

Grey District Council  
PO Box 382  
Greymouth

Attn: Planning Department

9th April 2024

Dear Sir/madam,

**RE: RESOURCE CONSENT APPLICATION UNDER RMA 1991 – WEST COAST KEBABS LTD – 86 MACKAY STREET, GREYMOUTH**

Please find enclosed an application for a land use consent under Section 88 of the Resource Management Act 1991.

I understand the applicant or representative spoke with Council regarding the proposal some weeks ago.

This application will be emailed to you electronically.

Please advise the deposit fees for the application and these can be sent via electronic banking.

If you require any further information please do not hesitate to contact me directly on 03 3077 164, 029 3077 164 or david@dhconsulting.co.nz.

Yours faithfully,



David Harford  
Director



David Harford  
CONSULTING LTD

**Application for Land Use Consent**  
**West Coast Kebabs Ltd**  
**86 MacKay Street,**  
**Greymouth**

**April 2024**

**Grey District Council**

Reference: 22-369

Revision: Final

RESOURCE MANAGEMENT PLANNING

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**QUALITY ASSURANCE**

**Project Reference:** 22-369

**Title:** Application for Land Use Consent

**Client:** West Coast Kebabs Ltd

**Filename:** 22-369

**Version:** Final

**Lodgement Date:** April 2024

**Prepared By:** David Harford





## 1.0 INTRODUCTION

Section 88(2)(b) of the Resource Management Act 1991 requires that any application for a resource consent should include an assessment of any actual or potential effects that the activity may have on the environment and the ways in which any adverse effects may be mitigated.

Section 88(2)(b) also requires that any assessment shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment and shall be prepared in accordance with the Fourth Schedule to the Resource Management Act 1991.

Form 9 as required by Section 88 of the Resource Management Act 1991 is provided as Annexure A to this application. The body of this application addresses the character of the land, the proposed land use activity, and the relevant provisions of the District Plan. It also includes an assessment of effects on the environment as required by the Fourth Schedule to the Resource Management Act 1991.

### 1.1 Site Information

Site Address:	86 MacKay Street, Greymouth
Legal Description:	Lot 2 DP 551
Record of Title	WS 3B/13. Refer Annexure B
Site Area:	106m <sup>2</sup>
Property Owner	Eat Love Repeat Smashed Burger Foods Ltd
District Plan Zone:	Commercial
Planning Maps	Map 30
Special Notations:	

### 1.2 Activity Classification

Discretionary activity in respect to non-compliance relating to:

- Rule 20.7.5(1 – iii) – Veranda

- Rule 20.7.11 (i) Parking

## 2.0 SITE AND SURROUNDS

### 2.1 The Application Site and Surrounds

The site is located on MackKay Street within Greymouth's Central Business District.

The site is vacant of buildings at present and is a very small narrow site being 106m<sup>2</sup>.

There are existing buildings adjoining and opposite the site which offer retail and commercial activities. Some buildings are not tenanted at present however that is the nature of small-scale retail nationwide.

The site is surrounded by land zoned Commercial and in this case, Commercial Core.

A building formerly existing on the site some time ago based on the concrete existing on the site but this is proposed to be removed as part of the site preparations however the Record of Title does not show any party wall easements or other encumbrances except for fencing and lease provision and an exemption from the Public Works Act 1928.

No information is found at this time on West Coast Regional Councils Selected Land Use Register (SLUS) as having had a HAIL activity on this land.

MackKay Street is a two-lane sealed road with a minimum carriageway width of 8 metres. Footpaths and kerb and channel are located on both sides of the street. Kerbside car parking is available on both sides of the street. Parts of the road frontage has street landscaping in the form of planting. A pedestrian crossing is located to the east of the site allowing safe crossing over MackKay Street.

### 3.0 PROPOSAL

The applicant proposes to establish a food caravan trailer which will be placed within the site but is a removable structure.

