

Paterson Pitts Resource Management Limited
Trading As **Anderson & Co**
Advising on Planning & Resource Management



12 May 2017

The Consents Manager
City Planning
Dunedin City Council
P O Box 5045
Dunedin

Attention: Mr Alan Worthington

Ref: S2778\20170512.doc

Dear Alan

Re: 735 Great King Street, Dunedin

We enclose on behalf of the Applicant, a resource consent application to establish and operate a Commercial Activity and Licensed Premises at 735 Great King Street, Dunedin.

The site and surrounding area is zoned Residential 3 (Planning Map 33), however the site and the area to the south have an established commercial history. The site is a former video/DVD outlet and contains an existing single level building with a small yard to Great King Street and larger rear yard. The former Commercial Activities were well established, which included signage.

The reason for the application is that the proposed Commercial Activity/Licensed Premises is a non-complying activity (Rule 8.9.6), and the proposed signage is also a non-complying activity (Rule 19.5.12).

Due to the form of the onsite commercial building, the existing resource is not conducive for use as Residential 3. Further, the site's commercial history and the neighbouring commercial activity to the south supports the conclusion that residential use of the site is not an efficient use of the resource. The acceptance that the Residential 3 zone provisions are inappropriate for the site and the neighbouring land to the south is highlighted in the proposed District Plan (2GP) which seeks to zone the site Neighbourhood Convenience Centre.

As the application includes a non-complying activity, the application must satisfy either S104D(1)(a) RMA or S104D(1)(b) RMA. With regards to S104D(1)(a), this AEE concludes that any adverse effects on the environment will be no more than minor. With regards to S104D(1)(b), within Section 8 (Residential Zones) and Section 19 (Signs) of the operative Dunedin City District Plan and Section 18 (Commercial and Mixed Use Zones) of the proposed District Plan, a number of objectives and policies have been identified as having relevance. As there are no relevant submissions on the 2GP maps, additional emphasis can be placed on the 2GP objectives and policies. The attached AEE concludes that the proposal is not contrary with the overall policy direction of the planning documents.

As such, the proposal is assessed as satisfying both gateways of S104D RMA.

As there is no ambiguity, incompleteness or illegality in the district plans, there is no requirement to resort to Part 2 RMA.

Under 104(1)(c) the consent authority can consider any matter relevant and reasonably necessary to determine the application. In this regard, to ensure the granting of consent would not challenge the integrity of the District Plan the following is noted:

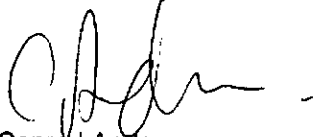
- The existing resource is a commercial building.
- The former commercial use of the site has been long established.
- The 2GP seeks a zoning more appropriate to the resource.
- The application is assessed as being not contrary to the overall policy direction of the planning documents.

With regards to possible conditions of consent, conditions associated with signage are considered appropriate.

In accordance with s95 RMA no reason has been identified for the application to be notified. Enclosed is the required \$1,350.00 deposit for a non-notified consent application, along with two copies of the application as you requested to assist in ensuring that you meet the statutory processing times.

We trust that we have supplied sufficient information and that you are satisfied with the assessment of environmental effects to avoid the return of the application. However, in the event that you do accept the application but then require further information, please advise by email to conrad_a@xtra.co.nz in the first instance so that we can minimise the period of suspension.

Yours faithfully



Conrad Anderson
t/a Anderson & Co Resource Management
for
Panwar Enterprises Limited

Form 9

Application for Resource Consent
Under Section 88 and 145 of the
Resource Management Act 1991

To: The Chief Executive
Dunedin City Council
P O Box 5045
Dunedin

We: Panwar Enterprises Limited
c/- PO Box 5933
Dunedin
Dunedin 9058

Apply for the following type of resource consent:

Land use consent

The activity to which the application relates (the proposed activity) is as follows:

Commercial Activity and Licensed Premises, together with the proposed signage.

The site at which the proposed activity is to occur is as follows:

Address: 735 Great King Street, Dunedin.

Valuation number: 27200-26900

Legal Description: Pt Sec 29 Block XXXIII Town of Dunedin, with an area of 514m2.

The site features include:

The site is rectangle, contains an existing commercial building with a small front yard, and a larger rear yard.

Other activities that are part of the proposal to which this application relates, include:
None.

Additional resource consents needed for the proposal to which this application relates:
None

Attached is an assessment of the proposed activity's effect on the environment that—

- (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
- (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

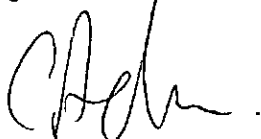
Attached is an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.

Attached is an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

Attached is the following further information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act:

- Title
- Council rating record
- Plans

Signed, on behalf of the applicant



Conrad Anderson

Date: 12/5/17

Address for Correspondence in respect to this application (this will be the first point of contact for all communications for this application)

Name: Panwar Enterprises Limited
Address: C/- P O Box 5933, Dunedin
Phone (daytime): 03 479 0005
Email: conrad_a@xtra.co.nz

Address for Invoices or Refunds (if different from the above)

Name: Panwar Enterprises Limited
Address: c/- 735 Great King Street, Dunedin 9016



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**
Limited as to Parcels



R. W. Muir
Registrar-General
of Land

Search Copy

Identifier OT17D/707
Land Registration District Otago
Date Issued 06 September 1996

Prior References
OT293/28

Estate Fee Simple
Area 514 square metres more or less
Legal Description Part Section 29 Block XXXIII Town of
Dunedin

Proprietors
Marie Kung

Interests

915649.2 Transfer creating the following easements - 6.9.1996 at 11.07 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Drain sewage	Lot 1 Deposited Plan 25050 - CT OT17A/357	D DP 25050	Part Section 29 Block XXXIII Town of Dunedin - herein	
Drain stormwater	Lot 1 Deposited Plan 25050 - CT OT17A/357	D DP 25050	Part Section 29 Block XXXIII Town of Dunedin - herein	

GREAT KING ST NTH.



A.L.R.

Pt. Sec. 29

50.29

514 m²

10 22



PO Box 5045, Moray Place,
Dunedin 9058, New Zealand.
Phone 03 477 4000.
Fax 03 474 3366.
Email dcc@dcc.govt.nz

Listen

Rates Information Details

The following rate account information is recorded in the Rating Information Database (RID).

