

# Notification / non-notification decision report

For applications lodged from 30 September 2020 onwards.

Applicant: Mapua Boat Ramp Community Trust

Application numbers: RM230253: Land use consent to construct boat ramp and signage in the Open Space Zone and Coastal Environment Area

RM230388: Land use consent for carparking in association with the boat ramp plus a public parking area

RM230254: Land use consent under the NESCS for soil disturbance.

RM230255: Land Disturbance within the Coastal Environment Area for construction of the boat ramp, sea scout building and associated infrastructure including car parking areas.

RM230256: Disturbance of the Coastal Marine Area in association with construction of the boat ramp.

RM230257: Occupation of the Coastal Marine Area for the purpose of constructing and operating a boat ramp.

RM230258: Discharge of sediment to the Coastal Marine Area during construction of the boat ramp.

RM230259: Discharge of stormwater into the Coastal Marine Area.

Description of activity: Construction of a boat ramp and associated facilities including car parking and signage.

## 1. Complete eight step notification decision making process

*Complete Appendix A.*

## 2. Activity status

Discretionary activity

Notes for the following (click ▶ to open)

- (a) Identify why / how it breaches a lesser status or permitted activity performance standard.
- (b) Identify any rules requiring / precluding notification and / or re relevant matters of discretion / control, and
- (c) Identify any other statutory documents that are relevant for your assessment (e.g., NPS, WCOs etc)
- (d) It's assumed you do not have proposed plan and operative plan provisions with legal effect at the same time - but if so you must include both.

The following summarises the reasons for consent, activity status, rules or regulations

### **Land Use Consents RM230253 and RM230388**

The activity is undertaken over several different zones, including the Open Space Zone, Recreation Zone and Residential Zone. The site is also within the Coastal Environment Area.

#### **Recreation Zone**

The boat launching and recreation activity is permitted under Permitted Activity Rule 17.10.2.1(a) which includes indoor and outdoor sporting and recreation activities, public car parking and walkways, and buildings associated with these activities. Recreational activity is defined in the TRMP as *“the use of land and buildings for the primary purpose of recreation or entertainment by the members of more than one household unit”*.

The applicant considers that the use of the Sea Scout / Community Building also falls within the definition of a recreation activity. Some uses of the building will fall within this definition (ie, those associated with recreation activity), however other uses will fall within the definition of a Community Activity, which is defined in the TRMP as “*the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture or spiritual well-being, but excludes recreational and temporary military training activities. A community activity includes schools, preschools, day-care facilities, hospitals, doctors’ surgeries and other health professionals, churches, halls, libraries, community centres, stations (including police and fire stations), courthouses, and probation and detention centres.*” In particular, the application notes that the Sea Scout building will be available for functions and leased to other community groups for different uses.

The activity does not comply with the following rules:

17.10.2.1(a) – the sea scout building may be used for a community activity which is not listed as a permitted activity.

17.10.2.1(b) – the activity does not comply with permitted noise levels.

17.10.3.1(b) - the buildings will not be setback more than 3 metres from any boundary. The Sea Scout building is located across the internal boundary between 5 Tahī Street (Record of Title NL6C/850) and 11 Tahī Street (Record of Title NL7B/371).

Resource consent is required as a Discretionary Activity per Rule 17.10.2.2 (if it is noted there appears to be a typo as 17.10.2.2 relates to both Restricted Discretionary Activities and Discretionary Activities, in this instance consent is required in relation to the Discretionary Activity because the Restricted Discretionary Activity is not relevant as the site is not within the Richmond West Development Area). There is no specified rule or activity status for non-compliance under Permitted Activity Rule 17.10.3.1(b) above therefore consent is required as a Discretionary Activity for these aspects per Section 87B of the RMA.

### **Residential Zone**

The carpark area on the west side of Tahī Street (6-16 Tahī Street) is within the Residential zone (6-12 Tahī Street) and Residential Coastal (14-16 Tahī Street). Carparking forms part of the recreation activity that is proposed. Recreation activity is permitted under Rule 17.1.2.1(a) as it is not a listed activity.

