

CENTRAL OTAGO DISTRICT COUNCIL
OPERATIVE CENTRAL OTAGO DISTRICT PLAN
REPORT OF PLANNING CONSULTANT

APPLICANT: Quintin Brady Quider, Freeway Orchard, 180 State Highway 8B, Cromwell (RC180312)

The above has made application for a land use consent on the land legally described as Lot 1 Deposited Plan 18843, held in Computer Freehold Register OT10A/376 and comprising an area of 8.8225 hectares (ha) more or less. The land is owned in shares by Alistair David Stark, Kevin Vincent Jackson, Jeremy Paul Elvidge and Kevin Jackson Limited.

The applicant seeks to establish a restaurant /café at the Freeway Orchard Site. The restaurant /café will be known as The Stoaker Room. The applicant, currently operates a restaurant and cellar door establishment known as Wild Earth which has been operating since 2011. Wild Earth was located at the Goldfields Mining Centres at 803 Kawarau Gorge but the lease expired at this location in September 2018 and new premises within the Central Otago District are required. The subject site was selected because it had high traffic generation similar to their current site, was fully serviced, is in close proximity to Cromwell township and has a number of compatible activities already occurring on the site.

DISTRICT PLAN ZONING:

The site is Rural Resource Area as shown on Map 14 of the Operative Central Otago District Plan (the District Plan).

Retail activity is defined in Section 18 of the district plan as “*the sale, offering for sale, or exposure for sale of goods to the public*”. Rule 4.7.5(iv) states retail activity except for as provided by Rule 4.7.2(iii) and 4.7.4(iv) (rural selling place and winery related sales) is to be assessed as a non-complying activity. As the proposal seeks to undertake the retail food and beverage sale of products not grown on the site, it is assessed a **non-complying** activity.

The applicant notes that all signage shall comply with Rule 4.7.6H of the District Plan. However, the cumulative signage for all the various activities on the site does not comply with Rule 4.7.6H and is currently authorised by RC050360. The additional signage proposed by this application is assessed as a **restricted discretionary** activity pursuant to Rule 4.7.3(i).

Overall, the proposal is assessed as a **non-complying** activity.

It is noted that liquor licensing approvals are assessed under the Sale and Supply of Alcohol Act 2012 and nothing under this consent confers any right to sell alcohol.

WRITTEN APPROVALS AND NOTIFICATION STATUS:

The applicant requested public notification and the application was subsequently publicly notified on 30 August 2018, pursuant to Section 95A(3)(a) of the Act. The submission period closed on 27 September 2018. One submission was received on the application from the New Zealand Transport Agency (NZTA). This submission was neutral and addresses access matters in respect of State Highway 8B. NZTA seek the installation of a Give Way sign at the intersection of the site and State Highway 8B to improve traffic safety. The sign should not be permitted to impede visibility for vehicles turning out of the site. NZTA do wish to be heard in support of this submission

No other submissions were received in respect of this application.

The owners of the following properties have provided their written approval which were submitted with the application:

- Kevin Jackson of Jackson, Elvidge and Stark
- Kristin Nolan of Freeway Orchard
- Andrew James Wilkinson of Misha's Vineyard Wines Limited
- Michele Irene Wilkinson of Misha's Vineyard Wines Limited
- Mark Mason of Mark II Limited and Quest Farm Winery
- Wayne Noble of Bengel Drinks Co. Limited

As these written approvals were provided with the application, and before a decision on affected parties was made by the consent authority, they are not considered affected parties as per section 95E(3)(a) of the RMA and all effects on these parties are to be disregarded. It is noted that there was also a letter of support from Glenys Coughlan, General Manager, Tourism Central Otago.

STATUS OF THIS REPORT:

The attention of the applicant is drawn to the fact that the purpose of this report is to bring to the attention of the Hearings Panel all relevant factual information or issues which should be considered in deliberating on the proposal. It must be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearings Panel, and it should not be assumed that the Hearings Panel will reach the same conclusion or decision having considered all the evidence.

COMMENT ON PROPOSAL:

Section 104 and 104D

I note that the proposed land use activity has status as a non-complying activity in the Rural Resource Area of the Operative Central Otago District Plan, as retail activity which is unrelated to a rural activity is not provided for. As discussed above, it is appropriate that the Hearings Panel consider the proposal as an application for a land use consent under the District Plan as a non-complying activity pursuant to sections 104, 104B and 104D of the Resource Management Act 1991.

In terms of section 104D (as amended by the Resource Management Amendment Act 2003) the Hearings Panel may grant resource consent for a non-complying activity only if it is satisfied that either: -

- (a) *The adverse effects of the activity on the environment will be minor; or*
- (b) *The application is for an activity that will not be contrary to the objectives and policies of the relevant plan or relevant proposed plan or both the relevant plan and the relevant proposed plan.*

Section 104(1) requires that subject to Part 2, the Hearings Panel shall have regard to any actual or potential effects of allowing the activity; any relevant provisions of the plan or proposed plan; and any relevant national or regional planning document.

Sections 108

Section 108 empowers the Hearings Panel to impose conditions on a resource consent should it be of a mind to grant consent. Recent changes to the RMA took effect on 18th of October 2017, of these changes, the underlying principles introduced by Section 108AA are relevant when considering conditions to be imposed any resource consent. These principles set out the criteria the consent authorities must consider when imposing conditions.

