



# **AGENDA**

## **Hearings Panel Meeting Wednesday, 16 July 2025**

**Date: Wednesday, 16 July 2025**

**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 Wednesday, 16 July 2025 at 9:30 am.

**Order Of Business**

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     25.7.1    RC250059 - NND ADVERTISING LIMITED..... 6





**Members** Independent Commissioner Rosalind Day-Cleavin (Chairperson)

**In Attendance** Tarryn Lines (Minute Secretary)

**1 APOLOGIES**

## **2 REPORTS**

### **25.7.1 RC250059 - NND ADVERTISING LIMITED**

**Doc ID: 2485433**

#### **1. Purpose**

A report to consider a land use consent to extend current hours of operation and food service operations for the Night 'n Day at 62-64 Sunderland Street, Clyde is attached.

#### **2. Attachments**

**Appendix 1 - s42A Planners Report** [↓](#)

**Appendix 2 - s95 Notification Report** [↓](#)

**Appendix 3 - Application** [↓](#)

**Appendix 4 - 01 Submission - Brian & Veronica McLeod** [↓](#)

**Appendix 5 - 02 Submission - Jeremy & Susanne Seaman** [↓](#)

<b>APPLICATION</b>	<b>RC 250059</b>
<b>APPLICANT</b>	<b>NND ADVERTISING LIMITED</b>
<b>ADDRESS</b>	<b>62-64 SUNDERLAND STREET, CLYDE</b>
<b>LEGAL DESCRIPTION</b>	<b>LOT 1 DP 18081 (HELD IN RECORD OF TITLE RECORD OF TITLE OT9A/864).</b>
<b>ACTIVITY DESCRIPTION</b>	<b>LAND USE CONSENT TO EXTEND CURRENT HOURS OF OPERATION FOR NIGHT 'N DAY IN THE MEDIUM DENSITY RESIDENTIAL AREA.</b>
<b>ACTIVITY STATUS</b>	<b>DISCRETIONARY</b>

## BACKGROUND

The subject site at 62–64 Sunderland Street, Clyde has a long-established history of use for retail purposes dating back to at least 1904, operating as a general store and more recently a Four Square supermarket.

While the original building and supermarket use of the site predate Council's current records, there are several resource consents on file for the site, including:

- RC040151 (issued 29 June 2004), which authorised the conversion and extension of the existing building to provide on-site residential accommodation for the shop operators;
- RC080319 (issued 12 September 2008), which authorised a 50m<sup>2</sup> extension to the existing retail activity, including a chiller, office, storage room, and kitchen facilities for compliance with food safety regulations; and
- RC240240 (granted 14 January 2025), which approved external signage alterations associated with the rebranding of the store from Four Square to Night 'n Day. That consent did not authorise any changes to the nature or scale of the underlying retail activity.

The current application, RC250059, has been lodged in response to discussions with Council officers regarding the extent of existing use rights under section 10 of the RMA. Following rebranding to Night 'n Day in November 2024, the store began operating with extended trading hours (6:00 am – 11:00 pm, seven days a week) and expanded its food offerings to include deep-fried takeaway meals prepared on-site.

Council has determined that the scope of this activity—both in terms of trading hours and the shift in character to a hybrid convenience and takeaway food model—exceeds the existing use rights previously associated with the Four Square operation. Accordingly, consent is now sought to authorise these extended hours and the introduction of on-site cooking and takeaway food service.

On 25 March 2025, Council determined to limit notify the application. Notices served on properties located immediately adjoining or opposite the site, that had not provided written approval.

## SITE DESCRIPTION

The subject site is located at 62–64 Sunderland Street, Clyde and is legally described as Lot 1 DP 18081, held in Record of Title OT9A/864. The site comprises approximately 820m<sup>2</sup> and is situated within the Medium Density Residential Zone – Precinct 1 under the Central Otago District Plan (as amended by Plan Change 19). The site is also subject to the Clyde Heritage Precinct overlay.

The site occupies a prominent corner location at the intersection of Sunderland Street (an Urban Arterial Road) and Fraser Street. It contains a single-storey commercial building occupied by the Night 'n Day convenience store. The building has a long-established association with general store retailing, dating back to the early 1900s. A separate residential unit, authorised under RC040151, is located at the rear of the premises.

The building presents a traditional shopfront form consistent with its early 20th-century origins and is visually prominent from both Sunderland and Fraser Streets. Signage upgrades associated with the store's rebranding were recently authorised under RC240240, but no changes were made to the building footprint, external form or its operating parameters.

Although the site is located on the edge of the Clyde Heritage Precinct and slightly removed from the town centre's core commercial cluster, it remains within convenient walking distance of the main retail area.

The surrounding area is predominantly residential in character but features a small mixed-use node including two churches, a community hall, and a motel, all within close walking distance of the site.

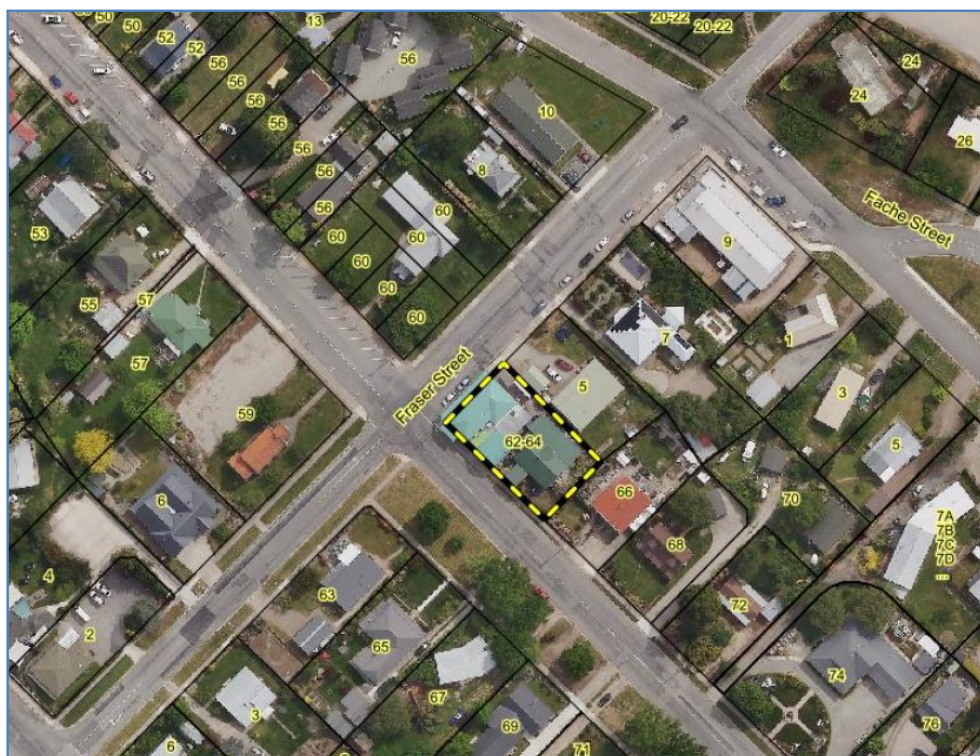


Figure 1 – Aerial location plan.

## DESCRIPTION OF ACTIVITY

Resource consent is sought to formalise and authorise the extended hours and food service operations of the Night 'n Day retail store currently operating on the site. Specifically, the application seeks to:

- Extend the operating hours of the store to 6:00 am to 11:00 pm, seven days per week; and
- Expand the nature of the food offerings to include takeaway meals prepared on-site, including the use of deep-frying equipment within the existing store footprint.

No physical changes to the external built form or layout of the site are proposed. The signage modifications previously undertaken as part of the Night 'n Day rebranding were authorised under separate resource consent (RC240240).

## REASONS FOR APPLICATION

### Central Otago District Plan

The subject site is located within the Medium Density Residential Zone (Precinct 1) of the Central Otago District Plan (the District Plan). The site is also within the Clyde Heritage Precinct.

MRZ-R13 provides for *convenience retail activities* as a discretionary restricted activity and MRZ-R18 stipulates that *large format retailing* is a non-complying activity in the zone.

#### *Convenience retail activities*

*means any retail activity that provides goods required on a day to day basis and which does not exceed 150m<sup>2</sup> in gross floor area.*

#### *Large format retailing*

*Means a retail activity that exceeds 450m<sup>2</sup> in gross floor area, and includes supermarkets.*

The subject activity has a floor area of approximately 250m<sup>2</sup>, and therefore does not fit either of the above definitions. As such, the proposal requires consent under Rule MRZ-R16, which provides for any other activities not listed as a **discretionary activity**.

There are no National Environmental Standards relevant to this application.

## EFFECTS ASSESSMENT

### Affected Persons

The written approval of the person(s) detailed in the table below has been obtained. In accordance with sections 95D(e), 95E(3) and 104(3)(a)(ii) of the Resource Management Act 1991, the Council cannot have regard to the effects of the activity on these persons.

Map Key	Address	Landowner/Occupier
1	60 Sunderland Street, Clyde	Houlton Trust Company Limited (Simon Cronin – Director)
3	10 Fraser Street, Clyde	Central Otago District Council*
4	7 Fraser Street, Clyde	Naylor, Christopher Hugh
5	5 Fraser Street, Clyde	Sutherland, Brett William & Sutherland, Gayleen Isabel
6	66 Sunderland Street, Clyde	Hall, Gavin Francis &

	Clyde	Hall, Donna-Maree Lesley
7	69 Sunderland Street, Clyde	Johnston, Ben Charles & Johnston, Patricia Mary
9	65 Sunderland Street, Clyde	Seaman, James Joseph & Seaman, Rosslyn Patricia
11	59 Sunderland Street, Clyde	Roman Catholic Bishop of the Diocese of Dunedin

A separate decision to limit notify the application was made on 25 March 2025. The application was notified to the following parties:

1	60 Sunderland Street, Clyde	Otago Foundation Trust Board
2	8 Fraser Street, Clyde	Seaman, Jeremy Lee Sangster Seaman, Susanne
8	67 Sunderland Street, Clyde	Kelly, Allan Peter & Kelly, Donna Kathryn
10	63 Sunderland Street, Clyde	McLeod, Brian John & McLeod, Veronica Joan

The below map illustrates the parties who have provided written approval in green and the parties that were notified in orange.

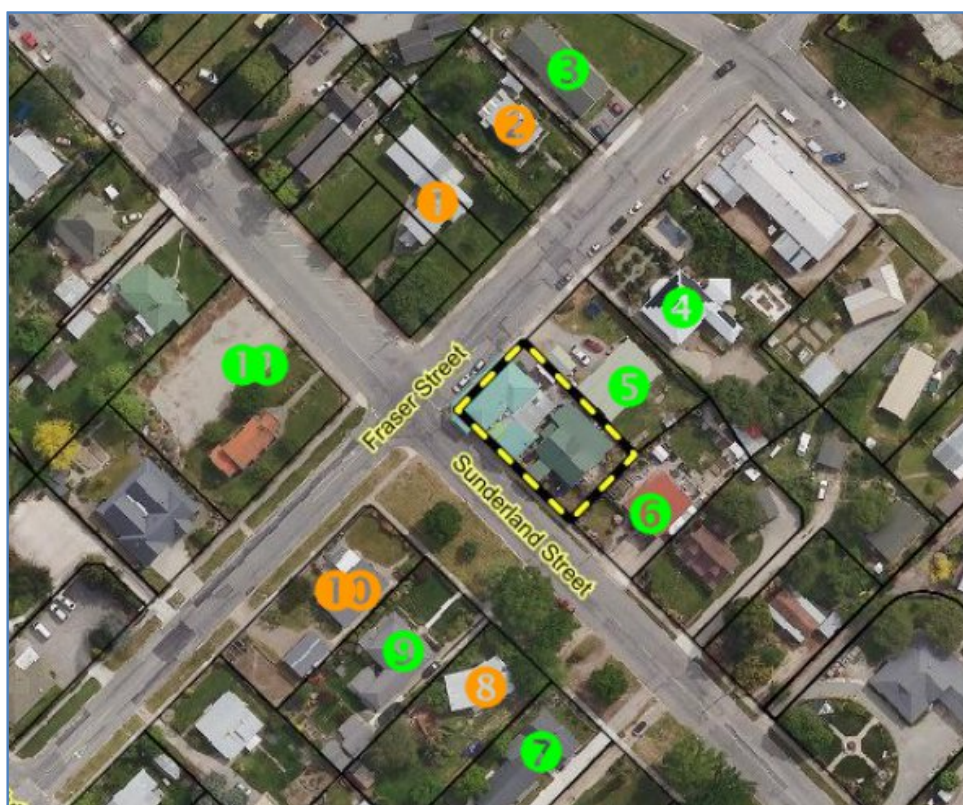


Figure 2 – Notification map (Green = APA provided, Orange = Limit notified)

Following the notification decision an affected party approval was received from Simon Cronin, on behalf of the Houlton Trust Company Limited, who had just taken ownership of 60 Sunderland Street. Submissions were received from two of the remaining three notified parties. These are summarised in the table below. This should be read in conjunction with the full text of the submissions:

Address	Person	Support/ Oppose	Summary of Submission
63 Sunderland Street, Clyde	Brian and Veronica McLeod	Support	No objections
8 Fraser Street, Clyde	Jeremy and Susanne Seaman	Oppose	<p>Oppose hours of operation due to increase of light, noise &amp; traffic. Oppose change in nature of business (takeaway food) due to traffic, noise &amp; odour.</p> <p><u>Decision sought</u> Maintain historic opening hours (07:00-20:00) and maintain historic level of food offerings.</p>

### 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 situation, there are no retail commercial activities permitted in the Medium Density Residential Zone that provide a reasonable comparison to the subject activity 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.

The existing and reasonably foreseeable receiving environment includes:

- The existing built form on the site, including the established commercial premises and associated signage, which has long operated as a general store and was most recently authorised for minor additions (RC080319) and signage changes (RC240240);
- The existing residential unit at the rear of the building, authorised under RC040151;



- The store's historic operation as a small-format grocery retailer, including activity levels and operating hours of 7:00 am – 8:00 pm on weekdays and 8:00 am – 7:00 pm on weekends;
- Any minor internal alterations that could be made to the building without resource consent or building consent, provided such works do not materially alter the activity's scale or effects;
- Vehicle movements, parking, and incidental customer activity historically associated with the Four Square operation.

This receiving environment does **not include**:

- Operation beyond the scope of those historical trading hours;
- The introduction of deep-fried takeaway food service;
- Extended hours generating customer traffic and associated effects between 6:00 am – 7:00 am and 8:00/7:00 pm – 11:00 pm.

For adjacent land, the existing and reasonably foreseeable receiving environment comprises:

- A mix of residential properties, primarily single dwellings on medium-sized urban lots, many of which directly adjoin or face the site;
- Two places of worship, a community hall, and a motel in the near vicinity, which contribute to a modest mixed-use character in the immediate block;
- The broader residential amenity values anticipated under the Medium Density Residential Zone, including expectations of quietness during early morning and late evening periods;
- Vehicular and pedestrian activity associated with Sunderland Street, recognised as an Urban Arterial Road, including passing traffic and noise consistent with its transportation function.

It is against this receiving environment that the effects of the proposed activity must be measured.

#### Assessment of Effects

As a discretionary activity, Council may consider any actual or potential effects on the environment and any other matter it considers reasonably relevant to the proposed activity. While Rule MRZ-R16 does not specify assessment criteria, Rule MRZ-R13 (which applies to convenience retail activities) identifies relevant considerations for assessing the appropriateness of non-residential activities in a residential context. These matters provide a helpful reference point in this instance.

In accordance with section 104(3)(a)(i) of the RMA, no regard has been given to any actual or potential effects of trade competition.

#### **Noise, Lighting and Operating Hours**

The proposal seeks to formalise operating hours of 6:00 am to 11:00 pm, seven days per week, which represents a material extension beyond what Council considers to be the historical pattern of activity associated with the Four Square operation (understood to have been 7:00 am to 8:00 pm on weekdays and 8:00 am to 7:00 pm on weekends).

The extended trading hours are expected to give rise to low-level but recurring noise, particularly during the early morning (6:00–7:00 am) and late evening (after 8:00/7:00 pm). Anticipated noise sources include:

- Customer arrivals and departures;
- Vehicle movements and car doors closing;



- Conversations outside the store;
- Staff opening and closing routines;
- Delivery activities.

While Sunderland Street is classified as an Urban Arterial Road, it primarily serves the Clyde township and surrounding residential catchment. Traffic volumes are relatively modest and the surrounding acoustic environment retains characteristics typical of a residential setting, particularly during early morning and late evening hours.

No acoustic assessment or specific noise mitigation measures have been provided. While it is likely that the proposal would comply with the relevant noise limits under the District Plan, compliance alone does not ensure the absence of adverse effects. The residential expectations of quietude during the extended trading period remain relevant to the assessment of amenity effects.

The application does not propose any outdoor seating, congregation areas, or amplified music, which limits the potential for prolonged or elevated noise. However, the introduction of takeaway food offerings is likely to generate brief but more frequent customer visits, particularly around meal times, that are not typical of a traditional grocery store model.