Capital and land values on this site are established by Quotable Value New Zealand Limited, solely for the purpose of levying rates.

[Learn more about the General Revaluation 2016.](#)

The Dunedin City Council's landuse codes have been translated by the Council to a rating differential code.

To request a LIM for this property;

- o please note down the valuation number displayed below
- o then follow the instructions on the [request a LIM page](#)

[search again](#)

- o Property Details - o Current Rates - o Rates Levied - o Rates Breakdown	- o Future Rates - o Estimated Future Rates - o Public Access - o Disclaimer - o Rating Differential and Land Use
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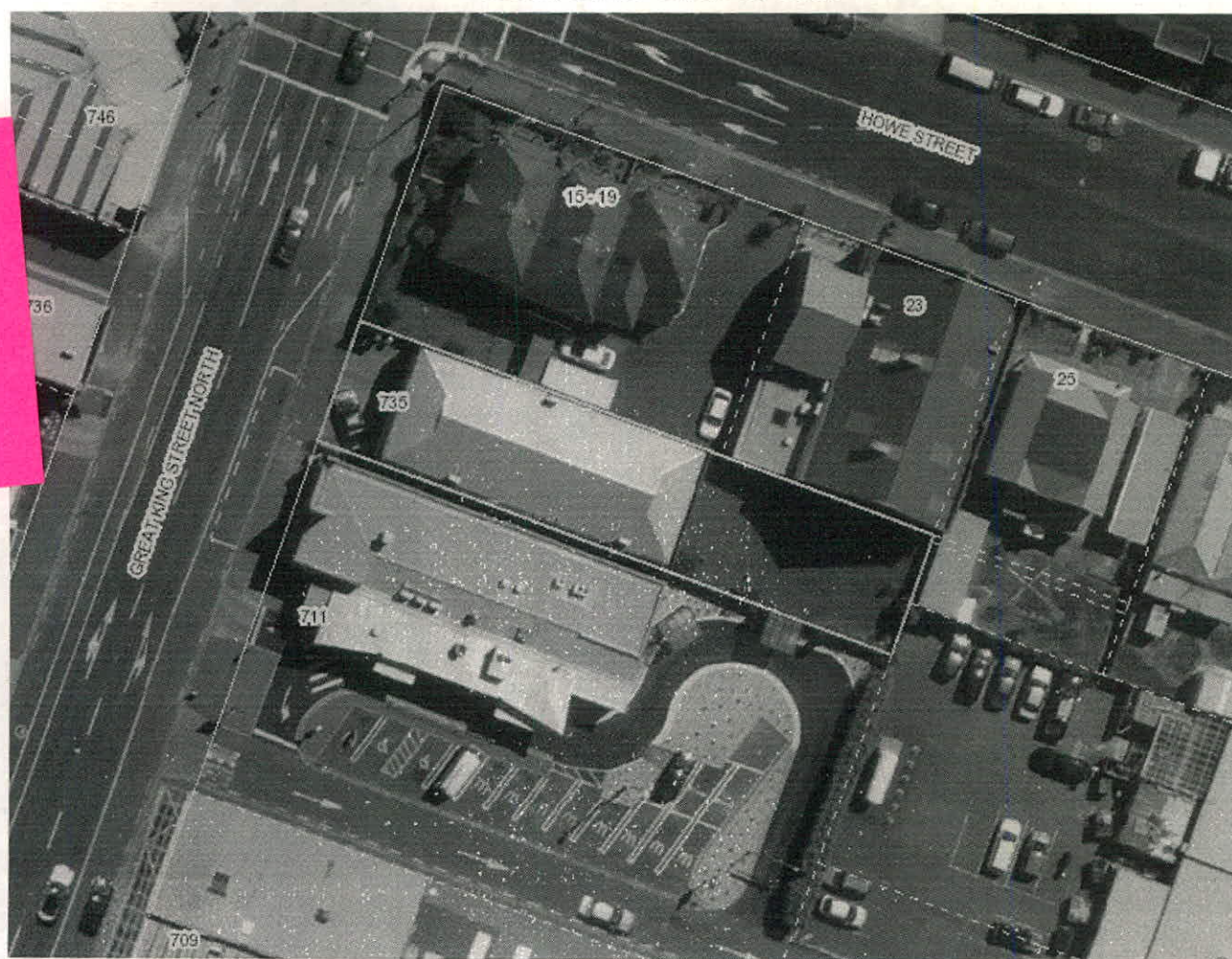
Aerial photography DCC, Jan/Feb 2013, CC BY 3.0 NZ

Property Details

Click the link below to map the property (opens a dynamic map viewer in new tab or window).

[Map this property](#)

Valuation number	27200-26900
Rate account ID	2030565
Property number	5030565
Property address	735 Great King Street Dunedin
Certificate(s) of title (guide only)	17D/707
Ratepayer name(s)	Marie Kung
Postal address for this assessment	77 Victoria Road Dunedin 9012



Current Rates

The values on which the current rates are based are the valuations as at 1 July 2013 and remain in effect for rating purposes until 30 June 2017

Current rating year	2017
Rating period	1 Jul 2016 to 30 Jun 2017
Rateability	Rateable
Rating differential	Area 1 - Commercial
Land use	Industrial : Engineering, Metalworking Appliances
Legal description	PT SEC 29 BLK XXXIII SO 14196 TN OF DUNEDIN
Area in hectares	0.0514
Value of improvements (01/07/13)	250,000
Land value (01/07/13)	280,000
Capital value (01/07/13)	530,000
Separately used or inhabited parts	1

Rates levied (2017)

Description	Factor	Rate or Charge	Amount
Commercial Community Services	1	227.00	227.00
Tourism Economic Development Rate	530,000	0.000154	81.62
General Rate Commercial	530,000	0.007739	4101.67
Commercial Fire Protection Water	530,000	0.000865	458.45
Commercial Drainage Connected	1	482.00	482.00
Commercial CV Drainage Connected	530,000	0.002856	1513.68

Description	Factor	Rate or Charge	Amount
Total Charge			6,864.42

Show full rates breakdown

Future Rates

The values on which the future rates will be based are the valuations as at 1 July 2016 and will not take effect for rating purposes until 1 Jul 2017.	
Future rating year	2018
Future rating period	1 Jul 2017 to 30 Jun 2018
Rateability	Rateable
Rating differential	Area 1 - Commercial
Land use	Industrial : Engineering, Metalworking Appliances
Legal description	PT SEC 29 BLK XXXIII SO 14196 TN OF DUNEDIN
Area in hectares	0.0514
Value of improvements (01/07/16)	10,000
Land value (01/07/16)	620,000
Capital value (01/07/16)	630,000
Separately used or inhabited parts	1

If you wish to object to your valuation please go directly to the Quotable Values site; [Objection to Valuation](#).
You can also visit [this information page](#) if you would like more information before lodging an objection.

