



AGENDA

Hearings Panel Meeting Tuesday, 9 April 2024

Date: Tuesday, 9 April 2024

Time: 9.30 am

**Location: Ngā Hau e Whā, William Fraser Building, 1
Dunorling Street, Alexandra**

Notice is hereby given that a Hearings Panel Meeting will be held in Ngā Hau e Whā, William Fraser Building, 1 Dunorling Street, Alexandra on Tuesday, 9 April 2024 at 9.30 am.

Order Of Business

1 Apologies 5

2 Reports 6

 24.3.1 RC230358 Amber Lee Kahukura-McGinnis 6

Members Cr N Gillespie (Chairperson), Cr M McPherson, Cr I Cooney

In Attendance T Lines (Minute Secretary)

1 APOLOGIES

2 REPORTS

24.3.1 RC230358 AMBER LEE KAHUKURA-MCGINNIS

Doc ID: 1474886

1. Purpose

A report to consider land use consent for retailing (food cart) and off site signage.

2. Attachments

Appendix 1 - S42a - Planners Report [↓](#)

Appendix 2 - Application [↓](#)

Appendix 3 - S95 - Notification Report [↓](#)

Appendix 4 - Demand Contributions Assessment [↓](#)

Appendix 5 - Submission - Nikki White [↓](#)

APPLICATION	RC 230358
APPLICANT	AMBER LEE KAHUKURA-MCGINNIS
ADDRESS	7 HARVEY STREET, OMAKAU
LEGAL DESCRIPTION	PART SECTION 6 BLOCK I TIGER HILLS SURVEY DISTRICT (HELD IN RECORD OF TITLE OT185/115).
ACTIVITY STATUS	NON-COMPLYING

INTRODUCTION

The application seeks Land use consent for a food cart (retail activity) and off-site signage at 7 Harvey Street, Omakau.

The site is legally described as Part Section 6 Block I Tiger Hills Survey District (984m²) owned in fee simple under Record of Title OT185/115.

The site is located within the Residential Resource Area under the Operative District Plan, in close proximity to the Business Resource Area to the south. The site is proposed to be zoned Low Density Residential under PC 19 as notified.

Historically the site has been formerly used for commercial (bank) purposes and an associated manager's residence, in which the applicant currently resides.

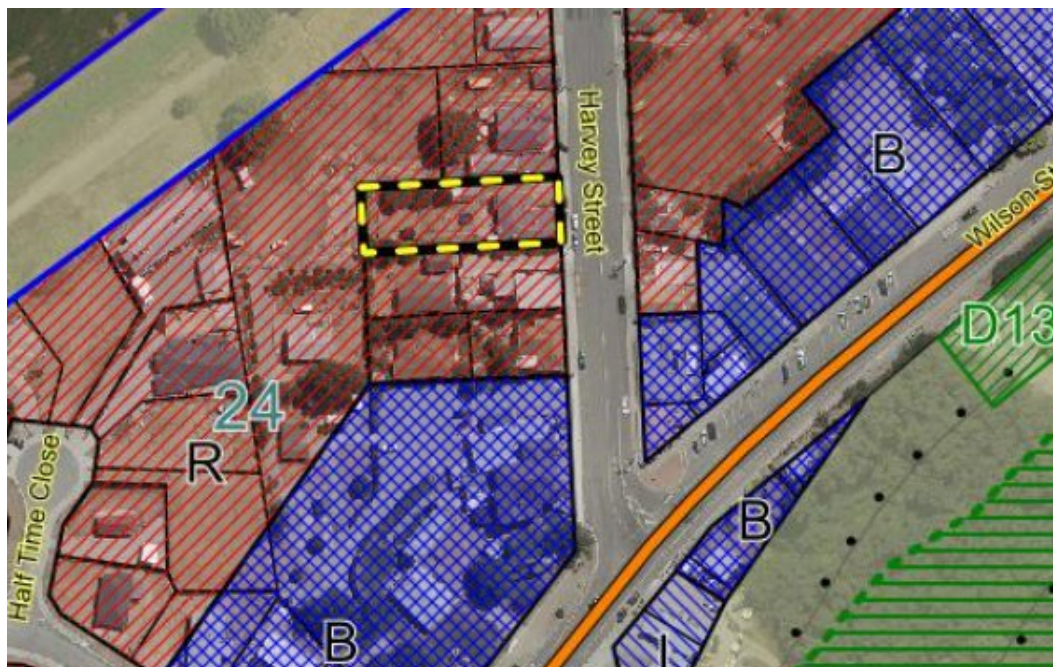


Figure 1: Aerial location plan with District Plan overlaid.



Figure 2: The site viewed from Harvey Street (Source: Application)

DESCRIPTION OF ACTIVITY

The application seeks consent to permanently locate a 3m x 2m food trailer within the site as shown in the plans and photos in Appendix D of the application (reproduced below).



Figure 3: The food trailer (Source: Application, Appendix D)



Figure 4: Extract of proposed site plan (Source: Application, Appendix D)

Food to be retailed from the trailer includes fish and chips, burgers, sandwiches, crisps, coffee, milkshakes, other non-alcoholic beverages (eg. Soft drinks), ice-creams etc. All food will be prepared on-site (i.e in the trailer). There will be an associated outdoor seating area (with shade) and provision for bike parking as shown on the plans.

The hours of operation will be 5am - 12pm, then re-opening 4pm - 9pm, 7 days per week.

A "flag" sign of 0.5m², similar to the one illustrated in Appendix D of the application will be located in the N.E corner of the site.

A small freestanding sign, less than 0.5m² and similar to the one illustrated in Appendix D is proposed to be located in the legal road reserve of Harvey Street, close to the Rail Trail corridor in a similar situation to the existing "Muddy Creek Café" sign.

Both signs will be removed when the food trailer is not open for business.



Figure 5: Extracts of example signage provided in Appendix D of the application.

REASONS FOR APPLICATION

Central Otago District Plan

The subject site is located within the Residential Resource Area of the Central Otago District Plan (the District Plan). There are no other District Plan annotations that apply to the site.

The application requires consent for a discretionary activity in terms of Rule 7.3.4(i) for breaches of the following standards:

- 7.3.6(i) Traffic Generation and Characteristics of Activities
(b) No activity shall involve the retailing of goods and services except as provided for by the definition of home occupation and in association with temporary activities as defined.
- 7.3.6(ii) Sense of Amenity, Security and Companionship
All land use activities shall be associated with the use of the site for residential purposes unless that activity is provided for in terms of Rules 7.3.1.ii or 7.3.2.v landuse activity not associated with a residential activity

The application also requires consent for a non-complying activity in terms of Rule 12.7.5(iii) as the proposed sandwich board is not located on the subject site and is defined as a *hoarding*. Hoardings are a non-complying activity throughout the District.

National Environmental Standards

There are no National Environmental Standards relevant to this application.

Overall Status

Under the particular circumstances of this case I consider that the proposed retail activity is not fundamentally reliant on the proposed non-complying signage and the two activities can be readily uncoupled and considered on their own merits. Notwithstanding this, as the lower activity status is that of a fully discretionary activity, the question of bundling is somewhat academic. Ultimately the application is for a discretionary retail activity and associated non-complying signage and must be considered pursuant to sections 104, 104B and 104D of the Resource Management Act 1991 ('the Act').

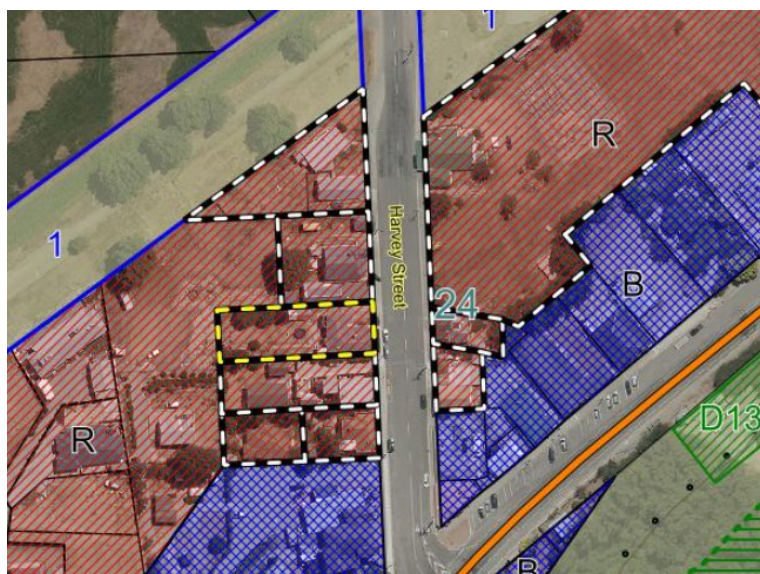
SUBMISSIONS AND WRITTEN APPROVALS

No written 'affected persons approvals' have been submitted in support of the application.

The application was limited notified on 12 January 2024 and two submissions were received, however, one of these was subsequently withdrawn. The following is a summary of the applicable submission:

Name	Support/Oppose	Summary of submission
Nikki White	Support	There is currently a lack of this kind of service in Omakau.

For completeness, I note that the application was notified to the following parties:



Shebikeshebikes Limited		3 Harvey Street, Omakau
Shebikeshebikes Limited		3A Harvey Street, Omakau
Enjoybee Holdings Limited		5 Harvey Street, Omakau
Assie Michael Burt		6 Harvey Street, Omakau
B S T G T Limited		8 Harvey Street, Omakau
Hosking Tony	Hosking Jackie Ruth	14 Harvey Street, Omakau
Tiger Hill Farm Limited		11 Harvey Street, Omakau
Kahukura James Cliff	Tarbet Trustees (2018) Limited	9 Harvey Street, Omakau

Effects on the Environment

Permitted Baseline

Under sections 95D(b) and 104(2) of the Resource Management Act 1991, the Council may disregard an adverse effect of an activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful.

In this case, there are no activities that offer a reasonable comparison to the proposal under the Central Otago District Plan and there is no permitted baseline to be applied.

Receiving Environment

The existing and reasonably foreseeable receiving environment is made up of:

- The existing environment and associated effects from lawfully established activities;
- Effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- The existing environment as modified by any resource consents granted and likely to be implemented; and
- The environment as likely to be modified by activities permitted in the district plan.

For the subject site, the existing and reasonably foreseeable receiving environment comprises the continuation of the established residential use of an historical commercial bank building. Despite the building's commercial appearance, its current use is residential and this accords with its current zoning and proposed Low Density Residential zoning under Plan Change 19. The site is not subject to any unimplemented consents and is unlikely to undergo any notable changes in land use into the foreseeable future.

For adjacent land, within the area zoned Residential Resource Area, the existing and reasonably foreseeable receiving environment comprises of the continuation of existing established residential and travellers accommodation uses. Notably the properties at number 3, 3A and 5 Harvey Street all have land use consent to operate as travellers accommodation. Immediately south of these properties lies the Business Resource Area, characterised by established commercial retail, hotel and cafe activities.

It is against these that the effects of the activity must be measured.

Assessment Matters/Rules

As outlined above, Council's discretion is not restricted in regard to either the proposed retail activity or the associated hoarding. The following assessment outlines the matters I consider to be of key relevance to this particular proposal. Noting that the activities can be uncoupled I have considered the effects of the proposed hoarding under its own separate subheading.

Residential Character and Amenity

Despite the site's residential zoning, the presence of the former bank building bestows it with an obvious commercial character. This is consistent with the general character of this part of Harvey Street, which has a character that is clearly influenced by the presence of historically commercial buildings and its proximity to the Business Resource Area and 'main street' businesses along Leask Street. In this context I consider the proposed small-scale retail operation will have no more than minor effect on the character of the site and surrounding area.

Notwithstanding the above, the activity will attract members of the public to the site and is likely to cause some noise and odour effects that are beyond what would be generally anticipated in a residential setting. In my opinion, such effects are likely to cause a minor but not more than minor degree of nuisance within the immediate locality. To this end I note the application was notified to all immediate neighbours and only one submission received, which was in support of the proposal.