Importantly, noise effects are expected to be limited to the immediate neighbours. Written approvals (or supportive submissions) have been received from all directly adjoining and opposite neighbours, with the exception of:

- Jeremy and Susanne Seaman, 8 Fraser Street; and
- The owners of 67 Sunderland Street.

In accordance with section 104(3)(a)(ii), any adverse effects on those who have provided written approval must be disregarded.

A submission has been received from Jeremy and Susanne Seaman, who oppose the application on the basis that the extended hours will result in increased light, noise, and traffic. They request that historic operating hours be maintained and raise concerns regarding the nature and scale of the proposed takeaway food service. 8 Fraser Street is located diagonally opposite the site on the western side of Fraser Street and faces the primary customer entrance. It is within the area that is most likely to experience off-site effects associated with the extended hours.

While no new outdoor lighting is proposed, the extended hours of operation are expected to result in increased illumination from internal lighting, illuminated signage, and vehicle headlights, particularly during winter months when night falls earlier. These sources of light may contribute to a modest reduction in amenity for nearby properties, particularly those with direct line of sight to the entrance or street frontage. While not significant in isolation, lighting effects may contribute cumulatively to the overall perception of commercial activity during late evening hours, particularly in an otherwise low-activity residential environment.

Taking into account the limited number of potentially affected parties, the localised extent of the anticipated noise effects, and the absence of external congregation space or noise sources, I consider that the adverse noise effects will be minor in extent. While unlikely to result in significant amenity disruption, the effects are nonetheless perceptible and reasonably raised by the submitters, and must be appropriately addressed in the overall weighing of effects under section 104.

**Odour and Ventilation Effects**

The proposal includes an expanded food offering that involves the on-site preparation of deep-fried takeaway meals. This represents a shift from the historical Four Square operation, which primarily involved pre-packaged and reheated food items. The introduction of deep-frying introduces the potential for new and more prominent odour effects that were not previously part of the activity's effect profile.

Cooking odours, particularly those associated with frying, can result in localised nuisance effects if not appropriately managed. These effects may include:

- Grease-laden vapour and particulate discharge;
- Persistent or pungent cooking odours, particularly during the early morning and evening meal periods;
- Residual odour impacts on nearby dwellings where ventilation is not effectively contained.

The application does not include technical detail regarding the type or specification of ventilation or extraction systems, nor has it provided any assessment of odour dispersion or mitigation. While the cooking activity is to occur within the existing commercial premises, and the building form is enclosed, the proximity of residential properties elevates the sensitivity of the receiving environment.

In accordance with section 104(3)(a)(ii), effects on those neighbours that have provided written approval must be disregarded due to the written approvals provided. Of the remaining neighbouring properties, only 8 Fraser Street and 67 Sunderland Street are within a range where cooking odours could reasonably be experienced if poorly managed. The submitters at 8 Fraser Street explicitly raised odour effects as a ground of opposition, in connection with the proposed expansion of takeaway food offerings.

Taking into account:

- The change in food preparation methods compared to the historical activity;
- The lack of supporting technical detail regarding odour mitigation; and
- The proximity of at least one non-consenting residential neighbour who is likely to be sensitive to such effects,

I consider that adverse odour effects may be minor in extent. While not determinative on their own, these effects contribute to the overall planning concern regarding the appropriateness of a more intensive food-based retail activity in a residential zone.

I anticipate that the applicant will circulate evidence prior to the hearing to clarify the nature and scale of food preparation, and to outline any ventilation or odour control measures in place or proposed to manage these effects. Should such evidence confirm that appropriate systems are installed and demonstrate that odour discharge can be effectively mitigated, this may assist in addressing the concerns raised in the submission and inform any conditions of consent. However, in the absence of that information at the time of writing, a precautionary approach has been adopted in assessing odour effects as potentially minor – that is that they are likely to have a noticeable, but not significant, detrimental effect on their current sense of residential amenity.

**Traffic Generation and Parking**

The proposal is expected to result in a modest change in the pattern and volume of traffic movements associated with the site, when compared to its historical operation as a Four Square grocery store.

The extension of operating hours to 6:00 am – 11:00 pm daily will introduce vehicle movements into periods where background traffic volumes are generally low, particularly before 7:00 am

and after 8:00 pm. These movements may include customer arrivals and departures, staff travel, and delivery vehicles. While the total number of movements during these fringe hours may not be high, their timing increases their perceptibility, particularly for nearby residential properties.

More significantly, the proposal introduces a change in the nature of the store's retail offering, with the inclusion of cooked takeaway food prepared on-site. This change is likely to alter customer behaviour, generating more frequent, short-duration visits throughout the day and evening. Customers stopping in for hot food or beverages are more likely to make discretionary, single-purpose trips that add to the traffic generation beyond the level typically associated with a small grocery store. Much of this demand is likely to coincide with early morning periods (e.g. tradespeople purchasing coffee or breakfast on the way to work) and evening mealtimes, which compounds the planning relevance of the extended hours and their associated traffic effects.

These changes contribute to:

- Increased turnover of short-term parking in front of the store;
- A higher frequency of brief stopping and starting movements;
- Potential for light spill and noise from vehicle manoeuvring during quieter periods.

The site does not include any off-street parking. Customers park directly outside the store along Sunderland and Fraser Streets. No changes are proposed to site access, parking layout, or servicing arrangements. The surrounding roads can accommodate on-street parking and are subject to typical urban design constraints, including limited availability at peak times.

While Sunderland Street is classified as an Urban Arterial Road, and is capable of accommodating additional movements from a road capacity perspective, the effects on amenity for nearby properties, particularly those on Fraser Street and directly opposite on Sunderland Street, must be considered. The submitters at 8 Fraser Street raised traffic as one of their concerns, citing both the increase in trips associated with takeaway food and the extended operating hours.

Taking into account:

- The change in traffic pattern and trip purpose associated with takeaway food service;
- The introduction of customer activity during early morning and late evening periods;
- The absence of dedicated on-site parking or loading;
- The concerns raised by submitters at 8 Fraser Street;

I consider that the proposed activity will give rise to traffic and parking effects that are minor in extent. These effects are localised, unlikely to result in network-level impacts, but are relevant to the assessment of amenity effects for non-consenting neighbours..

### **Visual and Streetscape Effects**

The site is located within the Clyde Heritage Precinct and occupies a prominent corner position at the intersection of Sunderland Street and Fraser Street. The building form is single-storey and traditional in appearance, consistent with its longstanding role as a neighbourhood retail store. It retains key features such as a parapeted façade, recessed entry, and veranda, which contribute positively to the established streetscape character.

No changes are proposed to the external appearance of the building, its signage, or its layout. External signage modifications associated with the rebranding to Night 'n Day were separately authorised under RC240240 and do not form part of the current application.

The activity remains confined within the existing building envelope and does not involve any new structures, outdoor seating, lighting, or alterations to site access. Customer and service vehicle activity will continue to occur directly from the public road frontage, using existing kerbside parking on Sunderland and Fraser Streets.

While the frequency and timing of customer visits may increase, particularly around early morning and evening periods, this will not result in any material change to the physical appearance of the site. The building's established retail character and heritage presentation will be retained.

I consider that the visual and streetscape effects of the proposal will be *de minimus*

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

The proposal introduces a cumulative change in both the scale and operational character of activity on the site, relative to the historical Four Square use. While the building footprint and external form remain unchanged, the shift to a hybrid convenience and takeaway food model, coupled with extended trading hours, represents a notable intensification of activity within a residential context.

The effects of this change are not limited to any single environmental factor. Rather, they arise from the combined influence of:

- Extended hours of operation into early morning and late evening periods;
- A broader food offering that includes hot, deep-fried takeaway meals;
- Increased frequency and turnover of short-duration vehicle visits;
- The introduction of odour effects, and

A subtle but discernible shift in the function and feel of the site from a small neighbourhood grocer to a more service-oriented, high-turnover retail model.

While many of the resulting effects have been assessed individually as minor or less than minor, the combined effect of these changes is relevant to the assessment of overall residential amenity and character. The Medium Density Residential Zone anticipates some degree of intensification and mixed-use interface—particularly along arterial roads—but this is not without constraint. The underlying expectation remains that activities will respect the quiet, residential character of their surroundings, particularly outside of standard business hours.

The site is located within a small mixed-use node, and the continued operation of a corner store is not, in itself, inconsistent with the zone's anticipated character. However, the nature and scale of the proposed activity moves beyond that of a traditional corner store. The cooking of hot food for takeaway, and the associated increase in foot traffic and short-duration parking, introduces an element more akin to fast-food retail, which is generally not anticipated within this zone.

In terms of service to the surrounding residential area, it is acknowledged that the store continues to perform a local function, offering convenience goods and takeaway food to residents and passers-by.

Submissions received from Jeremy and Susanne Seaman at 8 Fraser Street raise concerns about the changing character of the activity and its impact on residential amenity, citing noise, traffic, and odour. These concerns are reasonably founded in the context of a residential zone, and reflect a loss of cohesion with the surrounding residential environment that may arise if activities of this nature become more common without appropriate control.

Overall, while the building form is unchanged, I consider that the cumulative change in activity character – in terms of hours, function, and operational intensity – gives rise to minor adverse effects on local amenity and residential character. These effects extend to those properties directly opposite or adjacent to the site who have not provided written approval, and they must

be weighed accordingly in the final assessment. Effects more broadly on the wider environment will be less than minor.

## **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 proposal are no more than minor.

### **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 most relevant objectives and policies for this proposal are those of the Medium Density Residential Zone (MRZ) under Plan Change 19. These provisions guide the anticipated character, amenity outcomes, and compatibility expectations for non-residential activities in residential settings. While the subject site is also located within the Clyde Heritage Precinct, no external alterations are proposed. The heritage provisions are therefore considered of minimal relevance in this case.

- MRZ-O1 – Purpose of the Medium Density Residential Zone

*The Medium Density Residential Zone provides primarily for more intensive residential living opportunities, as well as activities that support, and are compatible with, the zone's residential focus.*

The proposal maintains the site's function as a local service provider and may be considered to support the surrounding residential community to some extent. However, the introduction of hot food takeaway services and late-night trading hours represents a shift in the character and intensity of the activity that may no longer be fully compatible with the zone's residential focus. The balance of this objective is not clearly achieved.

- MRZ-O2 – Character and Amenity Values of the Medium Density Residential Zone

*The Medium Density Residential Zone is a good quality living environment, which [positively responds to natural, heritage, and cultural context, provides housing choice, is well connected, well designed, and maintains adjacent site amenity].*

While the site maintains an enclosed form and does not involve external building works, the amenity values of adjacent sites may be compromised by the proposed early morning and late evening customer activity, and by the introduction of odour and traffic effects associated with takeaway food. The absence of formal mitigation (e.g. odour control or acoustic treatment) reduces confidence that the zone's expected amenity values will be maintained. The proposal is therefore in tension with this objective.

- MRZ-P6 – Other Non-Residential Activities

*"Only allow other non-residential activities and buildings where:*

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 amenity values of the zone and surrounding area; and*
3. *the activity is of a nature and scale that serves 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 residential sites, a sense of amenity, security and companionship is maintained; and*
5. *any parking and vehicle manoeuvring provided on-site is appropriately designed; and*
6. *the safety and efficiency of the road network is maintained; or*
7. *the activity is an expansion of an existing non-residential activity or building, and the expansion does not result in any significant increase of any existing tension with 1-6 above."*

This policy sets a high threshold for the establishment or expansion of non-residential activities in the Medium Density Residential Zone, requiring that such activities maintain residential amenity, be of a compatible scale and character, and clearly serve the needs of the local community without undermining the zone's primary residential function.

The proposal falls short of meeting several of these expectations. While it continues a long-standing retail use, the expansion to include expanded takeaway food offerings and trading hours extending to 11:00 pm daily introduces a step-change in the nature, scale, and intensity of activity. These changes are materially different from the historical Four Square operation and introduce new adverse effects, particularly in relation to noise, odour, and increased traffic movements during sensitive early morning and evening periods. These effects are not typical of the residential environment anticipated under the MRZ framework and have the potential to compromise the amenity of at least one directly affected neighbour, who has not provided written approval and has raised objection through their submission.

The activity continues to serve the needs of the local community and remains consistent with the general pattern of a neighbourhood convenience store. Unlike some commercial activities that might target passing motorists or destination traffic, this site is located within an established residential area and is not positioned on a through-route likely to generate significant non-local patronage. As such, the scale of the customer base remains local, but the intensity and timing of patronage, particularly around mealtimes and late evening periods, does elevate the sensitivity surrounding dwellings to resulting effects.

The absence of any on-site parking or dedicated loading space also detracts from the compatibility of the activity with the surrounding residential environment. While the roading network has sufficient capacity to absorb the additional movements, the concentration of vehicle activity around the site during non-peak periods (particularly 6:00–7:00 am and after 8:00 pm) introduces amenity-related effects that are not well aligned with the policy intent to maintain the safe and efficient operation of the transport network without encroaching on adjacent residential expectations.

Although MRZ-P6 includes a clause enabling the expansion of existing non-residential activities, it does so only where the expansion does not result in any significant increase in tension with the other policy requirements. In this case, the proposal introduces a distinctly new operational model and extended activity period, which together create new and more pronounced effects. As such, the expansion cannot be considered to sit comfortably within the exception provided for in clause (7).

Taken as a whole, the proposal performs poorly against MRZ-P6. While it retains a broadly service-based function and clear continuity with the site's historic use, the change in scale,

intensity, and character, and the resulting adverse effects on neighbouring residential amenity, render it inconsistent with the core expectations of this policy.

In addition to the above, the proposal must also be assessed against the relevant objectives and policies contained in **Chapter 6: Urban Areas** and **Chapter 12: District-Wide Rules and Performance Standards**. Collectively, these provisions seek to ensure that land use activities within urban areas promote the wellbeing of communities while maintaining amenity values, avoiding nuisance effects, and ensuring the safe and efficient operation of infrastructure such as the roading network. Chapter 6 emphasises the importance of maintaining quality of life, amenity, and character in urban environments, while recognising the need for change and enabling people and communities to provide for their social and economic wellbeing. Chapter 12 includes more technical provisions relating to traffic, parking, noise, and odour, and encourages management of these effects to avoid adverse outcomes for neighbouring properties.

In this instance, the proposal only partially aligns with the intent of these provisions. While the continuation of a neighbourhood-scale retail use supports local wellbeing and is consistent with the established function of the site, the expanded hours of operation and the introduction of on-site hot food preparation give rise to effects that are not typical of the surrounding residential environment. These include minor noise and traffic effects during sensitive periods, and unmitigated odour effects associated with cooking. The absence of specific mitigation or design responses reduces the extent to which these effects can be said to be appropriately managed. Accordingly, the proposal is considered to be partially inconsistent with the outcomes anticipated by Chapters 6 and 12.

### **Operative and Proposed Regional Policy Statements**

After taking into consideration the 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.

### **Other Matters**

Having regard to section 104(1)(c) of the Resource Management Act 1991, no other matters are considered relevant.

### **Part 2**

Based on the findings above, I consider that the proposal would satisfy Part 2 of the Resource Management Act 1991. Granting of consent would promote the sustainable management of District's natural and physical resources.

### **CONCLUSION**

Having regard to the above, I consider that the proposal is partially inconsistent with the relevant objectives and policies of the District Plan, particularly those relating to residential amenity and the management of nuisance effects. However, I am satisfied that the activity could be made acceptable in planning terms if consent were granted subject to conditions that appropriately scale back the permitted operating parameters—specifically by restricting the preparation and sale of hot food to between 7:00 am and 8:00 pm. These limits would better align the activity with the surrounding residential context and reduce the risk of adverse amenity effects during sensitive early morning and late evening periods.

**RECOMMENDATION**

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

1. The Panel grant consent to the proposed activity under delegated authority, 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.



Oli Monthule-McIntosh  
**Consultant Planner**

Date: 5 May 2025



**Consent Type:** Land Use Consent

**Consent Number:** RC 250059

**Purpose:** Land use consent to extend current hours of operation for Night 'n Day in the medium density residential area.

**Location of Activity:** 62-64 Sunderland Street, Clyde

**Legal Description:** Lot 1 DP 18081 (Record of Title Record of Title OT9A/864).

**Lapse Date:** [Day and Month] 2030, unless the consent has been given effect to before this date.

**Conditions:**

1. The activity shall be undertaken in general accordance with the application material and plans submitted in support of the application for RC250059, as modified by the conditions below. Where there is any inconsistency between the application material and these conditions, the conditions shall prevail
2. Hours of Operation – General Retail  
  
The premises may operate for general retail purposes (excluding preparation and sale of hot food) between the hours of:
  - 6:00 am to 11:00 pm, seven days per week.
3. Hours of Operation – Hot Food Preparation and Sale  
  
The preparation and sale of hot food, including but not limited to any deep-fried, oven-heated or grill-cooked food items, shall be limited to the hours of:
  - 7:00 am to 8:00 pm, seven days per week.  
Outside these hours, only pre-packaged food and beverages may be sold.
4. Prior to the commencement of any hot food preparation or sale, the consent holder shall ensure that all commercial kitchen extraction equipment is fitted with a functioning filtration system designed to minimise cooking odours at the boundary of the site. The system shall be maintained in good working order at all times.
5. Any external lighting shall be directed downward and away from adjacent residential properties and roads to avoid unnecessary glare or light spill.
6. Pursuant to section 128(1)(a)(iii) of the Resource Management Act 1991, the Council may, within 12 months of the commencement of the activity and annually thereafter, serve notice on the consent holder of its intention to review the conditions of this consent for the purpose of:

- Assessing the adequacy of measures to avoid, remedy, or mitigate any actual or potential adverse effects on the environment that may arise from:
  - the extended hours of operation, or
  - the preparation and sale of hot food on the site;
- Requiring the adoption of the best practicable option to avoid or reduce any such adverse effects;
- Ensuring compliance with the conditions of this consent.