The caravan will include covered pergola located over a wooden (Kwila) deck will provision for outdoor seating. Toward the southern area of the site will be a storage shed and walk-in chiller storage alongside an on-site Portaloo and service area for rubbish storage.

The site is accessed from the street and will include provision for some stairs and a ramp for accessible access from the footpath.

The resource consent is required due to no provision of a veranda over the footpath in accordance with the District Plan rule.

Car parking requirements will be addressed as part of the application assessment below in the Commercial Core Area

*(a) No on-site carparking shall be provided except carparking for the convenience of persons working onsite may be provided to the rear of any building at a rate of one space per 100m<sup>2</sup> gross floor area.*

*Note: Within the Commercial Core Area on-site parking shall be required on a cash in lieu basis based on the actual cost of providing 25m<sup>2</sup> for a carpark calculated at the current market value of the land and construction costs required by NZS 4404:1981. This amount being to a maximum of \$1,500.00 plus GST per carpark.*

The building will stand no higher than 3.2m to the roof apex from the ground floor level of the building.

#### **Outdoor Advertising**

The proposal will include on building signage advertising the food offerings.

Any signage positioned on this frontage will comply with the minimum signage requirements of the Operative Grey District Plan.

## 4.0 DISTRICT PLAN ASSESSMENT

### 4.1 District Plan Status – Grey District Plan

The Operative Grey District Plan is the relevant plan for consideration in this application currently. However, there is a Proposed Plan that is a combined District Plan for the Grey, Westland, and Buller District Councils.

### Proposed District Plan – Te Tai o Poutini Plan

Te Tai o Poutini Plan (a combined District Plan for the Coast) has only recently begun hearings on submissions to this Plan. In terms of rules that have legal effect from the date of notification of the plan or those that are beyond legal challenge).

In terms of this site under the Proposed Plan, the following is relevant.

- It is zoned Town Centre Zone.
- There is a main Street Frontage Control requirement shown on the Planning Map.
- The site is shown within the Coastal Environment.
- The site is of Significance to Maori (SASM62)
- It is a Pounamu Management Area.

There is a statement in this Plan that say's.

### **Legal effect of Rules**

*Rules in Te Tai o Poutini Plan have legal effect when it becomes Operative. Section 86B of the [RMA](#) allows councils to seek legal effect from the time of public notification. The Te Tai o Poutini Plan Committee has yet to consider whether there are parts of the proposed Plan that they will seek to have legal effect at time of notification.*

*Section 86B also states that a rule in a proposed plan has legal effect if it protects or relates to areas of [water](#), air, or soil, significant indigenous vegetation, significant habitats of indigenous fauna, [historic heritage](#) or aquaculture activities.*



*This means that some of the rules in the activities on the surface of rivers and lakes, ecosystems and indigenous biodiversity, natural character and waterbodies, coastal environment, historical heritage and sites and areas of significance to Māori chapters as well as the specific rules in some zones for Aquaculture will have legal effect at the date of notification of this Plan.*

To that end, there are some rules that have legal effect in relation to historical and cultural values. These are addressed in the compliance assessment table below.

Therefore, it is only the rules in this Operative Plan that are relevant for consideration. The non-compliances with the standards listed earlier overall are to be considered as a discretionary activity.

#### 4.2 Zoning

The application site is zoned Commercial under the Operative Grey District Plan. The zone is in the area bordered by the Grey River, Lagoon Dock, Blaketown, Whall Street, Smith, and Tainui Streets. The exact location of this site is within Central Greymouth Commercial Core and allows a mix of business which contributes to the fabric and growth of the townships and surrounds. Commercial zones generally have more variety of activities and associated infrastructure and are considered attractive places to visit.

#### 4.3 Compliance Assessment

The compliance assessment table below considers and indicates all relevant site and zone standards in the application. The table below provides the relevant rule and details why the activity is non-compliant.

Rule	Requirement	Activity Status / Comments
<b>Commercial Standards</b>		
<b>5.8.2 Permitted Activities General</b>		
(i)	Any activity is a permitted activity provided that it does not contravene any other rule in this Environmental Area.	
	Any activity is allowed in the Commercial or Industrial Environment provided the rules are not contravened.	