Conditions can only be imposed on a consent if at least one of the following is satisfied:

- *the applicant agrees to the condition; or*
- *the condition is directly connected to an adverse effect of the activity on the environment;*
or

- *the condition is directly connected to an applicable district rule, regional rule, or national environmental standard; or*
- *the condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.*

In this context, an ‘applicable rule’ means a rule that is the reason, or one of the reasons that a resource consent is required for the activity (source: MfE Fact Sheet 10).

The Hearings Panel will need to be mindful of S108AA when imposing conditions on the consent if it is of a mind to grant.

Part 2 of the RMA

The Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd [2014] NZSC38[2014]1 NZLR 593 (King Salmon) approach used in RJ Davidson Family Trust v Marlborough District Council [2016] EnvC 81 followed the Court’s reasoning that in most cases it is not necessary to refer back to Part 2 when determining an application for resource consent. The rationale for this approach is because planning instruments are prepared as a cascade, with district plans at the bottom of the cascade. Therefore, unless the district plan, under which the resource consent is being considered, was deemed to be incomplete, invalid or uncertain, it is assumed to give effect to the higher order planning documents including Regional Policy Statements, National Policy Statements and Part 2 of the Act, and no further consideration of those planning instruments is required.

However, the recent Court of Appeal decision on Davidson (*R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316*) confirms that resource consents are expressly subject to Part 2 and that Part 2 is to be considered as well as the other considerations set out in S104.

DESCRIPTION OF PROPOSAL

The proposal is accurately described in the application, and details of the nature of the proposed activity are summarised as follows:

- To operate a restaurant and café with outdoor cooking station within a branded marquee and courtyard area.
- The marquee will measure 12 metres by 8 metres and is located to the rear of the site, away from the State Highway.
- Convert the existing storeroom into tasting bar.
- Construct edible garden and landscaping.
- Sell on and off licence beverage.
- Accommodate a total of 125 patrons at full capacity, comprising 15 persons in the tasting room, 25 people in the uncovered courtyard and 80 persons in the marquee area.
- Between 4-5 staff will be employed during winter months (May – September) and 8 staff during summer months (October to April).
- Hours of operation will be 8.00am to 12.00am, seven days per week although normal operating hours are expected to be less than this.
- Up to five functions per year are proposed, starting at 5pm and running until midnight, with up to 100 guests at each function.
- Erect one double sided signage board, one teardrop flag sign on the grass area and repurpose one existing sandwich board sign on the grass to identify the restaurant.

Site Description

The subject site is a large site surrounded by orchards. Access to the site is from State Highway 8B. The site has a long history of non-rural activities occurring on the site including: Freeview Orchard, Benger Drinks, Quest Farm, Provisions and Misha’s Vineyard.

PLANNING HISTORY

The site has a long history of consents associated with the activities occurring on the site as shown in the table below:

Consent Number	Purpose
RC980051	Establish a display building in an existing building
RC990143	To construct a processing facility and retail produce
RC010181	To operate an on licence from existing premises
RC040177	Variation to RC010181
RC040132	To operate a Prenzel alcohol retail outlet and tasting room
RC040347	To establish staff accommodation
RC050360	To erect signage
RC050278	To extend range of products sold onsite
RC110072	Variation to RC040347
RC110107	Variation to RC040132
RC120052	Variation to RC040132
RC140021	Variation to RC040132
RC160477	Variation to RC010181
RC170161	Variation to RC010181

ASSESSMENT OF EFFECTS OF PROPOSAL

Permitted Baseline.

Under section 104(2) 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 permitted retail activities which are not ancillary to a permitted rural activity provided for this site under the District Plan.

Effects on Landscape and Amenity Value

The proposal seeks to utilise an existing building and space on a portion of a rural site which is predominantly used for retail purposes. The proposed marquee will be located behind the existing buildings and will not be obvious from the road. No changes to the front of the building or change in building colour is proposed. It is noted that a toilet block will be constructed to the west of the existing buildings and in front of a large existing tree. The toilet block is expected to be unremarkable when viewed in context of the site.

There is currently a significant amount of signage associated with the activities occurring on the site. The applicant proposes to place one double sided board similar to the billboard images shown in the application, and one teardrop flag sign on the grass area and also to repurpose one existing sandwich board sign on the grass to identify the restaurant. For completeness, it is noted that NZTA did not make comment on the introduction of any additional signage on State Highway 8B in respect of traffic safety. Overall, when considering the proposed signage in the context of the exiting signage for this site, it is determined to assimilate comfortably with the signage associated with the other activities on the site.

When viewing the activity in context of the existing activities on the site, it is considered that, overall, the adverse effects on rural landscape and amenity will be no more than minor.

Sustainable Land Use and Reverse Sensitivity

The area where the activity is proposed is not currently used for rural purposes and a number of consented retail activities occur on the site. The activity will use an existing building and concreted / gravelled area on the site. A service road separates the activity from the horticultural activity. The hours of operation will be 8.00 to 12.00am – seven days per week. These hours are consistent with those approved for other activities on the site (e.g. RC010181).

The applicant obtained the written approval of the neighbouring business owners and no submissions were received from any other person in respect of reverse sensitivity. Overall, the

land use is considered to be compatible when considered in context of the existing consented activities on the site.

Traffic Effects

The application states that the traffic generation from the site will increase as a result of this proposal. The application noted that parking effects were assessed at the time that RC160477 was approved and a parking calculation of 25 parks was deemed as adequate for the existing activities on the site. There are currently 40 car parks on the site, plus a bus park.