Any such review shall be limited to matters directly related to the control of odour, noise, lighting, and general amenity effects arising from the activity

7. 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.

**Advice Notes:**

General

1. 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.
2. 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.
3. 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.
4. The lapse period specified above may be extended on application to the Council pursuant to section 125 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]

**CENTRAL OTAGO DISTRICT COUNCIL  
S95A-F DECISION FOR RC250059  
62-64 Sunderland Street, Clyde**

**INTRODUCTION**

This report sets out the notification assessment undertaken under sections 95A to 95E of the Resource Management Act 1991 (RMA) for a land use consent application (RC250059) lodged by NND Advertising Ltd (the applicant) in relation to the property at 62–64 Sunderland Street, Clyde.

The subject site is legally described as *Lot 1 DP 18081* and held in *Record of Title OT9A/864*. It is located on the corner of Sunderland Street and Fraser Street, within the Clyde Heritage Precinct and is zoned Medium Density Residential (Precinct 1) under the Central Otago District Plan, as amended by Plan Change 19, which has no provisions that are of relevance to this application currently under appeal and is treated as operative in the case. The site contains an established commercial building that has operated as a general store since at least the early 1900s, most recently as a Four Square before rebranding to a Night 'n Day store on 1 November 2024. A residential dwelling is also located to the rear of the site.

Resource consent is sought to formalise a range of changes associated with the current Night 'n Day operation, specifically:

- An extension of operating hours to 6:00 am – 11:00 pm, seven days per week, and
- An expanded range of food offerings, including hot food prepared on-site using deep-frying equipment, oriented toward takeaway sales.

While the site has long operated in a retail capacity, Council's view is that the current activity exceeds the scope of any existing use rights under section 10 of the RMA. In particular, the nature of the operation has shifted from a small grocery store to a hybrid convenience and takeaway food outlet, with increased intensity and extended hours. These changes are considered to represent a material increase in the character, intensity, and scale of effects compared to the previously established Four Square operation.

Accordingly, the activity requires consent as a discretionary activity under Rule MRZ-R16 of the Medium Density Residential (Precinct 1) Zone provisions, which applies to any activity not otherwise provided for in the zone rules.

This report assesses whether the application should be publicly or limited notified, having regard to the proposed activity, the receiving environment, and the nature and scale of actual or potential adverse effects.

**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 retail commercial activities permitted in the Medium Density Residential Zone that provide a reasonable comparison to the subject activity and there is no permitted baseline to be applied.

## ASSESSMENT: EFFECTS ON THE ENVIRONMENT

As outlined in the introduction, Council's position is that the current activity goes beyond the scope of existing use rights under section 10 of the RMA. The nature, intensity and scale of effects resulting from the extended trading hours and expanded takeaway food service offerings are considered materially different from the effects of the previous Four Square operation. As such, effects associated with the following aspects are considered relevant for assessment under section 95A:

- The extended operating hours (6:00 am to 11:00 pm, seven days a week) which are beyond those associated with the previous Four Square store (7:00 am – 8:00 pm weekdays, 8:00 am – 7:00 pm weekends), and
- The change in the nature of the activity, particularly the inclusion of deep-fried takeaway food services, which introduces new operational and amenity-related effects.

The following effects are considered in terms of whether they may be more than minor on the environment:

### Noise Effects

The earlier opening and extended closing times increase the duration of daily activity on the site by up to four hours. These extended periods fall outside the historic operating pattern of the site and are more likely to occur during sensitive times for nearby residential properties.

- **Morning effects (6:00 am – 7:00/8:00 am)** may include delivery vehicle movements, staff arrivals, opening routines, and early customers. At this time, ambient noise levels in the surrounding residential area are generally low.
- **Evening effects (after 8:00/7:00 pm until 11:00 pm)** may include vehicle arrivals and departures, car doors closing, brief conversations, and foot traffic associated with takeaway purchases.

While Sunderland Street is classified as an Urban Arterial Road, and the site is located within a mixed-use node (including churches and a motel), the surrounding zone remains residential, and a degree of evening and early morning quiet is reasonably anticipated. The potential for sleep disturbance and disruption to residential amenity values during these off-peak hours cannot be fully discounted, particularly for properties on Fraser Street and Sunderland Street within the immediate vicinity.

Notably, the operation does not include designated outdoor seating or loitering areas, which assists in limiting prolonged congregation. However, I note there is a bench seat located next to the entrance on the Fraser Street façade. The nature of the takeaway model will likely generate short bursts of activity that extend later into the evening than has historically occurred and, likewise, it is likely that there will be a relatively significant increase in morning traffic associated with people purchasing takeaway coffee and breakfast items at the beginning of the day.

Conclusion: While noise effects will be generally contained within the localised environment, the extension of activity into the earlier morning and later evening will likely result in notable increase in non-residential noise. In my opinion the noise effects from both the earlier opening and extended evening hours are considered minor, and therefore not sufficient to trigger public notification.

### 2.2 Traffic and Parking Effects

The proposal is expected to result in a discernible increase in vehicle movements to and from the site, both in terms of hours of operation and the nature of the activity.

- The extended hours (from 6:00 am to 11:00 pm) increase the temporal spread of vehicle activity into both the early morning and late evening, where background traffic volumes on Sunderland Street and surrounding roads are typically low. In these periods, vehicle arrivals, parking manoeuvres, and idling may be more perceptible to nearby residential occupiers.
- More significantly, the introduction of cooked takeaway food offerings—including deep-fried meals—represents a change in the nature of the activity from a traditional small-format grocery store to a hybrid convenience and fast-food outlet. This is likely to alter customer behaviour, generating more frequent, short-duration stops throughout the day and evening that are additional to the traditional pattern of grocery-based shopping trips.
- Customers seeking hot food or drinks are more likely to stop in specifically for a single purchase (e.g. coffee, chips, pies), often by vehicle, and may not otherwise have visited the store for traditional grocery items. This introduces a new category of traffic associated with discretionary fast-food purchasing, which has not historically formed part of the store's baseline use.

While Sunderland Street is classified as an Urban Arterial Road and can accommodate additional vehicle movements from a network capacity perspective, the effects on residential properties in close proximity to the store — particularly those across the road or adjacent on Fraser Street — is likely to be noticeable. In particular:

- There may be increased frequency of short-duration vehicle visits and turnover in on-street parking;
- Vehicle movements in quieter periods may contribute to cumulative amenity disruption, including noise, lights, and parking congestion;
- The scale and pattern of use deviates from what nearby residents have reasonably anticipated based on the historic use of the site.

**Conclusion:** The combination of additional trading hours and the change in customer behaviour associated with takeaway food offerings is expected to result in a modest but noticeable increase in vehicle movements and parking demand. These effects are considered to be minor, and relatively localised.

### 2.3 Odour and Ventilation Effects

The introduction of deep-fried takeaway food, where previously only pie warmers and preheated food were offered, introduces the potential for new odour and ventilation effects. While no commercial kitchen is proposed in the traditional sense, the use of deep-frying equipment may emit cooking odours, grease-laden vapour, and low-level particulate discharge that can travel off-site.

The store is located close to residential dwellings (notably to the south and east), and the absence of detailed information about the scale of cooking activity, type of ventilation/extraction, and odour control limits Council's ability to conclude that effects will be avoided or mitigated.

**Conclusion:** In the absence of further mitigation detail, odour effects from on-site cooking are considered potentially minor but not more than minor.

### 2.4 Amenity and Character Effects

The subject site is part of a long-standing node of mixed activities, including churches and motels, and fronts a key arterial route through Clyde. That said, the broader zone context

remains residential, and expectations of residential amenity prevail, particularly after typical business hours.

The move toward a convenience store format with takeaway offerings, operating from early morning until late at night, represents a shift from a traditional neighbourhood grocer to a more commercially intensive model. This change may alter the character of the area and its perceived sense of quiet residential amenity.

While such a shift may not result in immediate adverse physical effects, the cumulative change in activity patterns, hours of operation, and the nature of customer visits has the potential to erode established expectations of residential amenity in this part of the town.

Such a shift introduces cumulative impacts of longer hours, cooking odours, and vehicle and pedestrian movements which are likely to reduce the immediate area's sense of privacy, tranquillity, and residential character, particularly those neighbours directly adjoining or opposite the site.

Conclusion: Amenity and character effects are considered minor.

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

Having regard to the effects that are likely to arise above the baseline established by existing use rights — namely noise, odour, amenity, and character effects associated with extended hours and takeaway food operations — it is concluded that the proposal will result in adverse effects on the environment that are no more than minor.

Accordingly, public notification is not required under section 95A(2) of the RMA.

#### 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.

**ASSESSMENT: EFFECTS ON PERSONS**

Under section 95E, a person is considered affected if the adverse effects of the activity on that person are *minor or more than minor*, notwithstanding a person is not an affected person if they have provided their written approval.

The subject site is bounded by residential properties on both Sunderland Street and Fraser Street. The store shares immediate boundaries with 5 Fraser Street (to the east) and 66 Sunderland Street (to the south). Residential properties also sit directly opposite on Sunderland Street (notably 63, 65 and 67), and on the opposite corner of Fraser Street (e.g. 8 Fraser Street).

While the site fronts a key arterial route and forms part of a long-standing node of mixed-use activity, the wider zoning context remains residential, and most surrounding sites are in residential use.

Based on the earlier assessment of effects (s95D), the proposal is considered to result in minor adverse effects on nearby properties due to:

- Increased noise and light spill associated with vehicle and customer activity in the early morning and late evening (outside previously established hours);
- The potential for odour effects arising from the new deep-frying activities, particularly where ventilation details are not confirmed;



- Increased short-term vehicle movements and parking turnover throughout the day and evening, potentially creating low-level nuisance effects on adjacent sites.
- The cumulative change in amenity and character, due to the combination of extended hours, increased traffic, and takeaway operations;

In my opinion, the above effects will extend to the properties identified in the below map. Properties identified with a green number have provided written approval. Those with an orange number have not provided written approval and are an affected party for the purpose of s95E. For the avoidance of any doubt I consider the adverse effects of this proposal to be highly localised and any properties that I have not marked with a coloured number on the below map, I consider to be either not affected or affected only to a 'less than minor degree'.



Map Key	Address	Landowner Name	Comment
1	60 Sunderland Street, Clyde	Otago Foundation Trust Board	APA not provided <b>Affected</b>
2	8 Fraser Street, Clyde	Seaman, Jeremy Lee Sangster Seaman, Susanne	APA not provided <b>Affected</b>
3	10 Fraser Street, Clyde	Central Otago District Council*	APA's provided from occupants of units 2/10 and 3/10. This address is separated from the site to the extent that effects are not anticipated likely to be minor

			or more than minor at this address. <b>Not affected</b>
4	7 Fraser Street, Clyde	Naylor, Christopher Hugh	APA provided <b>Not affected</b>
5	5 Fraser Street, Clyde	Sutherland, Brett William & Sutherland, Gayleen Isabel	APA provided <b>Not affected</b>
6	66 Sunderland Street, Clyde	Hall, Gavin Francis & Hall, Donna-Maree Lesley	APA provided <b>Not Affected</b>
7	69 Sunderland Street, Clyde	Johnston, Ben Charles & Johnston, Patricia Mary	APA provided <b>Not affected</b>
8	67 Sunderland Street, Clyde	Kelly, Allan Peter & Kelly, Donna Kathryn	APA not provided <b>Affected</b>
9	65 Sunderland Street, Clyde	Seaman, James Joseph & Seaman, Rosslyn Patricia	APA provided. <b>Not affected</b>
10	63 Sunderland Street, Clyde	McLeod, Brian John & McLeod, Veronica Joan	APA not provided. <b>Affected</b>
11	59 Sunderland Street, Clyde	Roman Catholic Bishop of the Diocese of Dunedin	APA provided <sup>1</sup> <b>Not affected</b>

Step 4: Further limited notification in special circumstances

Special circumstances do not apply that require limited notification.

**DECISION: EFFECTS ON PERSONS (s95B(1))**

In terms of Section 95E of the RMA, the following persons are considered affected by this proposal.

60 Sunderland Street, Clyde	Otago Foundation Trust Board
8 Fraser Street, Clyde	Seaman, Jeremy Lee Sangster Seaman, Susanne
67 Sunderland Street, Clyde	Kelly, Allan Peter & Kelly, Donna Kathryn
63 Sunderland Street, Clyde	McLeod, Brian John & McLeod, Veronica Joan

<sup>1</sup> Signed by Brendan Peter Ward as the Parish Priest on behalf of the Roman Catholic Bishop of the Diocese of Dunedin. I note the listed address on the APA is '61 Sunderland Street, Clyde', which differs from the address on Council's rating database. Notwithstanding this I note the APA clearly identifies the address as 'St Dunstan's Catholic Church' and I have taken this to be a valid APA on behalf of the church located on LOT 2 DP 20231, which is identified as '59

**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  
**Consultant Planner**

Date: 22 March 2025

Approved under Delegated Authority by:



Tanya Copeland  
**Team Leader – Planning**

Date: 25 March 2025

# Application for a resource consent - Form 9

## APP250322098



**Date and Time Created** 11/03/2025 04:52  
**Submitted to Council** 11/03/2025 04:55

To cross reference Datacom with MAGIQ please click [Here](#) to add the Resource Consent number.

### Property Details

**Property Address** 62-64 Sunderland Street  
**Record of Title Number** OT9A/864  
**Legal Description(s) of the specific parcels that the resource consent application is for** Lot 1 Deposited Plan 18081

**What is your role in this application?** Agent acting on behalf of the applicant

## Agent details

An agent acts on behalf of the applicant in the submission and processing of the application.

**Organisation** JPW Consulting Ltd  
**First name** Jake  
**Last name** Woodward  
**Phone number** 0223158370  
**Email address** jake@jakewoodward.co.nz  
Note that the applicant will also receive a copy of all correspondence.  
**Postal address:** PO Box 190, Cromwell 9342  
**Confirm that you have approval to act on behalf of the applicant** Yes

The applicant is the person(s) or organisation making the application.

### Applicant details

**Is this applicant an individual or an organisation?** Business / organisation  
**Organisation** NND Advertising Ltd  
**Contact Person**  
**First name** Nicky  
**Last name** Gibbs  
**Phone number** 027 4737919  
**Email address** nicky@nightnday.co.nz  
**Postal address:** PO Box 5769, Dunedin 9054

## Authority to apply on behalf

**Confirm that the applicant is authorised to apply on behalf of the organisation** Yes

## Invoicing

Who is paying the invoice?

Applicant

## DETAILS

### Activity or works proposed

Application type	Land use consent
Short description of your proposal	Extend hours of operation

Provide a detailed description in the Assessment of Environmental Effects (AEE) or other document.

### Assessment of Environmental Effects (AEE)

An application cannot be accepted for processing by the Council under Section 88 of the Resource Management Act 1991, without an Assessment of Environmental Effects (AEE).

Refer to the [guidelines for Assessment of Environmental Effects](#).

[JW24088 - NND Advertising Ltd - Hours - AEE - FINAL.pdf](#) (830 kb)

### Assessment of the activity

You may need to provide an assessment of the activity against the following provisions:

- The matters set out in [Schedule 4 of the Resource Management Act 1991](#).
- Any relevant objectives, policies, or rules in a document.
- Any relevant requirements, conditions, or permissions in any rules in a document.
- Any other relevant requirements in a document (e.g. in a national environmental standard or other regulation).

Please do not load the same document that you loaded for AEE above

### Other activities

### Other applications

Are you required to apply for any other resource consents for this project? No

Is this project related to a building consent? No

### Pre-application information

Have you discussed this proposal with Council staff prior to this application? Yes, an informal discussion

Name(s) of Council staff involved (if known) Tanya Copeland

Date of discussion (if known) 11/03/2025

### Site visit requirements

Who is the site contact? Applicant

### Affected party approvals

All affected property owners, including trustees where properties are held in a trust, must sign written approval forms AND a copy of your plans.

- If an affected party does not give approval to your proposal this may impact on the way that the application is processed.
- Council's duty planner can provide you with advice on which parties may be affected by your proposal.

[Download an affected party approval template form.](#)

Do you need affected party approval?

No

Reason

Refer AEE

**National Environmental Standard – Contaminated Soil - option selected**

An activity listed on the HAIL has more likely than not taken place on the piece of land which is subject to this application. I have addressed the NES requirements in the AEE.