20.7	Site Standards	Activity Status / Comments
<p>5. Building Design and Appearance</p>	<p>(i) Every building facing a road in the Commercial Core shall, on its erection or on being reconstructed or altered in any way that substantially changes the exterior appearance, be provided with a verandah; and</p> <p>(ii) The verandah shall be constructed along the full length of all parts of the building facing the road. The height, width and fascia of the verandah shall relate to any adjoining verandahs to provide continuity of verandah coverage. Every verandah erected shall be of cantilever or similar construction and not be supported by posts; and</p> <p>(iii) The verandah shall extend from the shop frontage to be 400mm inside the kerbline. The verandah, if on a corner, shall be splayed so as to be 400mm back from the kerbline.</p> <p>(iv) Relocated buildings onto a site are permitted if:</p> <p>(a) they are constructed within the last ten years and</p> <p>(b) they are constructed of new materials and</p> <p>(c) they are established on foundations complying with the building code at the time of relocation. Provided that (iv) does not apply to the Industrial Environmental Area.</p> <p>(v) Relocated buildings not meeting the conditions of permitted activity are a controlled activity in which Council reserves control over the design and appearance of the buildings.</p> <p>(iii) Any activity that contravenes a permitted condition is a discretionary activity except as provided for in (v)</p>	<p><b>Does not Comply.</b></p> <p>The caravan and associated buildings on the site are temporary buildings as opposed to a relocated building as such. This from the point of view that the caravan is not fixed to the land (other than any building code fixing requirements whilst it is in place on site). The buildings can be removed easily in the future.</p> <p>Therefore, to err on the side of caution the proposal is a discretionary activity.</p>



<p>11. Parking loading and access</p>	<p>Controlled Activities.</p> <p>(i) Parking, Loading and Access Parking, loading and access of vehicles and transport matters associated with any activity shall be in accordance with Appendix 4. In addition, the following shall apply in the Commercial Core Area: (a) No on-site carparking shall be provided except carparking for the convenience of persons working onsite may be provided to the rear of any building at a rate of one space per 100m<sup>2</sup> gross floor area.</p> <p>Note: Within the Commercial Core Area on-site parking shall be required on a cash in lieu basis based on the actual cost of providing 25m<sup>2</sup> for a carpark calculated at the current market value of the land and construction costs required by NZS 4404:1981. This amount being to a maximum of \$1,500.00 plus GST per carpark.</p> <p>(b) Where available all vehicle access is to be from service lanes.</p>	<p><b>Complies</b></p> <p>There is no requirement for any on-site parking. There is the option of providing a staff parking space at the rear of the site/building at a rate of one space/100m<sup>2</sup> area.</p> <p>There is no ability nor proposal to provide such a parking space within this site.</p> <p>The cash in lieu requirement is assumed to still be applicable on the basis that where no parking is required, the offset for this is payment of a sum to Council where assumedly this goes toward provision and/or upgrade of car parks for use within or near the Commercial Core for staff and visitors.</p>
<p><b>22. Signs</b></p> <p>1.</p>	<p>(i) The following signs are permitted throughout the district if:</p> <p>(a) they are nationally approved traffic signs, including New Zealand Transport Agency signs approved for service and tourism activities or signs denoting the name of a street or the street number of premises.</p> <p>(b) they are temporary signs for community, educational and recreational events and during building construction, provided that the:</p> <ul style="list-style-type: none"> <li>● Signs shall not exceed 2m<sup>2</sup> in area.</li> <li>● Signs shall not be erected more than six months prior to the date of the commencement of the activity advertised nor remain erected more than one week following completion of that activity.</li> </ul>	<p>n/a</p> <p>n/a</p> <p><b>Complies</b></p> <p>n/a</p>