Parking calculation for restaurants given in Table 12.3 of the District Plan is one car park per 10m² or one space per four seats whichever is the greater. The applicant states that the dining area of the restaurant is 120m² and will require twelve car parks. In my assessment, the marquee has an area of 96 m², the tasting room an area of 40m² and a court yard area of 48m² resulting in an area of 184m² and a parking demand of 19 (18.4) car parks. The restaurant provides seating for 125 patrons in peak times which results in a calculation of 13 (12.5) car parks. Given the 40 car parks currently on the site, less the 25 already allocated to existing activities, there are 15 carparks available for this activity, resulting in a shortfall of 4 car parks when using the maximum formula. It is considered that patrons may visit more than one on-site destination during their visit, so the parking demand is not expected to be generated exclusively by the proposed activity. It is noted that all the adjoining businesses have provided written approval to the application and all effects on them must be discounted. In its submission, NZTA did not comment on parking demand. Given that the number of seats in the public area only generates a requirement of 13 car parks, and the parking may be shared with other activities on site, it is considered that a shortfall of four car parks at this location will not have significant effects on the transportation network.

In its submission, NZTA assessed the interface of the car park with State Highway 8B (SH8B) and noted that at this location SH8B is a Limited Access Road and the subject site has an approved Crossing Place (CP3). NZTA notes that the existing access arrangements include a right hand turn for traffic turning right from SH8B. For traffic leaving the site, there is a give way intersection. NZTA consider that the existing access arrangement is adequate to accommodate the additional vehicles generated by the proposal but recommend a give-way sign to the access will help improve the visibility of the type of intersections to drivers. NZTA note that this sign should not impede the sight distance visibility for vehicles turning out of the site. This condition is considered reasonable and has been included with the draft conditions of consent attached to this report.

The application states the landowner has offered to realign the service vehicle road which runs along the back of the site to divert traffic past the marquee site by removing a section of orchard trees and re-establishing the roadway with appropriate surface fit for purpose. This change is expected to help reduce the potential for conflict between patrons and service vehicles servicing the complex.

Provision of Services

The applicant advises that a new standalone toilet block will be constructed as part of the development. Servicing demands in terms of toilet facilities to meet the restaurant demand, increase in water demand or any necessary trade waste approvals will be addressed at the time of building consent. No changes to the building or driveway/courtyard surfacing are proposed and, as such, no new issues for stormwater have been identified. Overall, it is considered that the proposal will not increase servicing demands on Council infrastructure and will be self-serviced without adverse environmental effects.

Development contributions

The following development contributions have been calculated for this development:

Activity	Payment
Water Supply	\$0.00 +GST
Waste Water	\$8,395.69 +GST
Reserves	\$0.00 +GST
Roading	\$2,406.38 +GST
Total	\$10,802.07 +GST

Summary of Effects on the Environment

It is my view that, subject to the imposition of recommended conditions of consent, the proposal will have less than minor adverse effects on the environment in terms of landscape, amenity, servicing and access. It will not reduce the sustainable use of the land nor will it introduce any additional reverse sensitivity effects. Overall, subject to recommended conditions of consent, the effects on the environment of this proposal will be no more than minor. A full suite of recommended conditions of consent are annexed as Annexure 1 of this report.

OBJECTIVES AND POLICIES FRAMEWORK

Central Otago District Plan

Objectives and policies are to be considered in a suite, with relevant policies being read in the context of the specific objectives they are seeking to achieve. In *Blueskin Energy Limited v Dunedin City Council* [2017] NZEnvC 150, the Court held at Paragraph [36] that:

“Careful attention must be paid to the way objectives and policies are expressed. The meaning of words and phrases are to be interpreted and applied in their context; this is especially important when considering the integrated management of natural and physical resources.”

The relevant objectives and policies of the Rural Resource Area of the district plan include:

- 4.3.1 Objective - Needs of the District’s People and Communities**
To recognise that communities need to provide for their social, economic and cultural wellbeing, and for their health and safety at the same time as ensuring environmental quality is maintained and enhanced.
- 4.3.3 Objective - Landscape and Amenity Values**
To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District’s rural environment, and to maintain the open natural character of the hills and ranges.
- 4.4.2 Policy - Landscape and Amenity Values**
To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through:
- (a) The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features,**
 - (b) Development which is compatible with the surrounding environment including the amenity values of adjoining properties,**
 - (c) The ability to adequately dispose of effluent on site,**
 - (d) Controlling the generation of noise in back country areas,**

- (e) The location of tree planting, particularly in respect of landscape values, natural features and ecological values,
- (f) Controlling the spread of wilding trees.
- (g) Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.

4.4.3 Policy Sustainable Management of Infrastructure

To ensure that the development of infrastructure in the rural environment promotes sustainable management by:

- (a) Requiring developers to contribute a fair and reasonable proportion of the costs involved, and
- (b) Maintaining and enhancing the safe and efficient operation of the infrastructure network (including roading), while avoiding, remedying or mitigating adverse effects.

