street and Grants Road intersection is now subject to traffic signals following the Showgrounds development upgrade.

3.3 Consent History

The Applicants agent sets out in the application document a list of resource consents registered against the various parcels that make up the application site. This list has been confirmed as accurate and included below for ease of reference:

192 & 194 Evans Street

- Both 192 and 194 Evans Street has not been subject to any resource consents.

196-208 Evans Street & 4 Grants Road

No resource consents have been granted for this property since 2004. In chronological order from most recent:

- 102.2004.278891.1 granted in November 2004 to locate a shipping container on site
- 102.2004.278891.1 granted in September 2004 to use the existing building to store scaffold equipment.
- 102.2003.27255.1 granted in 1999 to establish and operate a motorcycle repair and retail shop.
- 102.2003.26813.1 granted in 1992 to establish and operate a printing business.

There are no other resource consents registered against the property that affect the proposal.

4.0 PLANNING FRAMEWORK

Timaru District Council has an Operative District Plan (ODP) and a Proposed District Plan (PDP).

The Proposed Timaru District Plan was notified on 22 September 2022. The application was lodged in June 2025, being prior to the notification of the decisions on the PDP submissions on 19 March 2026.

4.1 Operative Timaru District Plan 2005 (ODP)

The subject site is zoned Commercial 3 (for those properties at 196-208 Evans Street and 4 Grants Road) and Residential 1 (for the properties at 192 & 194 Evans Street).

The proposed activity requires resource consent for the following reasons:

ZONING – RESIDENTIAL

- A non-complying activity resource consent is required by **Rule 2.6.1**, Rule 4.1 that states that all other activities in the Residential 1 Zone are a non-complying activity unless they are provided by a general rule. The proposed restaurant/café facilities is not provided for by the other rules in the Residential 1 Zone chapter or general rules and therefore requires a non-complying activity consent.
- A discretionary activity resource consent is required under **Rule 2.6.1**, Rule 3.9 that states that any activity listed as a permitted, controlled or discretionary activity which does not comply with the performance standards for this zone is a discretionary activity. The performance standards not complied with are as follows:
 - o Performance standard 5.2 requires all buildings to be contained within a building envelope as constructed by recession planes. The proposed acoustic fence does not comply with the recession plane requirements.
 - o Performance standard 5.5 limits parking spaces in the front setback to two. At least four spaces are proposed within the 5-metre setback.

ZONING – COMMERCIAL

- A discretionary activity resource consent is required under Rule 3.5.8, 3.2 that requires a discretionary activity resource consent for restaurants in the Commercial 3 Zone.
- A discretionary activity resource consent is required under Rule 3.5.8, 3.4 of the Commercial 3 Zone that requires consent for any activity listed as a permitted, controlled or discretionary activity which does not comply with the performance standards for this zone. The proposal does not comply with the following performance standards:
 - o Performance standard 5.2 requires all buildings to be contained within a building envelope as constructed by recession planes. The proposed acoustic fence does not comply with the recession plane requirements.
 - o Performance standard 5.11 states that no building, accessory building, structure, erection, or fence, or planted growth, whether on the boundary or not, shall be over 900 millimetres in height above the average ground level within 6 metres of a road intersection. The planned 10 metre sign is located within 6 metres of the Grants Road-Evans Street intersection.
 - o The noise generated from the proposal will not fully comply with noise levels for the Commercial 3 Zone stated under performance standard 5.12.

GENERAL RULE – ACCESS

- A discretionary activity resource consent is required under Rule 6.7.5(1) that states that any proposal which does not fully comply with any part of General Rule 6.7 shall be a discretionary activity. The proposal does not comply with the following:
 - o Rule 6.7.3(8) states that in Residential Zones up to a 6-metre width of vehicle crossings may be provided for every site. The vehicle crossing shown on the Residential 1-zoned portion of the site is 7 metres wide.

- o Rule 6.7.3(13) states that where any site fronting a Primary Road (National Route, Regional Arterial, District Arterial or Principal Road) has frontage to a Secondary Road (Collector or Local Road or a Service Lane), all vehicle access to the site (providing for either ingress or egress) shall be provided to the Secondary Road. A Secondary Road is defined in General Rule 6.6.2(3) and includes a Collector Road, and Grants Road is classified as under the list 6.6.6. As the proposal includes egress from State Highway 1, the activity does not comply.
- A discretionary activity resource consent is required under Rule 6.7.5(2) that states that any restaurants, retail activities including shops with vehicle access to and/or from a state highway is a discretionary activity. The proposal includes ingress from State Highway 1 and therefore contravenes Rule 6.7.5(2).

GENERAL RULE - SIGNS

- A discretionary activity resource consent is required under Rule 6.15.2, 2(1) that states that any sign which does not constitute a permitted activity shall be a discretionary activity. The 10-metre sign breaches a performance standard for the zone and therefore is not considered permitted under Rule 6.15.2, 3(1).

GENERAL RULE - NATURAL HAZARDS

- A discretionary activity resource consent is required under Rule 6.16.2.3(2) that states that the erection of a building or structure on land subject to a risk of flooding which exceeds 2.0% in any year requires a discretionary activity consent. The flood hazards assessment attached as Appendix 9 states that the site is subject to the risk of flooding in the 2.0% AEP.

GENERAL RULE -LANDSCAPING

- A non-complying activity resource consent is required under Rule 6.0 which states that any activity that does not comply with a general rule is a non-complying activity. As the landscaping proposed does not include trees, it does not comply with Rules 6.19.2(6)-(9) that requires trees for landscaping of commercial sites.