	<ul style="list-style-type: none"> <li>● Confirmation is provided, from the relevant road controlling authority, that traffic safety is not compromised because of the erection of the sign.</li> <li>(c) they are signs for any public purpose or in connection with and on the same site as any utility, community facility or public reserve, provided that they shall not exceed 1m2 in area, where they are visible from any public road, public land or adjoining or neighbouring property.</li> <li>(d) they are signs advertising that the property, on which the sign is located, is for sale, provided that they shall not exceed 0.6m2 in area.</li> <li>(e) Signs erected under (b) - (d) shall also comply with the following:             <ul style="list-style-type: none"> <li>● the height requirements for buildings in the relevant environmental area.</li> <li>● do not obstruct the line of sight of any corner, bend, intersection, or vehicle crossing.</li> <li>● do not obstruct, obscure, or impair the view of any traffic sign or signal.</li> <li>● do not resemble or be likely to be confused with any traffic sign or signal.</li> <li>● do not use reflective materials that may interfere with a road user's vision.</li> <li>● do not use flashing or revolving lights.</li> <li>● are not affixed to vehicles or trailers, and parking in a public place, road, public property, or private property to be visible from a public place. This does not apply to advertising painted, or attached directly, onto vehicles or trailers and incidental to the primary use of that vehicle or trailer.</li> </ul> </li> </ul>	<p>n/a</p> <p>n/a</p> <p>n/a</p> <p>n/a</p> <p><b>complies</b></p> <p><b>complies</b></p> <p><b>Complies.</b></p>
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2.	<p>(i) Signs in the Commercial, Industrial and Township Environmental Areas are permitted if:</p> <p>(a) Signs attached to buildings do not exceed the highest point of the roof.</p> <p>(b) Signs attached to, but under, street verandahs shall be:</p> <ul style="list-style-type: none"> <li>• no closer than 2.5 metres to the footpath below</li> <li>• setback at least 500mm from the kerb of the road</li> <li>• at least 1.5 metres away from any other under verandah sign</li> </ul> <p>(c) Street verandah's fascia signs do not protrude below the verandah.</p> <p>(d) Signs above verandahs but attached to the verandah do not exceed 1.2m in height above the top of the verandah and shall be setback at least 500mm from the fascia line.</p> <p>(e) Signs attached to a structure, or the face of a building do not:</p> <ul style="list-style-type: none"> <li>• project onto or over a road if the sign is less than 2.5m above the road, or</li> <li>• project more than 150mm onto or over a road if the sign is 2.5m or more above the road.</li> </ul> <p>(f) The maximum size of a sign permitted in the Township Environmental Area is 3m<sup>2</sup>.</p> <p>(g) Signs comply with the height requirements for buildings for the relevant environmental area.</p> <p>(h) In areas where the speed limit is greater than 70 km/hr, signs have a minimum lettering height of 160mm, and all signs and their messages are static.</p>	<p><b>Will Comply</b></p> <p>The only signage will be placed on the caravan itself. <b>Complies</b></p> <p>No veranda proposed.</p> <p>n/a</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Will comply.</p> <p>Speed limit at this location is 50km/hr.</p>
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Table 1: Compliance Table

Te Tai o Poutini Plan – SASM Sites and Areas of Significance to Maori	
Permitted Activities	Minor earthworks on Sites and Areas in Schedule Three – Sites and Significance to Maori