The activity does not comply with Rule 17.1.2.1(b) which restricts non-residential activities to the hours of 7am – 11pm. As the boat ramp will be accessible before 7am the parking area (as part of the Recreation Activity) will be available outside of these hours.

The activity does not comply with Rule 17.1.2.1(m) as the noise will exceed the specified noise limits.

Resource consent is required for a Discretionary Activity per Rule 17.1.2.6 for the above non-compliances.

No buildings are proposed as part of the carparking within the Residential zone and therefore rule 17.1.3.1 is not relevant. It is also noted that Nos.6-12 Tahī Street are subject to the Mapua Special Development Area rules, which relate to building construction only so are not applicable to this activity.

### **Open Space Zone**

The boat ramp crosses a small area of Open Space Zone between the Recreation Zone and the Coastal Marine Area (CMA). The boat ramp and associated launching activity do not comply with Permitted Activity Rule 17.9.2.1(a) as it is not one of the listed activities.

The activity does not comply with Permitted Activity Rule 17.9.2.1(b) in relation to noise.

The boat ramp is considered to be a building in accordance with the TRMP definition of ‘building’

and is setback less than 3m from the site boundary with the CMA and therefore does not comply with Rule 17.9.2.1(d).

Stormwater is discharged to the CMA and therefore does not comply with Rule 17.9.2.1(h).

Resource consent is required for a Discretionary Activity under Rule 17.9.2.5.

### **Coastal Environment Area (CEA)**

The activity does not comply with Permitted Activity Rule 18.11.2.1(a) as the activity includes the construction of a new building within the CEA.

The proposed Sea Scout building is set back over 30 metres from Mean High Water Springs (MHWS) and so complies with Rule 18.11.3.1. However, as the boat ramp is a 'building' and is not setback from MHWS within the Open Space Zone the activity does not comply with Rule 18.11.3.1(b)(i).

Resource consent is required as a Restricted Discretionary Activity per Rule 18.11.3.2.

### **Cultural Heritage**

The activity complies with Permitted Activity Rule 16.13.6.1(d)(i) as written evidence has been provided by Heritage New Zealand Pouhere Taonga confirming that an archaeological authority is not considered necessary. This is based on a review of the archaeological assessment prepared by Deb Foster outlining that archaeological risk is very low due to earthworks being within previously disturbed (remediated) soils and can proceed under an Accidental Discovery Protocol.

### **Transport**

The activity does not comply with Permitted Activity Rule 16.2.2.1(a) and 16.2.2.1(e) (refers NTLDM) in relation to the following:

- 4.10.2.1(a) NTLDM – The crossings do not comply with the minimum requirements in Table 4-13 as the maximum crossing width is exceeded (6m for residential zone and 7m for recreation zone) with proposed crossing widths of 7.2m. A footpath of 1.5m is also required for the recreation zone side (east side of Tahi Street) and this is not proposed as there is no existing footpath.
- 4.10.2.3 NTLDM – More than one crossing is proposed per site on the east side of Tahi Street. Two crossings are proposed on 11 Tahi Street (Lot 2 DP 11106 held in Record of Title NL7B/371).

The activity does not comply with Permitted Activity Rule 16.2.2.1(c) which refers to 4.10.5 and the provision of a visibility splay in accordance with Figure 4-11 of the NTLDM for high volume and commercial accesses. The boat ramp and trailer parking areas will achieve this. The public parking area on the west side of Tahi Street will not meet this requirement if a vehicle is parked in the mobility space closest to the access.

The activity does not comply with Rule 16.2.2.3(b) which states that an activity shall not use parking spaces on another site except where the titles are held together.

The activity does not comply with Rule 16.2.2.3(g) as no loading area is proposed.

The activity does not comply with Rule 16.2.2.3(m) as the surface of the parking areas on the west side of Tahi Street within the residential zone are not proposed to be sealed.

Resource consent is required for a Restricted Discretionary Activity under Rule 16.2.2.6 for the above transport non-compliances.