4.2 Timaru Proposed District Plan (PDP)

As notified the application site was located in the Neighbourhood Centre Zone (NCZ) and the General Residential Zone (GRZ) (applying to the properties at 192 & 194 Evans Street). The Applicant (or a related entity) sought to have the properties making up the application site rezoned for commercial purposes, with a Local Centre Zone (LCZ) being sought in the first instance, with 192 & 194 Evans Street being included within the NCZ as secondary relief.

The Council's Decisions on submissions on the PDP were released on 19 March 2026 with the appeal period ending on 6 May 2026.

As illustrated in **Figure 3** below, the application site is now entirely located within the PDP's Neighbourhood Centre Zone (NCZ) and is otherwise subject to the following overlays:

- Flood Assessment Area
- Overland Flowpath Assessment Area
- Liquefaction Assessment Area
- Wahi Tupuna/SASM-3.

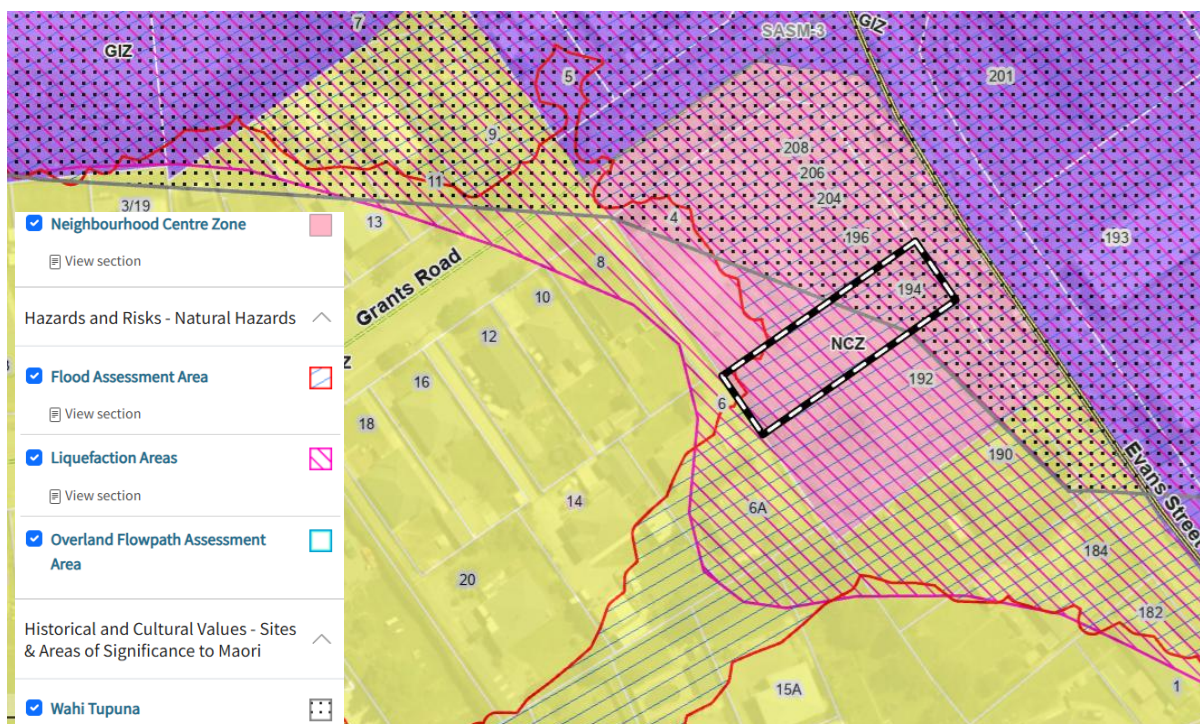


Figure 3: PDP Planning Map – Post Decisions (Source: TDC Eplan).

The updated AEE submitted on 26 June 2026 sets out an assessment of the proposal against all PDP rules (Post Decisions Version).

Under Rule **NCZ-R1** commercial activities are permitted where:

- a) **PER-1:** Any commercial activity does not exceed 300m² in gross floor area; and
- b) **PER-2:** The commercial activity is not a licensed premise, an office or a service station; and
- c) **PER-3:** NCZ-S5 is complied with.

As described above, each of the proposed buildings is less than 300m² in floor area, the proposed activity does not include any of the matters set out in PER-2 and **NCZ-S5** 'Outdoor Storage' can be complied with outdoor storage areas are screened by a fence of not less than 2m in height so that it is not visible from adjoining sites and roads at ground level.

On that basis the proposed activity, and the proposed built form comply with all NCZ rules and standards. It is only the acoustic fence along the south west site boundary that does not meet the recession plane requirements set out in **NCZ-R3/NCZ-S2**.