Having particular regard to the relatively low intensity of the proposed use, its contextual setting on an historically commercial site in close proximity to the Business Resource Area, and the apparent lack of any opposition from neighbours I am satisfied that the proposal is likely to have no more than minor effect on residential amenity and amenity and is generally appropriate. Notwithstanding this I note that the proposed operating hours are broad and will allow the business to be open relatively early in the morning (5am) and late at night (9pm). These operating hours, particularly the 5:00am starts significantly increase the potential for effects such as noise to become a nuisance to surrounding residential properties. In this regard I recommend that the application be subject to a review condition to allow the operating hours and other parameters of the consent to be reviewed should it become evident that the

food cart is causing a nuisance to surrounding residences. The consent holder should be mindful of this and take all reasonable steps necessary to ensure noise is minimised during early morning and evening hours.

Parking and Access

The applicant has proposed to provide an area for on-site bike parking, however, no customer car parking will be provided on-site. In this respect the applicant opines that there is ample on-street parking available.

I note that, were the activity located within the adjoining Business Resource Area then a retail activity of this scale would not be required to provide on-site parking. Despite the fact the site is located in the Residential Resource Area, I consider it to be located within a part of Leask Street that does have a somewhat commercial character and which has a street that has been designed in a manner that is consistent with commercial areas and which has parallel parking bays located on either side of the road. It has been my observation that these parking bays are not heavily used and this is unsurprising given their location at the periphery of the commercial area.

Given the site's proximity to the Central Otago Rail Trail and the popularity of Omakau as a stopping point along this route I anticipate that the proposed activity will attract a significant proportion of its patrons from the Rail Trail itself. As such, a failure to provide adequate bicycle facilities on site would very likely lead to issues relating to the footpath becoming cluttered and obstructed by bicycles. In this context, I consider the applicant's proposal to provide an onsite parking area for bicycles to be entirely appropriate, and the lack of on-site vehicle parking to be unlikely to any more than a minor effect on availability of local on-street parking.

In all circumstances, I anticipate the proposal will have some adverse effects with respect to parking and the safety and efficiency of the road network, however, such effects are likely to be minor (at most) and will be localised to the immediate vicinity of the site.

Economic and Social Effects

'Out of zone' retail development, such as that proposed by this application has the potential to shift retail activity away from existing centres and disperse the amount of foot traffic and potential customer interest within business areas. The potential adverse effect that sporadic growth can have on the character and sustainable management of these areas is outlined in Issue 6.2.7 of the District Plan. In turn this also threatens to directly undermine District Plan Objective 8.1.1, which seeks to maintain the business areas of the District's urban areas as focal points for the community.

In this particular instance, I note that there are some mitigating factors with respect to the small scale of the activity, the existing commercial character of the site and its close proximity on a cross street to the central business area of Omakau. In this respect I note that the proposal is neither stretching activity away from the 'centre' down a long commercial street nor is it locating retail activity in an isolated spot. The proposed activity may in fact bring some positive effects in terms of increased interest and foot traffic to the businesses located close by within the Business Resource Area, particularly by encouraging rail trail users to stop and visit the town.

In all circumstances, I anticipate that the proposal's social and commercial effects will not be adverse overall.

Effects on Infrastructure

Very little detail has been provided with the application in respect to servicing. I anticipated that any effects relating to the servicing of the proposed activity can be readily addressed through appropriate conditions of consent. To this end I have recommended a condition requiring the consent holder submit a site management plan detailing waste management arrangements for certification prior to operation of the retail activity.

Council's Environmental Engineer has reviewed the application advised that the proposal's development/financial contribution demand has been calculated in accordance with Council's Policy on Development and Financial Contributions effective from 1 July 2021.

Financial contributions have been calculated as follows:

Activity	Payment
Water Supply	\$227.83 +GST
Wastewater	\$104.18 +GST
Reserves	\$Nil
Roading	\$269.04 +GST
Total	\$601.05 +GST

I agree with the development/financial contribution costs, and I recommend that any consent granted be subject to an advice note outlining the contributions payable..

Signage

The application details a 'open' flag sign to be erected on the site. No other on-site signage has been detailed, however, I anticipate it is likely the food van itself will likely have some degree of signwriting. To this end I invite the applicant to circulate any details of proposed sign writing on the van prior to the hearing so that this may be properly considered and included in the consent, should the Panel be of a mind to grant.

A sandwich-board style sign is proposed to be placed in the legal road reserve of Harvey Street, close to the Rail Trail corridor. The applicant contends that this sign would be placed in a similar way to that of the "Muddy Creek Café" sign currently being placed in this area. The District Plan generally defines any sign not located on the site to which it relates as a 'hoarding' and applies a non-complying activity status to these throughout the district. I note Council's roading policies contain provisions for sandwich boards and similar signs within sidewalks, however this applies only where the signs are located in Road Reserve immediately adjoining the site to which they relate. From my examination of Council's records, the Muddy Creek Café sign does not appear to have consent and this matter has been subsequently raised with Council's Monitoring Team.

Rule 12.7.5(iii) provides the following reason for the non-complying status of hoardings

Reason

Such signs are erected for purely commercial brand awareness reasons and do not relate to the site to which they are attached. These signs can greatly detract from amenity values.

In this particular instance I consider that the proposed sign is not purely for brand awareness but rather it also acts as a wayfinding sign for Rail Trail users to be alerted of the presence of a food and drink outlet. Notwithstanding this, the sign will be branded and a proliferation of such signage in this particular location and others like it around the district would be clearly contrary to the intent of the Plan and would lead to adverse effects on visual amenity as well as potential safety effects in respect to their placement within footpaths and along roads. In my opinion, the effects of this proposed sign on its own are likely to be minor. However, if this lead to a proliferation of such signs then there is potential for cumulative effects to become rapidly significant.

In my opinion, there is no extenuating circumstances or distinguishing features that would nullify concerns of precedent in this particular instance. As such, I consider granting consent

for the proposed hoarding would likely set a strong undesirable precedent and lead to significant cumulative effects. In my opinion, the proposed hoarding sign should not be granted consent.

While beyond the scope of this consent, I would suggest that the applicant engage with the Central Otago Rail Trust, the Department of Conservation and Council about the potential merit of having some unbranded wayfinding signage erected at the trail crossing to help raise awareness of the available amenities and direct trail users into the town.

SUBSTANTIVE DECISION ASSESSMENT

Effects

In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and outlined above. It is considered that the adverse effects on the environment arising from the proposed retail activity are no more than minor and appropriate but that the proposed signage will result in adverse effects that are more than minor and inappropriate.

Offsetting or Compensation Measures

In accordance with section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures proposed or agreed to by the applicant that need consideration.

Objectives and Policies

In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Central Otago District Plan were taken into account when assessing the application. The following were considered to be of particular relevance.

Section 6: Urban Areas	
Objective/Policy	Assessment
6.3.1 Objective - Needs of People and Communities To promote the sustainable management of the urban areas in order to: <ul style="list-style-type: none"> (a) Enable the people and communities of the district to provide for their social, economic and cultural wellbeing and their health and safety; and (b) Meet the present and reasonably foreseeable needs of these people and communities 	The business areas of the District's main towns are a focal point for their communities and are a significant resource which contain substantial public and private investment. The District's residential areas are generally characterised by low densities with relatively high amenity. The sustainable management of these areas is important to ensure that the present and future needs of people and communities are provided for and can be compromised by sporadic growth.
6.3.2 Objective - Amenity Values To manage urban growth and development so as to promote the maintenance and enhancement of the environmental quality and amenity values of the particular environments found within the District's urban areas.	The subject site is located within an area that transitions from Business to Residential and there is some blurring of the character and amenity values inherent in this space. In this context the I consider the proposal is not inconsistent with these objectives.
6.4.1 Policy - Maintenance of Quality of Life within Urban Areas To maintain and, where practicable, enhance the quality of life for people and communities within the District's urban areas through: <ul style="list-style-type: none"> (a) Identifying and providing for a level of amenity which is acceptable to the community; and (b) Avoiding, remedying or mitigating the adverse effects on the community's social, economic and 	In my assessment, the proposal will satisfactorily maintain quality of life within the existing urban area.

cultural wellbeing and health and safety which may result from the use, development and protection of natural and physical resources, and (c) Recognising that change is inevitable in the use of land to enable the community to provide for its wellbeing	
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Section 7: Residential Resource Area	
Objective/Policy	Assessment
<u>7.1.1 Objective - Maintenance of Residential Character</u> To manage urban growth and development to maintain and enhance the built character and amenity values of those parts of the district that have been identified as the Residential Resource Area as well as the social, economic and cultural wellbeing, and health and safety of the residents and communities within those areas	The proposed development seeks to introduce a retail activity into the Residential Resource Area, however, the historically commercial nature of the site and its proximity to the town centre significant mitigating factors and, considering the particular circumstances, I do not consider this proposed food cart to be contrary to this policy.
<u>7.1.2 Objective - Protection of Living Environment</u> To manage the use of land to promote a pleasant living environment by ensuring that adverse effects of activities are avoided, remedied or mitigated, while accommodating appropriate change at the interface with other resource areas.	Notwithstanding the above, the proliferation of off-site advertising signage in residential streets is clearly inconsistent with maintenance of residential character and the protection of a pleasant living environment. The proposed hoarding is contrary to these objectives.
<u>7.1.3 Objective – Management of Change</u> To recognise that it is inevitable that the use of land shall change over the period of this plan and beyond in order to enable the community to provide for its wellbeing. The process of change can occur randomly within the various resource areas but will be most obvious at the interface between different resource areas. It is a purpose of this plan to manage that change.	As above, I note the site is located near the interface with the Business Resource Area. The scale of the activity is small and the amount of change is correspondingly low and appropriate in the context of this immediate locality.
<u>7.2.1 Policy – Residential Character</u> To ensure that the character and amenity values of residential areas are protected by ensuring that the adverse effects of: (a) Excessive noise including noise associated with traffic generation and night time operations, (b) The generation of traffic over and above that normally associated with residential activities and in particular heavy vehicles, and demand for parking, (c) Glare, particularly from building finish, and security lighting, (d) Structures at the street frontages that do not complement the character and/or scale of development in the neighbourhood, (e) A reduction in privacy, access to daylight and sunlight (f) A reduction in visual amenity due to excessive signage, large areas of hard standing surfaces, and the storage of goods or waste products on the site, (g) The generation of odour, dust, wastes and hazardous substances, (h) The use and/or storage of hazardous goods or substances, and (i) The loss of a sense of amenity, security and companionship caused by non-residential activities. are avoided, remedied or mitigated.	The matters outlined within this policy summarise the key considerations that are of relevance to this proposal and lie at the core of the assessment of environmental effects provided earlier in this report. In all circumstances I consider the proposed development will not result in significant adverse effects on residential character and amenity and the recommended conditions of consent provide suitable protection of these values in this instance.
<u>7.2.2 Policy – Amenity Values</u> To ensure that the amenity values of residential sites, including privacy and ability to access adequate daylight and sunlight, are not	The RMA defines 'amenity values' as <i>those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and</i>

significantly compromised by the effects of adjoining development.	<i>cultural and recreational attributes:</i> In my opinion the proposed development will have no more than minor adverse effects on neighbouring amenity and is not contrary to this policy.
7.2.5 Policy – Safety and Efficiency of Residential Roads To require appropriate access and on-site parking to ensure that the amenity of neighbouring properties and the safe and efficient operation of roads is maintained while acknowledging that these requirements may be relaxed where this will result in retention of a heritage item or site that would otherwise be lost.	As assessed, I consider the proposal has satisfactorily provided for on-site bicycle parking which is likely to account for a significant proportion of its customers. I anticipate that the minimal demand for car parking likely to be generated by the proposal will be readily accommodated by available on-street parking. I recommend a review condition be imposed to all for a review of the conditions to be undertaken should it become evident that the proposal is having unanticipated levels of adverse effect in respect to parking and the safety and efficiency of the road network.
7.2.8 Policy – Management of Change In recognition of the difficulty anticipating the timing and extent of change to the pattern of land use that is necessary to enable the community to provide for its wellbeing and to reconcile with the foregoing policies, it is appropriate that any major change at the interface between the various resource areas be considered within the wider context of the plan as a whole.	The explanation provided under this policy notes: <i>"It is a purpose of this plan to manage change at the interface between resource areas. Such change can be addressed through the resource consent process (where conditions of consent may be applied) or through the plan change process."</i> In my opinion, given the relatively small scale of this proposal and the minor effects of the change arising as a consequence of this proposal, the resource consent process is an appropriate mechanism available to facilitate this type of development. .