### **Signage**

The proposed signage is located within the Residential and Recreation zone, it is also possible that signage will be located in the Open Space zone, the application plan indicates sign S6 is on the boundary with the Recreation and Open Space zone.

Only 1 sign is proposed within the Residential zone (sign S9) at the entrance to the carparking, however, the sign may be larger than 0.5m<sup>2</sup> and is shown as being within 10m of the access without being 1m back from the road boundary. Therefore, the sign does not comply Rule 16.1.3.1(a) and (c). Resource consent is required as a Discretionary Activity in accordance with Rule 16.1.3.2.

Eight signs are proposed within the Recreation zone with one of these potentially located within the Open Space zone. Rule 16.1.51A relates to signs within the Recreation and Open Space zone for public purposes, the proposed signs are considered to be 'for public purposes' as they are to inform the public, this rule also relates to signage erected on behalf of Council. The signs may not be erected on behalf of Council as they serve to provide information about the boat ramp which is to be operated by the Mapua Community Boat Ramp trust or the Sea Scouts as part of use of their building.

Although the boat ramp is provided for within the Reserve Management Plan and interpretative signage is anticipated at the waterfront park it does not appear the sea scout building is consistent with the Reserve Management Plan and therefore signage associated with this facility would not comply with 16.1.5.1A(a).

Overall, it is considered that the signage requires resource consent as a Restricted Discretionary Activity per Rule 16.1.5.4.

### **Activity on the surface of water**

The surface of water is included in the definition of land in the RMA in relation to dealing with district rules. The surface of water is covered by the TRMP Chapter 25 Coastal Marine Area rules. The area is located within the Waimea Inlet Natural Ecosystem overlay (listed in Schedule 25D of the TRMP). The use of craft on the surface of water for navigation purposes is a Permitted Activity under Rule 25.3.2.1 of the TRMP subject to the following standards:

- (a) The activity is not restricted by any other applicable rule of Chapter 25 of this Plan.*
- (b) The activity does not damage or destroy coastal marine habitat or species within the estuarine or intertidal areas identified in Schedule 25D.*
- (c) The activity does not disturb coastal marine species in a manner that prevents animals or plants from occupying their usual habitat within the estuarine or intertidal areas identified in Schedule 25D.*

An ecological report has been provided, which confirms the surface water activity (ie, use of boats) will not result in damage or disturbance that breaches Rule 25.3.2.1. This aspect of the activity (ie, the use of boats in this location once launched) is therefore permitted under the TRMP.

### **RM230254 Land use consent under the NESCS for soil disturbance.**

The site was previously the location of the Fruit Growers Chemical Company (FCC) which closed in 1988. The site was mostly remediated between 2004 and 2008. The site is a HAIL site.

Change of land use, soil disturbance and soil disposal as required by the proposed development are activities listed under the NESCS which require assessments when HAIL and/or potential HAIL activities have been identified on the site.

The NESCS regulations do apply. Concentrations in excess of SCS for recreational land use were not detected by limited sampling and therefore the soil disturbance associated with the proposed new build will require consent as a controlled activity under Regulation 9 of the NESCS.

Wider earthworks are proposed in areas that are likely to not have been remediated thus a consent is required as a Restricted Activity under Regulation 10 of the NESCS. It is unclear if Regulation 11 (Discretionary Activity) applies; however, given that the overall status of this bundle of applications is Discretionary, the earthworks component can be considered under that.

**RM230255 Land Disturbance within the Coastal Environment Area for construction of the boat ramp, sea scout building and associated infrastructure including car parking areas.**

The activity does not comply with TRMP Permitted Activity Rule 18.5.2.1 or Restricted Discretionary Rule 18.5.2.5 as there is potential for material to enter the coastal marine area and the activity is considered to be a Discretionary Activity under Section 87B of the RMA.

**RM230256 Disturbance of the Coastal Marine Area in association with construction of the boat ramp.**

There is no relevant permitted activity rule for the disturbance of the CMA. The proposed disturbance is considered to be a Discretionary Activity per Rule 25.2.3.2.