SASM R2.	Activity Status Permitted	Will Comply
	<p>1. These are <u>earthworks</u> associated with:</p> <ul style="list-style-type: none"> <li>i. Burials at <u>urupā</u>; or</li> <li>ii. Archaeological survey by Pouhere Taonga - Heritage New Zealand, <u>Poutini Ngāi Tahu</u> or authorised representatives; or</li> <li>iii. Installing fence posts and the replacement of poles for overhead network utility lines provided that: <ul style="list-style-type: none"> <li>a. The area of <u>land</u> disturbed is limited to what is necessary to maintain an existing fence or line along its existing alignment; and</li> <li>b. The <u>activity</u> does not involve installation or digging of new holes for overhead network utility lines; or</li> </ul> </li> <li>iv. Maintaining roads/tracks within the footprint or modified ground compromised by the existing <u>road/track</u>; and</li> </ul> <p>2. In relation to standards ii., iii. and iv. these <u>earthworks</u> are not undertaken at the following Sites and Areas of Significance to Māori identified in Schedule Three except with the written approval from the relevant <u>Poutini Ngāi Tahu rūnanga</u> which is provided to the relevant District Council at least 10 working days prior to the <u>activity</u> commencing:</p> <ul style="list-style-type: none"> <li>i. SASM 17 Kawatiri South Bank Native Reserve; SASM 41 Kotorepi (Nine Mile); SASM 54 Motutapu; SASM 55 Māwhera Burial Cave Site; SASM 81 Takataka Islands; SASM 84 Knoll Point; SASM 110 Māhinapua; SASM 127 Ulipa; SASM 130 Whataroa Native Reserves Secs 21; SASM 133 No. 19 Ōkārito Native Reserve; SASM 135 Ōkārito (No. 18 Kaomaru Native</li> </ul>	<p>The site is listed as SASM 62 in Schedule 3 which refers.</p> <p>Name: No 31 Mawhera Native Reserve Values: Maori Reserve. Pa Site, Urupa, Cultivations</p> <p>There is no specific category listed nor permitted activity rule except for this rule and rule SASM R6</p>



	<p>Reserve); SASM 155 Hunts Beach Māori Reserve; SASM 157 No. 10 Makāwhio Native Reserve; SASM 162 Heretaniwha; SASM 165 No 7. Manitahi Beach Native Reserve; SASM 168 No. 4 Heretaniwha Native Reserve; SASM 170 Porangirangi to Mahitahi; SASM 185 Lake Moeraki Reserve; or SASM 207 Awawhata Reserve at River Mouth; and</p> <p>3. An Accidental Discovery Protocol commitment has been completed and the form submitted to Council 10 working days prior to the commencement of any <u>earthworks</u>.</p>	
<p>SASM – R6</p>	<p>Earthworks Buildings and Structures not Provided for in SASM – R2 in Schedule 3</p> <p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li>The <u>activity</u> does not occur on the following Sites and Areas of Significance to Māori identified in Schedule Three, except with written approval from the relevant Poutini Ngāi Tahu rūnanga which is provided to the relevant District Council at least 10 working days prior to the <u>activity</u> commencing:             <ol style="list-style-type: none"> <li>All sites identified in Category Tahī (1), Category Rua (2), Category Toru (3) and Category Whā (4) in Schedule Three; and</li> <li>SASM 3 Whakapoai Native Reserve 7B and SASM 170 Porangirangi to Mahitahi. provided that.</li> <li>No <u>earthworks</u>, buildings or structures are located on the upper slopes, ridgelines or peaks of ancestral <u>maunga</u> identified in Category Toru (3) in Schedule Three.</li> </ol> </li> </ol>	<p><b>Complies</b></p> <p>Based on this rule, the activity is not within those four areas listed nor those under 1(ii),</p>

#### 4.4 Activity Status

Consent is sought for a **discretionary activity** because of the identified non-compliance within the Operative Grey District Plan.

## 5.0 ASSESSMENT OF EFFECTS – PROPOSED BUILDING

The following assessment of effects arising from the non-compliance with the site standard as discussed below. The Operative Grey District Plan provides several assessment matters relating to this.

### Commercial Core

#### 5.1 Assessment of Effects – Verandas

(i) *The effect the absence of a verandah would have in terms of shelter and appearance.*

The explanation for the rule says *Verandahs improve the amenities for pedestrians in the commercial core area by providing shelter as well as assisting in providing a common design theme.*

The proposal is that no verandah in accordance with the rule is proposed as the application is for a caravan trailer with motorised jockey wheel temporarily put in place on the site for the food business.

The position of the caravan does not warrant a veranda being erected as it's not a permanent structure. Whilst there are existing buildings with verandas adjoining the subject site, this application site is currently vacant of a building and therefore has no veranda.