4.4.8 Policy - Adverse Effects on the Amenity Values of Neighbouring Properties.

To ensure that the effects associated with some activities including (but not limited to):

- (a) Noise (including noise associated with traffic generation, night time operations), and vibration,
- (b) The generation of a high level of traffic, in particular heavy vehicles,
- (c) Glare, particularly from building finish,
- (d) A reduction in visual amenity due to excessive signage and the storage of goods or waste products on the site,
- (e) The generation of odour, dusts, wastes and hazardous substances, and
- (f) The use and/or storage of hazardous goods or substances

do not significantly adversely affect the amenity values and privacy of neighbouring properties or the safe and efficient operation of the roading network.

4.4.9 Policy - Effects of Rural Activities

To recognise that some rural activities, particularly those of a short duration or seasonal nature, often generate noise and other effects that can disturb neighbours by ensuring that new developments locating near such activities recognise and accept the prevailing environmental characteristics associated with production and other activities found in the Rural Resource Area.

In terms of Objective 4.3.1 which seeks to provide for the needs of the local community while protecting their health and safety, this is achieved by the implementation of the policies 4.4.1-4.4.16, and, in this instance, specifically by the policies identified above. Objective 4.3.3 seeks to manage the adverse effects of land-use on open space, landscape, natural character and amenity values of the rural environment. Each of the policies identified above also seek to achieve Objective 4.4.3.

Taking into consideration the existing activities occurring on the site, that the activity will use existing resources on the site, and that the approval of the application would allow for the introduction of a new business within the Central Otago District, the proposal is not anticipated to give rise to unacceptable adverse effects in respect of landscape, amenity, transportation and provision of services. The current productive use of the site will not change as a result of this proposal. Overall, I consider the proposal **consistent** with Policies 4.4.2 and 4.4.3.

All adjacent neighbours provided written approval to the proposal and no submissions were received (with the exception of NZTA). Noise and traffic effects arising from extension of activities on the site are expected to be easily accommodated by the site, subject to conditions of consent. It is considered that the proposal is **consistent** with Policy 4.4.8. No reverse sensitivity effects have been identified and, as such, the proposal is considered **consistent** with Policy 4.4.9.

Considering Objectives 4.3.1 and 4.4.3 in light of the policy assessment above, I consider that overall the proposal is found to be **consistent** with these objectives.

Operative and Proposed Regional Policy Statement for Otago

The Regional Policy Statement for Otago (RPS) became operative in 1998. The purpose of the RPS is to promote the sustainable management of natural and physical resources, by providing an overview of the resource management issues facing Otago and setting policies and methods to manage Otago's natural and physical resources. Of specific relevance to this proposal are the objectives and policies set out in Chapter 5: Land and Chapter 9: Built Environment and which are summarised below:

- **Objective 5.4.1 and Policy 5.5.3** which seek to promote the sustainable management of Otago's land resources by maintaining and enhancing Otago's land resource.
- **Objective 5.4.3 and Policy 5.5.6** which seek protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development by recognising and providing for the protection of Otago's outstanding natural features and landscapes.
- **Objective 9.4.2 and Policies 9.5.2 and 9.5.3** which seek to promote the sustainable management of Otago's infrastructure and transport network by promoting and encouraging efficiency in the development and use of Otago's infrastructure and transport network.
- **Objective 9.4.3 and Policy 9.5.5** which seek to avoid, remedy or mitigate the adverse effects of Otago's built environment on Otago's natural and physical resources by maintaining and, where practicable, enhancing the quality of life for people and communities within Otago's built environment by, in part, managing the adverse effects of subdivision, land use and development on landscape values.

The assessment of effects undertaken above indicates that the proposal does not undermine the RPS and the proposal is not found to be contrary to the objectives and policies of the RPS.

The Proposed Regional Policy Statement for Otago (PRPS) was notified on 23 May 2015 and decisions were released on 1 October 2016. The PRPS is currently under appeal. The following assessment is undertaken against the PRPS, incorporating Council decisions, released on 1 October 2016. Specific to this proposal are:

- **Objective 5.3 and Policy 5.3.1** which seek to ensure sufficient land is managed and protected for economic production by managing activities in rural areas by, in part, restricting the establishment of activities in rural areas that may lead to reverse sensitivity effects.

No reverse sensitivity effects have been identified for this proposal and the productive capacity of the land remains unchanged. Overall, I consider the proposal will not reduce the amount of economically productive land in the Otago region in any noticeable or meaningful way and the proposal is not inconsistent with the PRPS.

Part 2 of the RMA

The purpose of the RMA to promote the sustainable management of the natural and physical resources detailed below:

managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations:
and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems:
and*
- (c) Avoiding, remedying, or mitigating any adverse effect of activities on the environment.*

The Court's approach, as discussed at paragraph [151] of the *King Salmon* decision, is supported in that Section 5 is not intended to be an operative provision, rather it sets out the RMA's overall objectives. As such, the application is assessed against the remaining provisions of Part 2.

It is considered that there are no matters of national importance as identified in Section 6 of the RMA which are relevant to this proposal. In respect of the other matters set out in Section 7, I consider the following matters are relevant:

- 7(b) the efficient use and development of natural and physical resources:*
- 7(c) the maintenance and enhancement of amenity values:*
- 7(f) maintenance and enhancement of the quality of the environment:*

It is considered that, given the immediate existing environment, the proposal will not undermine the matters set out in section 7(b). With regard to sections 7(c) and 7(f), the assessment of environmental effects informs that the amenity values of the area will be maintained (recognising the existing consented activities occurring on the site) as will the quality of the surrounding environment. Overall, the proposal is considered to be consistent with Part 2 of the Act.