**RM230257 Occupation of the Coastal Marine Area for the purpose of constructing and operating a boat ramp.**

The coastal occupation is not permitted by 25.1.2.1 as there is no existing boat ramp. The activity is considered to be a Discretionary Activity per Rule 25.1.2.3 of the TRMP as the activity is within 100m of the Mapua Wharf.

**RM230258 Discharge of sediment to the Coastal Marine Area during construction of the boat ramp**

There is no relevant permitted activity rule. The discharge considered by be a Discretionary Activity per Rule 36.2.3.1

**RM230259 discharge of stormwater to the Coastal Marine Area.**

Discharge of stormwater to coastal waters is not permitted by Rule 36.4.2.1 as the discharge is to coastal waters. The discharge is considered to be a Restricted Discretionary Activity per Rule 36.4.2.3 of the TRMP.

Overall, these activities are considered as a bundle because they are all interdependent on each other. The overall status of the bundle is considered to be a **Discretionary Activity**

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### 3. Adverse effects on the environment

Assessment must follow section 95D: (click ▶ to open)

- (a) must disregard any effects on persons who own or occupy: (i) the land in, on or over which the activity will occur, or (ii) any land adjacent to that land; [*identify adjacent properties if needed, e.g., complex – aerial map is an easy way*];
- (b) may disregard an adverse effect of the activity if a rule or NES permits an activity with that effect [*non-fanciful permitted baseline, avoid cherry picking; give reason if you choose not to apply*];
- (c) in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or NES restricts discretion; [*for bundled consents likely that overall activity status applies*];
- (d) must disregard trade competition and the effects of trade competition;
- (e) must disregard any effect on a person who has given written approval to the application.

Minor or less than minor

More than minor

Assessment and reasons:

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Not assessed - the applicant has requested that the application be publicly notified in accordance with section 95A (3) (a) of the Act and as such public notification of the application is mandatory.

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### 4. Special circumstances for public notice

Notes: (click ▶ to open)

- 'Special circumstances' are generally those that are unusual, although they may also include objectives and policies of plans or national environmental standards that give clear indications of expected environmental outcomes relevant to the proposed activity.
- If what is proposed is specifically envisaged by the plan, it cannot be described as out of the ordinary.
- The fact that some persons have concerns about a proposal does not of itself give rise to 'special circumstances', but it may be a contributing factor.

Ask yourself what are the particular circumstances that take this out of the ordinary and make public notification desirable?

No special circumstances identified.  Special circumstances apply.

### Special circumstances reasons / analysis

Not assessed - the applicant has requested that the application be publicly notified in accordance with section 95A (3) (a) of the Act and as such public notification of the application is mandatory.

## 5. Affected persons

Assessment must be made in accordance with section 95E: (click ▶ to open)

- (a) may disregard an adverse effect of the activity on a person if a rule or NES permits an activity with that effect;
- (b) must, if the activity is a controlled or restricted discretionary activity, disregard an adverse effect of the activity that does not relate to a matter for which a rule or NES restricts control/discretion;
- (c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11 (Treaty Settlement Legislation);
- (d) must disregard any effect on a person who has given written approval to the application.

If more than one statutory acknowledgement area below, type in the others in the reasons / analysis.

Statutory acknowledgment area  
(for s95E(2)(c))

Te Tau Ihu Coastal

No affected persons.

Affected persons.

*Refer attached list.*

### Reasons / analysis

As noted in section 3 of this report the applicant has requested public notification, however, under the Resource Management (Forms, Fees, and Procedure) Regulations 2003 (New Zealand) Regulation 10 – (*10 Service of applications for resource consents or for review of conditions*) the Council is still required to decide who to serve notice of the application.

#### Residents on Tahi Street

The boat ramp access will be located along Tahi Street, with the parking area for boat trailers across the road. With reference to the Transport Assessment in the application, and the peer review by Stantec, users of Tahi Street, particularly residents who access their property on a regular basis, are likely to experience an increase in traffic, and possible traffic congestion caused by vehicles with trailers manoeuvring into the boat ramp access and also the car park on the western side of Tahi Street. It is recommended that notice be served on all landowners / occupiers along Tahi Street.