Estimated Rates (2018)

Description	Factor	Rate or Charge	Amount
Commercial Community Services	1	230.00	230.00
General Rate Commercial	630,000	0.007157	4,508.91
Tourism Economic Development Rate	630,000	0.000144	90.72
Commercial Fire Protection Water	630,000	0.000800	504.00
Commercial Drainage Connected	1	496.00	496.00
Commercial CV Drainage Connected	630,000	0.002677	1,686.51
Total Charge			7,516.14

Public Access to Name and Postal Addresses of Ratepayers

The Dunedin City Council holds information from the Ratepayer as part of its rating process. In accordance with Section 28 C of Local Government (Rating) Act 2002, a Ratepayer can request to have their name and/or their postal address withheld from the Rating Information Database (RID).

Every Ratepayer has the right to request that this information be withheld, but this request must be in writing, on [this form](#).

Please note that bulk collection of names and postal addresses is not permitted under the Act.

Disclaimer

The RID is regularly maintained and therefore is subject to ongoing change.

This information is provided under Section 28 of the Local Government (Rating) Act 2002 as an online representation of our Rating Information Database (RID). The Council Rating Information Database (RID) is freely available to the public at Dunedin City Council, in the same form as is available here. The information presented here is current.

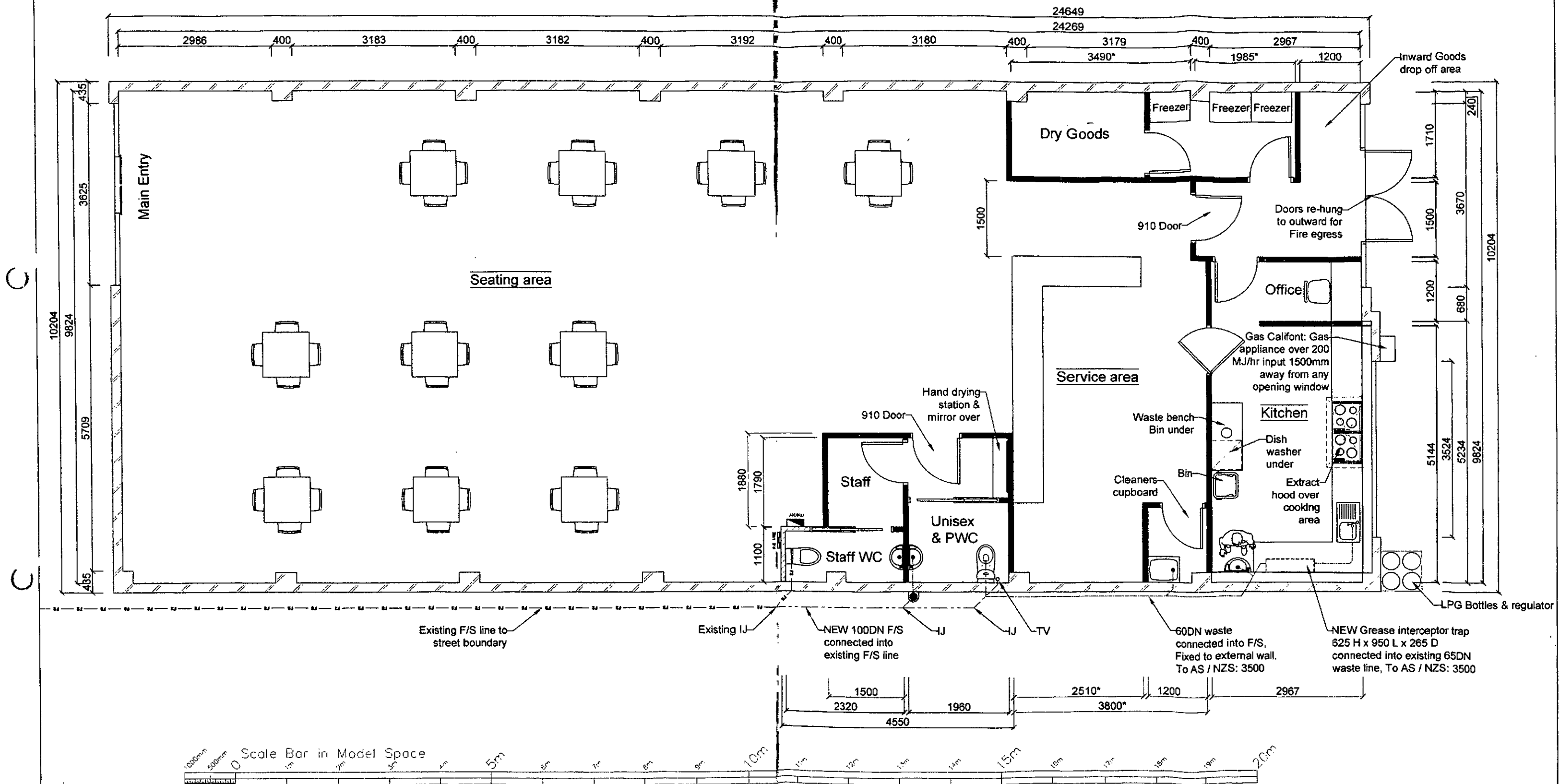
The authoritative source for Certificates of Title is Land Information New Zealand (LINZ). The information provided here is a guide only.

Rating Differential and Land Use

The Rating differential and land use described herein are the current uses of the rating unit, and not necessarily the District Plan zoning of the property. For all Planning enquiries, please contact the Duty Planner at the Planning Enquiry desk on the 1st floor of the Civic Centre, 50 The Octagon, Dunedin.

For more information about your Privacy, this service and the City of Dunedin website, please see ["Your Privacy & this Site"](#).