Section 12: District Wide Rules and Performance Standards	
Objective/Policy	Assessment
12.3.3 Objective – Reducing the Adverse Effects of Signs To avoid, remedy or mitigate the adverse effects of signs on traffic and the general amenity values of the District while recognising that signs are a necessary adjunct to many activities.	In my opinion the proposed hoarding will have undesirable and inappropriate adverse effects and this kind of signage is not consistent with the amenity values of the receiving environment. As such the proposed hoarding is contrary to this objective. For the avoidance of doubt, I consider the proposed on-site signage to be generally acceptable.
12.4.4 Policy – Signs To determine the suitability of signs in any given location by having regard to the sign's effect on the following matters: (a) The safe and efficient operation of the road network, and (b) The amenities of the locality, and (c) Landscape values, and (d) The character and scale of the building, site or area, and (e) Any heritage, historical or cultural values present.	As outlined under Objective 12.3.3, the hoarding proposed within this application is considered to be contrary to the objectives and policies of the Plan..

In my opinion the proposed retail activity is generally consistent with the relevant objectives and policies of the Central Otago District Plan, however, the proposed hoarding is contrary and that aspect of the proposal should be declined.

Proposed Plan Change 19

The Proposed Plan Change 19 (PC19) is required to be considered under section 104(1)(b). The submission period for PC19 has closed, however, a final decision is yet to be released. As the provisions of the proposed plan lack certainty it is appropriate that only limited weighting be given to it at this point in time. The site is identified on the proposed PC 19 zone maps as being located within the Low-Density Residential Zone. I consider the following objectives and policies to be particularly relevant.

Objective LRZ-O1 Purpose of the Low Density Residential Zone

The Low Density Residential Zone provides primarily for residential living opportunities, as well as activities that support, and are compatible with the character of, the zone's residential focus.

Objective LRZ-O2 Character and amenity values of the Low Density Residential Zone

The Low Density Residential Zone is a pleasant, low-density suburban living environment, which:

1. contains predominantly low-rise and detached residential units;
2. maintains a good level of openness around buildings;
3. provides good quality on-site amenity and maintains the anticipated amenity values of adjacent sites; and
4. is well-designed and well-connected into surrounding area.

Policies LRZ-P1 Built Form

Ensure that development within the Low Density Residential Zone:

1. provides reasonable levels of privacy, outlook and adequate access to sunlight;
2. provides safe and appropriate access and on-site parking;
3. maintains spaciousness around buildings and a modest scale and intensity of built form that does not unreasonably dominate adjoining sites;
4. is managed so that relocated buildings are reinstated to an appropriate state of repair within a reasonable timeframe; and
5. provides sufficient usable outdoor living space for residents and for tree and garden planting;
6. maintains the safe and efficient operation of roads;
7. mitigates visual effects through screening of storage areas and provision of landscaping; and
8. encourages water efficiency measures.

LRZ-P3 Home businesses

Provide for home businesses where: 1. they are ancillary to a residential activity; 2. they are consistent the anticipated character, amenity values and purpose of the zone; and 3. the effects of the activity, including its scale, hours of operation, parking and vehicle manoeuvring are compatible with /do not compromise the amenity of adjoining sites.

LRZ-P5 Other non-residential activities

Avoid other non-residential activities and buildings, including the expansion of existing non-residential activities and buildings, unless: 1. any adverse effects of the activity, including noise, do not compromise the anticipated amenity of the surrounding area; and 2. the nature, scale and intensity of the activity is compatible with the anticipated character and qualities of the zone and surrounding area; and 3. the activity is of a nature and scale that meet the needs of the local community and does not undermine the viability of the Business Resource Areas; and 4. the surrounding area retains a predominance of residential activities, and for adjoining

properties, a sense of amenity, security and companionship is maintained; 5. any parking and vehicle manoeuvring provided on-site is appropriately designed; and 6. road safety and efficiency is maintained.

Assessment

As this application seeks consent for a non-residential activity it has the potential to come into conflict with the objectives and policies of the zone. Notwithstanding this I note that LRX-P1 and LRZ-Pf in particular, are relevant to this proposal and enable some degree of non-residential activities to occur in the zone. In my opinion, the scale and nature of the proposal and the effects, as they've been assessed earlier in this report, fall within the scope of the kinds of non-residential activities that are anticipated by these policies.

The proposal is not considered to be contrary to the objectives and policies outlined in PC19.

Partially Operative and Proposed Regional Policy Statements

The Partially Operative Otago Regional Policy Statement 2019 (PORPS2019) was declared partially operative on 15 March 2021. The Proposed Otago Regional Policy Statement 2021 (Proposed RPS 21) was notified on 26 June 2021. After taking into consideration the Partially Operative and proposed Regional Policy Statements for Otago, I consider that the policy direction given by the District Plan is certain and complete as it relates to this application and, as such, there is no need to revert to higher order planning instruments.

Section 104D Gateway Tests

Under Section 104D, Council must only consider whether to approve an application for a non-complying activity if it is satisfied that the proposal will either have no more than minor effects on the environment, or the proposal will be consistent with the objectives and policies in the District Plan. If a proposal fails both tests, the consent must be refused.

In this particular case, the proposed hoarding trigger a non-complying activity status and, in my assessment, will result in effects that are more than minor and is also contrary to the objectives and policies of the District Plan. In my opinion, consent can not be granted for the proposed hoarding, however, this does not extend to the proposed retail activity itself.

Other Matters

In accordance with section 104(1)(c) of the Resource Management Act 1991, it is pertinent to consider other matters that are relevant and reasonably necessary to determine this application. A key consideration in this context is the integrity of the district plan, especially given the non-complying status of the proposed hoarding.

The Central Otago District Plan explicitly restricts hoardings to protect amenity and traffic safety through the avoidance of visual distractions and clutter within the District's roads. While I accept that the proposed hoarding is intended to advertise the location of the business and is not purely for brand awareness, it is still clearly the intent of the Council's District Plan to avoid any potential proliferation of advertising signage that is not located directly on sites to which it is related. The non-complying status reflects the relative importance of this policy direction and suggests that only true exceptions should be considered for consent. In my opinion, this application does not present any extenuating circumstances that would differentiate the proposed hoarding in a manner that would make it a true exception warranting approval.

In light of the above considerations, particularly the absence of extenuating circumstances that would justify a departure from the District Plan's clear stance against hoardings and the potential for precedent setting and cumulative effects, it is recommended that the application

for the proposed hoardings be approached with caution. While the food cart itself may fit within the anticipated scope of non-residential activities within the Residential Resource Area, the hoardings represent a direct challenge to plan integrity and public confidence in the plan's administration.

Therefore, it is recommended that consent for the proposed hoardings be declined to uphold the Central Otago District Plan's integrity and maintain public trust in the plan's consistent enforcement.

Part 2

The sustainable management of resources, as defined in section 5 of the RMA, requires considering the potential effects of the proposal on the environment, ensuring that any use, development, or protection of natural and physical resources is done in a way that maintains the potential of those resources to meet the needs of present and future generations, avoids, remedies, or mitigates any adverse effects on the environment, and ensures the health and safety of people and communities.

The proposed food cart activity, located within the Residential Resource Area and adjacent to the Business Resource Area, represents a small-scale commercial activity that potentially aligns with the local community's social and economic well-being. The site's historical commercial use and its proximity to the Business Resource Area suggest that the food cart could complement the existing urban fabric without compromising the area's residential character and amenity values, subject to appropriate conditions to manage any adverse effects.

The application's component concerning off-site hoardings presents a more complex challenge under Part 2 considerations, particularly in light of section 7(c). The non-complying status of the hoardings, as proposed, raises substantial concerns about their impact on the visual amenity and character of the area. Granting consent for such structures, absent any distinguishing circumstances that mitigate their impact, risks setting a precedent that could erode the visual amenity values the RMA seeks to protect.

RECOMMENDATION

After having regard to the above planning assessment, I recommend that:

1. The Panel grant consent to the proposed retail activity (food cart), in accordance with sections 104 and 104B of the Resource Management Act 1991, subject to the conditions imposed under section 108 of the Act listed below.
2. The Panel decline consent for the proposed off-site signage (hoarding) , in accordance with sections 104D of the Resource Management Act 1991,



Oli Monthule-McIntosh
SENIOR PLANNING OFFICER

Date: 16 February 2024

Consent Type: Land Use Consent

Consent Number: RC 230358

Purpose: Land use consent for retailing (Food Cart) and Off-Site Signage (Hoardings)

Location of Activity: 7 Harvey Street, Omakau

Legal Description: Part Section 6 Block I Tiger Hills Survey District (Record of Title OT185/115).

Lapse Date: [Day and Month] 2029, unless the consent has been given effect to before this date.

Conditions:

1. The proposed activity must be undertaken in general accordance with the approved site plan attached to this certificate as Appendix One, and the information provided with the resource consent application received by Council on 21 November 2023, except where modified by the following conditions.
2. The retail activity shall be permitted to operate daily between the hours of 5:00am – 12:00 noon, then re-opening 4:00pm – 9:00pm, 7 days per week, throughout the calendar year.
3. Sufficient area and facilities must be provided on-site for customer bicycle parking.
4. At all times that the food cart is in operation the consent holder shall take responsibility to ensure that the adjacent footpath is kept free of obstruction from customers, including from customer's vehicles, bicycles and the like.
5. The consent holder must submit a Site Management Plan for approval by the Council's Planning Manager prior to commencing operations. This plan must detail measures for the disposal of all waste generated by the food cart, including but not limited to, food waste, packaging, and oil disposal, to ensure that the site remains tidy and free from litter, and excessive noise and odour.
6. Any signage associated with the food cart, including menu boards and any signwriting on the side of the cart, shall be wholly contained within the site boundaries and any signage directed in such a manner as to be intended to be read from the public road shall have a minimum lettering size of 120mm.

Note: This consent does not authorise the placement of any off-site signage hoardings).

7. Outdoor seating, tables and any associated equipment must be maintained in a neat and tidy condition and put away or blocked off when not in use to minimize visual intrusion and avoid potential use at times that the consent holder is not directly supervising the area.
8. The consent holder shall pay to the Council all required administration charges fixed by the Council pursuant to section 36 of the Act in relation to:
 - a) Administration, monitoring and inspection relating to this consent; and
 - b) Charges authorised by regulations.

9. In accordance with Section 128 of the Resource Management Act 1991, the conditions of this consent may be reviewed on and in the period within 6 (six) months upon each anniversary of the date of this consent, if, on reasonable grounds, the consent authority finds that:
 - a) There is or is likely to be an adverse environmental effect as a result of the exercise of this consent, which was unforeseen when the consent was granted;
 - b) Monitoring of the exercise of the consent has revealed that there is or is likely to be an adverse environmental effect; or
 - c) There has been a change in the circumstances and the conditions of consent are no longer appropriate in terms of the purpose of the Act.

Advice Notes:Financial Contributions

1. Development contributions for roading of \$227.83, \$104.18 and \$269.04 (exclusive of goods and services tax) are payable for pursuant to the Council's Policy on Development and Financial Contributions contained in the Long Term Council Community Plan. Payment is due upon the 20th month following the issue of the invoice for this consent.

General

2. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
3. Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
4. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
5. This is a resource consent. Please contact the Council's Building Services Department, about any building consent requirements for the work.

Issued at Central Otago on [Day and Month] [Year]

«LPOFFICER»
[Position]

Appendix One: Approved Plan/s for RC230358 (scanned image(s), not to scale)



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Our Ref: A5189

Date 24/4/2023

Central Otago District Council
P O Box 122
ALEXANDRA 9320

Attention: Planning Officer

Dear Sir/Madam

**Re: Application for Retailing (Food Cart) & Off Site Signage – Amber-Lee Kahukura-McGinnis
7 Harvey Street , Omakau**

1. On behalf of our client, we hereby apply for the above consents, in accordance with the attached application.
2. Evidence of payment of the \$ 750 application fee is enclosed .