It is also acknowledged that the residential amenity values, particularly during 'night time hours' which are defined in the TRMP noise conditions as being between 9.00pm-7.00am Monday to Friday, 6.00pm – 7.00am Saturday and all day Sunday and public holidays, may be adversely affected for those properties situated closest to the boat ramp and the new car and trailer park on the western side of Tahi Street. These adverse effects may include increased noise and activity associated with the arrival of people to launch boats or retrieve boats, including at the boat ramp and within the car and trailer car park on the western side of Tahi Street. Use of the boat ramp which extends into the CMA, noise effects would include both boat and car engine noise, sounds of people talking / shouting and car doors opening and closing. Boating noise is likely to extend across the CMA and it is noted that the dwellings at 15/17A and 19 Tahi Street are located relatively close to the CMA. In terms of the car parking on the western side of Tahi Street the application does not propose any landscaping or other mitigation along the boundary with the adjacent properties although it is noted the car parking is setback to allow for a future walkway formation in accordance with the TRMP planning maps. However, the car parking would be a new activity and is likely to be busy during preferred boat launching times within defined daytime and

nighttime hours, in particular the noise and activity during nighttime hours may adversely affect adjacent properties along the western side of Tahi Street. The owners/occupiers of these specific properties are also deemed to be affected persons due to their close proximity to the boat ramp and car park.:

- 13, 15, 17, 17A & 19 Tahi Street
- 18, 20, 20A, 20B & 22 Tahi Street

The applicant has provided written approval from the landowner at 13 Tahi Street.

### **Aranui Road**

The applicant's noise assessment considers that noise levels received at the boundary of 27C Aranui Road will breach the permitted standards.

Although informal overflow parking currently occurs on land adjacent to Nos.27B, 27C and 27E Aranui Road the proposal will create more formalised parking which will increase activity levels directly adjacent to these properties. Nos.27A and 27D are close to this parking area and are likely to also experience a change in amenity values as a result of increased activity from parking. Therefore, it is recommended that notice is served on the owners/occupiers of Nos.27A, 27B, 27C, 27D and 27E Aranui Road.

There are a number of commercial properties located along Aranui Road and at the corner of Aranui Road and Iwa Street who benefit from the existing level of public parking provided by the Council, this includes the formed parking area on the eastern side of Tahi Street and overflow parking on the western side of Tahi Street. With the formal parking on the eastern side of Tahi Street removed to allow for the sea scout facility there will be a loss of 38 parking spaces a further 6 spaces will be removed from the parking along Tahi Street on the western side. The land on the western side of Tahi Street will then be formed to provide 45 car parking spaces and a further car park for cars with trailers is to provide 78 spaces. The land on the western side of Tahi Street can be operated by Council for informal parking currently, however, this will no longer be available as it will become the 'new' car park. Therefore, at peak times, with the increased activity, there will be a reduced level of parking available. It is considered appropriate, therefore, that the landowners and leaseholders of the following sites are formally served notice of the application:

- 6 Aranui Road (301/6, 202/6, 201/6, 101/6, 102/6, 103/6, 401/6, 402/6, 403/6, 404/6, 405/6, 406/6, 407/6 & 501/6)
- 8 Aranui Road and 2 & 2A Iwa Street

The sites at 14, 16 & 18 Aranui Road are zoned Mixed Business. Although these sites have not been developed, they may exercise their permitted activity rights and given there are no requirements in the TRMP to provide onsite parking any activity could reasonably expect to rely on public car parking to serve customers. Therefore, the landowner of these sites is also considered to be potentially adversely affected by the proposed changes to public car parking in the locality.

### **Tasman District Council**

In addition to owning No.6 Aranui Road (discussed above), the Council is also the landowner of both the application site on both the eastern and western sides of Tahi Street, and Nos.17-25 Aranui Road. Although the boat ramp is identified in the Reserve Management Plan for the reserve land on the eastern side of Tahi Street, the Council may still be considered an affected person as a result of proposed car parking on the western side of Tahi Street and the affects this may have on the future development of this land and 17-25 Aranui Road, noting that 6-16 Tahi Street and 23-25 Aranui Road are zoned Residential and 17-21 Aranui Road are zoned Mixed Business. The Council as landowner has not provided written approval for the works to be undertaken on land within its ownership, particularly in relation to land on the western side of Tahi Street and therefore should be served notice of the application.