This service is provided by the Dunedin City Council as a public service. Use of this service to retrieve Rates information constitutes your awareness, and agreement to the ["Conditions of Use"](#) for this site.



NOTES:

1. Check & confirm all dimensions on site
2. Do not scale off these drawings
3. This plan is to be read in conjunction with the accompanying specification

Plan Shop -
1st Flr ANZ Bank Bldg
166 King Edward St,
Dunedin

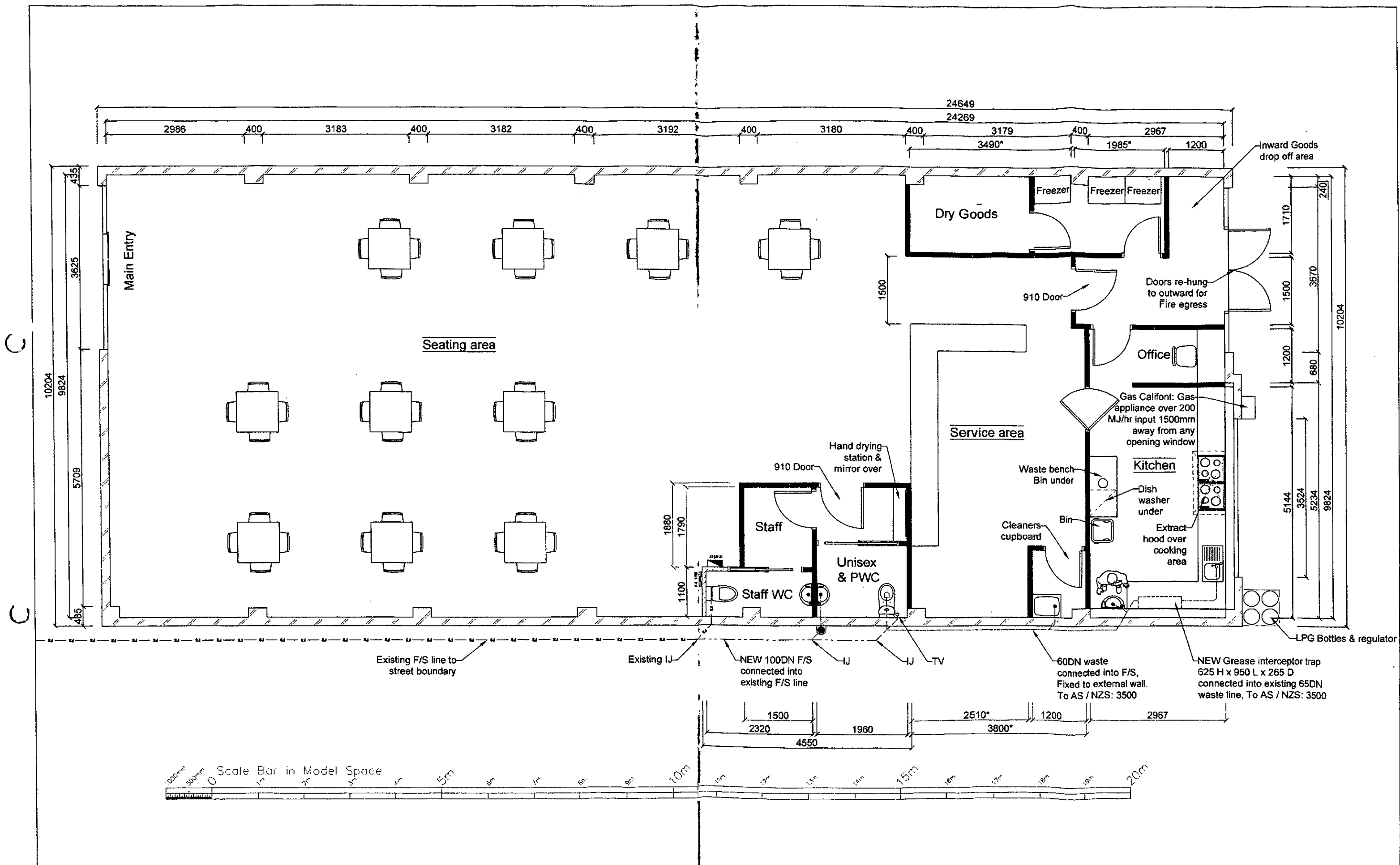


Project Architect:
Bryan I Menzies:
NZCE - BBSoc - BArch Hons
Mobile: 027 229 5637
bryan@planshop.co.nz

Marie Kung
Title: PT SEC 29 BLK XXXIII SO 14196 TN OF DUNEDIN - Land Area: 514 sq m
Shop Retro Fit
735 Great King St, Dunedin

New Floor Plan
Scale 1:75

A02
of ??
Date 10/4/17 Drawn GJW Job No. 7/17



NOTES:
 1. Check & confirm all dimensions on site
 2. Do not scale off these drawings
 3. This plan is to be read in conjunction with the accompanying specification

Plan Shop -
 1st Flr ANZ Bank Bldg
 166 King Edward St,
 Dunedin



Project Architect:
 Bryan I Menzies:
 NZCE - BBSoc - BArch Hons
 Mobile: 027 229 5637
 bryan@planshop.co.nz

Marie Kung
 Title: PT SEC 29 BLK XXXIII SO 14196 TN OF DUNEDIN - Land Area: 514 sq m
Shop Retro Fit
 735 Great King St, Dunedin

New Floor Plan
 Scale 1:75

Date 10/4/17	Drawn GJW	Job No. 7/17
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A02

of ??

RESOURCE CONSENT APPLICATION

“The Mharajas” Dunedin's newest Indian Restaurant

APPLICANT:

Panwar Enterprises Limited
at
735 Great King Street, Dunedin

Anderson & Co Resource Management

Advising on Planning and Resource Management
www.RMApro.co.nz *your RMA professionals*
P O Box 5933
Dunedin 9058

ASSESSMENT OF ENVIRONMENTAL EFFECTS

prepared

by

Conrad Anderson

for a

Resource Consent

by

Panwar Enterprises Limited

at

735 Great King Street, Dunedin

**Assessment of Environmental Effects
Including
Commentary of the Relevant Provisions
of the
Dunedin City District Plan**

Application
by
Panwar Enterprises Limited
at
735 Great King Street, Dunedin

Introduction / Overview

The site contains a commercial building, which was built in the 1960's/70's, and most recently operated as a video/DVD retail store, along with the associated signage. It is understood the video/DVD retail store operated 7 days a week, with a closing time of 10pm between Sunday and Thursday, and was open until 11pm on Fridays and Saturdays. The site has parking on the Great King Street frontage, with a single level commercial building covering the majority of the site, along with a rear yard.