Notification

3. Sec 95A RMA91 (Public Notification)

- Step 1:** None of the criteria for mandatory public notification apply.
Step 2: Public Notification is not precluded.
Step 3: Any adverse effects on the environment are not more than minor and public notification is not therefore required.
Step 4: There are no special circumstances that would warrant public notification.

4. Sec 95B (Limited Notification)

- Step 1:** There are no protected customary rights and the site is not subject to a statutory acknowledgement.
Step 2: Limited notification is not precluded.
Step 3: There are no adversely affected persons and limited notification is not required .
Step 4: There are no special circumstances that would warrant limited notification .

DUNEDIN:
P.O. Box 5933.
Dunedin 9058.
T 03 477 3245

CHRISTCHURCH:
P.O.Box 160094.
Christchurch 8441.
T 03 928 1533

ALEXANDRA:
P.O. Box 103,
Alexandra 9340.
T 03 448 8775

CROMWELL:
P.O. Box 84.
Cromwell 9342.
T 03 445 1826

QUEENSTOWN:
P.O. Box 2645.
Queenstown 9349.
T 03 441 4715

WANAKA:
P.O. Box 283.
Wanaka 9305.
T 03 443 0110

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Yours faithfully

A handwritten signature in blue ink, appearing to read 'P L Dymock', written in a cursive style.

PETER L DYMOCK
SENIOR PLANNER

APPLICATION FOR RESOURCE CONSENT

OR FAST TRACK RESOURCE CONSENT

FORM 9: SECTION 88 RESOURCE MANAGEMENT ACT 1991



1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

+64 3 440 0056
info@codc.govt.nz
www.codc.govt.nz

Email to: resource.consent@codc.govt.nz

Post to: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340

CONTACT DETAILS OF APPLICATION

Full name(s) and contact details of owner/occupier/applicant: *(name will be issued on the decision)*

Amber-Lee Kahukura-McGinnis

7 Harvey Street, Omakau

Postal Address

chuckie_3278@hotmail.com

(027) 484 7537

Email

Phone

Full name(s) and contact details for service of application *(if different from above)* e.g. Agent:

Paterson Pitts Limited Partnership, P O Box 103, Alexandra 9340

peter.dymock@ppgroup.co.nz

(0274) 377 910

Email

Phone

DETAILS OF PROPERTY

Street address/rapid number of property to which this application relates:

7 Harvey Street, Omakau

Legal description of land:

Part Section 6 Block I Tiger Hill Survey District (RT OT185/115)

DETAILS OF APPLICATION

Application Type(s) applying for: *(please tick one)*

- ☒ Land use consent
- ☐ Subdivision consent
- ☐ Change/Cancellation of consent or consent notice conditions
- ☐ Extension of lapse period of consent (time extension) s125
- ☐ Certificate of compliance
- ☐ Existing use certificate

Description of proposal:

- **Discretionary Application for Retailing (food trailer) in a Residential Resource Area.**
- **Restricted Discretionary Consent for Signage.**

- ☐ No additional resource consents are needed for the proposed activity.

Under section 87AAC a controlled activity or deemed permitted boundary activity may be eligible for fast-track processing. Please select one:

I opt out ☐ / I do not opt out ☐ of the fast-track consent process.

PAYMENT DETAILS

I confirm amount and date paid:

Reference used (if applicable):

- ☒ Bank Transfer to 020916 0081744 00 (BNZ Alexandra Branch). Please reference payment the with the debtor number on your invoice or RC and the applicant surname in the payment details e.g. RCSMITH
- ☐ Cheque payable to Central Otago District Council
- ☐ Manual payment (can only be made once application lodged and RC reference number issued)
- ☐ **Invoicing Details:**

If you require the invoices to be sent to someone other than the nominated contact person, please state their name and email address:

c/- **Amber-Lee Kahukura**

chuckie_3278@hotmail.com

Development Contribution Requirements:

Some applications require Development Contributions.

If it is assessed that your application requires development contributions any invoices or correspondence relating to these will be sent via email.

Preferred name and email address for Development contributions correspondence & invoicing:

As above

APPLICATION CHECKLIST

The following is attached to this application:

(please tick boxes as appropriate)

- ☒ *Application fee of the prescribed amount (an additional charge may also be payable where the initial application fee is inadequate to recover Council costs).
- ☒ Assessment of the Effects on the Environment (AEE).
- ☒ *Copy of current Certificate of Title.
- ☒ *A location plan.
- ☒ *A site plan which shows the location of any buildings, driveways, parking areas or other significant features in relation to site boundaries. (Please ensure the paper size is either A4 or A3.)
- ☒ Any other information required by the District Plan or Act or regulations to be included.

**Items with a star are required for all consent applications.*

Full details relating to the contents of applications are contained in the checklists and guidance notes available on Councils website www.codc.govt.nz or from any Council office.

Note to applicant:

You may apply for two or more resource consents that are needed for the same activity on the same form.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991 (if any).

I/We attach, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

I/We attach any information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under the Act.

(List all documents that you are attaching)

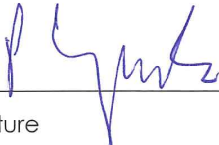
See attached AEE

Subdivision consent requirements

As/if this is an application for a subdivision consent, I/We attach information that is sufficient to adequately define: *(delete if this is not an application for a subdivision consent)*

- (a) The position of all new boundaries; and
- (b) the areas of all new allotments; and *(delete if the subdivision involves a cross-lease. Company lease or unit plan)*
- (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips; and
- (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips; and
- (e) the locations and areas of land below mean high water springs of the sea, or of any part of the bed of a river or lake, to be vested in the Crown or local authority under section 237A of the Resource Management Act 1991; and
- (f) the locations and area of land to be set aside as new roads.

As this is an application for a resource consent for reclamation, I/We attach information to show the area proposed to be reclaimed, including its location, the position of all new boundaries, and the portion of that area (if any) to be set apart as an esplanade reserve or esplanade strip. *(delete if this is not an application for a resource consent for reclamation)*



Signature

24 November 2023

Date

(to be signed by applicant or person authorised to sign on behalf of applicant)

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0800 PPGROUP

**AMBER-LEE KAHUKURA-McGINNIS**

ASSESSMENT OF ENVIRONMENTAL EFFECTS

Application for Retailing (Food Trailer) and Off-
Property Signage

7 Harvey Street, Omakau

DUNEDIN:P.O. Box 5933,
Dunedin 9058.**T** 03 477 3245**CHRISTCHURCH:**P.O. Box 160094,
Christchurch 8441.**T** 03 928 1533**ALEXANDRA:**P.O. Box 103,
Alexandra 9340.**T** 03 448 8775**CROMWELL:**P.O. Box 84,
Cromwell 9342.**T** 03 445 1826**QUEENSTOWN:**P.O. Box 2645,
Queenstown 9349.**T** 03 441 4715**WANAKA:**P.O. Box 283,
Wanaka 9305.**T** 03 443 0110

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Job No: A5189
Date: 23 November 2023

Prepared For: Amber-Lee Kahukura-McGinnis

Prepared By:
Peter Dymock
Senior Planner Bsc, DipMgt, MNZIS, RP Surv

Paterson Pitts Limited Partnership (Alexandra Office)
8 Skird Street
Alexandra
Telephone +64 3 448 8775
Email: cromwell@ppgroup.co.nz
Web: www.ppgroup.co.nz

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APPENDICES

- A - Location Plan
- B - Record of Title
- C - Planning Maps
- D - Site Plans and Photos

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1.0 Background to the Application

The applicant has ascertained a gap in the food market in Omakau and wishes to provide an option for shearing contract workers, local farm workers, locals and rail trail users who require good , traditional convenience food to be available for purchase earlier in the morning and later in the evening. The applicant intends to satisfy this market using a food trailer located within the property she owns.

2.0 The Site

2.1 Location

7 Harvey Street, Omakau. See attached location plan at **Appendix A**. the plan also shows the location of the proposed off-site sign .

2.2 Legal Description

Part Section 6 Block I Tiger Hills Survey District (984m²) owned in fee simple under Record of Title OT185/115 by the applicant and Tai Peter Teo Marahi Jnr Ngataki. A copy of the title is attached at **Appendix B**.

2.3 Zoning

The site is within the Residential Resource Area in the Operative District Plan.

The site is proposed to be zoned Low Density Residential under PC 19 as notified. See Map 24 and PC 19 Zoning Map at **Appendix C**.

2.4 Site Description & General Receiving Environment

The site is the old Bank of New Zealand building and bank managers' attached dwelling, in which the Applicant resides.



Fig 1. View of site

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Despite being partly within the Residential Resource Area, the streetscape of Harvey Street between the SH85 intersection and the Central Otago Road Trail presents a more commercial nature, it being the main commercial precinct of Omakau in past times. The buildings are almost all repurposed former commercial buildings with zero street frontages, some with verandas over the footpath typical of commercial buildings.

This application for a commercial (retail) activity needs to be assessed against this receiving environment.



Fig 2. View of Harvey Street from site to SH 85.

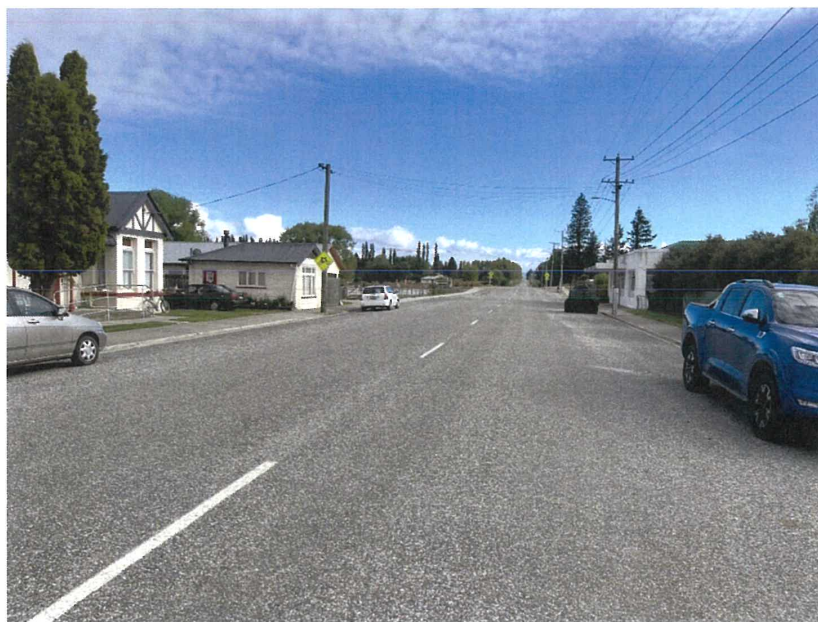


Fig 3. View of Harvey Street from site to Rail Trail

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3.0 The Proposal

Please refer to the following documentation at **Appendix D**.

- Photos (x 7) of proposed food truck (or similar)
- Aerial photo site plan
- Scaled sketch site plan
- Close-up photo of site of food cart and outdoor seating area
- Photo of proposed on-site "flag" sign (similar to)
- Photo of proposed off-site sign (similar to)

It is proposed to permanently locate a 3m x 2m food trailer within the site as shown in the plans and photos in **Appendix D**.

Food to be retailed from the trailer includes fish and chips, burgers, sandwiches, crisps, coffee, milkshakes, other non-alcoholic beverages (eg. Soft drinks), ice-creams etc.

All food will be prepared on-site (i.e in the trailer). There will be an associated outdoor seating area (with shade) and provision for bike parking as shown on the plans.

The hours of operation will be 5am – 12pm, then re-opening 4pm – 9pm, 7 days per week. The hours of opening are targeted at the customer base the trailer is aiming to service, which are generally outside the hours serviced by existing food outlets in Omakau.

A "flag" sign of 0.5m², similar to the one illustrated in **Appendix D** will be located in the N.E corner of the site.

A small freestanding sign, less than 0.5m² and similar to the one illustrated in **Appendix D** will be located in the legal road reserve of Harvey Street, close to the Rail Trail corridor in a similar situation to the existing "Muddy Creek Café" sign.

Both signs will be removed when the food trailer is not open for business.

4.0 Assessment of Environmental Effects

The purpose of the proposal is to cater for a market not well provided for by the existing food outlets in Omakau, in particular for workers, locals and rail trail users requiring nourishing convenience food, early and later in the day.