## LIST OF FILES

[JW24088 - NND Advertising Ltd - Hours - AEE - FINAL.pdf](#) (830 kb)

[Appendix \[B\] - Heritage Statement.pdf](#) (1 mb)

[Appendix \[C\] - APA from 2 10 Fraser Street, Clyde.pdf](#) (3 mb)

[Appendix \[C\] - APA from 69 Sunderland Street.pdf](#) (209 kb)

[Appendix \[A\] - Record of Title OT9A 864.pdf](#) (115 kb)

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# ASSESSMENT OF ENVIRONMENTAL EFFECTS

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62-64 Sunderland Street, Clyde

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NND Advertising Ltd

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Our Reference: JW23088



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## APPENDICES

<b>Appendix [A]</b>	Record of Title
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<b>Appendix [C]</b>	Affected Party Approvals

## 1 THE APPLICANT AND PROPERTY DETAILS

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<b>Client</b>	NND Advertising Ltd
<b>Address for service</b>	JPW Consulting Limited Jake Woodward <a href="mailto:jake@jakewoodward.co.nz">jake@jakewoodward.co.nz</a> 022 315 8370
<b>Property Address</b>	62-64 Sunderland Street, Clyde
<b>Project Description</b>	Land use consent to extend current hours of operation for Night 'n Day, Clyde.
<b>Our Reference</b>	JW24088
<b>Date</b>	11 March 2025
<b>Version</b>	4 (17 March 2025)

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## 2 EXECUTIVE SUMMARY

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Resource consent is sought to formalise the hours of operation for the existing Night and Day store located at 62-64 Sunderland Street, Clyde, to 6am to 11pm, seven days a week.

The store has been operational since 1903 and was most recently that of a Four Square before rebranding to Night and Day on 1 November 2024.

Section 10(1) of the Resource Management Act 1991 confirms that land may be used in a manner that contravenes a rule in a District Plan or Proposed Plan if:

- the use was lawfully established before the rule became operative or the proposed plan was notified
- the effects of the use are the same or similar in character, intensity and scale.

While there are no records held with Council detailing the hours of operation of earlier stores, Council have taken the position that due to the most recent commercial enterprise (Four-Square) operating from 7:00 am to 8:00 pm Monday to Friday and 8:00 am to 7:00 pm Saturday to Sunday, that these hours are the extent of the existing use that applies to the site.

NND Advertising does not accept the Council's position that hours of operation are limited to the last trading hours of the Four-Square operation. The existing use is that of a retail activity. That use of land can continue if the **effects** of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified. There are no hours of operation limits under the current Medium Density Zone provisions, or even the previous Residential Resource Area provisions for this activity. NND Advertising Limited's position is that the **effects** of the use to 11pm are at least similar and thus within their existing use rights. Nevertheless, this application is made in an effort to resolve the dispute between the Council and NND Advertising Limited.

Consideration of the extended hours for retailing is assessed as a discretionary activity under Rule MRZ-R16 of the Medium Density Zone Rules. This assessment takes account the effects of the activity operating beyond the hours that Council have determined to be the scope of the existing use.

In terms of effects, it is considered that the proposed extended hours are unlikely to result in a material change to the general character of the area which is defined by the store itself (which has been the case since 1903) and the extent of non-residential activities in the vicinity of the site. The area is not entirely residential in the same vein as that of a quiet, side street but rather sits along the primary arterial road servicing Clyde. With this, comes a degree of expectation of effects that are to be anticipated and one that will assist in mitigating the effects associated with the extended hours proposed.

Traffic effects are considered to be suitably absorbed into the current classification of Sunderland Street, being an Urban Arterial Road.

Consultation is presently underway with all adjoining neighbours. However, no persons are considered to be adversely affected by the proposal. It is considered that the proposed extended hours are unlikely to result in a material change to the general character of the area which is defined by the store itself (which has been the case since 1903) and the extent of non-residential activities in the vicinity of the site. The area is not entirely residential in the same vein as that of a quiet, side street but rather sits along the primary arterial road servicing Clyde. With this, comes a degree of tolerance of effects that are to be anticipated and one that will assist in mitigating the effects associated with the extended hours proposed. Noise, traffic, and amenity effects are assessed as less than minor.

The proposal is considered to be consistent with the relevant objectives and policies of the Central Otago District Plan and Plan Change 19. The proposal is considered to be consistent with the relevant provisions pertaining to Plan Change 20 of the Central Otago District Plan.

The proposal is considered to promote Part 2 of the Resource Management Act 1991.

### 3 SITE DESCRIPTION

#### 3.1 SITE DESCRIPTION

The site subject to this application is located at 62-64 Sunderland Street, Clyde and is legally described as Lot 1 Deposited Plan 18081 as held in Record of Title OT9A/864. A copy of the Title is attached in **Appendix [A]**.

The site is located on the corner of Sunderland Street and Fraser Street and contains the existing Clyde “Night and Day” store.

The site also contains a residential dwelling located behind the store itself.

An aerial image of the subject site is included in Figure 1 for contextual purposes:

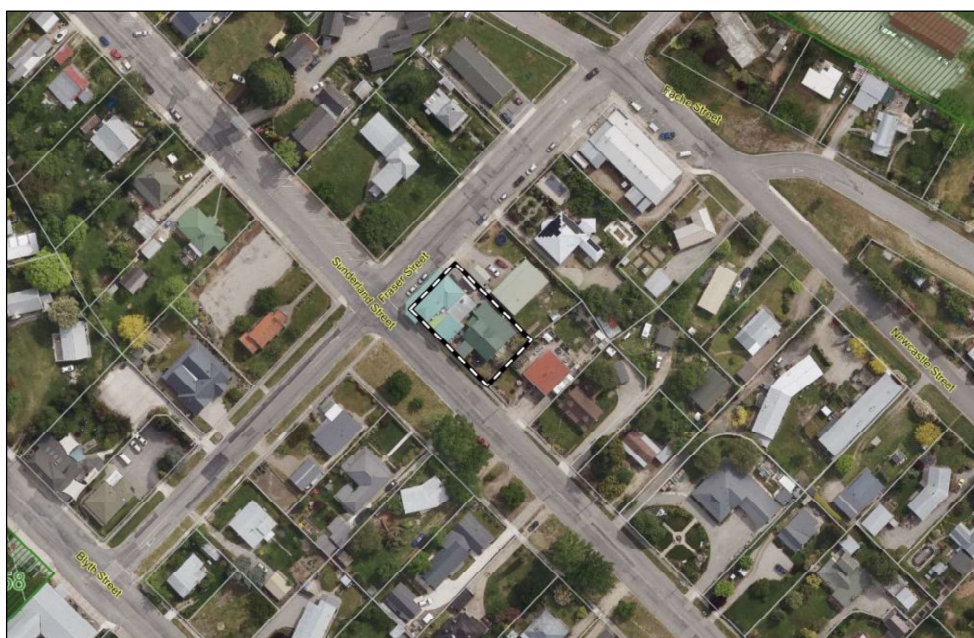


Figure 1: Aerial image of the subject site and surrounds (Image Source: CODC GIS).

#### 3.2 SURROUNDING ENVIRONMENT

The surrounding environment is characterised by a range of activities. Across the road to the north-west of the site is that of the Presbyterian Church, while the Catholic Church sits to the immediate west of the site. Residential activities are located to the south-west, south-east and north-east of the site.

#### 3.3 RECORD OF TITLE

As noted above, the site is legally described as Lot 1 Deposited Plan 18081 as held in Record of Title OT9A/864. A copy of the Title is attached in **Appendix [A]**. There are no legal instruments registered on the Title.

## 4 RESOURCE MANAGEMENT BACKGROUND

### 4.1 SITE HISTORY

The site has a long history as a commercial store which has been researched by Origin Heritage Consultants in their heritage report, attached in **Appendix [B]**. The heritage report was prepared for the purposes of informing an earlier resource consent application on the site to change signage (RC240240 and discussed below). The heritage report is useful in outlining the history of the site which is briefly reproduced as follows:

*“The property at 62-62 Sunderland was originally surveyed as parts of Sections 3, 4 & 26 of Block X during the 1864 & 1867 surveys of Clyde.<sup>1</sup> The building that this Heritage Statement is reviewing was located on the corner of Section 3, along Sunderland Street and Longstone Street (now Fraser Street).*

*The land was purchased by an individual named Naylor in 1887<sup>2</sup>, and in May 1904 it was reported that a Mr. B Naylor Jr. had “(...) made a start erecting a shop on his property in Sunderland St. Clyde”.<sup>3</sup> In September of 1904, there was a Special Notice featured in the Dunstan Times, announcing the opening of a new General Merchants store, on the corner of Sunderland and Longstone Streets, under the name “Naylor & Son.” (see Figure 2).<sup>4</sup>*

*The image below (Figure 3) shows an image of the store – the source file record notes this to be a photo of “Ben Naylor’s Store” taken in 1903, however given the two press clippings found in the Dunstan Times, it is more likely that this was taken in 1904 or later. Figure 4 shows a 1947 aerial view of Clyde, on which the store is visible (circled in red) – it’s overall bulk and form are recognisable and appear not to have changed much since its construction.*



Figure 3 – 62-64 Sunderland Street – Ben Naylor Jnr's Store est – 1903 (Source: Hocken Digital Collections, c/nE2195/16)

*The property was transferred to “Benjamin Naylor the Younger of Clyde Merchant” in 1926. The section of land that the building is located on has since been re-surveyed / re-parcelled, and re-sold a number of times. The CODC property file dates back to the early 2000’s, and reveals that the building has maintained its commercial use during this time. The files also show that the building has been subjected to some*



*alterations, but these appear to have all occurred towards the rear of the building or site, leaving the Sunderland & Fraser Street elevations largely unaltered.*

## 4.2 RESOURCE CONSENTS

Following a review of the property file, there are three earlier resource consents attached to the property as follows:

- RC040151 – resource consent to alter a building located in the Heritage Precinct to establish a residential dwelling behind the existing shop for the shop operator.
- RC080319 – resource consent to extend the existing *Four Square* business located on the corner of Fraser and Sunderland Streets, by the addition of a chiller, office, storage room and kitchen by approximately 50m<sup>2</sup> to comply with the Food Safety Regulations.
- RC240240 – an application to amend the exterior signage to change the branding from “Four Square” to “Night and Day”. This consent was issued on 14 January 2025.

## 5 PROPOSAL

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### 5.1 OVERVIEW

Resource consent is sought to formalise the operating hours of the Night and Day store at 62-64 Sunderland Street, Clyde, from 6am to 11pm, seven days a week. While there are no records held by Council in relation to historic hours of operation, Council have advised the applicant that given that the prior Four Square operated 7:00 am to 8:00 pm Monday to Friday and 8:00 am to 7:00 pm Saturday to Sunday, any changes to these hours constitutes a change to the operating conditions of the site.

The site has operated as an integral part of the Clyde community as a commercial retailing and general store since 1903, and was recently rebranded from “Four Square” to Night and Day. Since opening and operating at the extended hours, the applicant has not been advised nor received any complaints from the community of the hours.

With the exception of a rebrand by way of updated signage, no other changes to the exterior façade have occurred. Key offerings from the store includes all regular essential convenience items including milk and bread. Hot food was traditionally sold in the form of heated items in a pie warmer, although this will be expanded to include food cooked on site by way of deep-fried meals for takeaway.

As such, the applicant seeks to formalise their current hours of operation (6am to 11pm).

No changes to delivery schedules will result and have continued to operate in accordance with the previous Four Square operation (which includes an approval on their current Liquor Licence for alcohol to be delivered from 6am to 11pm, seven days per week).

## 6 STATUTORY CONSIDERATIONS

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### 6.1 OVERVIEW

As detailed in the heritage report, the store has been operational (in a commercial sense) since at least 1903 and was most recently that of a Four Square before rebranding to Night and Day on 1 November 2024.

Section 10(1) of the Resource Management Act 1991 confirms that land may be used in a manner that contravenes a rule in a District Plan or Proposed Plan if:

- the use was lawfully established before the rule became operative or the proposed plan was notified
- the effects of the use are the same or similar in character, intensity and scale.

There are no records held with Council detailing the hours of operation of earlier stores. In addition, the District Plan does not stipulate hours of operation for commercial activities in Residentially zoned areas<sup>1</sup>. Rather, commercial activities, including retailing, are dealt with in a holistic manner by way of a discretionary activity resource consent application (detailed further below).

Council have taken the position that due to the prior Four Square operating from 7:00 am to 8:00 pm Monday to Friday and 8:00 am to 7:00 pm Saturday to Sunday, that these hours are the extent of the existing use that applies to the Store.

NND Advertising does not accept the Council's position that hours of operation are limited to the last trading hours of the Four-Square operation. The existing use is that of a retail activity. In reference to Section 10 of the RMA, the use of land can continue if the **effects** of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified. There are no hours of operation limits under the current Medium Density Zone provisions, or even the previous Residential Resource Area provisions for this activity. NND Advertising Limited's position is that the **effects** of the use to 11pm are at least similar and thus within their existing use rights. Nevertheless, this application is made in an effort to resolve the dispute between the Council and NND Advertising Limited.

### 6.2 CENTRAL OTAGO DISTRICT PLAN

Plan Change 19 (PC19) of the Central Otago District Plan was a Plan Change to make a suite of changes to the way the District's residential areas are zoned and managed.

PC19 was released on 8 June 2024. Appeals were due by 9 August 2024. Pursuant to Section 86B(1) of the Resource Management Act 1991, a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified. Section 86F confirms that a rule in a proposed plan is fully operative where there are no appeals.

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<sup>1</sup> Including the formerly zoned Residential Resource Area and the current Medium Density Residential Zone.

### 6.2.1 Medium Density Residential (Precinct 1) Zone

Under PC19, the site is located in the Medium Density Residential (Precinct 1) Zone. The rules and the zone under PC19 are not under appeal and therefore are to be treated as operative.

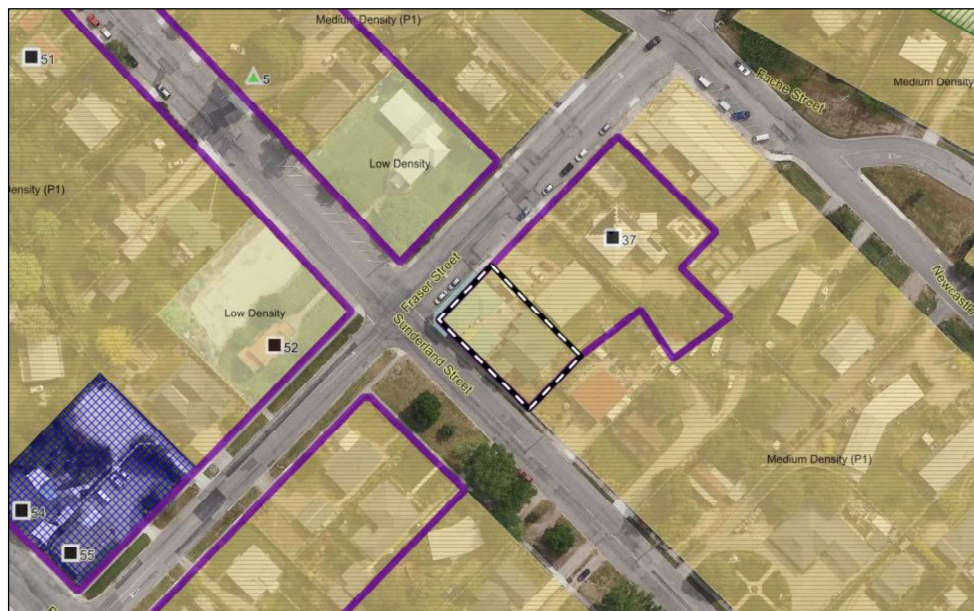


Figure 2: Extract of CODC Planning Maps GIS.

In terms of retailing and hours of operation, the Medium Density Residential (Precinct 1) Zone includes provisions relating to the following commercial activities:

- Convenience Retail Activities under Rule MRZ-R13 which means any retail activity that provides goods required on a day to day basis and which does not exceed 150m<sup>2</sup> in gross floor area.
- Large Format Retailing Activities under Rule MRZ-R18 which means a retail activity that exceeds 450m<sup>2</sup> in gross floor area, and includes supermarkets.
- For any activity not defined by the above (either Convenience Retailing or Large Format Retailing), Rule MRZ-R16 applies which captures “any activity not otherwise listed”. Consideration of Rule MRZ-R16 is a **discretionary activity**.

There are no specific rules in relation to the hours of operation for non-residential or commercial activities in the MRZ(P1) Zone.

Recognising that the store itself exceeds the 150m<sup>2</sup> floor area as it relates to Convenience Retailing but is less than 450m<sup>2</sup> as it relates to Large Format Retailing, consideration of the retailing activities beyond those afforded existing use rights is assessed under Rule MRZ-R16 as a **discretionary activity**.

### 6.2.2 Heritage Precinct Overlay

The provisions of the Heritage Precinct Overlay (Chapter 11 of the District Plan) are primarily related to the additions or alterations of structures or buildings. In this case, the proposal to extend the hours of operation do not require any consideration under Chapter 11.