SECTION 104D

Section 104D of the Resource Management Act 1991 specifies that resource consent for a non-complying activity must not be granted unless the proposal can meet at least one of two limbs. The limbs of Section 104D require that the adverse effects on the environment will be no more than minor, or that the proposal will not be contrary to the objectives and policies of both the district plan and the proposed district plan. It is considered that the proposal meets both limbs as any adverse effects arising from this proposed activity will be no more than minor, and the activity will not be contrary to the objectives and policies of the Central Otago District Plan. Therefore, the Hearings Panel can exercise its discretion under Section 104D to grant consent.

OFFSETTING OR COMPENSATION MEASURES

In accordance with Section 104(1)(ab) of the RMA, no need for consideration of offsetting or compensation measures has been identified.

OTHER MATTERS

Section 104(1)(c) of the Resource Management Act 1991 requires the Hearings Panel to have regard to any other matters considered relevant and reasonably necessary to determine the application. The matters of precedent and plan integrity are considered relevant here. I recognise that in times gone by the "true exception" test was regularly applied by the Court to non-complying activities.

It is considered that the test is no longer compulsory as determined in *Mason Heights Property Trust v Auckland Council* [2011] NZEnvC 175, para [88]. However, *Mason Heights Property Trust v Auckland Council* does note that the test can assist in assessing whether issues of precedent are likely to arise and whether the proposal meets the objectives and policies of the Plan by an alternative method, especially where contrary to the objectives and policies of the relevant plan.

This approach was supported in *Cookson Road Character Preservation Society Inc v Rotorua District Council* [2013] NZEnvC 194.

In this instance, the proposal is not considered contrary to the objectives and policies of the District plan, RPS, PRPS or Part 2 and the environmental effects are considered less than minor and, as such, it is not considered necessary to apply the true exception test in this instance. The district plan identifies and seeks to maintain and protect the values of the Rural Resource Area. While under this proposal the range of non-rural activities will increase on the site, the proposal will only introduce effects which are less than minor, or which are localised to the immediate area and for which affected parties have provided approval. The issues raised within the NZTA submission can be adequately addressed via a condition of consent.

Overall, it is considered that the proposal will not result in a change to the current productive use of the land from that which currently exists. Notwithstanding the need (or not) to apply the true exception test, I consider that given the existing activities on the subject site, the limited opportunity for productive capacity on within the area to be utilised by this proposal and the written approval and limited scope submission, it is considered that there are sufficient elements to set this proposal apart such that it is not expected to create an undesirable precedent or threaten the integrity of the district plan.

RECOMMENDATION

Having regard to the information available at the time of writing this report, prior to the Hearings Panel's consideration of application, it is recommended that the proposal be considered as an application for land use consent to a non-complying activity in terms of sections 104, 104B and 104D of the Resource Management Act 1991.

For the reasons detailed in the body of this report, it is considered that, subject to conditions of consent, adverse effects on the environment will be acceptable to the degree that they are minor or less than minor and that granting consent will be not be contrary to the objectives and policies of the Operative District Plan, RPS and PRPS, and to the purpose and principles of the RMA.

In these circumstances, it is recommended that the Hearings Panel **grant** consent to the application for land use consent to construct and operate a restaurant, subject to conditions imposed under section 108 of the RMA and annexed as Annexure 1 to this report.



Kirstyn Lindsay
Planning Consultant and Accredited RMA Commissioner
Southern Planning Solutions Limited

19 November 2018

ANNEXURE 1 – RECOMMENDED CONDITIONS OF CONSENT RC180312

1. *The proposal must be undertaken in general accordance with the information contained in the application for resource consent (RC180312) submitted by Quintin Quider on 7 August 2018 and the plan attached as Appendix 1, except where modified or confirmed by the conditions below:*
2. *The hours of operation for the restaurant and tasting room are restricted to 8.00am to 12.00am – seven days per week.*
3. *No more than 125 patrons shall be hosted on the site at any given time.*
4. *Prior to the exercise of this consent, a give-way sign shall be installed adjacent to the intersection of the subject site and SH88.*
5. *The activity is required to provide 15 carparks, in addition to the 25 carparks required for the existing activities on the subject site.*
6. *The consent holder shall provide evidence in writing to the Chief Executive that NZTA are satisfied that the location of the sign and that it does not impede the sight distance visibility for vehicles turning out of the site.*

- Notes
1. This consent does not authorise amplified music.
 2. Signage shall comply with the standards set out in 4.7.6H.
 3. Liquor licensing approvals are granted under the Sale and Supply of Alcohol Act 2012 and nothing under this consent confers any right to sell alcohol.
 4. The following contributions have been calculated for this proposal:

Activity	Payment
Water Supply	\$0.00 +GST
Waste Water	\$8,395.69 +GST
Reserves	\$0.00 +GST
Roading	\$2,406.38 +GST
Total	\$10,802.07 +GST

Land Use consents – Contributions are payable prior to the commencement of the consent, except where a building consent is required (as below). The onus is on the developer to make payment when the consent is given effect to and an invoice will be generated by the Council after payment has been received. Council may also issue an invoice if it becomes aware that the consent has been given effect to.

Building consents – Contributions are payable 90 days from granting the building consent or prior to the issue of the code of compliance certificate, whichever comes first. Council will issue an invoice as appropriate to the development process, and this may either be before or after payment has been received.