The applicant estimates the peak usage to be an absolute maximum of 20 – 30 customers per hour generating a requirement for short stay carparking (say 10 – 30 minutes) of 10 carparks at the absolute maximum at any one time. There are at least 20 carparks available in Harvey Street between the site and the Rail Trail, which are currently virtually unused. There is ample room on the site for short-term bike parking.

Given that Harvey Street already is of a largely commercial appearance and nature (including an existing café), it is considered that the proposal is compatible with this receiving environment and there will be no adverse effects on the immediate vicinity.

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5.0 District Plan Matters

5.1 Rules

The application requires consent in terms of the following rules :

7.3.6(i)(b)	retailing of goods and services
7.3.6(ii)	landuse activity not associated with a resided activity
7.3.4(i)	breach of the above rules <u>discretionary activity</u>
7.3.6(vi)(a) & 7.3.3(ii)	sign not located on the site to which it refers to <u>restricted discretionary activity</u>

Overall, in accordance with the “bundling” principle, overall the application is for a discretionary activity.

5.2 Assessment Matters

Council has restricted the exercise of its discretionary with regard to a breach of signage rule 7.3.6(vi) to the following matters :

1. *The effect on amenity values of neighbouring properties in particular access to sunlight, maintenance of privacy, and the adverse effects of noise.*
2. *The effect on the natural character of water bodies and their margins.*
3. *The effect on amenity values of the neighbourhood in particular the character of the streetscape.*
4. *The effect on the safe and efficient operation of the roading network.*
5. *The effect on the heritage values of the site or area, with particular regard to any heritage buildings and / or archaeological values on or adjoining the site.*
6. *The effect on infrastructure.*
7. *The effect on the safety of neighbours.*
8. *The effect on the amenity of persons nearby as a consequence of noise generated by activities on the Stage highway network in the event that Rule 7.3.6(xii) is breached.*

- Items 2, 5, 6, 7 and 8 are not relevant to this application.
- With regards to Item 1, the off-site sign is small and not close to any neighbouring occupied properties.
- With regards to Items (3), the sign is compatible with the generally commercial appearance of the streetscape of Harvey Street. It is noted that there is an existing similar sign, presumably already consented, located on the same part of Harvey Street. The sign will not be permanently erected , being only in place during the operation of the food trailer. The sign is small, unobtrusive and will not be illuminated, reflective or animated.
- With regard to Item (4), there is ample on-street parking for the absolute maximum expected peak demand for car-parking and ample off-street parking for bikes within the site itself.

There are no specific assessment matters in the District Plan for the breach of Rules 7.3.6(i)(b) and (ii).

5.3 Objectives and Policies

5.3.1 Operative District Plan

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The following are relevant to this application :

- *Obj 7.1.1 Maintenance of Residential Character*
- *Obj 7.1.2 Protection of Living Environment*
- *Pol 7.2.1 Maintenance of Residential Character including avoiding remedying and mitigating :*
 - (a) Excessive noise*
 - (b) Generation of traffic (in particular heavy vehicles) and demand for parking*
 - (c) Structures at street frontages not complementing the character and scale of development in the neighbourhood*
 - (d) Reduction in privacy, access to daylight and sunlight*
 - (e) Reduction in visual amenity due to excessive signage and hand stand areas*
 - (f) Generation of odour, dust, wastes and hazardous goods and substances*
 - (g) Use and / or storage of hazardous goods and substances*
 - (h) Loss of amenity, security and companionship caused by non-residential activities*
- *Pol 7.2.2 Preservation of Amenity Values of Residential Sites.*

I respond to these matters as follows :

- There will be no excessive noise generation
- Ample parking is available on Harvey Street
- Existing structures fronting Harvey Street in the vicinity of the site are of a commercial nature, which the proposal is compatible with
- There will be no reduction in privacy, access to day light and sunlight on the adjoining 9 Harvey Street, as the proposed trailer is well within the minimum yard and height recession plane of the residential resource area
- The signage is low key and expected in this environment and will be removed when not in use. The sign provides for the needs and convenience users of the Rail Trail . There will be no additional hand stand constructed
- There will be no generation of odour, dust, waste and hazardous goods, or substances and no use of hazardous substances
- The activity is compatible with the receiving environment and the only adjoining residential owners (9 Harvey Street) is not opposed to the development – see paragraph (7) below.

5 Harvey Street is completely shielded from the development by the intervening bank building.

In conclusion, the proposal is not inconsistent with the Plan's policies and objectives.

5.3.2 PC 19

At the time of application, the decisions on PC 19 had not been released, therefore the rules have no legal effect and the objectives and policies have limited weight in Council's consideration of the application.

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The objectives and policies of PC 19 for the Low Density Residential Zone are similar to those of the Operative District Plan. However, non-residential activity is specifically provided for under LRZ-P5, subject to the following :

1. Any adverse effect of the activity, including noise, do not compromise the anticipated amenity of the surrounding area; and
 2. The nature, scale and intensity of the activity is compatible with the anticipated character and qualities of the zone and surrounding area; and
 3. The activity is of a nature and scale that meet the needs of the local community and does not undermine the viability of the Business Resource Areas; and
 4. The surrounding area retains a predominance of residential activities, and for adjoining properties, a sense of amenity, security and companionship is maintained;
 5. Any parking and vehicle manoeuvring provided on-site is appropriately designed; and
 6. Road safety and efficiency is maintained.
- Item 1, 2, 4, 5 and 6 have been addressed in Sec 5.3. 1 above.
 - With regard to Item 3, the proposal is a small-scale commercial activity that caters for a community need and will add to the viability of the adjacent Omakau Business Resource Area.

6.0 Other Statutory Matters (Sec 104 RMA91)

6.1 Pt II RMA91

The District Plan's provisions regarding development in the Residential Resource Area have been prepared with regard to Pt II and no further consideration of Pt II is required.

6.2 National Policy Statements (NPS)

There are no relevant National Policy Statements.

6.3 National Environmental Standards (NES)

There are no relevant National Environmental Standards.

6.4 Regional Plans

The District Plan's provisions are comprehensive and complete as regards development in the Residential Resource Area, therefore consideration of higher order planning instruments is not required.

6.5 Iwi Natural Resource Management Plans

There is nothing in my Iwi Management Plan covering the site of any specific relevance to this application.

7.0 Consultation and Affected Persons

The applicant has consulted with the owner of 9 Harvey Street, James Cliff Kahukura, who is the applicant's uncle. Mr Kahukura advised the applicant he was not opposed to the proposed development.

It is considered that there are no other persons adversely affected by the proposed development.

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8.0 Permitted Activities

There are no permitted activities of any relevance to the application.

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Appendix 'A'
Location Plan



Map Prepared		Location Plan	DISCLAIMER: This map/plan is illustrative only and all information should be independently verified on site before taking any action. Whilst due care has been taken, Grip gives no warranty as to the accuracy and plan completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.
P L Dymock			SOURCES: Property & Imagery: LINZ CC BY 4.0
1:2000 @ A4			November 6, 2023

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Appendix 'B'
Record of Title



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier **OT185/115**

Land Registration District **Otago**

Date Issued 25 July 1918

Prior References

OT178/54

Estate Fee Simple
Area 984 square metres more or less
Legal Description Part Section 6 Block I Tiger Hill Survey
District

Registered Owners

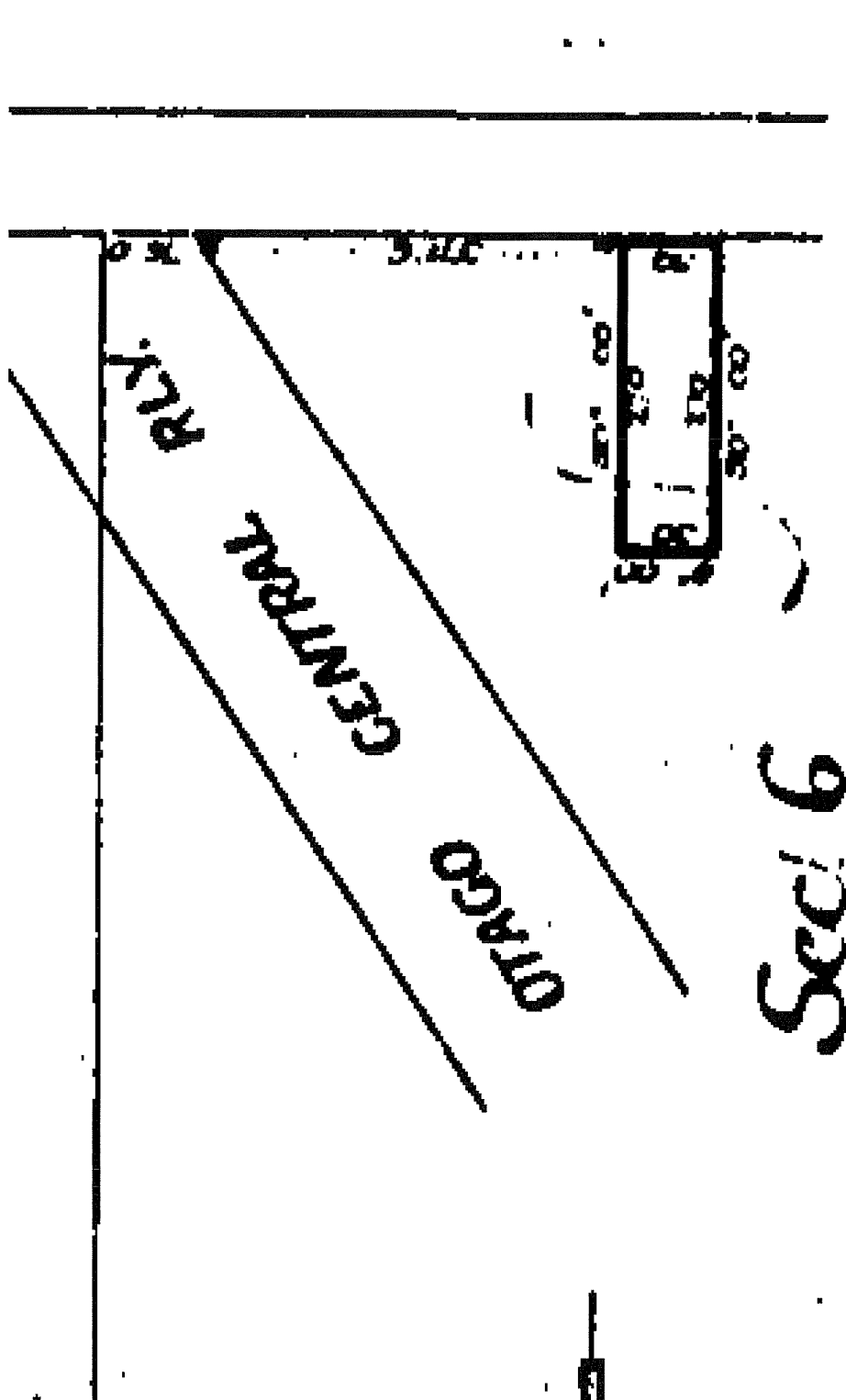
Amber-Lee Kahukura-McGinnis and Tai Peter Teo Marahi Jnr Ngataki