## 6.3 OVERALL ACTIVITY STATUS

Overall, the proposal requires a **discretionary activity** pursuant to Rule MRZ-R16 for retailing not otherwise provided for under any other rule.

## 7 PERMITTED BASELINE

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### 7.1 PERMITTED BASELINE

The consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

In the Medium Density Residential (Precinct 1) Zone, permitted activities include:

- Residential activities;
- Minor residential units;
- Visitor accommodation (as defined);
- Home businesses (subject to limitations); and
- Childcare services (subject to limitations).

The permitted baseline is not considered to be of any value in the consideration of this application.

### 7.2 EXISTING ENVIRONMENT

The Otago Regional Council has issued a practice note in relation to the existing environment. When processing a resource consent regard must be had to what constitutes the "environment" to inform the assessment of the effects of a proposal. This includes existing use rights, existing activities carried out under existing consents and resource consents which have been granted where it appears those consents will be implemented. It includes:

- the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activities
- the environment as it might be modified by implementing resource consents that have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.

The existing environment does not include the environment as it might be modified by implementing future resource consent applications (because these are too speculative). The 'environment' upon which effects should be assessed is therefore the existing and reasonably foreseeable future environment. In identifying the environment, council will consider the environment as it is at the time of the application. It will also consider the

likelihood of change to that environment in the future, based upon the activities that could be carried out as of right or with respect to resource consents that have been granted (where it is likely that they will be given effect to).

In this case, the existing environment since 1903 was effectively a general/retail store. Most recently, the existing environment was that of the Four Square operation which operated seven days a week from 7:00 am to 8:00 pm Monday to Friday and 8:00 am to 7:00 pm Saturday to Sunday. In addition, the existing environment includes all deliveries associated with the prior Four Square which includes the deliveries of alcohol from 6am to 11pm as authorised by the current Liquor Licence issued to the store.

The existing environment is considered relevant in this case.

## 8 ASSESSMENT OF EFFECTS

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### 8.1 OVERVIEW

Schedule 4 of the Resource Management Act 1991 (RMA) details the information required to be included in an assessment of environmental effects. An assessment in this regard as it accords to Clause 6 of Schedule 4 is included as follows:

### 8.2 EFFECTS ON THE ENVIRONMENT

*If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:*

The proposed activity will not result in any significant adverse effects on the environment. Any effects there are, will be adequately remedied and mitigated. Alternative locations are therefore not considered necessary.

*An assessment of the actual or potential effect on the environment of the proposed activity.*

In considering the actual and potential adverse effects of the proposal, it is considered prudent to acknowledge the existing environment as described in Section 7.2 above. In effect, the existing environment since 1903 was effectively a general/retail store. Most recently, the existing environment was that of the Four Square operation which operated seven days a week from 7:00 am to 8:00 pm Monday to Friday and 8:00 am to 7:00 pm Saturday to Sunday. In addition, the existing environment includes all deliveries associated with the prior Four Square which includes the deliveries of alcohol from 6am to 11pm as authorised by the current Liquor Licence issued to the store. As such, the site has formed an integral part of the day-to-day convenience offering to the local Clyde community for over 100 years and has generated effects from 7am to 8pm, seven days a week<sup>2</sup>. As such, consideration of effects should be limited to the periods of 6am to 7am, and 8pm to 11pm.

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<sup>2</sup> 8am to 7pm on weekends.

In extending the hours, the applicant confirms that no changes to the nature of the operation will occur, including delivery schedules. In effect, the only tangible change that will result will be for the ability for the community to get convenient items from 6am and also later in the evening to 11pm.

Relevant effects of the change includes:

- Effects on residential amenities;
- Traffic effects;
- Streetscape effects;
- Effects on neighbourhood character;
- Noise; and
- Positive effects.

### **8.2.1 Effects on residential amenities**

The Night and Day store has been operating from 6am to 11pm since 1 November 2024 and has not yet received any complaints from the community.

The location of the store is that of a mixed environment (comprised of churches and motels). Residential activities are located adjacent to the store (at 5 Fraser Street and 66 Sunderland Street), and on the opposite side of the road.

The site is located on the corner of an Urban Arterial Road<sup>3</sup> (Sunderland Street) which suggests this road sees the most traffic in Clyde (noting that all other roads not otherwise listed are of a lesser category being "Local Roads"). As such, the surrounding roading network exhibits extensive on-road parking amenities attributed to the existing wide road corridors.

In recognition of the mixed-use nature of the immediate area, coupled with the roading classification of Sunderland Street, it is considered very unlikely that the extended hours would result in a noticeable degree of change to the character and amenities of the area. The location of the surrounding residential properties are considered separated enough that vehicles arriving and either parking/idling in proximity to the store during the extended hours are unlikely to be materially noticeable.

It is understood that peak periods of the store remain during the early evening periods where customers are purchasing milk and bread and other supplies on their way home from work or picking up takeaways. This level of activity remains unchanged from what has been the case prior to the rebranding noting that hot food offerings has been a feature of the earlier Four Square operation. While the extended hours and additional hot food offerings may result in additional foot traffic, peak demand is still anticipated to occur within the context of the existing environment (i.e. before 8pm). In the applicant's experience with stores in similar settings, the additional hours beyond 8pm does not attract a high degree of foot traffic in relation to hot food offerings, nor does the site offer facilities for people to eat onsite. As such, while there may be instances of greater foot traffic attracted by the expanded food offerings, the location of the site in terms of its positioning and setting on the corner of a

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<sup>3</sup> As per the Roding Classification in Schedule 19.7 of the District Plan.

main Urban Arterial Road is such that these movements can be appropriately absorbed into the existing environment. This is evident by the lack of complaints received since the changes on 1 November 2024.

Overall, I consider that the prolonged opening hours of the operation will not result in tangible adverse effects on amenity values when considering the nature of the road, the location of the store and the limited number of persons that visit the store during the evening periods.

### **8.2.2 Traffic effects**

Sunderland Street is the only road in Clyde that is classified as an Urban Arterial Road<sup>4</sup> and is the primary through-road for Clyde connecting the commercial area of Clyde with the wider community.

Section 1.6 of the Council's Roading Policy states that each road is classified based on its typical daily traffic volumes (AADT), heavy commercial vehicle volumes or bus (urban peak) numbers. Roads may be lifted up a classification if they also meet specified criteria regarding connectivity to hospitals, population centres, regions, airports, tourist destinations, or freight volumes. Arterial roads, such as Sunderland Street, are defined as roads which make a significant contribution to social and economic wellbeing and they link regionally significant places, industries, ports or airports. Their functionality is increased if they provide the only 'lifeline' route to some places within the region. In urban areas they may have significant passenger transport movements and a higher number of pedestrians and cyclists using the road. Arterial Roads have more than 3,000 AADT in rural areas and more than 5,000 AADT in urban areas, or carry more than 300 heavy vehicles per day.

The existing store forms part of the existing environment and therefore it is relevant to limit consideration of traffic effects to the proposed extended hours.

As per the applicant's experience, peak traffic occurs in the early evenings with customers arriving on their way home from work/school to collect convenience goods items, or dinner. The peak period remains unchanged as a result of the extended hours and will continue to occur within the established receiving environment (up to 8pm).

In terms of effects of traffic post 8pm, the surrounding road network is characterised by wide road carriageways with extensive on road parking which is considered sufficient in being able to accommodate the extended demand.

No changes to loading and service deliveries will occur from what has been established by the existing environment.

Overall, traffic effects on the environment will be no more than minor.

### **8.2.3 Streetscape**

The streetscape effects are considered to be less than minor given no changes are proposed at this time over and above those consented under RC240240.

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<sup>4</sup> Schedule 19.7: Roading Classification

#### **8.2.4 Effects on neighbourhood character**

It is considered that the proposed extended hours are unlikely to result in a material change to the general character of the area which is defined by the store itself (which has been the case since 1903) and the extent of non-residential activities (motels and churches) in the vicinity of the site. The area is not entirely residential in the same vein as that of a quiet, side street but rather sits along the primary arterial road servicing Clyde. With this, comes a degree of expectation of effects that may not necessarily feature in an entirely residential context. As such, the prevailing character of the area is considered to mitigate the effects associated with the extended hours proposed by absorbing the prolonged non-residential use of the site within a node of mixed activities.

#### **8.2.5 Noise**

The store and associated activities does not emit any amplified music beyond the store itself. Noise will be limited to delivery vehicles, traffic, and customers.

No changes are promoted to deliveries and therefore noise associated with deliveries will continue to remain within the ambit of existing use rights.

Noise from traffic and customers beyond the current closing times is considered most relevant. As alluded to, the node in which the store is located is not entirely residential and sits on the main Urban Arterial Route for Clyde. As such there is a higher degree of tolerance to general noise associated with vehicles and people and therefore it is unlikely that additional people attracted to the site by the expanded food offerings during peak times (which coincides with the existing environment) will be noticeable. It is considered that the additional customers visiting the store during the extended hours of operation can also be suitably absorbed within the prevailing receiving environment and road network without emitting adverse levels of noise.

In terms of noise from customers/patrons visiting the store during the extended hours, the store does not offer outdoor picnic tables for people to loiter post collecting food. The nature and location of the store is expected to be a pickup destination rather than an onsite eatery and therefore noise from customers is expected to be no more than minor.

#### **8.2.6 Positive effects**

In terms of positive effects, there is currently no other convenience retailing activities or service stations in Clyde, with the nearest being that in Alexandra. The site has formed an integral part of the character and fabric of the immediate area for the past 100 years and continues to provide essential goods to the local community that is otherwise not offered elsewhere. With the expected growth in Clyde as contemplated by PC19, the proposal provides for a necessary and convenient service for the community by allowing access to convenient items beyond 7pm and avoids unnecessary trips to Alexandra. This in of itself would have a noticeable change on the degree of traffic leaving Clyde for specific convenience goods after 7pm, albeit at a low level.

The additional hours of operation have provided for additional employment opportunities in the form of an additional 32 hours per week (equivalent of just under 2 FTE).



### 8.2.7 Summary of effects on the environment

Fundamentally, the effects on the wider environment are limited to the extent of the extended retailing activities beyond those established for the existing environment. In effect, this includes the additional retailing that would occur from 6am to 7am, and from 8pm to 11pm.

It is considered that the effects of the additional trading hours are limited to the localised area within and around the Sunderland Street and Fraser Street enclave. No person beyond this extent is likely to experience a material change from the additional trading hours beyond those that have formed part of the established receiving environment. As such, effects on the wider environment are considered to be no more than minor.

## 8.3 EFFECTS ON PERSONS

*Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted*

The applicant is currently consulting with all adjoining neighbours for their Affected Persons Approval, which will be provided to Council on receipt. At present, the written approval of the following properties have been obtained and are attached in **Appendix [C]**:

- 2/10 Fraser Street;
- 3/10 Fraser Street;
- 69 Sunderland Street;
- 7 Fraser Street;
- 66 Sunderland Street;
- 5 Fraser Street;
- 59 Sunderland Street (St Catholic Church); and
- 65 Sunderland Street

In terms of all other properties, consideration of effects on the following neighbours has been had (refer to Figure 6):



Figure 3: Location of neighbouring properties. Properties identified in green have provided APA.

An assessment on the relevant neighbours is as follows:

Property	Relevant effect	Assessment
63, 65 and 67 Sunderland Street, Clyde – located on the southern side of Sunderland Street.	Traffic Effects	<p>These properties are located on the southern side of Sunderland Street, opposite the subject site. These sites are characterised by a wide (approximately 16 metres) Council berm providing separation for the road corridor of Sunderland Street itself.</p> <p>In terms of traffic effects, it is appropriate to consider these in the context of the extended hours only, noting that any traffic generated between the hours of 7am to 8pm has formed part of the established receiving environment prior to the Night and Day rebrand.</p> <p>Sunderland Street is an Urban Arterial Road which according to Council's roading policies, are roads that anticipates around 5,000 AADT or carry more than 300 heavy vehicles per day. It is considered that any traffic and parking associated with the extended hours can be suitably absorbed by the classification of the road, which is characterised by extensive road carriageways and road-side parking.</p> <p>In addition, and in practical terms, these properties are generously separated from the road corridor which affords a degree of mitigation from road and traffic noise/commotion.</p>

		<p>In the applicant's experience, the peak periods for Night and Day stores remain in the early evenings (prior to 8pm) and therefore sits within the established baseline of the existing environment. Customer numbers reduce beyond 8pm and therefore a progressive reduction in traffic, which is considered to be able to be suitably absorbed into the receiving environment.</p> <p>As such, traffic effects on these properties will be less than minor.</p>
	Noise effects	No amplified music is played from the store and the separation distances of these properties from the store are such that it is unlikely residents will experience noise during the extended hours that would materially affect amenity values.
	Shading, bulk, privacy and dominance	No changes.
	Amenity effects	The receiving environment is not strictly residential and is characterised by Sunderland Street (an Urban Arterial Road), churches, and the store itself, which has formed part of the existing environment since 1903. The additional hours will not give rise to traffic, noise or commotion on these properties that would be materially noticeable given the inherent separation distances afforded and the context of the receiving environment. As such, effects on amenity values will be less than minor.
	Visual effects	No exterior changes are proposed as part of this application. The Night and Day signage has been partially approved under RC240240. As such, no visual effects will arise as a result of the additional trading hours.
59 and 60 Sunderland Street – located on the opposing corners of the subject site and each contain a church.	Traffic Effects	These properties are characterised by churches which are understood to not operate either before 7am or after 8pm. As such, no effects from the extended hours on these properties will result.
	Noise effects	
	Shading, bulk, privacy and dominance	
	Amenity effects	
	Visual effects	
8 Fraser Street	Traffic Effects	Effects are likely to be limited to cars parking on the road in front of this property during the proposed extended periods. It is considered that effects associated with this change in parking patterns is not adverse in that the provision of vehicles coming and going within a legal road reserve adjacent to the primary Arterial Road of Clyde is not an unexpected occurrence and is unlikely to generate effects that can be distinguished from people parking on the road for other reasons.
	Noise effects	Due to the separation distances afforded, it is unlikely that noise effects associated with the additional hours will materially affect residential amenities.

	Shading, bulk, privacy and dominance	No changes and therefore less than minor.
	Amenity effects	Due to the separation distances afforded, it is unlikely the extended hours will materially affect residential amenities.
	Visual effects	No exterior changes are proposed as part of this application. The Night and Day signage has been partially approved under RC240240. As such, no visual effects will arise as a result of the additional trading hours.

Overall, it is considered that the proposed extended hours are unlikely to result in a material change to the general character of the area which is defined by the store itself (which has been the case since 1903) and the extent of non-residential activities in the vicinity of the site. The area is not entirely residential in the same vein as that of a quiet, side street but rather sits along the primary arterial road servicing Clyde. With this, comes a degree of expectation of effects that are to be anticipated and one that will assist in mitigating the effects associated with the extended hours proposed.

Overall, effects of the proposed extended hours are considered to be less than minor on this property.

*If the scale or significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved.*

The proposal is not considered to warrant any special monitoring over and above Council's standard monitoring regime.

*If the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).*

Not applicable.

## 9 SECTION 95 NOTIFICATION

### 9.1 PUBLIC NOTIFICATION

Section 95A gives a council discretion to decide whether to publicly notify an application or not. There are a total of four steps that are to be followed to publicly notify consent applications under Sections 95A (2) to 95A (9). These steps are addressed in the Table below.

Test	Yes/No	Comments
Step 1: Mandatory notification in certain circumstances – section 95A(3)		

Has the applicant requested that the application be publicly notified?	No	
Is public notification required under s95C (following a request for further information or commissioning of report)?	No	
Is the application made jointly with an application to exchange reserve land?	No	
<b>Step 2: If not required by Step 1, notification is precluded if any of these circumstances apply – section 95A(5)</b>		
Does a rule or NES preclude public notification for all aspects of the application?	No	
Is the application a controlled activity?	No	
Is the application a restricted discretionary or discretionary activity for a subdivision?	No	
Is the application a restricted discretionary or discretionary activity for residential activity?	No	
Is the application a boundary activity (other than a controlled activity)?	No	
<b>Step 3: Notification required in certain circumstances if not precluded by Step 2 – section 95A(8)</b>		
Does a rule or NES require public notification?	No	
Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor?	No	
<b>Step 4: Relevant to all applications that don't already require notification – section 95A(9)</b>		
Do special circumstances exist that warrant the application being publicly notified?	No	

## 9.2 LIMITED NOTIFICATION

Section 95B gives a council discretion for limited notification of consent application. Similar to public notification, there are a total of four steps that are to be followed for limited notification consent applications under Sections 95B (2) to 95A (10). These steps are addressed in the below Table:

Test	Yes/No	Comments
<b>Step 1: Certain affected groups/persons must be notified – sections 95B(2) and (3)</b>		
Are there any affected protected customary rights groups or customary marine title groups?	No	
If the activity will be on, adjacent to, or might affect land subject to a statutory acknowledgement - is there an affected person in this regard?	No	
<b>Step 2: If not required by Step 1, notification is precluded if any of the following apply – section 95B(6)</b>		
Does a rule or NES preclude limited notification for all aspects of the application?	No	
Is the application a controlled activity?	No	
<b>Step 3: Notification of other persons if not precluded by Step 2 – sections 95B(7) and (8)</b>		

In the case of a boundary activity, is the owner of an allotment with an infringed boundary considered affected under s95E?	No	
Are there any other affected persons under s95E, i.e. persons on whom the effects are minor or more than minor, and who have not given written approval?	No	
<b>Step 4: Notification in special circumstances – section 95B(10)</b>		
Do special circumstances exist that warrant the application being notified to any persons not identified above?	No	

### 9.3 NOTIFICATION CONCLUSION

Based on the assessment above, it is considered that the proposal does not warrant public notification in that effects on the wider environment are no more than minor.