The former Commercial Activity operated under existing use rights, including signage on the building and a freestanding sign near the front/north corner.

The site is zoned Residential 3 (Planning Map 33), however the proposed District Plan seeks a zoning of Neighbourhood Convenience Centre. There are no relevant submissions to the 2GP seeking to amend the zone mapping.

The proposed activity is a restaurant, with an on-licence (Commercial Activity and Licenced Premises), together with signage, which are non-complying activities in the District Plan (Rule 8.9.6 and Rule 19.5.12).

Within the proposed District Plan (2GP), the most applicable Activity Definition for the proposal is Restaurant, together with an Ancillary Licensed Premises. The 2GP zoning of Neighbourhood Convenience Centre zone allows for restaurants as a permitted activity, with no performance standards. While, Ancillary Licensed Premises are a discretionary activity in the Neighbourhood Convenience Centre zone.

With regards to the reasons for a resource consent application, these is expanded on below:

1. Commercial Activity Activity (Rule 8.9.6)

The proposed commercial activity is a licensed restaurant. The restaurant will have a gross public floor area of less than 500m² (being approx. 155m²), containing approximately 10 table seating 4 per table.

Usual operations will require a staff of two, and increasing to 6 at peak times (6-8pm on Fridays and Saturdays). In terms of hours of operation, these will be 11.30am to 11pm 7 days a week. The closing times are likely to be earlier from Sunday to Thursday, resulting in the closing times being very similar to the former commercial activity on the site. In addition, the restaurant may close between 2.30pm and 4.30pm each day.

The people associated with the Applicant are experienced with licenced restaurants, and believe that a very high percentage of customers (circa 95%) will be local residents who will walk to the restaurant. The balance of customers are anticipated to be passing Dunedin motorists, with peak activity on Fridays and Saturday between 6pm and 8pm.

The above is in keeping with the proposed Neighbourhood Convenience Centre zone to provide for the day to day needs of local area, as well as passing motorists.

In terms of loading, this is to be undertaken in domestic vehicles, and will be completed at non-peak time, and mostly to the rear of the premises.

2. Licensed Premises (Rule 8.9.6)

As described above.

3. Signage (Rule 19.5.12)

Two replacement signs are proposed. Below is indicative placement of the signs:



Above: The subject site with the recent signage shown.



Above: The subject site with the proposed signage placement shown.

The restaurant signage has not yet been finalised, but, if required, can be managed via a condition of consent.

The freestanding sign will not have lighting, while the building signs will continue to have the existing fixed lighting.

4. Loading

As a non-complying activity, the Residential 3 rules do not anticipate the activity; however they may provide some guidance. Within the Conditions attached to Permitted Activities, Rule 8.9.2(ix)(a) does not require loading for a number of permitted activities, while Rule 8.9.2(ix)(b) seeking loading requirements for Commercial Residential Activities (which have certain floor areas). This combination of rules, suggests that activities that require daily deliveries of bulky goods, such as linen, are anticipated to provide loading spaces, which are part of a wider parking requirement. The proposal does not require the daily delivery of bulky goods, therefore it is suggested the loading rules within Chapter 8 are not meaningful to this application.

Notwithstanding the underlying zoning, the subject site and surrounding area is more akin to a Local Activity zone, such as the Roslyn, the Gardens, or the Maori Hill shopping area. Within the Local Activity zones, there are no loading requirements associated with Commercial Activity/Restaurant Activity or Licensed Premises. Hence, to be compliant with the most relevant loading requirements, no loading area is required.

Loading would be possible directly from the front yard. However, to provide mitigation associated with traffic and pedestrian safety, it is proposed that no loading will be undertaken from the front yard.

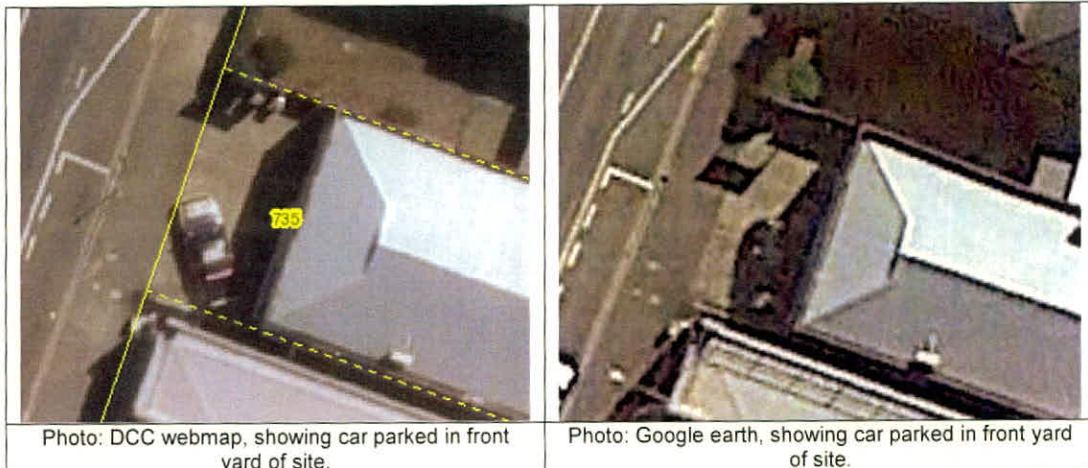
While the site has no direct vehicle access to the rear yard, the Applicant does have an agreement with the adjoining land owner, which will provide vehicle access. It is anticipated that access, when available, will be utilised for loading, and the provision of 2 car parks. However, the Applicant is not seeking that continued vehicle access to the rear of the site is to form part of the consent.

If loading via the rear of the site become unavailable, then loading will be via domestic vehicles parked legally on the street, with loading to the front entrance of the building.

The above is either in excess of or complying with the loading requirements in the most applicable zoning rules (Local Activity zone). Further, a condition of consent is offered to limit loading times from Great King Street to avoid conflict with morning, lunch and after work peak traffic times, thus avoiding any conflict with peak road usage times.