Interests

12523289.3 Mortgage to Westpac New Zealand Limited - 5.8.2022 at 5:06 pm

Identifier

OT185/115

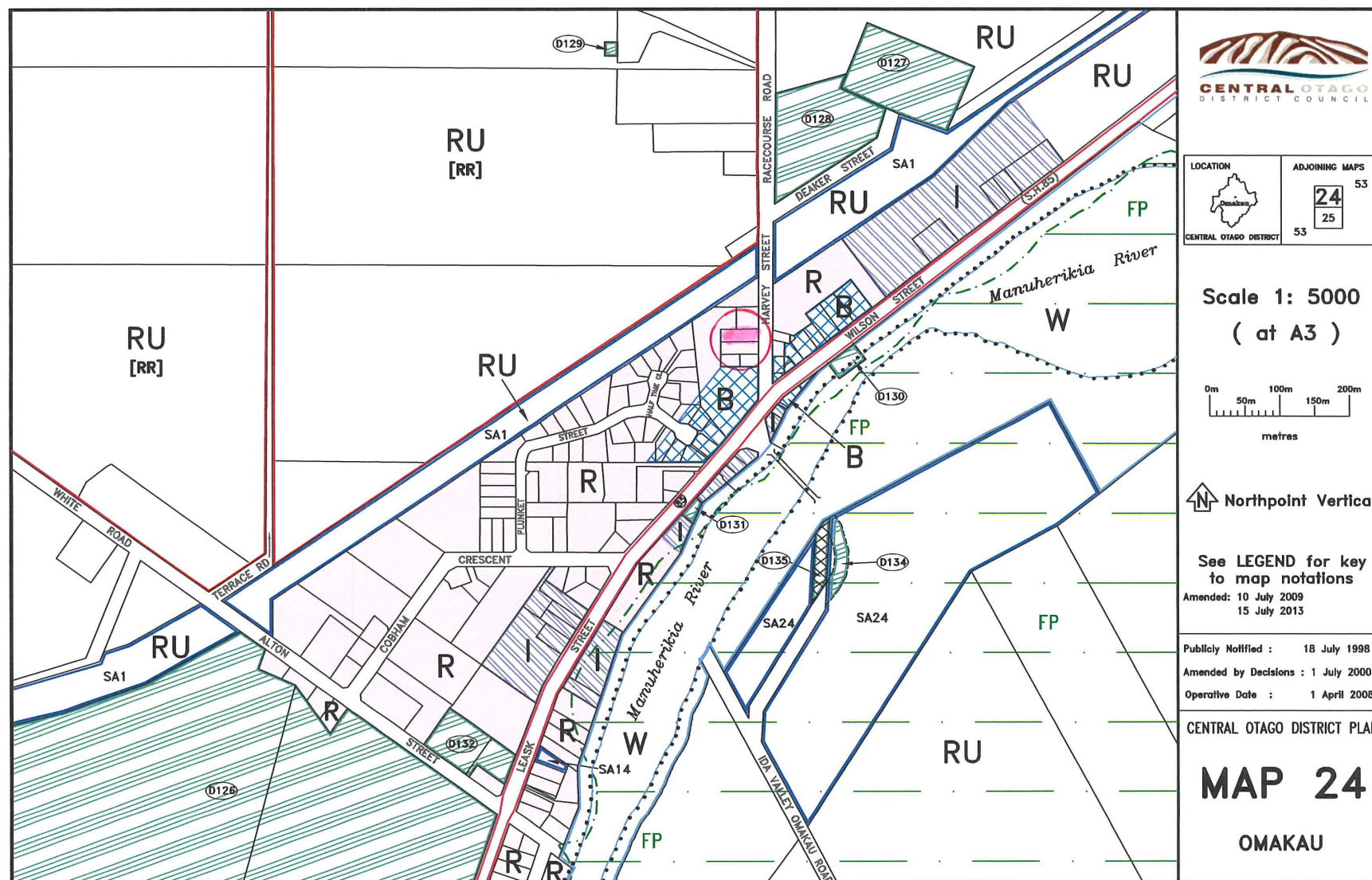


Transaction ID 1969201
Client Reference A5189 Kahukara

Search Copy Dated 06/11/23 8:30 am, Page 2 of 2
Register Only

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Appendix 'C'
Planning Maps



PC19 Zoning

Created Date: 23/11/2023
 Created Time: 10:02 AM
 Created By: anonymous



Scale: 1:2898
 Original Sheet Size A4
 Projection: NZTM2000

Bounds: 1332269,55783181,5000671,30775308
 1332805,47639699,5001337,56416672

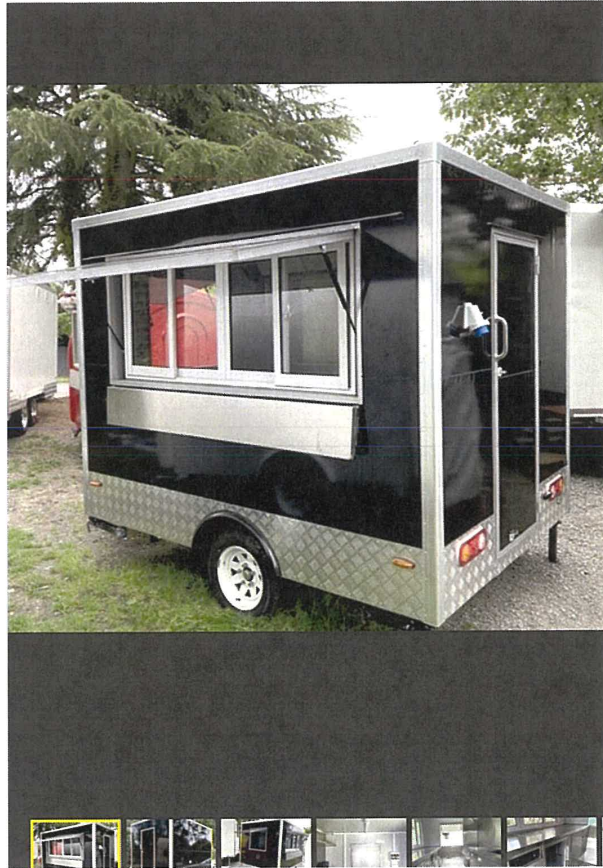
The information displayed in the Geographic Information System (GIS) has been taken from Central Otago District Council's (CODC) databases and maps.
 Digital map data sourced from Land Information New Zealand (LINZ).
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It is made available in good faith but its accuracy or completeness is not guaranteed. CODC accepts no responsibility for incomplete or inaccurate information.
 If the information is relied on in support of a resource consent it should be verified independently.

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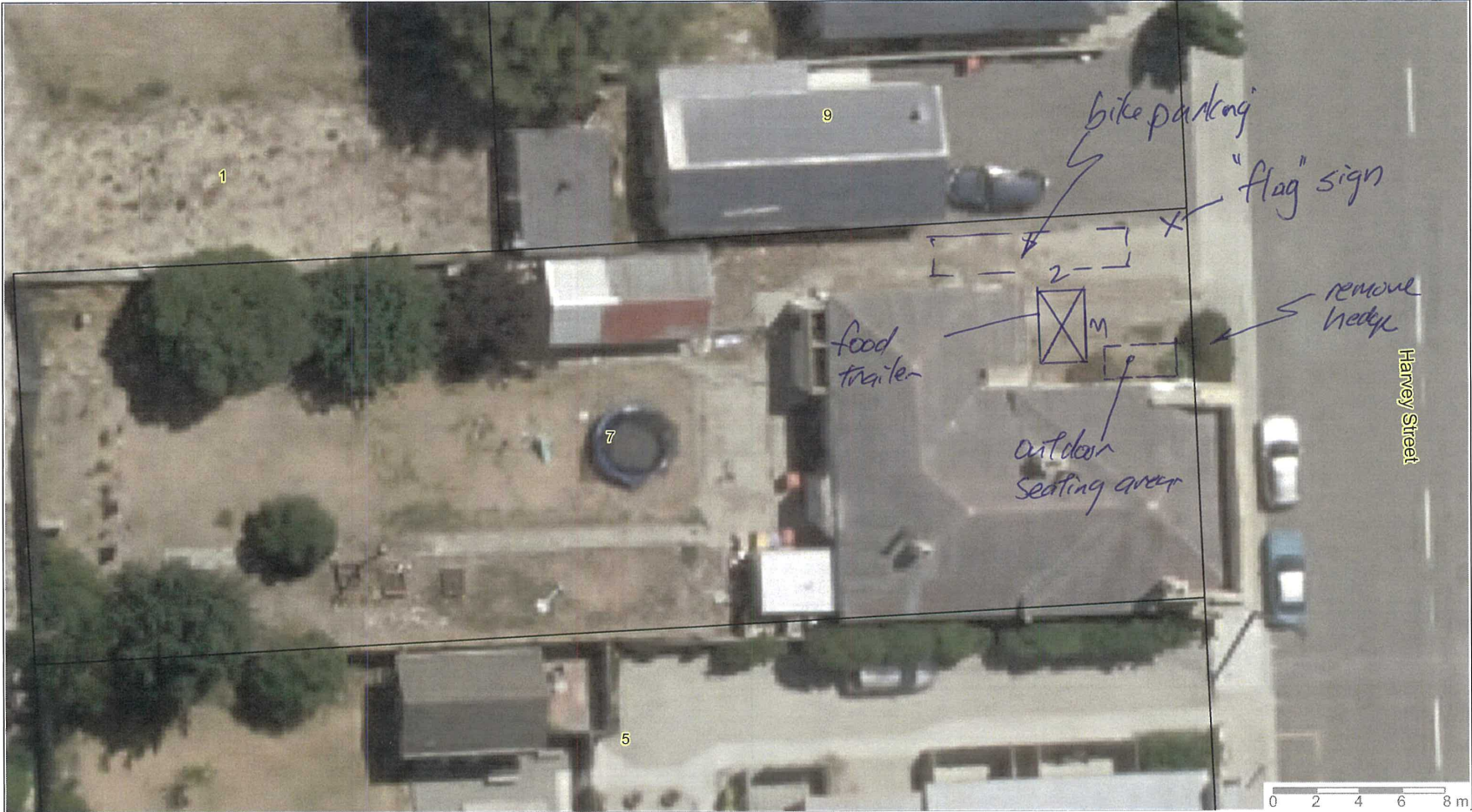
Appendix 'D'

Site Plans & Photos





Created Date: 23/11/2023
Created Time: 9:26 AM
Created By: anonymous



Scale: 1:250
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Projection: NZTM2000
Bounds: 1332546,19024157,5001021,09503686
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The information displayed in the Geographic Information System (GIS) has been taken from Central Otago District Council's (CODC) databases and maps.
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It is made available in good faith but its accuracy or completeness is not guaranteed. CODC accepts no responsibility for incomplete or inaccurate information.
If the information is relied on in support of a resource consent it should be verified independently.

Scale 1:50

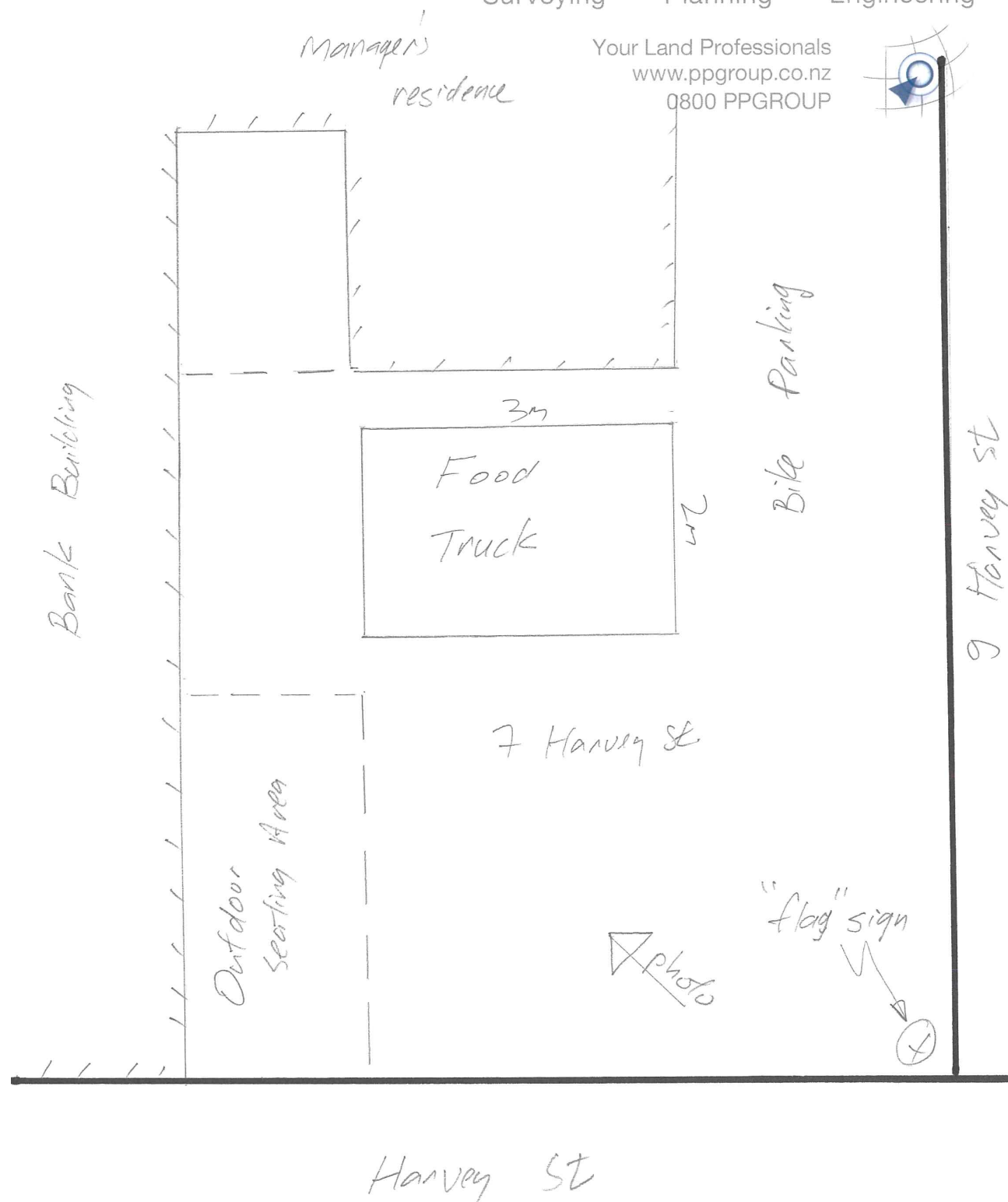
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**CENTRAL OTAGO DISTRICT COUNCIL
S95A-F DECISION FOR RC230358
7 Harvey Street, Omakau**