In summary, the proposed activity on the application site requires resource consent under the following PDP rules:

Rule	Status	Assessment Matters
NCZ-R3 NCZ-S2 Recession planes	Restricted Discretionary The western boundary fence adjoining 6 and 6A Grants Road exceeds the recession plane.	The Matters of discretion are restricted to: 1. any impact on privacy and the ability to use outdoor living space for sites in the residential zones; and 2. any impact on solar access to living rooms and outdoor living 3. space for sites in the residential zones; and

		4. any adverse effects resulting from the bulk and dominance of built form; and 5. any mitigation, such as the use of architectural features or steps in the building facade
NH-R1 Flood risk certificate	Restricted Discretionary A flood risk certificate has not been issued for the activity. A consent may also be required under this rule as the activity may create or increase the diversion or displacement of floodwater on another site.	The Matters of discretion are restricted to: 1. any adverse effects on the rate of flow and direction of overland flow path(s); and 2. any increased flood risk for people, property, or public spaces, including from blockage of or disturbance to the overland flowpath(s) or displacement or diversion of floodwater; and 3. the effectiveness and potential adverse effects of any proposed mitigation measures
SASM-R1 Earthworks in Wāhi Tūpuna Overlay	Restricted Discretionary SASM-R1 requires the area of earthworks do not exceed a maximum area of 2,000m ² in any 12 month period per site. Earthworks are proposed over an area of 4,190m ² . Earthworks can be undertaken in accordance with an ADP as set out in APP4 – Accidental Discovery Protocol.	Matters of discretion are restricted to: 1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and 2. the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and 4. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the SASM; and 5. the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; and 6. the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the SASM, and any potential to: a) affirm the connection between mana whenua and place; or b) enhance the cultural values of the SASM; or c) provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; or d) maintain or enhance the ability of Kāti Huirapa to access and use the SASM; 7. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and

		8. in respect of network utilities, the extent to which the proposed network utility has functional needs or operational needs for its location; and 9. for regionally significant infrastructure, the extent of any local, regional or national benefits, including the potential impact on the wellbeing, health and safety of people and communities if the work is not undertaken.
EW-R1 EW-S1 Earthworks	Restricted Discretionary EW-S1 requires the area of earthworks to be limited to 2,000m² in any 12 month period per site. Earthworks are proposed over an area of 4,190m².	Matters of discretion are restricted to: 1. dust nuisance, sedimentation, land instability, erosion and contamination effects; and 2. the impact on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks; and 3. the impact on visual amenity and landscape character; and 4. where the earthworks are within a wāhi tūpuna, wāhi taoka or wāhi tapu overlay: a) whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and b) the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and c) the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and d) whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the SASM; and e) the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; and f) the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to: i. affirm the connection between mana whenua and place; or ii. enhance the cultural values of the SASM; or iii. provide for the relationship of Kāti Huirapa with their taoka; or iv. maintain or enhance the ability of Kāti Huirapa to access and use

		the SASM commensurate with the scale and nature of the proposal; and g) where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses.
NOISE-R1 NOISE-S2	Restricted Discretionary Noise from the activity will exceed the 40 dB LAeq limit by 2 dB LAeq between 0500 to 0700 hrs and up to 4 dB LAeq at night during and 2200 to 0100 hrs	The Matters of discretion are restricted to: 1. the level, duration and characteristics of the noise; and 2. proximity and nature of nearby activities and the adverse effects they may experience from the noise; and 3. the existing noise environment; and 4. effects on amenity values and anticipated character of the receiving environment; and 5. effects on health and wellbeing of people; and 6. any noise reduction measures; and 7. the practicality of mitigating noise or utilising alternative sites.
SIGN-R4.3 SIGN-S2.3 SIGN-S2.4 SIGN-S3.2 SIGN-S4.2	Restricted Discretionary No illuminated sign must be visible to vehicles travelling on a legal road within 50m of an intersection. The totem sign is illuminated and will be located within 3m of the intersection. No illuminated sign is to be visible from and/or located within 50m of a residential zone or a residential unit. The illuminated signs on the tenancies 3 -5 will be visible from front of 190 Evans Street. Any freestanding sign must not exceed 8m in height, measured from existing ground level. The totem sign has a height of 10m. For sites with a road frontage of 50m or more, the maximum area of any freestanding sign must not exceed 18m². The totem sign has an area of 24m².	The Matters of discretion for SIGN-S2 are restricted to: 1. the frequency and intensity of flashing and/or image change; and 2. the extent of illumination when visible from a public place or neighbouring property; and 3. impact on surrounding activities; and 4. impacts on the amenity and character of the surrounding environment; and 5. whether the sign would result in any direct light spill onto a residential property or the road network; and 6. any adverse effects on traffic safety; and 7. any positive effects of the sign. Matters of discretion for SIGN-S3.2 are restricted to: 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign is compatible with the built form on the site; and 3. whether the sign contributes to visual clutter; and 4. any adverse cumulative effects; and 5. any positive effects of the sign. Matters of discretion for SIGN-S4.2 are restricted to: 1. any impact on the character and amenity values of the surrounding area; and 2. whether the sign is compatible with the built form on the site; and 3. whether the sign contributes to visual clutter; and