APPENDIX 1 – RC180312 – APPROVED PLANS

PLAN B

180 SH 8B close up *SITE / LOCATION PLAN - THE STAKER ROOM*

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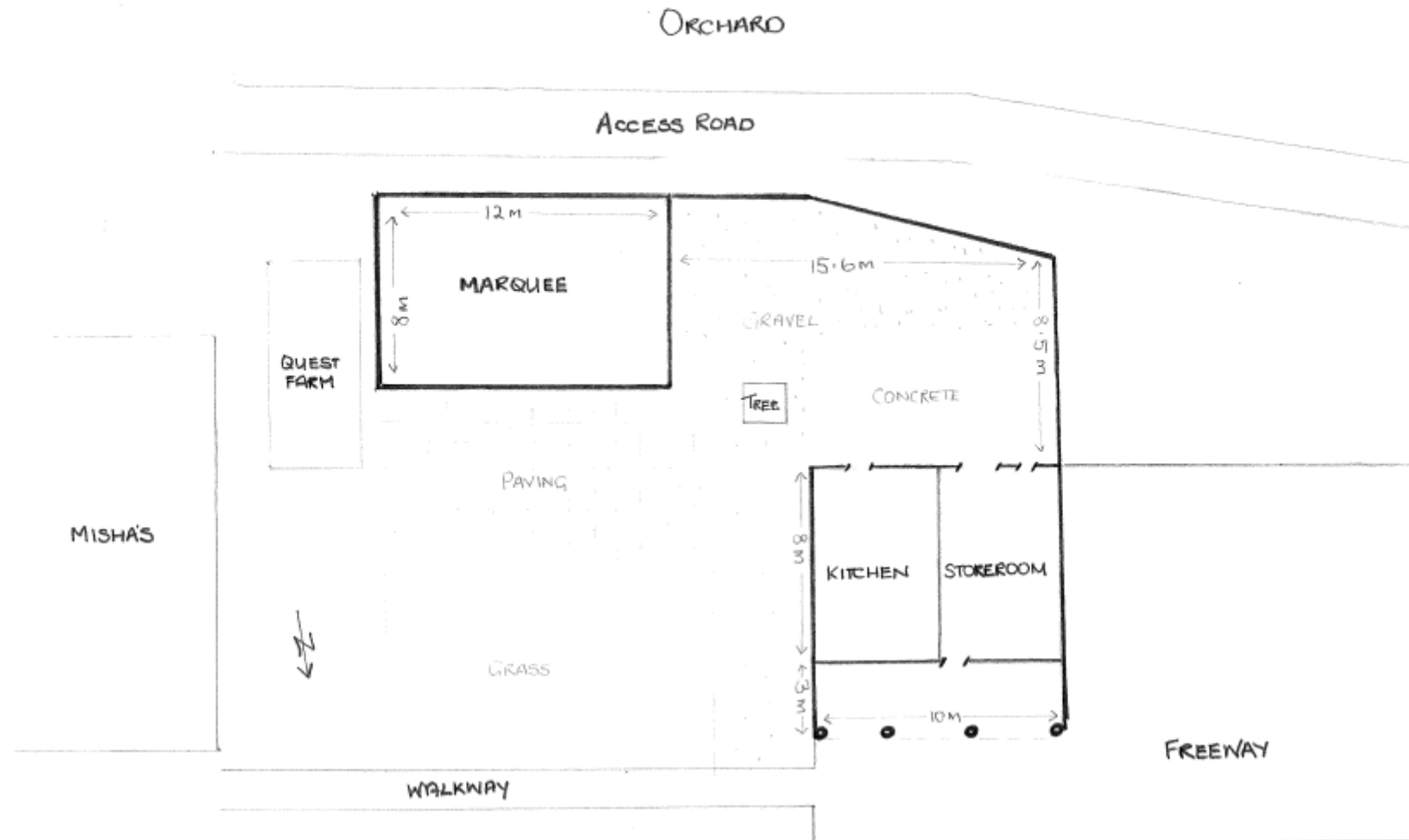


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The information displayed in the Geographic Information System (GIS) has been taken from Central Otago District Council's (CODC) databases and maps.
 Digital map data sourced from Land Information New Zealand (LINZ).
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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