What the proposal does have however is a pergola over the food caravan serving opening which acts like a veranda in terms of protecting the public from wet weather and direct sunlight s required.

This proposal adds some interesting variation to the street scene without being a very noticeable change i.e. in the sense there is no veranda now, and the proposed caravan does not take up all the space between the buildings but has an opening with a deck area and pergola over to provide a different type of amenity.

The modern building and layout add an attractive appearance to the street scene.



*The extent of the effect a reduced or no veranda will have on the visual continuity of building frontage from the street and the distinctive form and character of buildings in areas of intensive business activity.*

The proposed building frontage shows no veranda area over the footpath. The pergola however, whilst not a cover over the footpath, provides the same protection. So effectively there is a purposeful veranda provided without meeting the District Plan requirements.

This site will create pedestrian activity as the nature of the business is foot traffic with people purchasing from the site and this could be takeaway food or there is ability to be seated for dining on the proposed deck area under a covered pergola which will act as a form of weather protection.

There is a covered pergola which is polycarbonate sheet roofing over the framing supported by posts with coloursteel spouting to discharge stormwater. Stormwater is proposed to be discharged to kerb and channel.

In terms of floor height, the decking and caravan will sit approx. 400mm above ground level.

*The volume of pedestrians using the street and the extent to which they will be exposed to adverse climatic conditions if a veranda is not provided.*

There will be pedestrian activity generated by this proposal, however the extent they would be exposed to adverse climatic conditions would be limited.

The proposed building and facilities provide for an active frontage in terms of the open area and will enable pedestrian movements in and out of the site.

*The design and appearance of the building and its compatibility with other adjoining buildings in terms of design, height, setback and scale and the extent of the impact that non-provision of a veranda will have on the architectural cohesiveness of the street.*

The density of the site is very small being 6m wide on the street frontage and 4.4m at the rear however there is a break in the continuous building line on the eastern boundary some 6.6m in from the street.

The difference being this building will not be connected to the existing building walls on either side and therefore there is no party wall on each boundary. The temporary building and facilities will compliment several buildings on this street frontage.

Therefore, this new modern building is providing something additional as a feature which has not previously existed at this site.

The lack of a veranda is not seen as an adverse effect on the architectural cohesiveness of the street. It can be said the modern appearance which add interest to the street scene. The nature of the activity and temporary buildings within the site, do not warrant nor require a street veranda based on the proposed design and use of this small site.

## 5.2 Positive Effects

This proposal promotes the establishment of a new activity in a prominent location In Mackay Street, Greymouth. It has been architecturally designed to a high level of design and appearance for what is intended and is complimentary to existing buildings in the vicinity.

As can be seen of the plans and elevations nor does it lessen the character of the area.

This building provides for new commercial business opportunity for a site at ground floor level with the added value of another food offering for Greymouth locals and visitors alike.

Therefore, there are little or no adverse effects are anticipated to arise from this activity.

## 5.3 National Environmental Standards – Soil Contamination

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (the NES) came into effect on 1 January 2012.

The statements in italics below are direct from the Ministry for the Environment's website and are included for the purpose of identifying the likelihood of contamination at this site.

The NES for Assessing and Managing Contaminants in Soil to Protect Human Health:

- *provides a nationally consistent set of planning controls and soil contaminant values.*
- *ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated, or the contaminants contained to make the land safe for human use.*

The NES classifies as permitted activities (meaning no resource consent required if stated requirements are met):

- *removal or replacement of fuel storage systems and associated soil and associated subsurface soil sampling.*
- *soil sampling*
- *small-scale (no greater than 25 cubic metres per 500 square metres of affected land) and temporary (two months' duration) soil disturbance activities*
- *subdividing land or changing land use where a preliminary investigation shows it is highly unlikely the proposed new use will pose a risk to human health.*

Activities requiring a resource consent under the NES include:

- *the development of land where the risk to human health from soil contamination does not exceed the applicable soil contaminant value (classified as a controlled activity, meaning resource consent must be granted)*
- *the development of land where the risk to human health from soil contamination exceeds the applicable soil contaminant value (classified as a restricted discretionary activity)*
- *the development of land where the activity does not meet the requirements to be a restricted discretionary, controlled or permitted activity (classified as a discretionary activity).*

Section 6 methods of the legislation states.