		4. any adverse cumulative effects; and 5. any positive effects of the sign.
SW-R1 Stormwater Certificate	Restricted Discretionary The application was lodged before this requirement and has not obtained a stormwater discharge certificate.	The matters of discretion are restricted to: 1. the extent of any potential flood risk from additional stormwater exceeding the capacity of the Council's reticulated stormwater network; and 2. the adverse effects of stormwater on a neighbouring property or road; and 3. any relevant site or operational constraints; and 4. whether there is an existing CRC consent for the discharge and the extent to which it addresses matters of stormwater quality and quantity; and 5. whether adequate compliance can be achieved by other means such as infiltration trenches, swales, ponds, drywells, permeable pavements or other collection and filtration devices as set out in the Timaru District Council Infrastructure Design Standards; and 6. the effects of the discharge on the values of Kāti Huirapa; and 7. the extent to which the stormwater system proposed treats stormwater quality for trafficked hardstand areas prior to the water entering the wider reticulated stormwater network through the use of filter strips and rain gardens; constructed wetland treatment area or other in-situ treatment device; and 8. for regionally significant infrastructure, whether the stormwater is able to be adequately managed within the site.
TRAN-R10 TRANS-S20 High Traffic Generating Activities	Restricted Discretionary Consent is required under Rule TRAN-R10 for an activity that generates vehicle trips that exceed the thresholds in TRAN-S20 .	Matters of discretion for a full ITA are restricted to: a) safety and efficiency: i. the extent to which the provision of access and on-site manoeuvring areas associated with the activity including vehicle loading and servicing deliveries and heavy vehicle movements, affects the safety, efficiency, and accessibility of the site (by all modes including for people whose mobility is restricted), and land transport infrastructure (including considering the road classification of the frontage road); and ii. any mitigation proposed. b) design and layout: i. the extent to which the design and layout of the proposed activity maximises opportunities, to the extent practicable, for travel other

		than by private car, including providing safe and convenient access for travel by such modes; and ii. any mitigation proposed. c) network impacts: i. having particular regard to the level of additional traffic generated by the activity and the extent to which measures are proposed to adequately mitigate the actual or potential effects on land transport infrastructure arising from the anticipated trip generation (for all transport modes) from the proposed activity, including consideration of cumulative effects with other activities in the vicinity, proposed infrastructure, and construction work associated with the activity; and ii. any mitigation proposed. d) financial contributions: i. where an increase in vehicle traffic by an activity has potential to generate adverse effects on the road network, any financial contributions provided in accordance with APP7-Financial Contribution.
TRAN-R3 and TRAN-R4	Restricted Discretionary TRAN-S10 that requires all vehicle accessways to be provided to the Secondary Road where a site has frontage onto a Primary and Secondary Road. The proposal includes one access from Evans Street, which is classified as a State Highway.	Matters of discretion are restricted to: 1. any adverse effects on the ease and safety of vehicle manoeuvres; and 2. the extent to which the safety and efficiency of road operations will be adversely affected; and 3. any adverse effects on amenity values; and 4. any impacts on public waste collection; and 5. the effect on on-street parking demand; and 6. any characteristics of the proposed use that will make compliance unnecessary.
TRAN-R6	Restricted Discretionary • TRAN-S1 that requires a landscaping strip with a minimum dimension or diameter of 1.5m within, or immediately adjacent to, the parking area on the site; with one tree every 10m of road frontage that have a minimum stem diameter of 40mm. The northern most parking area does not contain an adjacent landscape area.	Matters of discretion in relation to TRAN-S1 are restricted to: 1. the extent of reduction in anticipated on-site and adjacent amenity values; and 2. the extent to which the non-compliance is required for traffic safety reasons or due to impacts on underground services; and 3. the landscaping design, type of species and height of landscaping; and 4. the operational need and functional need requirements of the activity. Matters of discretion in relation to TRAN-S4 are restricted to:

	• TRAN-S4 that requires a 5m parking stall depth. Some of the proposed parking stall depths go down to 4.2m.	1. the ability for people with disabilities to safely and effectively park and enter and exit a vehicle and manoeuvre around it; and 2. the potential for adverse effects on the safety and efficiency of land transport infrastructure; and 3. the safety and efficiency of the vehicle parking and manoeuvring area, vehicle access and vehicle crossings.
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Table 1: PDP Compliance Summary

4.3 Overall Activity Status

When the Application was first lodged under the ODP the proposal was a **non-complying** activity. Pursuant to section 88A of the RMA, the activity status of the application remains as it was when first lodged.

However, when the PDP decisions were confirmed, this rezoned part of the application site from GRZ to NCZ; and consequently amended the activity status for commercial activities to a **restricted discretionary** status as set out in Table 1 above. It is noted that none of the appeals affect the PDP provisions relevant to the assessment of the proposed activity on the application site. Therefore, the provisions of the PDP relevant to this application can be treated as operative pursuant to section 86F RMA.

It is my understanding that the application of section 88A in this circumstance (where the PDP relaxes rather than applies a more stringent activity status) has been previously considered by the Environment Court in *Infinity Investment Group Holdings Limited v Canterbury Regional Council* [2017] NZEnvC 35, with the Environment Court making the following assessment:

[81] The next question is whether the purpose of section 88A requires that works both ways: if the status is non-complying in a proposed plan to start with and then as a result of a clause 10 decision it becomes controlled, must it still be treated as the former? One answer for an applicant in this situation is to withdraw their application and re-apply for a controlled use - provided that does not have effects on their standing in any argument as to priority of applications. But that seems unnecessarily cumbersome, especially if they have (at least nominally) two applications before the local authority anyway.

[82] Applying section 88A both ways- i.e. where the status of an activity becomes easier - would "protect" a local authority from applications gaining a lower status under a proposed plan. However, the local authority does not need such protection for two reasons. First, the local authority is (usually) promoting the plan (change) to start with, so presumably it considers the lower threshold of the status of the activity is a good idea even if it has not finally decided that yet. Further, it has the controls in sections 86B to 86F RMA to prevent the relevant rules having legal effect if it wishes. In that case a second resource consent would not be required unless and until the proposed plan actually became operative.

On that basis it is not immediately clear what the activity status is, particularly given that the Applicant has not formally withdrawn and relodged the application, but simply submitted a replacement updated AEE seeking to rely on the assessment of the application in accordance with the PDP (post decisions version).