In addition, the proposal is not considered to warrant limited notification in that no person(s) are considered to be adversely affected by the proposed activities.

## 10 SECTION 104(1)(b) ASSESSMENT

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section 104(1)(b) (of the RMA). This includes;

- A national environmental standard
- Other regulations
- A national policy statement
- A New Zealand coastal policy statement
- A regional policy statement or proposed regional policy statement
- A plan or proposed plan

### 10.1 CENTRAL OTAGO DISTRICT PLAN

In this case, the most relevant document is that of the Central Otago District Plan.

#### 10.1.1 Section 11: Heritage Precincts

The key premise of the policy framework as it relates to the Heritage Precinct is to recognise and protect heritage values and character of the precinct (Objective 11.2.1) as well as maintaining or enhancing the amenity values derived from the character (Objective 11.2.2).

In addition, Policy 11.3.1 states:

*Policy 11.3.1 - Erection and Alteration of Structures*

*To ensure that any alterations to, or the erection of structures (including buildings and signs) within a heritage precinct complements the existing character and values of that precinct by recognising and providing for the following matters:*

*(a) The relationship of the building to the heritage precinct and its predominant characteristics and values, including consideration of both consistency with and enhancement of the predominant heritage character and also any juxtaposition of heritage values from different eras.*

*(b) The siting of the building and its consistency with the location of any earlier buildings on the site.*

*(c) The conservation of the main determinants of the style and character of the building and of the precinct itself.*

*(d) The retention of the scale and profile of both the building itself and the buildings of the precinct, particularly where viewed from public places.*

*(e) An authentic historical or complementary design and appearance of the building (or sign) including cladding materials, openings and colour.*

*(f) The appropriateness of associated landscaping and planting in terms of the heritage character and townscape of the precinct.*

*(g) The existing design of services (including roads, footpaths and stormwater disposal) and the need to maintain the heritage character and values of the precinct.*

Exterior changes in relation to signage have been assessed and approved under RC240240. No changes to the exterior is proposed as part of this application to change hours of operation and therefore it is concluded that the proposal is consistent with the relevant objectives and policies of the District Plan.

#### **10.1.2 Medium Density Residential Zone**

As per the notified PC19 Planning Maps, the subject site is re-zoned to Medium Density Residential (Precinct 1).

PC19 has been driven by the direction set out in the Vincent and Cromwell Spatial Plans. The spatial plans have been prepared by Central Otago District Council to respond to demand for residential land and housing affordability concerns in the District, and to plan for the anticipated growth over the next 30 years. PC19 proposes to make a suite of changes to the way the District's residential areas are zoned and managed. In implementing the direction set out in the two spatial plans, PC19 involves rezoning new land for residential use, identifying some areas for future growth, aligning existing residential zoning with the proposed new zones, and includes new provisions for managing land use and subdivisions within the residential zones.

The introductory text to the Medium Density Zone explains that while the focus of the zone is residential activity, some commercial and community facilities are anticipated, where they support the local residential population and are compatible with the purpose, character and amenity values of the zone. Policy MRZ-P6 expands on this notion as follows:

*Only allow other non-residential activities and buildings where:*

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 amenity values of the zone and surrounding area; and*
3. *the activity is of a nature and scale that serves 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 residential sites, a sense of amenity, security and companionship is maintained; and*
5. *any parking and vehicle manoeuvring provided on-site is appropriately designed; and*
6. *the safety and efficiency of the road network is maintained; or*
7. *the activity is an expansion of an existing non-residential activity or building, and the expansion does not result in any significant increase of any existing tension with 1-6 above.*

As assessed above, the store has formed part of the existing environment since 1903 and provides a valuable service to the local Clyde community in that it is one of the few (if not only) convenient retail stores within the community itself.

While the hours of operation are proposed to be extended to be in keeping with the wider Night 'n Day brand, the only material change that is expected to arise will be customers for a prolong period of time. No changes to the actual operation including delivery schedules are proposed.

The extended hours are not considered to compromise the amenity values of the surrounding residents noting the immediate area is characterised by a range of non-residential activities including the local church. The store forms part of the fabric of the immediate area and one that will provide for the needs of the community by allowing extended access to convenience items that would otherwise necessitate a trip to Alexandra to obtain. As such, the nature and scale is considered to be compatible with the area and will not undermine existing businesses in Clyde, largely due to the lack of alternative offerings (for convenience retailing) at present. No changes to parking or manoeuvring are proposed. No changes to the efficiency of the road network (whereby Sunderland Street is an Urban Arterial Road currently) are expected to arise by the extended hours proposed. The proposal is consistent with point 7 in that the expansion of the operating hours are in relation to an existing activity.

The proposal is not considered to give rise to any material effects over and above those existing and is not considered to be at odds with the objectives and policies detailed in PC19.

## **10.2 PLAN CHANGE 20**

Plan Change 20 (PC20) relates to minor changes proposed to Section 11 (Heritage Precincts) of the District Plan and was released alongside PC19.



PC20 aims to provide guidance to help better align the matters of discretion and information requirements for resource consents required for building in a heritage precinct. The change is based on new draft heritage guidelines developed for Council by Dr Glen Hazelton following an extensive review of the history and character of each of the five precincts - Ophir, Naseby, St Bathans, Clyde and Old Cromwell Town.

The proposed new heritage guidelines will provide more clarity for people wanting to develop in the district's heritage precincts. They will give people an advanced indication of what might be acceptable or what they should be thinking about when they are designing buildings.

Exterior changes in relation to signage have been assessed and approved under RC240240. No changes to the exterior is proposed as part of this application to change hours of operation and therefore it is concluded that the proposal is consistent with the relevant objectives and policies of PC20.

## 11 PART 2 ASSESSMENT

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The proposal is consistent with Part 2 of the Act, being the sustainable management of natural and physical resources, whilst also protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

## 12 SUMMARY

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Resource consent is sought to formalise the hours of operation to the existing commercial building at 62-64 Sunderland Street, Clyde.

Overall, the activity is assessed as a **discretionary activity**.

The actual and potential effects on the environment have been outlined in section 8 of this report where it is concluded that the proposed activity is not likely to have any adverse effects on the environment that are more than minor.

The proposal is considered consistent with the relevant objectives and policies of the District Plan and meets the purpose and principles of the Resource Management Act 1991.

jake@jakewoodward.co.nz  
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PO Box 190  
Cromwell, 9342  
jakewoodward.co.nz





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

**Guaranteed Search Copy issued under Section 60 of the Land  
Transfer Act 2017**



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **OT9A/864**

**Land Registration District** **Otago**

**Date Issued** 06 October 1982

**Prior References**

OT409/183

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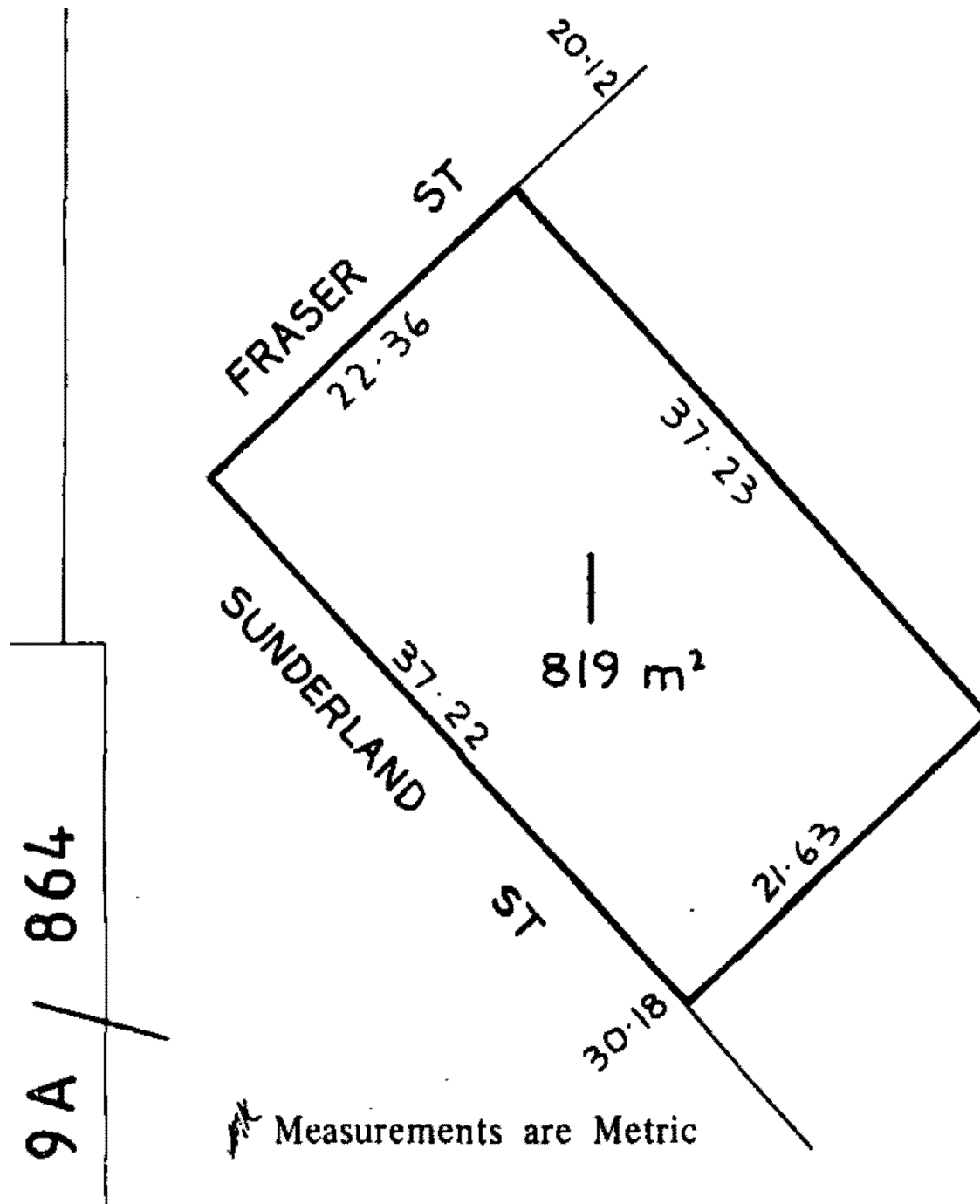
<b>Estate</b>	Fee Simple
<b>Area</b>	819 square metres more or less
<b>Legal Description</b>	Lot 1 Deposited Plan 18081
<b>Registered Owners</b>	
RFC Properties Limited	

---

**Interests**

Identifier

OT9A/864



62-64 Sunderland Street / Heritage Statement  
Origin Consultants / October 2024



NND Advertising Ltd  
c/o Nicky Gibbs

By email: jake@jakewoodward.co.nz

3 October 2024

**Heritage Statement: 62-64 Sunderland Street, Clyde  
(LOT 1 DP 18081)**

This Heritage Statement has been prepared for NND Advertising Ltd, c/o Jake Woodward, in relation to a resource consent for the installation of “Night ‘n Day” commercial signage to the façade and verandah of the building located at 62-64 Sunderland Street, Clyde (Western corner of site).

As per the fee estimate agreed on 30<sup>th</sup> September 2024, this memo provides a heritage statement which includes:

- Reviewing the proposed signage drawings for the Night ‘n Day convenience store
- An overview of the history of the property, focusing on the nature of activities carried out on the property over time (including any relevant references to signage)
- An assessment of the impact the proposed signage will have on the building, site, and on the wider Clyde Heritage Precinct

In general terms, this statement follows an accepted best-practice approach as described in Sustainable Management of Historic Heritage Guidance Information Sheet 9 by Heritage New Zealand Pouhere Taonga in that it states: what heritage place is affected or involved; what work or changes are proposed; the principles that guide the assessment/heritage impact advice; and how the proposal measures up to the Regional and District Plan assessment standards (or other best practice standards).

**Disclaimer**

This assessment has been prepared in relation to the particular brief outlined above. The advice and/or information contained in this assessment may not be used or relied on in any other context for any other purpose. No responsibility is accepted for the use of any advice or information contained in it in any other context or for any other purpose.

The professional advice and opinions contained in this report are those of Origin Consultants, and do not represent the opinions and policies of any third party. The professional advice and opinions contained in this report do not constitute legal advice.

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1

This document may not be read or reproduced except in its entirety

62-64 Sunderland Street / Heritage Statement  
Origin Consultants / October 2024

### Methodology

Information in this assessment has been based on the following information:

- Proposed signage designs, file name: *Night 'n Day Proposed Building Signage* – Revision V06 – 25/09/30, by Sharp Signs, received from NND Advertising Ltd
- “As existing” photos of the site, received from Jake Woodward 30/09/24
- CODC Property file for 62-64 Sunderland Street

The proposed signage has been reviewed against the following statutory documents:

- CODC District Plan (Heritage - Plan Change 20)
- CODC Heritage Guidelines

Limitations – Observations and recommendations within this report have been made by means of a desk-based assessment only. Reasonable time and budget constraints meant that historical research only involved desk-based research, and the scope of the history was limited. No site visit has been carried out as part of this assessment.

### Site Details

Address	62-64 Sunderland Street, Clyde
Legal Description	LOT 1 DP 18081
District Plan Status	Residential Zone & Clyde Heritage Precinct

The building is located on the Western corner of the site and has frontage that faces on to both Sunderland Street and Fraser Street. It is currently the premises for a 4-Square Supermarket but has been purchased by Night 'n Day convenience store, who are proposing to replace the existing signage with new signage. The building does not hold a Heritage Listing but is located within the Clyde Heritage Precinct. The verandah extends out on to the road reserve, which is zoned as Residential.

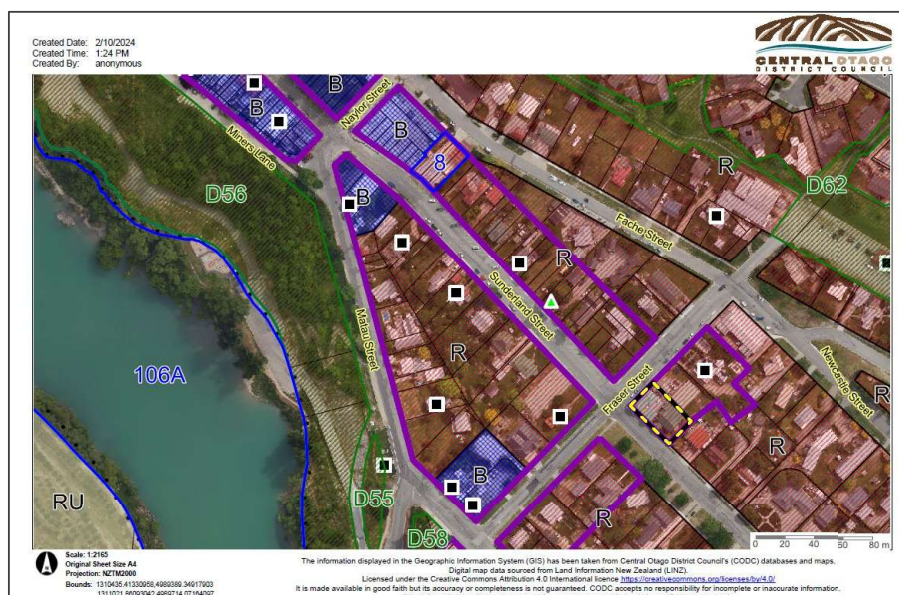


Figure 1 - 62-64 Sunderland site location shown in black & yellow dashed outline. Residential zone shown in red hatch, Business zone in blue hatch. Heritage precinct is outlined in purple.

62-64 Sunderland Street / Heritage Statement  
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### Background: Building & Site History

The property at 62-62 Sunderland was originally surveyed as parts of Sections 3, 4 & 26 of Block X during the 1864 & 1867 surveys of Clyde.<sup>1</sup> The building that this Heritage Statement is reviewing was located on the corner of Section 3, along Sunderland Street and Longstone Street (now Fraser Street).