## Moorings in Channel & Mapua Ferry

There are several long-established boat moorings in the Waimea Inlet channel adjacent to the proposed site for the boat ramp. These moorings were all within the Mapua Moorings Area as defined by the TRMP; however this Mooring area was amended in 2020 to exclude two “corridors” to help protect the multiple existing potable water and wastewater pipelines that cross under the channel from being damaged (see part Map180A: Mapua copied below). The application (at 4.17) acknowledges potential hazards or conflicts with boats moored in the channel. Owners of two moorings described as TRMP 8 and 10 that are in or closest to the main pipeline corridor have provided written statements acknowledging that their moorings will need to be relocated and they are agreeable to that, and the owner of mooring TRMP 6 has provided their written approval for the proposed boat ramp. However, the application also recognises the strong tidal flows that occur “just out from the end of the [proposed] boat ramp structure”, which indicates that there may well be risks to moored boats both upstream and downstream of the boat ramp if users of the ramp get into difficulties in the tidal flow. For this reason, notice of the application should be served on the owners of the other moorings within 150m of the proposed site for the boat ramp (ie, moorings TRMP 3, 4, 6, 7, 8, 9, 10, 11 & 12 marked on the image below).



The Mapua Ferry provides a service for people to cross the channel between Mapua and Rabbit Island, with the direct route across being north of the wharf. However, the ferry does use other routes across the channel to the south between and around the boat moorings. Hence the proposed boat launching activity may create navigation conflicts for this existing use, and the ferry operator should be served notice of the application.

## Statutory acknowledgment areas

It is understood that applications for Customary Marine Title under the Marine Coastal Area (Takutai Moana) Act 2011 have been lodged by Ngāti Rārua, Te Ātiawa o Te Waka-a-Māui, Ngāti Toa Rangatira, Ngāti Tama ki Te Tau Ihu, Ngāti Apa ki te Rā Tō. However, these applications have not yet been determined and therefore the iwi are not considered to be a customary marine title group for the purposes of Section 95F based on the definition in the Marine Coastal Area (Takutai Moana) Act 2011. However, they have been consulted with in accordance with that Act prior to the application being lodged with Council.

The application site is located adjacent to and partly within the Te Tau Ihu Coastal Marine Statutory Acknowledgement Areas recognised for Ngāti Rārua, Te Ātiawa o Te Waka-a-Māui, Ngāti Toa Rangatira, Ngāti Tama ki Te Tau Ihu, Ngāti Apa ki te Rā Tō, Ngāti Kuia, Ngāti Kōata and Rangitāne o Wairau. The proposed activity will involve a new structure in the CMA with disturbance of the seabed, and stormwater discharge to the CMA.



The site is located in a Cultural Heritage Precinct and is an area with significant cultural value to iwi and the proposal will involve earthworks that may disturb contaminated soils and introduce a new activity to an area currently used as a public recreation area.

For these reasons although the eight Te Tau Ihu are not considered to be adversely affected persons under section 95F specifically, they are considered to be adversely affected persons who should be served notice of the application.

## 6. Special circumstances for limited notification – complete only if applicable

Notes: (click ▶ to open / hide)

- A person otherwise not considered adversely affected specifically excludes those weren't considered adversely affected in the assessment above.
- While there is no specific case law as to special circumstances that warrant notification to a person otherwise not considered adversely affected, consider what are the particular circumstances that are unusual or out of the ordinary that make it desirable for a person to have to be notified (for instance, if a rule precluded limited notification; or there may be a special interest group / association that has a 'charter' re some value / issue engaged.
- In that remember the context that the purpose of public participation is to assist in decision-making that better achieves the sustainable management of the purpose of the Act. For instance, which circumstances are 'special' will be those which make notification desirable, despite the general provisions excluding the need for notification.