5. Parking

The front yard of the site has previously been utilised for park. Refer photos below:



As shown above, parking is possible in the front yard. However, to provide mitigation associated with traffic and pedestrian safety, no parking is anticipated in the front yard.

As noted above the applicant has agreement for vehicle access to the rear of the site, however, the Applicant is not seeking that continued vehicle access to the rear of the site is to form part of the consent. The rear vehicle access, when available, can provide 2 parking spaces.

Also noted above, the subject site and surrounding area is more akin to a Local Activity zone, and within that zone there is no parking requirements associated with Commercial Activity/Restaurant Activity or Licensed Premises.

As a result the proposal is either in excess of or complying with the parking requirements in the most applicable zoning rules (Local Activity zone).

With regards to the 2GP parking requirements (which are not subject to submission), no parking is required.

In terms of parking, the proposal is considered an enhanced outcome when compared to the former activities and uses on the site.

As the application includes a non-complying activity, the application must satisfy either S104D(1)(a) RMA or S104D(1)(b) RMA.

With regards to S104D(1)(a), the effects are assessed as being no more than minor, due to:

- The existing resource is a commercial building.
- The former commercial use of the site were long established, and provides guidance in terms of a baseline associated with existing use rights.
- The 2GP seeks a zoning more appropriate to the resource.
- The application is assessed as being not contrary with the overall policy direction of the planning documents.
- Mitigation is being provided in terms of no parking in the front yard, and anticipates loading to the rear of the building (although this is not sought as a requirement for granting consent).

With regards to S104D(1)(b), a number of objectives and policies have been identified as having relevance (refer later in this assessment), and while the proposal is not anticipated in the Residential 3 zone, the proposal is assessed as not being contrary to overall direction of them, with additional emphasis placed on the 2GP objectives and policies.

Under 104(1)(c) the consent authority can consider any matter relevant and reasonably necessary to determine the application. The only matter considered necessary to consider is the integrity of the District Plan. The zoning proposed in the 2GP is an acknowledgement that the existing zoning, Residential 3, is an inappropriate zoning for the site and the area to the south. The proposed 2GP zoning map for the site is not subject to submission, and the proposal is consistent with the overall policy direction in the 2GP. For these reasons, along with the existing use rights attached to the site, it is advocated that granting consent to the proposal will not undermine the integrity of the District Plan.

In terms of notification, the proposal will not generate adverse effects that are more than minor, and will result in no bulk changes to the building, hence no potentially affected parties have been identified, and no special circumstances have been identified which would result in the application requiring public notification.

Consequently, in my opinion, this is considered to be an appropriate application for consent to be granted on a non-notified basis with few conditions.

This assessment enables a full understanding and acceptance of the basis of the above conclusion.

Introduction

Section 88 (2)(b) of the Resource Management Act 1991 requires that every application for a resource consent is to include an assessment of environmental effects in such detail to satisfy the purpose of which it is required. This assessment is made in accordance with those requirements.

Schedule 4: 2(1)(a) Description of the Activity

Land use consent for Commercial Activity and Licensed Premises at 735 Great King Street Dunedin, together with the proposed signage.

Schedule 4: 2(1)(b) Description of the Site

Address:	735 Great King Street, Dunedin.
Legal Description:	Pt Sec 29 Block XXXIII with an area of 514m2.
Site Description:	Valuation number: 27200-26900 The site is rectangle, contains an existing commercial building with a small front yard, and a larger rear yard.

Schedule 4: 2(1)(c) Owners / Occupiers of the Site

Owner(s):	Full Name	Marie Kung
	Address	77 Victoria Road Dunedin 9012
Occupier(s):	Full Name	The property is vacant
	Address	

Schedule 4: 2(1)(d) Description of any other activities that are part of the proposal

None.

Schedule 4: 2(1)(e) Description of any other resource consents required

None.

Schedule 4: 2(1)(f) Assessment against the matters set out in Part 2*Part 2: 5 Purpose*

Part 2 RMA sets out the purpose of the Act and the principles of varying importance intended to give guidance as to the way in which the purpose is to be achieved. The sole purpose is to promote the sustainable management of natural and physical resources.

The definition of sustainable management establishes that the Act is to provide for the social, economic and cultural wellbeing of the people and communities, while:

- sustaining resources for future generations,
- safeguarding the life supporting nature of resources, and
- avoiding, remedying or mitigating any adverse effects on the environment.

As there is no ambiguity, incompleteness or illegality in the district plans, there is no requirement to resort to Part 2 RMA.

Part 2: 6 Matters of National Importance

- As there is no ambiguity, incompleteness or illegality in the district plans, there is no requirement to resort to Part 2 RMA.

Part 2: 7 Other Matters

- As there is no ambiguity, incompleteness or illegality in the district plans, there is no requirement to resort to Part 2 RMA.

Part 2: 8 Treaty of Waitangi

- As there is no ambiguity, incompleteness or illegality in the district plans, there is no requirement to resort to Part 2 RMA.

Schedule 4: 2(1)(g) Assessment against any relevant provisions referred to in S104(1)(b)*S104(1)(b)(i) National Environmental Standard*

- The proposal seeks to alter the type of Commercial Activity on the site, but does not require disturbance of soil, hence the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health are not relevant. However, for completeness a HAIL report has been requested from Council and will be forwarded to the relevant Council planning staff member as soon as it becomes available. The existing use rights and most recent past uses of the site are in keeping with the proposal. The conversion of the existing

physical building to a restaurant will not disturb the earth, nor will the change in operation increase the risk to human health - both the former video/DVD store and the proposed restaurant will result in members of the public coming and going from the site, but all for relatively short durations. No sleeping on the site is anticipated. Hence, in practical terms the outcome of the HAIL report will be more relevant to future changes of uses involving soil disturbance, it is not relevant in terms of the current application.

- There is no other NES that is relevant and helpful to determine this local matter.

S104(1)(b)(ii) Other Regulations

- There is no Other Regulation that is relevant and helpful to determine this local matter.

S104(1)(b)(iii) National Policy Statement

- There is no NPS that is relevant and helpful to determine this local matter.

S104(1)(b)(iv) New Zealand Coastal Policy Statement

- There is no CPS that is relevant and helpful to determine this local matter.

S104(1)(b)(v) Regional Policy Statement or Proposed Statement

- There is no RPS (or proposed RPS) that is relevant and helpful to determine this local matter.