Methods

- (1) *Subclauses (2) and (3) prescribe the only 2 methods that the person may use for establishing whether or not a piece of land is as described in [regulation 5\(7\)](#).*
- (2) *One method is by using information that is the most up-to-date information about the area where the piece of land is located that the territorial authority—*
  - (a) holds on its dangerous goods files, property files, or resource consent database or relevant registers; or*
  - (b) has available to it from the regional council.*
- (3) *The other method is by relying on the report of a preliminary site investigation—*
  - (a) stating that an activity or industry described in the HAIL is, or is not, being undertaken on the piece of land; or*
  - (b) stating that an activity or industry described in the HAIL has, or has not, been undertaken on the piece of land; or*



(c) *stating the likelihood of an activity or industry described in the HAIL being undertaken, or having been undertaken, on the piece of land.*

(4) *The person must—*

*(a) choose which of the 2 methods to use; and*

*(b) meet all the costs involved in using the method that the person has chosen.*

The proposal is not a subdivision however it could be considered partially a change of use in the sense it is not a permanent building but a temporary building including decking and pergola plus small storage buildings albeit the activity is commercial and is permitted within the zone. To that end, it meets the criteria.

There are limited earthworks required for this site other than removal of some existing paving/concrete and placing of buildings and decking plus support posts for the pergola alongside green wall landscaping separating the rear service area from the caravan and service areas and fencing at the rear of the property.

An enquiry with West Coast Regional Council was made regarding any HAIL activities listed for this site. At the time of lodgement, no information was received in this regard. Regardless of that, based on the permitted land disturbance (25m3/500m2) and removal of soil from a site (5m3/500m2), which equates to 5m3 and 1m3 respectively for this site, this would not be exceeded in accord with the Regulations. Therefore, no Preliminary Site Investigation is required for this proposal.

#### **5.4 Effects Summary**

Overall, it is considered there will be no adverse effects because of the non-compliances.

#### **5.5 Consideration of Alternatives**

An assessment of effects has been completed and as stated above, no adverse effects are anticipated.

A decision of the Environment Court *All Seasons Properties v Waitakere City Council* W21/07 the Court held that unless Section 1(b) of the Fourth Schedule of the Resource Management Act applied then every proposal must be assessed on its merits without regard to whether there might be a better alternative or site. As outlined in this

assessment the effects of this proposal are not considered significant and therefore an assessment of alternatives is not required.

Accordingly, under Schedule 4 clause 1(b) of the Resource Management Act, there is no need for alternatives to be considered.

## 6.0 PART II OF THE RESOURCE MANAGEMENT ACT

Part II of the Act contains Sections 5 – 8 and relates to the purpose and principles of the Act. It is considered that the proposal should be assessed against Sections 5 and 7.

### 6.1 Section 5

Section 5 outlines the purpose of the Act as follows:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, “sustainable management” means 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 effects of activities on the environment.*

Section 5 of the Resource Management Act 1991 identifies the purpose of the Act as being the promotion of sustainable management of natural and physical resources. For the reasons, it is considered that the proposed development achieves this purpose by avoiding, remedying, or mitigating any adverse effects.

### 6.2 Section 7

Section 7 outlines other matters that need to be considered. Matters of relevance are:

- (c) *The maintenance and enhancement of amenity values.*
- (f) *Maintenance and enhancement of the quality of the environment.*

Section 7(c) and (f) of the Act are matters to which Consent Authorities should give particular regard to when making informed decisions. When assessing a discretionary land

use consent application in the Commercial Core zone, consideration may be given to the effects on amenity values and maintenance and enhancement of the quality of the environment because of the proposed activity.