Out of an abundance of caution, and applying section 88A at face value, the application could be said to be a non-complying activity. Notwithstanding, it is the clear intent of the Council that such a proposal is to be considered as a restricted discretionary activity moving forward given the NCZ zoning now in place and beyond challenge.

It is generally considered appropriate that where the activities for which consents are being sought overlap to such an extent that they cannot be realistically or properly separated, they are 'bundled', or assessed together as a whole, on the basis of the most stringent activity classification.

Overall, based on the cautious approach referred to above, the application is assessed as a **non-complying activity**.

5.0 NATIONAL ENVIRONMENTAL STANDARDS (SECTION 104(1)(B)(I))

National Environmental Standards are regulations made under the Resource Management Act 1991 that set nationally consistent technical standards, methods, or requirements for various activities that effect the environment. A total of 11 National Environmental Standards are currently in effect, as follows:

- National Environmental Standards for Air Quality 2004
- National Environmental Standard for Sources of Drinking Water 2007
- National Environmental Standards for Electricity Transmission Activities 2009
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
- National Environmental Standards for Telecommunications Facilities 2016
- National Environmental Standards for Freshwater 2020
- National Environmental Standard for Marine Aquaculture 2020
- National Environmental Standard for Storing Tyres Outdoors 2021
- National Environmental Standards for Commercial Forestry 2023
- The National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat 2023.
- National Environmental Standards for Detached Minor Residential Units 2025

The only NES relevant to the consideration of this proposal is the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)

The Applicant has provided Listed Land Use Register (LLUR) reports from Environment Canterbury (Appendix 6 of the AEE). The LLUR reports confirms:

- a) That no HAIL activities have been identified on the site.
- b) That no HAIL activities are currently or have historically been undertaken on the site.

Whilst the sites are not recorded on Environment Canterbury's Listed Land Use Register (LLUR); it is noted that the site has historic land use consent approvals registered for the establishment and operation of both a printing business and a motorcycle repair shop. These are registered as activities/industries on the HAIL (being Categories A15 and F4 respectively).

In accordance with Regulation 5(4) of the NES-CS, an activity is disturbing the soil of a piece of land, as described in Regulation 5(7), where a piece of land is defined as *"an activity or industry described in the HAIL [having] been undertaken on it"*. An activity is also the change of use of a piece of land where that change is reasonably likely to harm human health.

The Applicant has not submitted a Preliminary Site Investigation (PSI), but has recommended a condition including adherence to a Site Management Plan, which includes a discovery protocol in the event that unexpected contamination is found on the site.

6.0 NOTIFICATION STATUTORY CONSIDERATIONS

6.1 Public Notification Section 95A

Section 95A of the RMA requires consent authorities to follow the below steps in order to determine whether to public notify an application for resource consent:

Step 1 - Mandatory Public Notification in Certain Circumstances s95A(3)

In this case, public notification is not required under Step 1 as:

- the Applicant has not requested public notification of the application (section 95A(3)(a)); and
- public notification is not required under section 95C due to the refusal/failure to provide further information or to agree to the commissioning of a report (section 95A(3)(b)); and
- a joint application was not lodged to exchange reserve land under the Reserves Act 1977 (section 95A(3)(c)).

Step 2 - If not required by Step 1, Public Notification is Precluded in Certain Circumstances s95A(5)

In this case, public notification is not precluded under Step 2 as:

- the application is not subject to a rule or national environmental standard that precludes public notification (section 95A(5)(a)); and
- the application is not for one of the following:
 - o a controlled activity; or
 - o a restricted discretionary, discretionary, or non-complying activity relating to a boundary activity.

Step 3 - If not Precluded by Step 2, Public Notification is Required in Certain Circumstances s95A(8)

In this case, public notification is not required under Step 3 as:

- the application is not subject to a rule or national environmental standard that requires public notification (section 95A(8)(a)); and
- as assessed above, the adverse effects of the activity on the wider environment will not be more than minor (section 95A(8)(b)).

Assessment of Effects on the Environment

When assessing whether the adverse effects on the environment will be, or are likely to be, more than minor for the purpose of section 95A, the assessment is undertaken in accordance with the mandatory exclusions from assessment set out in section 95D of the RMA, being:

- Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) (the permitted baseline)).*
- Effects that do not relate to a matter of discretion, if the activity is Restricted Discretionary Activity must be disregarded (s95D(c)).*
- Trade competition and the effects of trade competition (s95D(d)).*
- Effects on persons who have given written approval to the application (s95D(e)).*

Accordingly, this part of the assessment focuses on the wider environment beyond the application site and adjacent properties.

It is noted that the assessment of effects for the purpose of notification is restricted to consideration of adverse effects, and does not otherwise provide the ability to balance or off-set these adverse effects in the context of any positive outcome arising from the proposed activity.

6.1.1 Effects on Residential Character

Under the ODP the sites at 192 and 194 Evans Street have a Residential 1 zoning. It should be noted that when the PDP was publicly notified on 22 September 2022 these sites were similarly included in General Residential Zone (GRZ). That was the PDP zoning at the time the application for consent was made. However, the intervening release of the Council's Decisions on Submissions on 19 March 2026 rezoned these two sites to be within the Neighbourhood Centre Zone (NCZ), being the same zoning that applies to the balance of the application site (see **Figure 3**).

It is understood that there are no Appeals lodged in relation to the Council's Decision affecting the zoning of 192 and 194 Evans Street from General Residential to Neighbourhood Centre.