INTRODUCTION

The application seeks Land use consent for retailing (Food Cart) and Off Site Signage at 7 Harvey Street, Omakau.

The site is legally described as Part Section 6 Block I Tiger Hills Survey District (984m²) owned in fee simple under Record of Title OT185/115.

The site is within the Residential Resource Area in the Operative District Plan, in close proximity to the Business Resource Area to the south. The site is proposed to be zoned Low Density Residential under PC 19 as notified.

Historically the site has been formerly used for commercial (bank) purposes and an associated manager's residence, in which the applicant currently resides.



Figure 1: Aerial location plan with District Plan overlaid.



Figure 2: The site viewed from Harvey Street (Source: Application)

The Proposed Activity

The application seeks consent to permanently locate a 3m x 2m food trailer within the site as shown in the plans and photos in Appendix D of the application (reproduced below).



Figure 3: The food trailer (Source: Application, Appendix D)



Figure 4: Extract of proposed site plan (Source: Application, Appendix D)

Food to be retailed from the trailer includes fish and chips, burgers, sandwiches, crisps, coffee, milkshakes, other non-alcoholic beverages (eg. Soft drinks), ice-creams etc. All food will be prepared on-site (i.e in the trailer). There will be an associated outdoor seating area (with shade) and provision for bike parking as shown on the plans.

The hours of operation will be 5am - 12pm, then re-opening 4pm - 9pm, 7 days per week.

A "flag" sign of 0.5m², similar to the one illustrated in Appendix D of the application will be located in the N.E corner of the site.

A small freestanding sign, less than 0.5m² and similar to the one illustrated in Appendix D is proposed to be located in the legal road reserve of Harvey Street, close to the Rail Trail corridor in a similar situation to the existing "Muddy Creek Café" sign.

Both signs will be removed when the food trailer is not open for business.



Figure 5: Extracts of example signage provided in Appendix D of the application.

Activity Status

The application requires consent for a discretionary activity in terms of Rule 7.3.4(i) for breaches of the following standards:

- 7.3.6(i) Traffic Generation and Characteristics of Activities
(b) No activity shall involve the retailing of goods and services except as provided for by the definition of home occupation and in association with temporary activities as defined.
- 7.3.6(ii) Sense of Amenity, Security and Companionship
All land use activities shall be associated with the use of the site for residential purposes unless that activity is provided for in terms of Rules 7.3.1.ii or 7.3.2.v landuse activity not associated with a resided activity

The application requires consent for a non-complying activity in terms of Rule 12.7.5(iii) as the proposed sandwich board is not located on the subject site and is defined as a *hoarding*, which are a non-complying activity throughout the District.

SECTION 95A NOTIFICATION**Step 1 – Mandatory public notification**

Public notification has not been requested. (s95A(3)(a)).

There has been no failure or refusal to provide further information or the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b)).

The application does not involve the exchange of recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2 – Public notification precluded

There are no rules or national environmental standards precluding public notification (s95A(5)(a)).

The proposal is not exclusively for controlled activities and/or boundary activities (s95A(5)(b)).

Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

The application is not for a resource consent for one or more activities, where those activities are subject to a rule or national environmental standard that requires public notification (s95A(8)(a)).

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment under s95D is therefore made below.

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)**MANDATORY EXCLUSIONS FROM ASSESSMENT (S95D)**

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b)) (the permitted baseline, refer to section below).*

- C: *In the case of a restricted discretionary activity, any adverse effect that does not relate to a matter for which a rule or national environmental standard has restricted discretion (s95D(c)).*
- D: *Trade competition and the effects of trade competition (s95D(d)).*
- E: *Adverse effects on any parties who have provided written approval must be disregarded (s95D(e)).*

PERMITTED BASELINE (S95D(B))

Under Section 95D(b) of the RMA, an adverse effect of the activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful. In this case, there are no activities that offer a reasonable comparison to the proposal under the Central Otago District Plan and there is no permitted baseline to be applied.

ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Residential Character and Amenity

Despite the site's residential zoning, the presence of the former bank building gives it an obvious commercial character. This is consistent with the general character of this part of Harvey Street, which has a clearly commercial leaning character by virtue of its historically commercial buildings and the existing 'main street' businesses along Leask Street. In this context I do not consider the proposed small-scale retail operation will be inappropriate or have a significant adverse effect on the character of the site and surrounding area.

Notwithstanding, I note that the nature of the activity is likely to introduce potential nuisance and amenity effects to the site that are not anticipated by its residential zoning. Noting the scale of the activity, I anticipate that such effects will be no more than minor and unlikely to extend beyond immediate neighbours.

Parking and Access

The applicant has proposed to provide an area for on-site bike parking, however, no customer car parking will be provided on-site. In this respect the applicant opines that there is ample on-street parking available.

I note that, were the activity located within the adjoining Business Resource Area then a retail activity of this scale would not be required to provide on-site parking. Notwithstanding that the site is located in the Residential Resource Area I consider it to be located within a part of Leask Street that does have a somewhat commercial character and which has a street that has been designed in a manner that is consistent with commercial areas and which has parallel parking bays located on either side of the road. It has been my observation that these parking bays are not heavily used and this is unsurprising given their location at the periphery of the commercial area.

Given the site's proximity to the Central Otago Rail Trail and the popularity of Omakau as a stopping point along this route I anticipate that the proposed activity will attract a significant proportion of its patrons from the Rail Trail. Failure to provide adequate bicycle facilities on site could very likely lead to issues relating to the footpath becoming cluttered and obstructed by bicycles. In this context, I consider the applicant's proposal to provide an onsite parking area for bicycles to be entirely appropriate.

In all circumstances, I anticipate the proposal will have some adverse effects with respect to parking and the safety and efficiency of the road network, however, such effects are unlikely to be more than minor and will be relatively localised to the immediate vicinity of the site.

Economic and Social Effects

'Out of zone' retail development, such as that proposed by this application has the potential to shift retail activity away from existing centres and disperse the amount of foot traffic and potential customer interest within business areas. The potential adverse effect that sporadic growth can have on the character and sustainable management of these areas is outlined in Issue 6.2.7 of the District Plan. In turn this also threatens to directly undermine District Plan Objective 8.1.1, which seeks to maintain the business areas of the District's urban areas as focal points for the community.

In this particular instance, I note that there are some mitigating factors with respect to the small scale of the activity, the existing commercial character of the site and its close proximity on a cross street to the central business area of Omakau. In this respect I note that the proposal is neither stretching activity away down a long commercial street nor locating activity away in an isolated spot and may in fact bring some positive effects in terms of increased interest and foot traffic to the businesses located close by within the Business Resource Area.

In all circumstances, I anticipate that any adverse social or commercial effects of the proposed activity will be less than minor.

Effects on Infrastructure

Very little detail has been provided with the application in respect to servicing and at the time of writing this report advice from Council's engineering department is yet to be received. In my experience it is unlikely that the proposal will give rise to any significant concerns in respect to servicing that can not be readily addressed by conditions of consent. I anticipate that some further information may be requested of the applicant with respect to their proposed servicing arrangements once the Engineers have reviewed the application, however, I do not anticipate that such information will be of consequence to any notifiable parties and therefore I do not anticipate this will lead to any procedural issues in the event that the application is notified prior to this information being requested or received.

Signage

The application details a flag 'open' sign to be erected on the site. No other on-site signage has been detailed. A sandwich board style sign is proposed to be placed in the legal road reserve of Harvey Street, close to the Rail Trail corridor, in a similar situation to that of the "Muddy Creek Café" sign currently being placed in this area. The District Plan generally defines any sign not located on the site to which it relates as a 'hoarding' which are a non-complying activity throughout the district. Council's roading policy contains some provision for sandwich boards and similar signs within sidewalks, however this applies only where the sign is located in Road Reserve immediately adjoining the site. It is unclear whether the existing Muddy Creek Café sign has consent and this has been raised with Council's Monitoring Team.

Rule 12.7.5(iii) provides the following reason for the non-complying status of hoardings

Reason

Such signs are erected for purely commercial brand awareness reasons and do not relate to the site to which they are attached. These signs can greatly detract from amenity values.

In this particular instance I consider that the proposed sign is not purely for brand awareness but rather it also acts as a wayfinding sign for Rail Trail users to be alerted of the presence of a food and drink outlet. Notwithstanding this, the sign will be branded and a proliferation of

such signage in this particular location and others like it around the district would be clearly contrary to the intent of the Plan and could lead to undesirable adverse effects on visual amenity as well as potential safety effects in respect to their placement within footpaths and along roads.

Noting the particular circumstances of this case, and accepting that considerations of precedent and plan integrity are a matter for s104 of the Act, I anticipate the proposed signage will result in adverse effects, however, these are unlikely to be more than minor.

DECISION: EFFECTS ON THE ENVIRONMENT (S95A(2))

Overall the proposed activity is not likely to have adverse effects on the wider environment that are more than minor. Therefore, public notification is not required under Step 3.

Step 4 – Public Notification in Special Circumstances

Public notification is required if the consent authority decides such special circumstances exist as to warrant the application being publicly notified (s95(9)(a)).

Current case law has defined ‘special circumstances’ as those “*outside the common run of things which is exceptional, abnormal or unusual, but they may be less than extraordinary or unique.*” The court has also found that special circumstances are deemed to apply where there is likely to be high public interest in the proposal [*Murray v Whakatane DC* [(1997) NZRMA 433 (HC), *Urban Auckland v Auckland Council* [(2015) NZHC 1382, (2015) NZRMA 235].

There is nothing exceptional or unusual about the application that makes public notification desirable in this particular instance. As such, there are no special circumstances that warrant the application being publicly notified.

OVERALL DECISION - S95A NOTIFICATION

Pursuant to 95A(5)(b)(i), public notification is not required as identified in the assessment above.

EFFECTS ON PERSONS

Section 95B(1) requires a decision whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

Step 1: certain affected groups and affected persons must be notified

Limited notification is not required under Step 1 as the proposal does not affect customary rights groups, customary marine title groups nor is it on, adjacent to or may affect land subject to a statutory acknowledgement.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification.

Limited notification is not precluded under Step 2 as the proposal is not exclusively for a controlled land use activity.

Step 3: if not precluded by step 2, certain other affected persons must be notified

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 not required under Step 3 as the proposal falls into the 'any other activity' category and the effects of the proposal on persons are assessed below.

PERMITTED BASELINE (s95E(2)(a))

Under Section 95E(2)(a) of the RMA, an adverse effect of the activity on persons may be disregarded if the plan permits an activity with that effect. The permitted baseline has been established above.