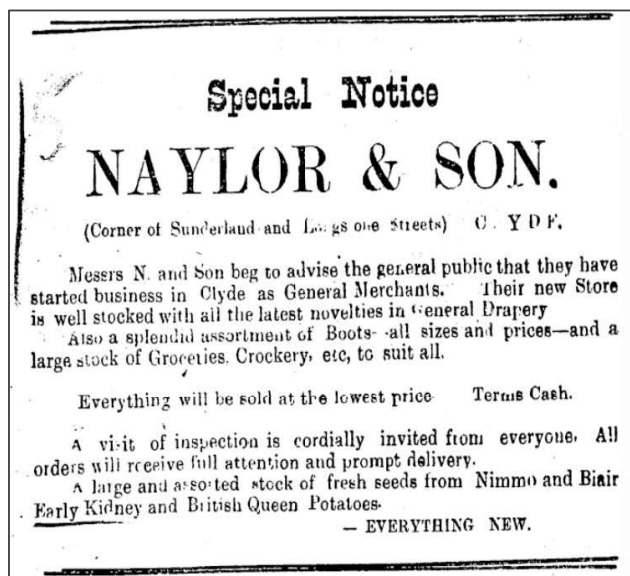


Figure 2 - Store advertisement for Naylor's General Merchant store, Dunstan Times.

The land was purchased by an individual named Naylor in 1887<sup>2</sup>, and in May 1904 it was reported that a Mr. B Naylor Jr. had "(...) made a start erecting a shop on his property in Sunderland St. Clyde".<sup>3</sup> In September of 1904, there was a Special Notice featured in the *Dunstan Times*, announcing the opening of a new General Merchants store, on the corner of Sunderland and Longstone Streets, under the name "Naylor & Son." (see Figure 2).<sup>4</sup>

The image below (Figure 3) shows an image of the store – the source file record notes this to be a photo of "Ben Naylor's Store" taken in 1903, however given the two press clippings found in the *Dunstan Times*, it is more likely that this was taken in 1904 or later. Figure 4 shows a 1947 aerial view of Clyde, on which the store is visible (circled in red) – it's overall bulk and form are recognisable and appear not to have changed much since its construction.



Figure 3 - 62-64 Sunderland Street - Ben Naylor Jr's Store est – 1903 (Source: Hocken Digital Collections, c/nE2195/16)

<sup>1</sup> SO14147 & SO14148

<sup>2</sup> R22. Deeds Index G Pg 369 (R 22756316)

<sup>3</sup> Local and General. *Dunstan Times*, Issue 2233, 10 May 1904, Page 4

<sup>4</sup> *Dunstan Times*, Issue 2252, 6 September 1904, Page 4



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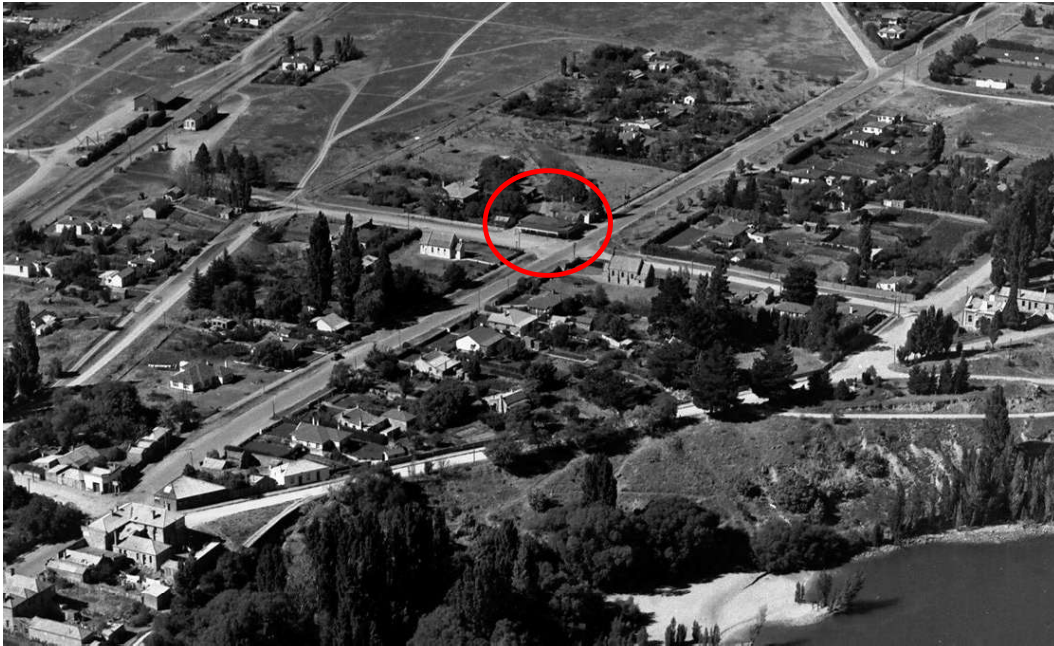


Figure 3 - 1947 a 02 CEO1-38 - 15 - VC Browne & Son - Clyde - 1947 (800dpi)

The property was transferred to “Benjamin Naylor the Younger of Clyde Merchant” in 1926.<sup>5</sup> The section of land that the building is located on has since been re-surveyed / re-parcelled, and re-sold a number of times. The CODC property file dates back to the early 2000’s, and reveals that the building has maintained its commercial use during this time. The files also show that the building has been subjected to some alterations, but these appear to have all occurred towards the rear of the building or site, leaving the Sunderland & Fraser Street elevations largely unaltered.

The following two images depict the current-day shop elevations along Fraser & Sunderland Street:



Figure 4 - Existing Elevation, Fraser Street, photo taken: 28/09/2024 by Jake Woodward.

<sup>5</sup> OT214\_211\_Title\_Historic\_View



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Figure 5 - Existing Elevation, Sunderland Street, photo taken: 28/09/2024 by Jake Woodward

### Proposed Signage

The following images are excerpts from drawing set entitled: *Night 'n Day Proposed Building Signage – Revision V06 – 30/09/2024*, by Sharp Signs, received from NND Advertising Ltd on 01/10/2024. These images show the proposed design for updated signage, to follow the ownership & store changeover from a 4-Square Supermarket to a Night 'n Day convenience store.



Figure 6 - Proposed Signage, Fraser Street Elevation



Figure 7 - Proposed Signage, corner of Fraser Street & Sunderland Street

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Figure 8 - Proposed Signage, Sunderland Street Elevation

### District Plan Application

The existing building located on the corner of 62-64 Sunderland Street is not scheduled in the CODC District Plan or included in the Heritage New Zealand Pouhere Taonga List Rārangi Kōrero. The site is located within the Clyde Heritage Precinct. The verandah to the building front is located within the road reserve, but visible from the Clyde Heritage Precinct.

Plan Change 20 (PC20) has amended Section 11 of the CODC District Plan. These rules have immediate effect.

From a heritage perspective, the following rules apply:

- **11.4.1(a) – Addition or Alterations of Structures** – *The addition, alteration, painting or repainting in a colour that is significantly different from the existing colour, recladding, covering or uncovering or any other changes to the external appearance of buildings, parts of buildings, stone fences, or other structures (including signs) located within a heritage precinct and visible from a road or any public place is a discretionary (restricted) activity ~~provided that for Historic Places Trust Category I buildings, Rule 14.7.1.a.ii shall apply.~~*

Rule 11.4.1A outlines that applications for an activity in terms of Rule 11.4.1(a), (b), and (c) shall be accompanied by plans drawn to scale and explanatory documentation to fully describe:

- The position of all proposed buildings, additions or alterations or any other structure, and of any existing building, fence or other structure.*
- The materials to be used for exterior cladding or recladding or for the finish of any building, addition or alteration, fence, sign or other structure.*
- The colours to be used to finish any building, addition or alteration, fence, sign or other structure, or for painting or repainting.*
- The elevation of any buildings and addition or alteration including facades visible from any road or public place.*
- The location and species of any landscaping or plantings proposed on a site.*
- Any application made for an activity in terms of Rule 11.4.1(a) or (b) above shall also include reference to, and an assessment against, any relevant design guideline documents prepared by the Council. A Heritage Impact Assessment will also be required in instances where a proposal is significantly different from any relevant design guideline documents or is of a larger scale.*

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### Clyde Heritage Precinct

The Clyde Heritage Precinct characteristics are briefly given in Section 11 (incorporating Plan Change 20) of the District Plan as follows:

*Formerly known as 'Dunstan', Clyde was the dominant settlement in this part of the district during the gold rushes of the 1860's. Many buildings from last century have been retained at Sunderland Street and on neighbouring streets that together form a heritage precinct. Churches, hotels, cottages, the former post office and dry stone walls are significant heritage townscape elements at Clyde that also contains significant museums which complement the built heritage of the town.*

The Precinct values are not clearly defined in the District Plan, but the Central Otago District Council Heritage Guidelines dated January 2022 (supplied as part of PC20) provides the following guidance around signage within the residential zone:

<b>Signs</b>	<p>Signs should be kept to a minimum.</p> <p>Signs on buildings should not dominate façades or conceal windows or architectural features.</p> <p>Where corporate colours differ from the neutral palate preferred for the area, they should be adapted to more subdued tones or used sparingly to ensure signs are sympathetic to the buildings they are placed on.</p> <p>Buildings should not be painted as signs.</p>
--------------	--

In addition, the Guidelines' description of the residential part of the Precinct comments on the importance of the "old town" character of the Clyde Heritage Precinct, referencing also to how simple roofed verandahs add "architectural interest" to buildings.

### **Impact on Heritage**

#### Installation of New Signage to Verandah & Façades

The alteration to the exterior of an existing structure within the Heritage Precinct (including installation of the new signage) is a restricted discretionary activity. The following section discusses the proposed signage according to the matters of discretion reserved in the District Plan (identified in *italics* below) and how these matters impact upon the heritage values of the Clyde Heritage Precinct.

#### **11.4.1(a) – Addition or Alterations of Structures**

*Council shall restrict the exercise of its discretion to the following matters:*

- 1.c** *The external design and appearance of the building or structure (including the materials and colour) used, and taking into account the compatibility of the scale, orientation, roof pitch and rooflines, window alignment, colour, materials and details of the building or structure in relation to the existing building and other buildings in the precinct*
- 5.** *The appropriateness of any signage or fencing proposed.*

Given the building's history of having been a store (and having been identifiable as one) since its construction in the early 1900's, it is considered appropriate for the building to continue to display signage to this effect, albeit located in a residential zone. Referring to the 1903 image presented above (Figure 3), it is clear that the proposed Night 'n Day designs have taken inspiration from the original arrangement and style of the historic store signage.

The verandah signage in particular, the most prominently visible proposed for the building, has been designed to be of a similar scale and look to the original verandah boards. This includes the retaining of the decorative perimeter fretwork, the division of the boards into segments to fit within the fretwork and verandah posts, and the font style of the signage retaining a simplistic, block-lettered look, reminiscent of the historic signage. Night 'n Day have elected to keep the wording on the signage in keeping with "older" vocabulary and stays away from "modern" terminology.

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The signage proposed to the façades has been positioned and scaled to be respectful of existing door and window openings and coordinated to sit centrally on architectural elements of the building (such as between windows & centred on bays). This design approach is in-keeping with the style of the building, and does not overwhelm it. The materials of the building remain clearly visible, ensuring that the character that this fabric conveys is retained. The façade signs are set-back from immediate view, by virtue of the verandah, which reduces their prominence along the streetscape.

It is difficult to determine exactly which colours were used on the original store signs, however, along the verandah it is clear that they consisted of dark lettering on a light-coloured background, with a darker border to each signage segment. Responding to the CODC Heritage Guidelines, Night 'n Day have proposed to swap their signature fluorescent yellow with a more subdued off-white colour, in the attempt to remain more in-keeping with the heritage style colour-palette that contributes to creating the "old town" look and feel.

### Conclusion

Having reviewed the proposed signage drawings against the CODC District Plan Rules, The CODC Heritage Guidelines, the historic imagery and photographs of the existing arrangement, we can conclude the following:

1. The proposed signage is in-keeping with the building's historic signage depicted in the 1903 photograph.
2. The Night 'n Day branding colours have been toned down overall, to closer resemble a heritage-style colour palette.
3. The proposed signage size and positioning is compatible with the scale, window alignment, colour and architectural details of the existing building.
4. For the reasons outlined above and in the previous section, the proposed signage is an improvement on the existing arrangement, thereby contributing in a more positive way to Clyde Heritage Precincts "old town" look and feel.
5. For the reasons outlined above and in the previous section, the signage is deemed appropriate for the building and site.

Overall, the proposal of the updated signage within the Heritage Precinct responds to the Clyde Heritage Precinct values as described in the District Plan and the CODC Clyde Heritage Guidelines relating to signage, and therefore creates a compatible addition to the Precinct. As such, the impact on the heritage character of the Precinct is considered to be less than minor.



**Kirsten Gibbs-Allen**

**Director / Registered Architect**

For and on behalf of Origin Consultants Ltd  
PO Box 213, Queenstown 9348 / Rear of 38 Buckingham Street, Arrowtown 9302

kirsten@originteam.co.nz  
[www.originteam.co.nz](http://www.originteam.co.nz)



**Written Persons Approval for Resource Consent****(Form 8A)****Section 95E(3), Resource Management Act 1991**

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

Post to: The Chief Executive  
Central Otago District Council  
PO Box 122  
Alexandra 93401 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand+64 3 440 0056  
info@codc.govt.nz  
www.codc.govt.nz**TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL**Applicant Name: NND Advertising Ltd (Night and Day)

Type of resource consent (circle all appropriate): Land-use / subdivision

Proposed activity:

Resource consent to formalise operating hours from 6am to 11pm, Monday to Sunday.Resource consent to change exterior colours to "Thunder Grey" (for roof) and Sulux "Silkwoot" to claddingResource consent for all signage shown on the elevation plan dated December 2024

Location of site:

62 Sunderland Street, Clyde (the former Four Square).**CONTACT DETAILS OF AFFECTED PARTY**Full Name/s: (name of person giving written approval) Nigel and Jenny LilliecrappEmail Nig and Jen @ HOT MAIL . COM . NZ Phone 021090440Address of the property (I am the owner of the following property): FLAT 2 - 10 IRASALA STREETClyde

The full name of all other owners of the property: (owners of the affected property)

I have authority to sign on behalf of all the other owners of the property:

☒ Yes☐ No other ownersAffected Persons Approval Resource Consent  
Revised 10/23

**NOTES**

Conditional written approvals cannot be accepted.

There is no obligation to sign this form, and no reasons need to be given.

If this form is not signed, the application may be notified with an opportunity for submissions.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

**DECLARATION**

- ☒ I have sighted all the attached plans and supporting information for the above activity.
- ☒ I have read the full application for resource consent, the Assessment of Environmental Effects, and any site plans as follows
- ☒ In signing this written approval, I understand that the consent authority must decide that I am no longer an affected person, and the consent authority must not have regard to any adverse effects on me.
- ☒ I understand that I may withdraw my written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

Signature

Date

If you have any questions, please contact the Central Otago District Council by phoning 03 440 0056 or email [resource.consents@codc.govt.nz](mailto:resource.consents@codc.govt.nz)

COMPLETED BY THE PERSON(S) REQUESTING APPROVAL  
Applicant Name: NND Advertising Ltd (Night and Day)

## Written Persons Approval for Resource Consent

(Form 8A)  
Section 95E(3), Resource Management Act 1991

Email to: resource.consents@codc.govt.nz  
Post to: The Chief Executive  
Central Otago District Council  
PO Box 122  
Alexandra 9340

**Central Otago District Council**  
1 Dunmore Street  
PO Box 122, Alexandra 9340  
New Zealand  
+64 3 440 0056  
info@codc.govt.nz  
www.codc.govt.nz

TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant Name: NND Advertising Ltd (Night and Day)

Type of resource consent (circle all appropriate): Land-use / subdivision

Proposed activity:  
Resource consent to formalise operating hours from 8am to 11pm, Monday to **Sunday**.

Resource consent to change exterior colours to "Thunder Gray" (for roof) and Sulux "Silkwort" to cladding

Resource consent for all signage shown on the elevation plan dated December 2024

Location of site:  
62 Sunderland Street, Clyde (the former Four Square).

CONTACT DETAILS OF AFFECTED PARTY

Full Name/s: (name of person giving written approval) BEN CHARLES JOHNSON

PATRICIA MARY JOHNSON Phone 0272265454

Email bentriciajohnson@xtra.co.nz

Address of the property (I am the owner of the following property): 69 SUNDERLAND STREET CLYDE

The full name of all other owners of the property: (owners of the affected property)  
JOHNSON FAMILY TRUST  
BEN CHARLES JOHNSON  
PATRICIA MARY JOHNSON

I have authority to sign on behalf of all the other owners of the property:

☐ Yes ☒ No other owners

Affected Persons Approval Resource Consent  
Revised 10/23

1



BY THE PERSON(S) REQUESTING APPROVAL  
Date (Month and Day)

NOTES

Conditional written approvals cannot be accepted.

There is no obligation to sign this form, and no reasons need to be given.

If this form is not signed, the application may be notified with an opportunity for submissions.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

DECLARATION

☒ I have sighted all the attached plans and supporting information for the above activity.

☐ I have read the full application for resource consent, the Assessment of Environmental Effects, and any site plans as follows

☒ In signing this written approval, I understand that the consent authority must decide that I am no longer an affected person, and the consent authority must not have regard to any adverse effects on me.

☒ I understand that I may withdraw my written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.