The recent re-zoning of those properties to NCZ under the PDP mitigates any potential adverse residential character effects of the proposed commercial use. Commercial activity is now anticipated on the application site under the provisions of the PDP (Decisions Version). This change of zoning removes the 'out of zone' aspects of the proposal and the potential impacts on the wider environment of the proposed commercial development (in terms of built form, building signage and general amenity aspects). Furthermore, it removes any matter of retail distribution or economic impact on other Neighbourhood Centre Zones located elsewhere in the district. Notwithstanding, it is noted that such effects are not normally attributed to food and beverage outlets in any case.

Overall, it is considered that the effects of the proposal on the residential character of the wider area are no more than minor given the zoning of the application site following the release of the Council's decisions on submissions on the PDP.

In terms of those adjacent persons that might be identified as being adversely affected, it is noted that the proposed on-site signs will be visible from the adjacent residential zoned property at 190 Evans Street. As this property retains a residential zoning under both the ODP and PDP, it is considered that they are affected by the proposed signage that does not comply with PDP standards.

It is also noted that the proposal includes an acoustic fence with a 3.5m high section that is 29.9m long and a 3m high section that is 13.5m long. This height does not meet recession plane requirements and is such that it will result in potentially adverse visual and amenity effects on the adjacent properties at 6 and 6A Grants Road.

6.1.2 Traffic Generation Effects

The original ITA [paragraph 27] relied on the NSW "Guide to Transport Impact Assessment" V1.1 to inform trip generation rates for the site. It goes on [paragraph 29] to use equivalent metrics for coffee shops and Starbucks, and KFC and Popeyes respectively.

Concerns were raised that the ITA included no substantiation for using Australian data to a New Zealand context, particularly regarding the vehicle movements anticipated for the Popeyes restaurant given that KFC, a noted equivalent, is located on the same road 1.2 kilometres to the south. There were also concerns with the proposed angled vehicle crossing on SH1 and not incorporating the final Showgrounds retail complex traffic generation volumes as part of the assessment.

As noted above, the written approval of NZTA as the road controlling authority for State Highway 1 (SH1) was requested and the application placed on hold to provide the Applicant the opportunity to

seek such approval. NZTA written approval was ultimately obtained, but did result in various changes to the proposal as documented above.

On the basis of the revised proposal and the written approval subsequently obtained, the Council must not take into account any adverse effects of the proposal on SH1. This includes any effects relating to the on-site free-standing sign and branding on the buildings, which generally all face SH1.

Overall, the NZTA written approval signals that the proposal has been considered alongside the Showgrounds Retail Park development and does not otherwise compromise the planned upgrades of the adjacent SH1/Grants Road intersection. On that basis any effects on the wider traffic environment involving the safe and efficient use of SH1 are considered beyond the scope of the Council's assessment given the NZTA approval and the statutory requirements set out in section 95D(e) of the RMA.

6.1.3 Parking Effects

The original proposal provided for 32 on-site parking spaces. That was increased to 40 spaces following the changes to the proposal submitted on 16 March 2026 in response to the RFI and obtaining the written approval of NZTA. It is noted that for a time 8 of those parks were to be set aside for staff use in response to concerns raised regarding on-street parking by staff vehicles. However, concerns raised by the Councils peer review of that proposal (undertaken by Abley Ltd) meant that the Applicant reverted back to the 40 on-site parks being available for customer use. Abley notes this calculates to one parking space being available for every 2.6 seats of restaurant space, which is generally in line with industry guidance (in the range of one space per 2-3 seats¹).

Abley were concerned that if there is insufficient parking available for customers on-site, potential adverse effects include parking circulation within the site, blocking of accesses and drive thru lanes, and spillover of parking demand onto local residential streets with associated parking circulation and non-compliant parking in neighbouring streets. On that basis Abley recommended a condition be imposed on any consent granted that P60 signage be installed within the site to reinforce that all parking onsite is for customers only. The Applicant has indicated that such a requirement is acceptable.

Whilst sufficient customer parking is provided on-site, the issue of staff parking remains, with all staff parking assumed to be located off-site on the local road network. The revised ITA (paragraph 44) states that at peak times there will be 29 staff on-site with 31 parking spaces being available within 250m of the site. It also includes parking survey results stating: *"no more than 4 vehicles on the section of Grants Road between the site and Bouverie Street"*. This matches my observations of Grants Road, where on-street parking is not common place.

In response to the concerns raised regarding the extent of on-street staff parking required to support the proposal, the Applicant submitted an additional Traffic Memo (prepared by Avanzar, dated 28 May 2026). This set out that peak staff numbers would occur around lunchtime and *"could be about 13 staff"* and *"this is also a time when parking demand in residential areas is low and a small number of staff parked on the surrounding road network will have less than minor effect on on-street parking availability"*. Accounting for a 15% alternate mode share, Avanzar assumed there would be a reduced parking demand for 11 vehicles at peak times.

This Memo was peer reviewed by Abley, who have accessed survey data from 26 fast food restaurants in the Trips Database Bureau trip and parking rate database. The data recorded from these sites having anywhere between 4 and 23 staff, with an average of 11 staff. On that basis Abley considered the peak

¹ Section 8.5.6 of Guide to Transport Impact Assessment version 1.1, Transport for New South Wales

of 29 staff quoted in the revised February 2026 ITA across the two fast food drive thru restaurants and two non-drive thru facilities to be plausible. Applying the 15% mode share this would reduce to some 25 staff vehicles being required to park on the adjoining road network at peak times.