S104(1)(b)(vi) Plan or proposed Plan

- The site is zoned Residential 3 (Planning Map 33).
- The reason for the application is that the proposed Commercial Activity/Licensed Premises is a non-complying activity (Rule 8.9.6). The proposed signage is also a non-complying activity (Rule 19.5.12).

In the Second Generation Plan (2GP) the subject site is proposed to be zoned Neighbourhood Convenience Centre, and includes an Archaeological Alert Layer overlay, and the Hazard 3 – Leith (flood) overlay.

The 2GP provides for Restaurant activities as a permitted activity in the Neighbourhood Convenience Centre, with Licensed Premises being a discretionary activity. No performance standards apply.

- For the Schedule 4: 2(2) Assessment of any relevant Objectives and Policies and the Schedule 4: 2(3) Assessment of Effects, please refer to the following sections.

Schedule 4: 2(2) Assessment against a Plan or a Proposed Plan

Assessment of any relevant objective & policies.

The Objective and Policies of Section 8 (Residential) have been reviewed and the following is noted:

Objective/Policy	Comment
8.2.1 - Seeks ensure the adverse effect on amenity values and character are avoided, remedied or mitigated.	The proposal is largely in keeping with the former uses of the site and the existing commercial activity to the south, along with the future commercial use of the site as anticipated by the 2GP.
8.3.1 - Seeks to maintain or enhance amenity values and character	Mitigation includes no parking in the front yard, signage size and location, and limited signage lighting.
	For these reasons the proposal is assessed as

	having effects on amenity that are no more than minor.
8.2.3 / 8.3.3 - Ensure that the housing resource adjacent to the Campus is protected from adverse effects of competing land use activities.	The site has not been available as part of the housing resource for many years, and the 2GP map, which has no relevant submissions, seeks to remove the land from the anticipated future use as housing.

With regards to Section 19 (Signs) the following Objectives and Policies were identified as having some relevance:

Objective / Policy	Comment
19.2.1 / 19.3.1 / 19.3.2 These are regarding adverse effects of signs on amenity values.	The proposed signs replace the existing signage. The building has been associated with signage for many years and has existing use rights, and can form part of the baseline.
19.2.2 Seeks to ensure signs do not affect the safety/efficiency of the road network.	Due to the signage location and size the proposal is unlikely to impact traffic safety.
19.2.4 Seeks to avoid visual clutter.	As per above.
19.2.5 Seeks to ensure signs are not a safety hazard for pedestrians.	The proposed signs will not restrict pedestrian access nor become a safety concern for pedestrians, due to the proposed locations and appropriate fixings.
19.3.4 Seeks to promote simplicity and clarity in the form of the sign and the message the sign conveys.	While the signage design is not finalised, it will be in keeping with the proposed use. If required a condition of consent can be used to require approval of the final design by the Consents Manager.

With regards to Section 20 (Transportation) the following Objectives and Policies were identified as having some relevance:

Objective / Policy	Comment
20.2.2 Ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.	Based on the Applicants experience, the far majority of customers will arrive by foot. Adverse effects associated with vehicles exiting the site in reverse are avoided by not utilising the front yard for parking. This also provides an enhanced outcome in terms of pedestrian safety.
20.3.4 Ensure traffic generating activities do not adversely affect the safe, efficient and effect operation of the roading network.	Based on the Applicants experience, the far majority of customers will arrive by foot.
20.3.5 Ensure safe standards for vehicle access.	The existing access will not be used.
20.3.8 Provide for the safe interaction of pedestrians and vehicles.	As above.

In terms of the 2GP the Objectives and Policies of Section 18 (Commercial and Mixed Use) seeks:

- Neighbourhood centres to provide for the day-to-day needs of the local area, with convenience centres also servicing the needs of passing motorists.
- Avoid conflict to sensitive land uses.
- To provide for licenced premises in neighbourhood centres where the adverse effects on character and amenity of adjacent residential activities and the surrounding neighbourhood can be avoided or, if avoidance is not possible, adequately mitigated.

The proposal is aligned with the overall relevant policy direction of Section 18.

In terms of the 2GP the Objectives and Policies of Section 6 (Transportation) the relevant objectives and policies are similar to the current District Plan, Section 20. Refer above assessment.

Assessment of any relevant rule, including any relevant requirement, condition or permission in a rule.

Section 8 (Residential)

Commercial Activity/Licensed Premise is a non-complying activity (Rule 8.9.6).

The Assessment Matters for Section 8 (Residential) are contained in Section 8.13, a summary and comments are below:

8.13.x	Assessment Matter	Comment
1	Sustainability	The Objective and Policies of the Sustainability section relate to: • Amenity values • Infrastructure • Protection of significant natural and physical resources • Plan integrity Commenting on each of the above: • Amenity values are discussed above. • Infrastructure – there are no known infrastructure constraints. • There is no significant natural resource. • The physical resource includes the building, which is not suitable for residential purposes; hence the proposal is an efficient use of that resource. • The site is assessed as having features that result in the site being assessed as a true exception (refer above), thus mitigating any concerns re plan integrity.
2	Manawhenua	The Objective and Policies of Section 5 are not known to have relevance to this application.
3	Bulk and Location of buildings and structures	The proposal will not affect the existing buildings, save for signage.
4	Location of Garages and car ports	n/a
5	Amenity values and character	Amenity values have been discussed above. The proposal will not change the character of the area.

6	Design and Appearance of buildings	The proposal will not affect the existing buildings, save for signage.
7	Transportation	The objectives and policies of the transportation section are discussed above. The assessment matters of the transportation section are reviewed below.
8	Community Population	Not applicable as the site is not currently used for residential purposes.
9	Hours of operation	Residential activity is only to the north the site, and located on the Great King Street / Howe Street corner. As a result the area is associated with high traffic volumes, and the presence of fast food stores results in high levels of foot traffic. Many of these activities continue past the proposed hours of operation. The proposed hours of operations are similar to the former commercial activity on the site.
10	Stormwater, Water and Sewage	With regards to stormwater, the proposal will not affect the existing buildings nor the existing areas that are hard surfaced. With regards to water and sewer, demand is anticipated to be in keeping with a commercial activity, which is anticipated by the 2GP zoning.
11	Relocation of a building from another site	n/a
12	Safety	Refer above discussion re traffic.
13	Cumulative Effect	Notwithstanding the proposal is assessed as being not contrary to any identified objective and policy, the site is assessed as a true exception, and no cumulative effects are anticipated.
14	Trees	n/a
15	Indigenous Vegetation/Fauna	n/a
16	Archaeological Sites	No soil disturbance is proposed as part of the proposal.
17	Hazards	n/a
18	Housing in R3	The proposal will not effected the continued availability of housing in the R3 zone.
19	Housing in R3	n/a
20	deleted	
21	Mosgiel East	n/a
22	East Taieri	n/a

Section 19 (Signs)

The proposed signage is a non-complying activity (Rule 19.5.12).