ASSESSMENT: EFFECTS ON PERSONS

The assesses outlined under the section 95A section of this report covers all matters of relevance to this proposal and, for the avoidance of unnecessary repetition, is adopted here. I note that this assessment finds that the proposal meets the 'minor' effects threshold for limited notification respect to

- Residential Character and Amenity,
- Parking and Access, and
- Signage

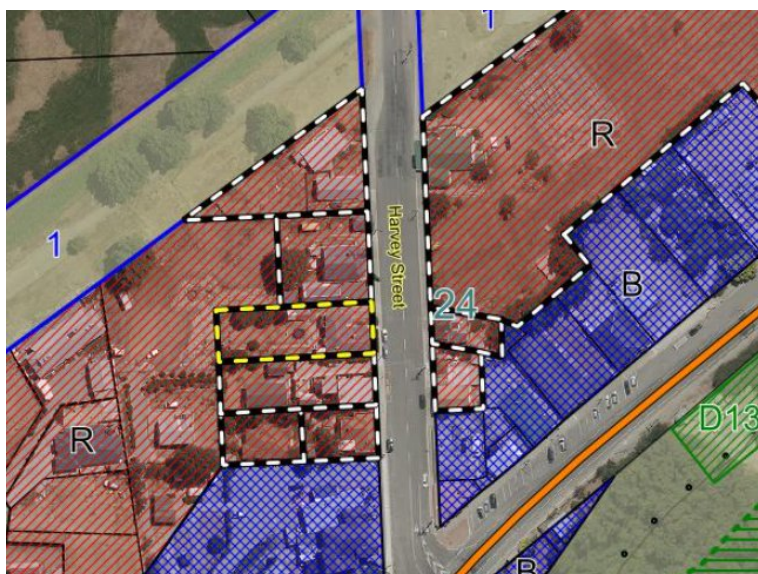
In my opinion, these area to which these 'minor' effects applies is relatively contained and is unlikely to extend beyond the properties identified below as being affected. For the avoidance of any doubt, I do not consider the residential site located to the rear of 7 Harvey Street to be affected. This is due to the fact that the subject site is a deep site (>50m), the proposed retail activity is located within the front of the site and is buffered from the rear by the existing buildings. Given the potential for increased pedestrian traffic, parking and general non-residential activity within Harvey Street I have considered all residential properties located on Harvey Street between the rail trail and Leask Street to be potentially affected to a minor

degree. I have not extended this to include the commercial properties located at the intersection of Harvey Street Leask Street due to a combination of them;

- being less proximate to the site,
- not having the same sensitivity with respect to residential character and amenity values (by virtue of their commercial zoning),
- potential adverse effects relating to trade competition cannot be considered,
- general economic and social effects on the Business Resource Area have been assessed as 'less than minor'.

DECISION: EFFECTS ON PERSONS (s95B(1))

In terms of Section 95E of the RMA, the persons listed in the following map and table are considered affected by this proposal.



Shebikeshebikes Limited		3 Harvey Street, Omakau
Shebikeshebikes Limited		3A Harvey Street, Omakau
Enjaybee Holdings Limited		5 Harvey Street, Omakau
Assie Michael Burt		6 Harvey Street, Omakau
B S T G T Limited		8 Harvey Street, Omakau
Hosking Tony	Hosking Jackie Ruth	14 Harvey Street, Omakau
Tiger Hill Farm Limited		11 Harvey Street, Omakau
Kahukura James Cliff	Tarbet Trustees (2018) Limited	9 Harvey Street, Omakau

OVERALL NOTIFICATION DETERMINATION

Given the decisions made under s95A and s95B, the application is able to be processed on a limited notified basis. It is noted that the determination, as to whether an application should be notified or not, is separate from the issues to be considered in making a decision on the application itself.

Prepared by:



Oli Monthule-McIntosh
Planning Consultant

Date: 12 December 2023

Approved under Delegated Authority by:



Lee Webster
Planning and Regulatory Services Manager

Date: 18 December 2023

Created 16/02/2024

RC 230358



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LOCAL GOVERNMENT ACT 2002 AND RESOURCE MANAGEMENT ACT 1991 DEVELOPMENT/FINANCIAL CONTRIBUTION DEMAND

Application Reference: RC 230358

Name: Amber Lee Kahukura-McGinnis

Site: 7 Harvey Street, Omakau

Description of proposal: Land use consent for retailing (Food Cart) and Off-Site Signage (Hoardings).

This demand has been issued in accordance with Council's Policy on Development and Financial Contributions effective from 1 July 2021.

This demand is an indication of the amount payable by the Applicant should the consent proceed in its current form.

Calculations

Note: A "Household unit equivalent" (HUE) means demand for Council services equivalent to that produced by a nominal household in a standard residential unit. Non-residential activities, such as industrial and commercial, can be converted into HUEs using land use differentials.

All calculation costs are quoted exclusive of GST

1. Water Supply

Asset Contributing Area	Development Contribution per HUE	Financial Contribution per HUE
Omakau	\$9,493.04	

Calculation Notes:

Credit occupied by existing activities. This assessment is of the additional demand.



- The proposed food truck is 3m by 2m and will be assessed as a Retail activity of 6m² gross floor area.
- Retail activities are assessed as generating demand for Water of 0.4HUE per 100m² of gross floor area, as per Table 7 of CODC's D&FC Policy 2021.

$$\text{Demand} = 6\text{m}^2\text{GFA} \times 0.4\text{HUE} / 100\text{m}^2\text{GFA} \\ = 0.024\text{HUE}$$

$$\text{Contribution} = (0.024\text{HUE proposed}) \times \$9,493.04 \\ = \$227.83$$

$$\text{Payment due} = \$227.83 + \text{GST}$$

2. Wastewater

Asset Contributing Area	Development Contribution per HUE	Financial Contribution per HUE
Omakau	\$4,340.87	

Calculation Notes:

- Credit occupied by existing activities. This assessment is of the additional demand.
- The proposed food truck is 3m by 2m and will be assessed as a Retail activity of 6m² gross floor area.
- Retail activities are assessed as generating demand for Wastewater of 0.4HUE per 100m² of gross floor area, as per Table 7 of CODC's D&FC Policy 2021.

$$\text{Demand} = 6\text{m}^2\text{GFA} \times 0.4\text{HUE} / 100\text{m}^2\text{GFA} \\ = 0.024\text{HUE}$$

$$\text{Contribution} = (0.024\text{HUE proposed}) \times \$4,340.87 \\ = \$104.18$$

$$\text{Payment due} = \$104.18 + \text{GST}$$

3. Reserves

Contributing Area	Development Contribution per HUE	Financial Contribution per HUE
District Wide		\$2,069.57

Calculation Notes:

- Credit occupied by existing activities. This assessment is of the additional demand.
- Business activities are assessed as generating nil demand for Reserves.




$$\text{Payment due} = \$\text{Nil}$$



4. Roothing

Asset Contributing Area	Development Contribution per HUE	Financial Contribution per HUE
District Wide	\$1,494.68	

Calculation Notes:

-  Credit occupied by existing activities. This assessment is of the additional demand.
-  The proposed food truck is 3m by 2m and will be assessed as a Retail activity of 6m² gross floor area.
-  Retail activities are assessed as generating demand for Roothing of 3.0HUE per 100m² of gross floor area, as per Table 7 of CODC's D&FC Policy 2021.

$$\text{Demand} = 6\text{m}^2\text{GFA} \times 0.4\text{HUE} / 100\text{m}^2\text{GFA} \\ = 0.18\text{HUE}$$

$$\text{Contribution} = (0.18\text{HUE proposed}) \times \$1,494.68 \\ = \$269.04$$

$$\text{Payment due} = \$269.04 + \text{GST}$$

Summary of Payments Due

Activity	Payment
Water Supply	\$227.83 +GST
Wastewater	\$104.18 +GST
Reserves	\$Nil
Roothing	\$269.04 +GST
Total	\$601.05 +GST

Payment

Development contributions must be paid by the due dates in the table below.

	Payment due date
Building consent	20 th of the month following the issue of the invoice
Certificate of acceptance	At issue of the certificate of acceptance
Resource consent for subdivision	Prior to release of the certificate under section 224(c) of the RMA
Resource consent (other)	20 th of the month following the issue of the invoice
Service connection	At issue of the connection approval



On time payment is important because, until the development contributions have been paid in full, Council may:

- Prevent the commencement of a resource consent.
- Withhold a certificate under section 224(c) of the RMA.
- Withhold a code compliance certificate under section 95 of the Building Act 2004.
- Withhold a service connection to the development.
- Withhold a certificate of acceptance under section 99 of the Building Act 2004.

Where invoices remain unpaid beyond the payment terms set out in the Policy, Council will start debt collection proceedings, which may involve the use of a credit recovery agent. Council may also register the development contribution under the Land Transfer Act 2017, as a charge on the title of the land in respect of which the development contribution was required.

A development contribution may be generated when granting a resource consent, building consent or service connection and a financial contribution may be generated when granting a resource consent. Where one development requires different types of consent and these are processed concurrently, more than one invoice may be generated for the same contribution, however a contribution only needs to be paid once.

If on a subsequent application more detailed information reveals that a proposal will generate more demand than initially assessed a higher contribution may be required. If a payment has been made in the interim a further payment of the balance will be required.

Address for Service

Invoices will be sent to the following address for service:

c/- Amber-Lee Kahukura

chuckle_3278@hotmail.com

If you have any queries or would like to discuss any aspect of this notice please contact:

Dominic Haanen
Environmental Engineer
Email: dominic.haanen@codc.govt.nz



SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

(Form 13)

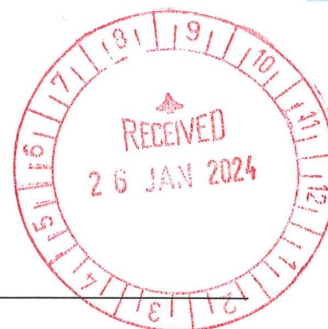
1 Dunorling Street
PO Box 122, Alexandra 9340
New Zealand

03 440 0056

codc.govt.nz
codc.govt.nz

Section 95B (limited) Resource Management Act 1991

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340
resource.consent@codc.govt.nz



DETAILS OF SUBMITTER

Full name: Nikki White

Contact person (if applicable): Nikki

Electronic address for service of submitter: Michael.Nikki.White@extra.co.nz

Telephone: 027 2325493

Postal address (or alternative method of service under [section 352](#) of the Act):

256 White Rd
Omakau

This is a submission on the following resource consent application: RC No: **230358**

Applicant: **Amber Lee Kahukura-McGinnis** Valuation No: **2843107500**

Location of Site: **7 Harvey Street, Omakau**

Submissions Close 13 February 2024

Brief Description of Application: **Land use consent for retailing (Food Cart) and Off-Site Signage (Hoardings)**

The specific parts of the application that my submission relates to are:

(give details, attach on separate page if necessary)

I have 2 houses just up the road



This submission is: (attach on separate page if necessary)

Include:

- whether you support or oppose the specific parts of the application or wish to have them amended; and
- the reasons for your views.

*I fully support the application
there is a lack of this sort of service
in Orakau so it will fill a big hole
in the town*

I/We seek the following decision from the consent authority:

(give precise details, including the general nature of any conditions sought)

I think it should be granted in full

I support/oppose the application OR neither support or oppose (select one)

I wish / do not wish to be heard in support of this submission (select one)

wish

I am/am not* a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991 (select one)

*I/We am/am not (select one) directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) ~~does not relate to trade competition or the effects of trade competition.~~


**Delete this paragraph if you are not a trade competitor.*

~~*I/We will consider presenting a joint case if others make a similar submission~~


**Delete this paragraph if not applicable.*



I ~~request~~/do not request (select one), pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. "See [note 4 below](#) as you may incur costs relating to this request."



Signature



Date

(to be signed by submitter or person authorised to sign on behalf of submitter)

In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.

Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

2. You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.
4. If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you will be liable to meet the additional costs of the hearings commissioner or commissioners, compared to our hearing panel. Typically these costs range from \$3,000 - \$10,000.
5. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious:
 - it discloses no reasonable or relevant case:
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
 - it contains offensive language:

it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.