The Applicant's position regarding the effects of this on-street parking is informed by the NPS for Urban Development (NPS-UD), which removed the ability of Councils to include parking provisions relating to an urban environment in district plans.

Accordingly, it is the Applicant's position that a range of commercial activities can be conducted on the application site given that it is now entirely located within the NCZ, with no planning requirement to provide onsite car parking. Therefore, in the Applicant's view, any potential adverse effect on the availability of parking on the Grants Road must be disregarded as part of the existing environment.

Furthermore, the Applicant considers that all road reserves are designated for the purposes of roads in the ODP. This means that the public have a right to park anywhere on a public road where parking spaces are provided without the need for resource consent; and that local residents do not have priority to park on the road reserve in front of their house. Therefore, the Applicant considers the impact of a commercial development on the availability on a publicly accessible parking resource is inconsistent with the District Plan, which allows those effects to occur as of right without the need for resource consent.

It is noted that the *"effect of on-street parking demand"* is a matter to which the Council has restricted its discretion in terms of **TRAN-S10** requiring that all vehicle accessways to be provided to the Secondary Road where a site has frontage onto a Primary and Secondary Road. In this regard it is noted that NZTA has provided their written approval to the access being from Evans Street/SH1, which means that any effects of reduced parking on Evans Street/SH1 from providing an access cannot be considered by Council.

Overall, in my view the rezoning such that the entire application site is now within the NCZ mitigates the concerns regarding on-street parking from the proposal. Whilst it is acknowledged that amenity values may reduce due to vehicles being parked on Grants Road as a result of the proposed activity, this change is now anticipated given the NCZ zoning of the application site.

6.1.4 Noise Effects

The noise effects of the proposal have been considered in a technical report submitted by Marshall Day Acoustics (MDA) on behalf of the Applicant. That assessment has been peer reviewed on behalf of the Council by Malcolm Hunt Consulting (MHC).

MHC found that providing the recommended noise-related conditions are complied with, they agree with the assessment summary found at section 7 of the revised MDA report (dated 9 March 2026), which states the proposed activity will have minimal effect on the existing residential amenity of surrounding noise-sensitive sites. It is noted that "minimal" effects is considered to equate with a no more than minor effect in terms of the threshold to be considered for public notification in terms of section 95A. However, the noise effects on adjacent properties cannot in my view be described as being "less than minor". This is supported by the proposal retaining a non-compliance with the 40 dB L_{A10} night-time noise performance standard 5.12 for the Commercial 3 Zone as set out in the ODP. This affects the properties at 6 Grants Road, 6A Grants Road, 8 Grants Road and 190 Evans Street.

Noise effects are primarily reduced through the inclusion of an acoustic fence along the along the south-eastern and south-western boundaries at the locations shown and to the heights depicted in the approved plan SK1.3 "Noise Mitigation Plan" by Mortlock Elroy Architects, Revision B dated 11 March 2026.

Therefore, whilst the proposed noise control fence/acoustic fence reduces noise effects on the wider environment to the extent they can be described as minimal or no more than minor, that cannot be said for immediately adjacent properties. Furthermore, as described above, the presence of the over-height fence is such that the immediately adjoining properties are also affected from an amenity perspective that cannot in my view be described as being less than minor.

6.1.5 Flooding Effects

Under the PDP (Post Decisions), the application site is located within a Flood Assessment Area and a Liquefaction Area.

NH-R1 sets out that buildings, structures and earthworks outside the Port Zone are permitted where

PER-1

Where a site is located within the Overland Flowpath Assessment Area Overlay, a Flood Assessment Certificate for the site has been issued in accordance with NH-S1, and the certificate states that the activity is not located on land that is within an overland flowpath; and

PER-2

Buildings, structures and earthworks will not create or increase the diversion or displacement of floodwater on another site that is not held in the same ownership in all events up to and including a 0.5% AEP event, except that this shall not apply to buildings, structures or earthworks authorised by a building consent.

The application included a Flood Assessment prepared by Environment Canterbury. It should be noted that **NH-S1** specifies that a Flood Assessment Certificate is issued by the Council. On that basis the Council obtained a Site Specific Flood Assessment in relation to the application site.

This identified an Overland Flow Path running through the application site, being the predicted route along which stormwater flows over land in a rain event.

In describing the potential flood risk impacts, the Site Specific Flood Assessment notes that the property at 192–208 Evans Street is located at the bottom of one of the main gullies draining to Te Ahi Tarakihi Creek, putting it within a significant overland flow path and subjecting it to considerable flood risk. The proposed building footprints for QSR2 and T3 & T4 intersect the modelled flood extent. Furthermore, the report notes that the proposed development (raised ground levels and impermeable acoustic fence) obstructs overland flow and results in a substantial increase in predicted flood levels at the upstream property (6A Grants Road²) and diverts overland flow onto the neighbouring property (190 Evans Street).

The impacts of the proposed development are summarised as follows:

- *The proposed ground raising and building floor levels are adequate to protect against floor flooding for the development up to the 2% AEP event (with climate change), but only if an impermeable fence is installed to divert overland flow around the property.*
- *Without the impermeable fence, the two lower buildings are at risk of flood levels entering buildings during events as frequent as the 10% AEP.*
- *Raising ground levels obstructs overland flow and increases flood risk to the upstream property at 6A Grants Road, with flood depth increases varying from 100 mm (10% AEP event) to 120 mm (0.5% AEP event) (assuming a permeable boundary fence).*
- *The proposed acoustic fence (assumed to be impermeable) prevents overland flow from passing through the development site. With the fence and raised ground, the predicted 0.5% AEP event flood levels at the*

² It is noted from the plans included in the report that this describes both 6 and 6A Grants Road.