Signature B. H. P. M. J. M. Date 10-3-25

If you have any questions, please contact the Central Otago District Council by phoning 03 440 0056 or email [resource.consent@codc.govt.nz](mailto:resource.consent@codc.govt.nz)

Affected Persons Approval Resource Consent  
Revised 10/23

2



  
CENTRAL OTAGO  
DISTRICT COUNCIL  
1 Dunrobin Street  
PO Box 122, Alexandra 9340  
New Zealand  
+64 3 440 0056  
info@codc.govt.nz  
www.codc.govt.nz

**Written Persons Approval for Resource Consent**  
(Form 8A)  
Section 95E(3), Resource Management Act 1991

Email to: resource.consents@codc.govt.nz  
Post to: The Chief Executive  
Central Otago District Council  
PO Box 122  
Alexandra 9340

**TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL**

Applicant Name: NND Advertising Ltd (Night and Day)

Type of resource consent (circle all appropriate): Land-use / subdivision

Proposed activity:  
Resource consent to formalise operating hours from 6am to 11pm, Monday to Sunday.

Resource consent to change exterior colours to "Thunder Grey" (for roof) and Sulux "Silkwoot" to cladding

Resource consent for all signage shown on the elevation plan dated December 2024

Location of site:  
62 Sunderland Street, Clyde (the former Four Square).

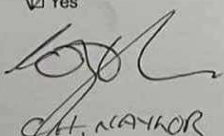
**CONTACT DETAILS OF AFFECTED PARTY** CHRISTOPHER HUGH NAYLOR  
DEBRA I SABELLA ROBB  
Full Name/s: (name of person giving written approval)

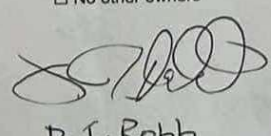
Chris.hnaylor@gmail.com 021 205 1718  
Email Phone

Address of the property (I am the owner of the following property): 7 FRASER STREET,  
CLYDE.

The full name of all other owners of the property: (owners of the affected property)  
C.M. LAW TRUSTEES (2010) LTD

We have authority to sign on behalf of all the other owners of the property:  
☒ Yes ☐ No other owners

  
C.H. NAYLOR

  
D. I. Robb

Affected Persons Approval Resource Consent  
Revised 10/23

1

**NOTES**

Conditional written approvals cannot be accepted.

There is no obligation to sign this form, and no reasons need to be given.

If this form is not signed, the application may be notified with an opportunity for submissions.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

**DECLARATION**

- ☒ I have sighted all the attached plans and supporting information for the above activity.
- ☐ I have read the full application for resource consent, the Assessment of Environmental Effects, and any site plans as follows
- ☒ In signing this written approval, I understand that the consent authority must decide that I am no longer an affected person, and the consent authority must not have regard to any adverse effects on me.
- ☒ I understand that I may withdraw my written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

Signature

Date

11<sup>th</sup> March 2025

If you have any questions, please contact the Central Otago District Council by phoning 03 440 0056 or email [resource.consent@codc.govt.nz](mailto:resource.consent@codc.govt.nz)

**Written Persons Approval for Resource Consent**

**(Form 8A)**  
**Section 95E(3), Resource Management Act 1991**

**Central Otago District Council**  
 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.consents@codc.govt.nz

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

**TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL**

Applicant Name: NND Advertising Ltd (Night and Day)

Type of resource consent (circle all appropriate): Land-use / subdivision

Proposed activity:  
Resource consent to formalise operating hours from 6am to 11pm, Monday to Sunday.  
Resource consent to change exterior colours to "Thunder Grey" (for roof) and Sulux "Silkwoot" to cladding  
Resource consent for all signage shown on the elevation plan dated December 2024

Location of site:  
62 Sunderland Street, Clyde (the former Four Square).

**CONTACT DETAILS OF AFFECTED PARTY**

Full Name/s: (name of person giving written approval) Gavin Francis Hall

Email: g.d.hall@extra.co.nz Phone: 0273717678

Address of the property (I am the owner of the following property): 66 SUNDERLAND ST  
CLYDE CENTRAL OTAGO

The full name of all other owners of the property: (owners of the affected property)  
Donna-Marie Lesley Hall

I have authority to sign on behalf of all the other owners of the property:  
☒ Yes ☐ No other owners

Affected Persons Approval Resource Consent  
 Revised 10/23

1



**NOTES**

Conditional written approvals cannot be accepted.

There is no obligation to sign this form, and no reasons need to be given.

If this form is not signed, the application may be notified with an opportunity for submissions.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

**DECLARATION**

- ☒ I have sighted all the attached plans and supporting information for the above activity.
- ☒ I have read the full application for resource consent, the Assessment of Environmental Effects, and any site plans as follows
- ☒ In signing this written approval, I understand that the consent authority must decide that I am no longer an affected person, and the consent authority must not have regard to any adverse effects on me.
- ☒ I understand that I may withdraw my written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

Signature

Date

If you have any questions, please contact the Central Otago District Council by phoning 03 440 0056 or email [resource.consents@codc.govt.nz](mailto:resource.consents@codc.govt.nz)

## Written Persons Approval for Resource Consent

(Form 8A)

### Section 95E(3), Resource Management Act 1991

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

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



1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

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

### TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant Name: NND Advertising Ltd (Night and Day)

Type of resource consent (circle all appropriate): Land-use / subdivision

Proposed activity:

Resource consent to formalise operating hours of Night and Day from 6am to 11pm, Mor

\_\_\_\_\_

\_\_\_\_\_

Location of site:

62 Sunderland Street, Clyde (the former Four Square).

### CONTACT DETAILS OF AFFECTED PARTY

Full Name/s: (name of person giving written approval) Gayleen Sutherland

bwgi@xtra.co.nz.

Email

0272425786

Phone

Address of the property (I am the owner of the following property): 5 Fraser St Clyde

The full name of all other owners of the property: (owners of the affected property)

Brett William Sutherland

I have authority to sign on behalf of all the other owners of the property:

☐ Yes

☐ No other owners

**NOTES**

Conditional written approvals cannot be accepted.

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If this form is not signed, the application may be notified with an opportunity for submissions.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

**DECLARATION**

- ☐ I have sighted all the attached plans and supporting information for the above activity.
- ☐ I have read the full application for resource consent, the Assessment of Environmental Effects, and any site plans as follows
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- ☐ I understand that I may withdraw my written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

Gayleen Sutherland



12/03/2025

Signature

Date

If you have any questions, please contact the Central Otago District Council by phoning 03 440 0056 or email [resource.consents@codc.govt.nz](mailto:resource.consents@codc.govt.nz)

Written Persons Approval for Resource Consent  
(Form 8A)  
Section 95E(3), Resource Management Act 1991

Email to: resourceconsents@codc.govt.nz

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

**CENTRAL OTAGO DISTRICT COUNCIL**  
1 Dunsferry Street  
PO Box 122, Alexandra 9340  
New Zealand  
+64 7 440 6056  
info@codc.govt.nz  
www.codc.govt.nz

**TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL**

Applicant Name: NND Advertising Ltd (Night and Day)

Type of resource consent (circle all appropriate): Land-use / subdivision

Proposed activity:  
Resource consent to formalise operating hours from 6am to 11pm, Monday to Sunday

Resource consent to change exterior colours to "Thunder Gray" (for roof) and Sulux "Silkwoot" to cladding

Resource consent for all signage shown on the elevation plan dated December 2024

Location of site:  
62 Sunderland Street, Clyde (the former Four Square).

**CONTACT DETAILS OF AFFECTED PARTY**

Full Name/s: (name of person giving written approval) Hein William Mann

Email heanwman@gmail.com Phone 027 2070371

Address of the property (I am the owner of the following property): 31c Fraser Street, Clyde  
Central Otago, New Zealand.

The full name of all other owners of the property: (owners of the affected property)  
Central Otago District Council.

I have authority to sign on behalf of all the other owners of the property:  
☒ Yes ☐ No other owners

Affected Persons Approval Resource Consent  
Revised 10/23



Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Initial	Initial	Initial	Initial	Initial	Initial	Initial

RE COMPLETED ALL SHIFT

NOTES

Conditional written approvals cannot be accepted.

There is no obligation to sign this form, and no reasons need to be given.

If this form is not signed, the application may be notified with an opportunity for submissions.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.


DECLARATION

☒ I have sighted all the attached plans and supporting information for the above activity.

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☒ In signing this written approval, I understand that the consent authority must decide that I am no longer an affected person, and the consent authority must not have regard to any adverse effects on me.

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Signature

10-03-2025

Date

If you have any questions, please contact the Central Otago District Council by phoning 03 440 0056 or email [resource.consent@codc.govt.nz](mailto:resource.consent@codc.govt.nz)

Affected Persons Approval Resource Consent  
Revised 10/23

2



## Written Persons Approval for Resource Consent



1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

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

(Form 8A)

### Section 95E(3), Resource Management Act 1991

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

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

### TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant Name: NND Advertising Ltd (Night and Day)

Type of resource consent (circle all appropriate): Land-use / subdivision

Proposed activity:

Resource consent to formalise operating hours from 6am to 11pm, Monday to Sunday.

Resource consent to change exterior colours to "Thunder Grey" (for roof) and Sulux "Silkwort" to cladding

Resource consent for all signage shown on the elevation plan dated December 2024

Location of site:

62 Sunderland Street, Clyde (the former Four Square).

### CONTACT DETAILS OF AFFECTED PARTY

Full Name/s: (name of person giving written approval) Kevin Ferguson

Email kevinfergusonnz@gmail.com Phone 0274383820

Address of the property (I am the owner of the following property): 68 Sunderland St  
Clyde

The full name of all other owners of the property: (owners of the affected property)

Jacelyn Ferguson

I have authority to sign on behalf of all the other owners of the property:

☒ Yes

☐ No other owners

## NOTES

Conditional written approvals cannot be accepted.

There is no obligation to sign this form, and no reasons need to be given.

If this form is not signed, the application may be notified with an opportunity for submissions.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.


## DECLARATION

- ☒ I have sighted all the attached plans and supporting information for the above activity.
- ☐ I have read the full application for resource consent, the Assessment of Environmental Effects, and any site plans as follows
- ☒ In signing this written approval, I understand that the consent authority must decide that I am no longer an affected person, and the consent authority must not have regard to any adverse effects on me.
- ☒ I understand that I may withdraw my written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

Signature K Ferguson

Date 17/3/25

If you have any questions, please contact the Central Otago District Council by phoning 03 440 0056 or email [resource.consents@codc.govt.nz](mailto:resource.consents@codc.govt.nz)

  
CENTRAL OTAGO  
DISTRICT COUNCIL

1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

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

## Written Persons Approval for Resource Consent

(Form 8A)  
Section 95E(3), Resource Management Act 1991

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

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

### TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant Name: NND Advertising Ltd (Night and Day)

Type of resource consent (circle all appropriate): Land-use / subdivision

Proposed activity:  
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Resource consent to change exterior colours to "Thunder Grey" (for roof) and Sulux "Silkwort" to cladding

Resource consent for all signage shown on the elevation plan dated December 2024

Location of site:  
62 Sunderland Street, Clyde (the former Four Square).

### CONTACT DETAILS OF AFFECTED PARTY

Full Name/s: (name of person giving written approval) JIM & ROSSLYN SEAMAN

Email: jimseaman777@gmail.com Phone: 021-152-3719

Address of the property (I am the owner of the following property): 65 SUNDERLAND STREET  
CLYDE

The full name of all other owners of the property: (owners of the affected property)

I have authority to sign on behalf of all the other owners of the property:

☐ Yes ☒ No other owners

Affected Persons Approval Resource Consent  
Revised 10/23

1

**NOTES**

Conditional written approvals cannot be accepted.

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If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

**DECLARATION**

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A. Seaman  
Signature

10<sup>th</sup> March 2025  
Date

If you have any questions, please contact the Central Otago District Council by phoning 03 440 0056 or email [resource.consents@codc.govt.nz](mailto:resource.consents@codc.govt.nz)



## Written Persons Approval for Resource Consent

(Form 8A)

### Section 95E(3), 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.consents@codc.govt.nz

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

### TO BE COMPLETED BY THE PERSON(S) REQUESTING APPROVAL

Applicant Name: NND Advertising Ltd (Night and Day)

Type of resource consent (circle all appropriate): Land-use / subdivision

Proposed activity:

Resource consent to formalise operating hours from 6am to 11pm, Monday to Sunday.

Resource consent to change exterior colours to "Thunder Grey" (for roof) and Sulux "Silkwort" to cladding

Resource consent for all signage shown on the elevation plan dated December 2024

Location of site:

62 Sunderland Street, Clyde (the former Four Square).

### CONTACT DETAILS OF AFFECTED PARTY

Full Name/s: (name of person giving written approval) Brendan Peter WARD

bpdward@gmail.com 027-975-3272

Email

Phone

Address of the property (I am the <sup>manager</sup> owner of the following property): 61 Sunderland St, Clyde.  
(St. Dunstan's Catholic Church).

The full name of all other owners of the property: (owners of the affected property)

The owner is the Roman Catholic Bishop of the Diocese  
of Dunedin. As Parish Priest of St. Dunstan's I act  
on behalf of the Bishop.

I have authority to sign on behalf of all the other owners of the property:

☒ Yes

☐ No other owners



**NOTES**

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If this form is not signed, the application may be notified with an opportunity for submissions.

If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

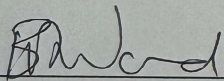
**DECLARATION**

☒ I have sighted all the attached plans and supporting information for the above activity.

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☒ I understand that I may withdraw my written approval by giving written notice to the consent authority before the hearing, if there is one, or, if there is not, before the application is determined.

  
\_\_\_\_\_  
Signature

13 March 2025  
\_\_\_\_\_  
Date

If you have any questions, please contact the Central Otago District Council by phoning 03 440 0056 or email [resource.consent@codc.govt.nz](mailto:resource.consent@codc.govt.nz)

RECEIVED  
07/04/2025  
CODC

01



1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

03 440 0056

Info@codc.govt.nz  
www.codc.govt.nz



## SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

(Form 13)

### Section 95B Resource Management Act 1991

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

### DETAILS OF SUBMITTER

Full name: Brian John + Veronica Joan McLeod

Contact person (if applicable): Brian

Electronic address for service of submitter: joanmcleod83@gmail.com

Telephone: 0274862793

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

49 Keiron Ave Milton 9220

This is a submission on the following resource consent application: RC No: **250059**

Applicant: **NND Advertising Limited** Valuation No: **2846105300**

Location of Site: **62-64 Sunderland Street, Clyde**

Brief Description of Application: **Land use consent to extend current hours of operation for Night 'n Day in the medium density residential zone.**

Submissions Closing: **4.00pm on Thursday 1 May 2025**



The specific parts of the application that my submission relates to are:  
(give details, attach on separate page if necessary)

---



---



---

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.

We have no objections to the  
Night + Day store being allowed to trade from 6am - 11pm.  
and all that entails  
(Form 8A) Section 95E(3S)

I/We seek the following decision from the consent authority:  
(give precise details, including the general nature of any conditions sought)

---



---



---

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)

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:

- ~~adversely affects the environment; and~~
- ~~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."

B. J. McLeod

**Signature**

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

5-4-2025

**Date**

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.

RECEIVED  
01/05/2025  
CODC

02



1 Dunorling Street  
PO Box 122, Alexandra 9340  
New Zealand

03 440 0056

Info@codc.govt.nz  
www.codc.govt.nz

## SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

(Form 13)

### Section 95B Resource Management Act 1991

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

### DETAILS OF SUBMITTER

Full name: Jeremy & Susanne Seaman

Contact person (if applicable): Jeremy Seaman

Electronic address for service of submitter: j.seamanz@gmail.com

Telephone: 0273031799

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

11 Claremont St  
Maori Hill  
Dunedin 9010

This is a submission on the following resource consent application: RC No: 250059

Applicant: NND Advertising Limited Valuation No: 2846105300

Location of Site: 62-64 Sunderland Street, Clyde

Brief Description of Application: Land use consent to extend current hours of operation  
for Night 'n Day in the medium density residential zone.

Submissions Closing: 4.00pm on Thursday 1 May 2025





The specific parts of the application that my submission relates to are:  
(give details, attach on separate page if necessary)

hours of operation  
change in nature of business

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.

We oppose the extension of hours of operation  
due to increase of light, noise & traffic.  
We oppose the change in nature of the business to a  
subs take away restaurant due to increase in traffic  
noise & odour.

I/We seek the following decision from the consent authority:  
(give precise details, including the general nature of any conditions sought)

We seek to maintain the previous store hours (K-F: 7am-8pm  
& S-S: 8am-7pm) & maintain the current hot food menu.  
The closest comparable restaurant business (Post Office) maintains  
hours from 10am-5pm & already provides take away food.  
I ~~support~~ oppose the application OR neither support or oppose (select one)

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

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:

- adversely affects the environment; and
- does not relate to trade competition or the effects of trade competition.

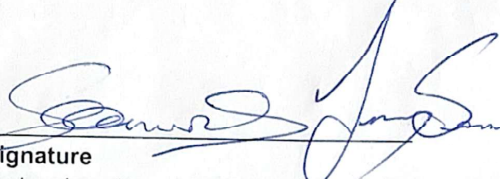
\*Delete this paragraph if you are not a trade competitor.

\*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 April 30, 2025  
 (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.