The Assessment Matters for Section 19 (Signs) are contained in Section 19.6, a summary and comments are below:

19.6.x	Assessment Matter	Comment
1	Amenity	The surrounding area includes a number of destination locations with high traffic flows, and high volume roads. As a result, the amenity of the area is associated with place advertising and vehicle movements. When viewed from Great King Street the site is setback, and somewhat reduced in scale due to dominant design of the neighbouring McDonalds building. Passing traffic approaches from the south, and, as such, the site has reduced visibility to the main road users in the area. The effect of signage on amenity is assessed as being less than minor.
2	Traffic Safety	Due to the signage either being placed at a higher level or setback from the road, and the traffic approaching the site from the south, the proposal is unlikely to impact traffic safety.
3	Pedestrian Access and Safety	The proposed signs will not restrict pedestrian access nor become a safety concern for pedestrians, as they are located on appropriate walls with appropriate fixings.
4	Cumulative Effects	Signage is appropriately sized and located, hence no cumulative effects are anticipated.
5	Airport	n/a
6	Harbourside	n/a

Section 20 (Transportation)

The proposed does not meet all the conditions of Section 20.

As per Assessment Matter 8.13.7, the Assessment Matters for Section 20 (Transportation) are summarised and commented on below:

20.3.x	Assessment Matter	Comment
1	Parking and Loading provisions	Discussed above. In summary: The zone provisions are not practically helpful; hence, reference to the most applicable zone provisions has been used. The most applicable zone is considered to be Local Activity zone, which requires no loading or parking.
2	Queuing Spaces	Two parking spaces may be provided on the rear yard, which is accessed via private land. Hence queuing is not applicable.
3	Gradient and surfaces	Gradient – flat Surfaces - sealed
4	Illumination	Existing street lighting to be utilised.
5	On-site manoeuvring	The rear yard provides sufficient space, which is complemented by the private land that needs to be crossed prior to accessing the roading network.
6	Landscaping	As per the existing situation, no landscaping is anticipated.
7	Number of vehicle crossings	None directly from the site.

8	Access design	Existing.
9	Crossing distance from intersections	Vehicles leaving the rear yard, are required to exit to Cumberland Street, via the existing crossing to the south of the petrol station at 867 Cumberland Street. Distances associated with that crossing are: • 55m (approx.) from Howe Street • 40m (approx.) from Ellis Street
10	Sight distances	Due to limited, if any, visual obstacles sight distances are as be above.
11	High traffic generating activities	n/a
12	Construction	n/a

Assessment of any other relevant requirement.

n/a

With regards to the Second Generation Plan:

- The proposed activity is a permitted activity, without conditions, while an Ancillary Licensed Premises is a discretionary activity.

For Ancillary Licensed Premise in the subject zone the relevant Objective is 18.2.1 and the relevant Policy 18.2.10 (both discussed above re safety and efficiency). The potential circumstances that may support an application include:

Potential circumstances	Comment
Scale and nature of the activity, including hours	The activity is associated with a restaurant, and is solely for on-license. The building footprint results in a smaller scale restaurant. Hours have been reduced, to ensure the outlet is closed by 11pm.
Whether the activity has an on and/or off licences.	The activity is associated with a restaurant, and is solely for on-license.

Schedule 4: 2(3) Assessment of Effects on the Environment / Environmental Effects (including Schedule 4: 6 and Schedule 4: 7)

The following is in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

- Alternative location - As no significant adverse effects on the environment have been identified, alternative locations/methods are not relevant.
- Actual or potential effects on the environment. With the environment including:
 - Ecosystems (including people and communities)
 - All natural and physical resources
 - Amenity values
 - Social, economic, aesthetic and cultural

The proposed activity is largely in keeping with the former and surrounding environment. The proposed signage is 'replacement' signage and which will not distract of the existing amenity and built form.

- Hazardous Substances / Installations
 - The proposal involves no hazardous substances / installations.
- Discharge of containments
 - The proposal involves no discharges.
- Mitigation Measures
 - Mitigation measures include:
 - Proposed signage similar to existing.
 - No exterior building modifications, save for signage.
 - Limited the hours of operation.
 - No parking in the front yard.
- Persons Affected
 - As the proposal is almost entirely internal to the building, with effects that have been assessed as being no more than minor. No person has been identified as being affected by the proposal.
- Monitoring
 - The scale and significance of the activity's effects are assessed as being of such parameters that no monitoring is considered necessary.
- Effect on the exercise of a protected customary right
 - The activity is not known to effect the exercise of a protected customary rights.

- a. *Risk to the neighbourhood / wider community (natural hazards, use of hazardous substances or hazardous installations)*
Not applicable.

Persons Affected/Consultation

No person was identified as being affected by the activity.

Schedule 4: 3 Additional Information for some applications:

- a. Details of any permitted activity that is part of the proposal: None.
- b. S124 / S165ZH91)(e): Not applicable
- c. S85 of the Marine and Coastal Area: Not applicable

Schedule 4: 4 Subdivision Consent – Additional Information:

Not applicable

Schedule 4: 5 Reclamation Consent – Additional Information:

Not applicable

Conclusion

The proposal is similar to the former use of the site and in keeping with the commercial activity to the south. In addition, the 2GP outlines the future direct for the site, and the proposal is in keeping with that direction.

The proposal seeks the efficient use of the building resource (that is not suitable for the permitted activities), while seeking an improved outcome in terms of parking.

As a non-complying activity, the proposal is assessed as passing both gateways, therefore the application is available for consideration. The conclusion of this assessment is that the resource consent can be granted for the proposal, with conditions associated with signage.

Anderson & Co Resource Management, Date 12 May 2017