No special circumstances identified.  Special circumstances apply.

## 7. Recommendation

It is recommended that this application be:

- Publicly notified** because the applicant has requested public notification in accordance with section 95A(3)(a).
- Limited notified**
- Processed on a **non-notified** basis for the reasons identified in this report.

Recommendation by



Date: 22 January 2024

Name:

Victoria Woodbridge

**Position:**

Consultant Planner

Recommendation by



Date: 19 January 2024

Name:

Leif Pigott

**Position:**

Team Leader - Natural Resource Consents

## 8. Section 95 decision

Recommendation accepted under delegated authority of the Tasman District Council by:



Date: 22 -01-2024

Phil Doole

**Principal Planner - Resource Consents**

## Appendix A – 8 Step Notification Decision Process

Complete steps 1-8.

If public or limited notification is required, record full reasons in the relevant sections of your report.

Public notification decision making flowchart		
<b>Step 1:</b> Mandatory public notification	<ul style="list-style-type: none"> <li>Has the applicant requested public notification?</li> <li>Has the applicant failed/refused to supply further information (s95C)?</li> <li>Is the application made jointly with an application to exchange recreation reserve land under s15AA of the Reserves Act 1971?</li> </ul>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes → must publicly notify
<b>Step 2:</b> Public notification precluded in certain circumstances	<ul style="list-style-type: none"> <li>Does a relevant plan or NES rule prevent public notification?</li> <li>Is the application for:               <ul style="list-style-type: none"> <li>a controlled activity?</li> <li>a 'boundary activity' that is a restricted discretionary, discretionary or non-complying activity?</li> </ul> </li> </ul>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes → go to step 4: special circumstances (no step 3)
<b>Step 3:</b> Public notification required in certain circumstances	<ul style="list-style-type: none"> <li>Will the activity have, or be likely to have, adverse effects on the environment that are more than minor?</li> <li>Does a relevant plan or NES rule require public notification?</li> </ul>	<input type="checkbox"/> No <input type="checkbox"/> Yes → must publicly notify
<b>Step 4:</b> Public notification required in special circumstances	<ul style="list-style-type: none"> <li>Do special circumstances exist that call for public notification?</li> </ul>	<input type="checkbox"/> No <input type="checkbox"/> Yes → must publicly notify
Limited notification decision making flowchart		
<b>Step 5:</b> Mandatory limited notification to certain groups and persons	<ul style="list-style-type: none"> <li>Are there affected protected customary rights groups (s95F)?</li> <li>Are there affected customary marine title groups (applications for an 'accommodated activity')? (s95G)</li> <li>Is the activity on, adjacent to, or may affect land that is the subject of a statutory acknowledgement made per an Act specified in Schedule 11 of the Act; and the person to whom the statutory acknowledgement is made is affected under s95E?</li> </ul>	<input type="checkbox"/> No <input type="checkbox"/> Yes → must limited notify
<b>Step 6:</b> Limited notification precluded in certain circumstances	<ul style="list-style-type: none"> <li>Does a relevant plan or NES rule prevent limited notification?</li> <li>Is the application for a controlled activity that requires consent under a district plan (other than a subdivision)?</li> </ul>	<input type="checkbox"/> No <input type="checkbox"/> Yes → go to step 8: special circumstances (no step 7)
<b>Step 7:</b> Limited notification required to certain other affected persons	<ul style="list-style-type: none"> <li>Are any of the following eligible persons 'affected' under s95E?               <ul style="list-style-type: none"> <li>For boundary activities – an owner of an allotment with an infringed boundary?</li> <li>For other activities, will there be minor or more than minor adverse effects on any 'affected persons'?</li> </ul> </li> </ul>	<input type="checkbox"/> No <input type="checkbox"/> Yes → must limited notify
<b>Step 8:</b> Limited notification required in special circumstances	<ul style="list-style-type: none"> <li>Do special circumstances exist that warrant notification to any persons not already determined to be eligible for limited notification? (excludes persons assessed under s95E as not being affected)</li> </ul>	<input type="checkbox"/> No <input type="checkbox"/> Yes → must limited notify