6A Grants Road property are more than 500 mm higher than with a permeable fence and existing ground levels.

- *Obstructing overland flow through the development site diverts flow onto the neighbouring property at 190 Evans Street and increases the flood risk there. In the 10% AEP event, no flooding is predicted under existing conditions at 190 Evans Street, but shallow overland flow is predicted with the proposed development. In the 2% AEP event (without climate change), little to no flooding is predicted under existing conditions.*

On that basis the flooding impacts of the proposal appear to be restricted to the built form proposed for the application site itself and those existing on the immediately adjacent residential properties. Applying the mandatory exclusions set out in section 95D of the RMA, the adverse effects on the wider environment are assessed as being no more than minor. On that basis the concerns set out in the Site Specific Flood Assessment are not matters that require full public notification, but are otherwise relevant to the identification of affected persons in terms of section 95B of the RMA. As outlined above, the affected persons in this regard are the properties at 6 Grants, 6A Grants Road and 190 Evans Street.

6.1.6 Cultural Effects

The site is located in an area identified by the PDP as being within the Wahi Tupuna Overlay/Site of Significance to Māori (SASM-3).

The PDP states that SASM-3 as the “Caroline Bay -Te Aitarakihi - Smithfield – Washdyke (including creeks feeding this area)” and describes its values as:

Important area for food gathering and processing. It includes wai puna, Mahika kai, kāika nohoaka/ kāika mahika kai, pa and tauraka waka. The importance of customary fishing in this area is recognised by establishment of the adjacent Te Ahi Tarakihi Mātaitai under the Fisheries (South Island Customary Fishing) Regulations 1999.

On that basis the Applicant consulted with Aoraki Environmental Consultancy Limited (AECL) being the environmental consultancy of Te Runanga o Arowhenua. AECL’s formal response was provided in Appendix 3 to the application AEE.

The letter from AECL states that they do not oppose the proposed development and request that an accidental discovery protocol condition is imposed on the consent. In response, it is noted that an accidental discovery protocol condition is proposed by the Applicant.

Accordingly, I agree with the Applicant’s assessment that the actual adverse effects on the cultural environment are likely to be less than minor.

Step 4 - Public Notification in Special Circumstances s95A(9)

In this case, public notification is not required under Step 4 (section 95A(9)) as it is considered that there are no special circumstances that exist in relation to the application.

Public Notification Determination

Pursuant to section 95A(5)(b)(i), It is recommended that public notification in this application is not required as the adverse effects on the wider receiving environment, i.e., excluding those effects on the owners or occupiers of adjacent land (section 95D(a)), are assessed to be no more than minor.

6.2 Limited Notification

If the application is not publicly notified under section 95A, section 95B(1) of the RMA requires a decision whether there are any affected persons (under section 95E). The following steps are used to determine whether to give limited notification of an application.

Step 1 - Certain Affected Groups and Persons Must be Notified s95B(2) and s95B(3)

In this case, limited notification is not required under Step 1 as:

- there are no affected customary rights groups (s95B(2)(a)); and
- there are no affected customary marine title groups (s95B(2)(b)); and
- the activity is not on or adjacent to, and will not affect land that is the subject of a statutory acknowledgment (s95B(3)(a)).

Step 2 - If not required by Step 1, Limited Notification precluded in certain circumstances s95B(6)

In this case, limited notification is not precluded under Step 2 as:

- the application is not subject to a rule or national environmental standard that precludes limited notification (section 95B(6)(a)); and
- the application is not for a controlled activity.

Step 3 - If not Precluded by Step 2, Certain Other Affected Persons Must be Notified s95B(7) and (8)

In this case, limited notification is not required under Step 3 as:

- Limited notification is not required under Step 3 as the proposal is not a boundary activity where the owner of an infringed boundary has not provided their approval, and it is not a prescribed activity.
- Limited notification is required as the assessment set out above has identified affected person/s in accordance with section 95E.

Assessment of Effects on Persons

Section 95E states that a person is 'affected' if the adverse effects of an activity on a person are minor or more than minor (but not less than minor).

Based on the above assessment, the following affected persons/properties have been identified based on the extent of signage visible from a residential zoned site, noise effects, an over-height acoustic fence and exacerbation of flooding effects within an overland flow path.

- 190 Evans Street (residential character and amenity, noise and flooding)
- 6 Grants Road (residential character and amenity, noise and flooding)
- 6A Grants Road (residential character and amenity, noise and flooding)
- 8 Grants Road (residential character and amenity and noise)

These properties are marked on the map included as **Figure 4** below.



Figure 4: Persons identified as being potentially adversely affected pursuant to section 95B of the RMA (red dot).

Step 4 - Further notification in special circumstances s95B(10)

I consider that there are no special circumstances that exist in relation to the application.

Limited Notification Determination

Pursuant to section 95B of the Act, it is recommended that the application is processed on a limited notified basis with the application being served on the persons (owners and occupiers) of the properties identified above as being directly affected.

Report Prepared by:

Consultant Planner

Date: 6 July 2026

Approved under Delegated Authority by:

Independent Hearings Commissioner

Date: 8 July 2026