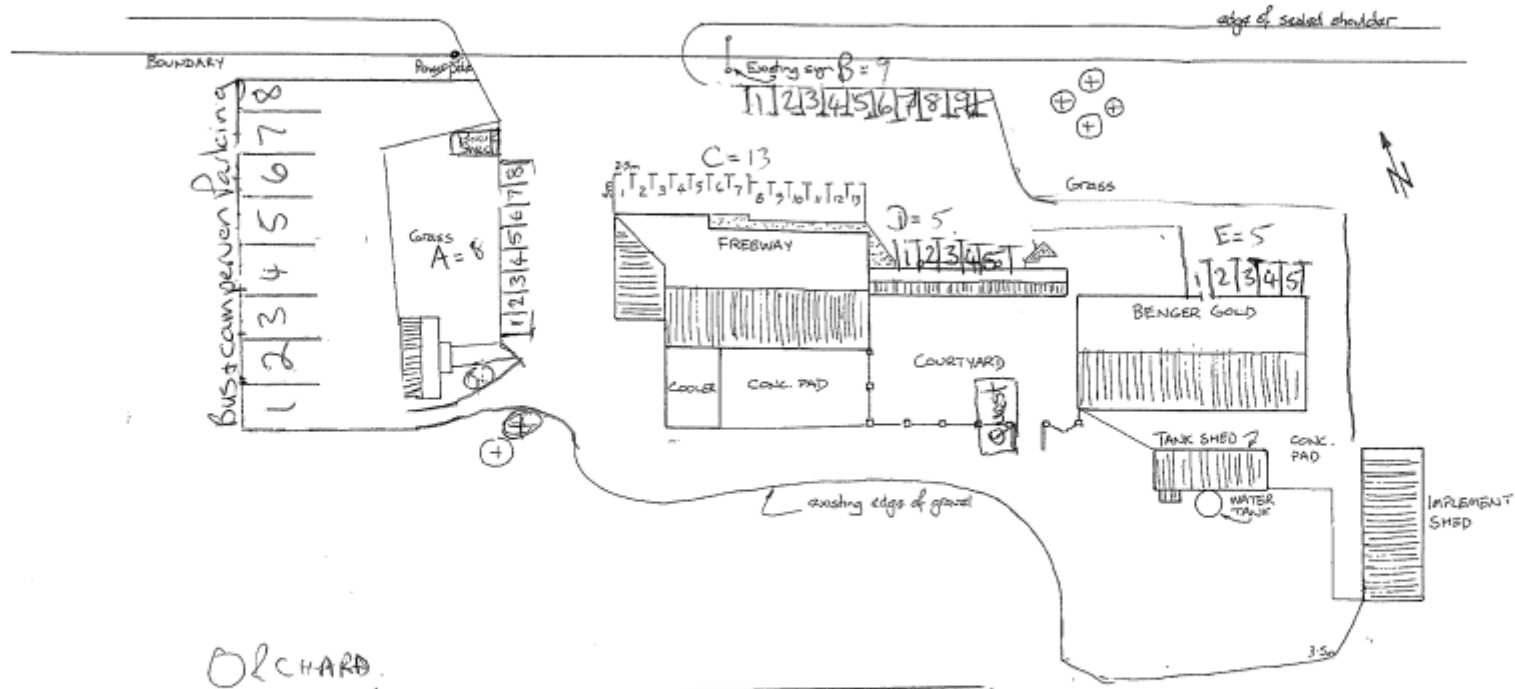
BUILDING SITE PLAN

PLAN C



PARKING PLAN

STATE HIGHWAY 83



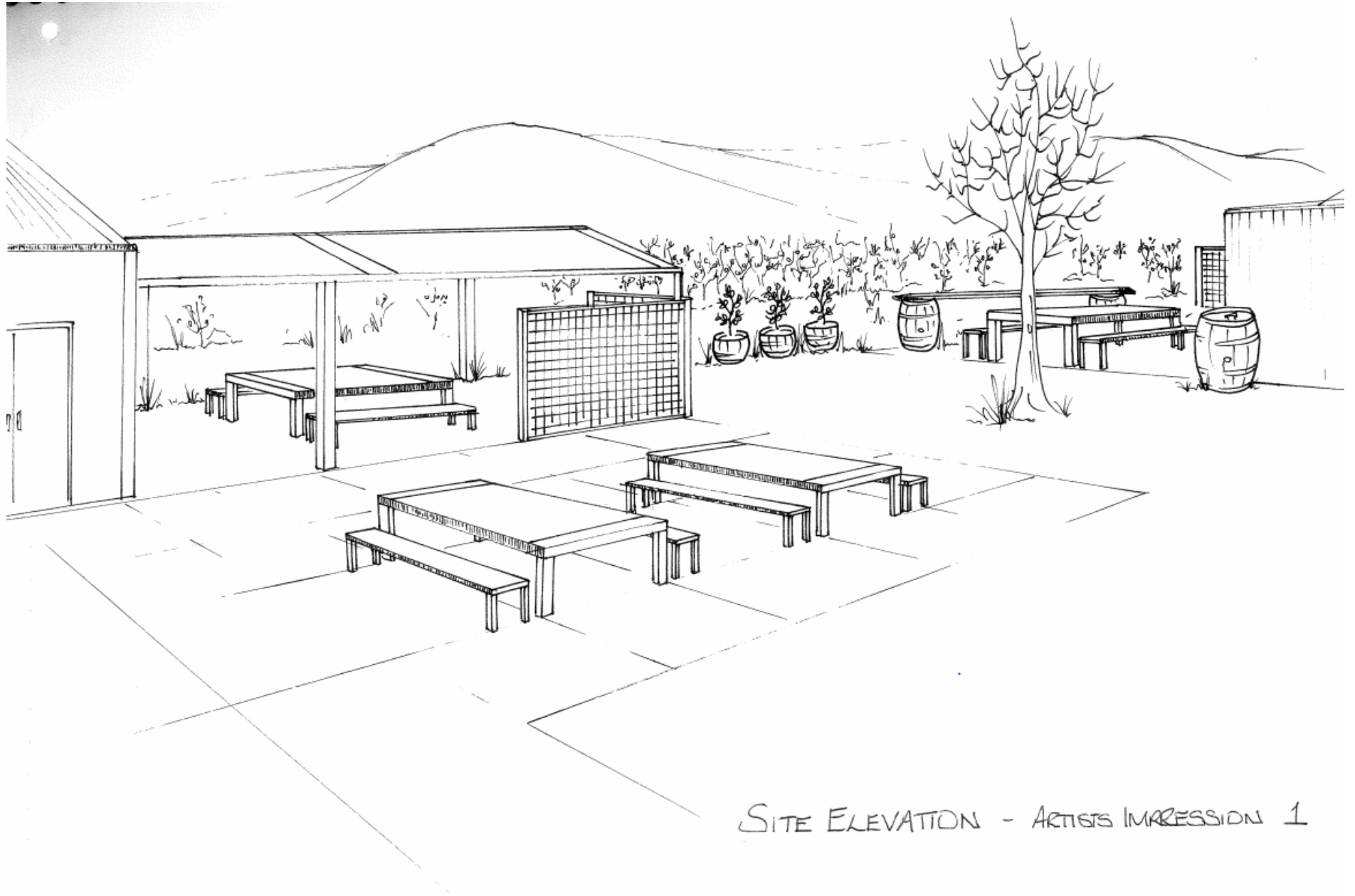
ORCHARD

KEY:

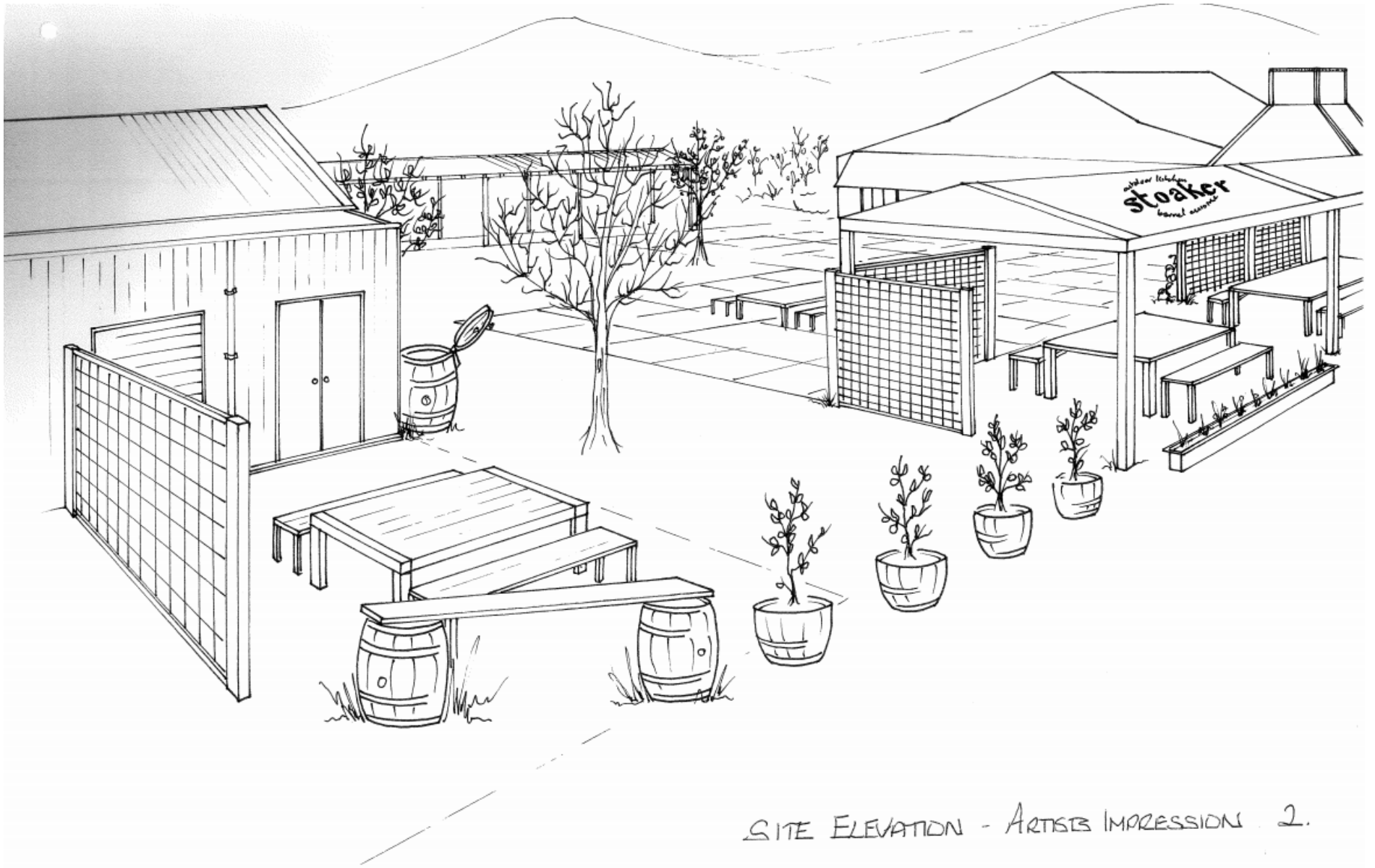
PARKING ZONES: TOTAL OF 40 car parks

- A = 8 parks (between toilets + book shed)
- B = 9 parks (alongside the grass near SH83)
- C = 13 parks (in front of Freeway Building)
- D = 5 parks (in front of courtyard)
- E = 5 parks (in front of Benger Gold Shed)

FREWAY ORCHARD/BENGER GOLD
 PARKING-MANUEVERING LAYOUT
 6 AUGUST 2018
 1:500



SITE ELEVATION - ARTIST'S IMPRESSION 1



SITE ELEVATION - ARTIST'S IMPRESSION . 2.