The proposal is also considered to be consistent with these Part II matters in that the proposal will maintain the amenity of the surrounding environment due to the quality of the building and site layout, in accordance with Section 7c and 7f. Given the above, it is considered that the proposal is in keeping with Part II of the Act.

Section 8, Principles of the Treaty of Waitangi are upheld. This is in the sense of key Maori Values as detailed in relation to the new Te Tai o Poutini Plan, are complied with at this site.



## 7.0 SECTIONS 104 & 104B - CONSIDERATION OF APPLICATIONS

Section 104 sets out those matters that must be considered when assessing an application for a resource consent. Subject to Part 2 of the Act, Section 104(1) requires a consent authority to have regard to the following matters:

- (a) *Any actual and potential effects on the environment of allowing the activity; and*
- (b) *Any relevant provisions of-*
  - (i) *A national policy statement.*
  - (ii) *a New Zealand coastal policy statement.*
  - (iii) *regional policy statement or proposed regional policy statement.*
  - (iv) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*

The actual and potential effects have been assessed and the non-compliances generated by this proposal and its relationship to other buildings in the Commercial Core zone, was assessed in this application as not being a significant matter.

Car parking is normally an issue for such activities however the Operative District Plan provides for an optional staff car park(s) but does not require any on-site parking however there is a cash in lieu requirement to be considered based on the transport rule detailed in the compliance assessment.

Section 104B of the Act states in relation to the determination of applications for discretionary and non-complying activities:

*“After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority:*

- (a) *may grant or refuse the application; and*
- (b) *if it grants the application, may impose conditions under Section 108.”*

Section 104(1)(b)(2) requires the consent authority to have regard to any relevant provisions of the District Plan or 104(1)(c) any other matter the consent authority to determine the application or Section 104(D)(1)(b)(i) the activity not being contrary to the objectives and policies of the District Plan.

In conclusion, we consider that the proposal meets the requirements for having effects that are of low potential effect and is not contrary with the relevant objectives and policies of the Grey District Plan for this proposal.

This application provides an assessment of environmental effects, and particularly an assessment of the relevant matters relating to the requirements of the Operative Grey District Plan and rules that have legal effect under the Proposed Te Tai o Poutini Plan, with respect to this proposal.

## 8.0 NOTIFICATION –SECTIONS 95 AND 95A-F

### Section 95A Public notification of consent applications

There is a four-step process under Section 95(A) to determine if public notification is required.

Step 1 - Does the application fall within the criteria for mandatory public notification under s95A (3)?

- The applicant has not requested public notification.
- Public notification is not required under s95C.
- The application has not made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

Step 2 - Does the application fall within the criteria where public notification is precluded under s95A (5)?

- The activity itself is for a discretionary activity.

Step 3 – Does the application fall within the criteria where public notification is required under s95 (8)?

- The application is not for an activity subject to a rule or national environment standard that requires public notification.
- the activity will not have or is not likely to have adverse effects on the environment that are more than minor.

Step 4 – Are there any special circumstances under s95A (9) which requires public notification?

- There are no special circumstances which require the application to be publicly notified.
- The application does not meet the criteria for public notification under the provisions of s.95A. Therefore, the application does not need to be publicly notified.

### Section 95B Limited notification of consent applications

Step 1 – Are there certain affected groups and affected persons who must be notified under s95BA (2-3)?

- The proposal complies with relevant iwi rules in the District Plana including the Proposed Plan, therefore meets requirements of affected customary rights groups or affected marine title groups in relation to this proposal.

Step 2 - Does the application fall within the criteria where limited notification is precluded under s95B (6)?

- No. The application is not for an activity subject to a rule that precludes limited notification.
- The application is not for either or both the following activities, but for other activities:
- The activity is not for a controlled activity,
- The activity is not for a prescribed activity.

Step 3 – Does the application fall within the criteria for other affected persons to be notified under s95B (7-8) and s95E?

- The above assessment of environmental effects concludes the proposal will have less than minor adverse effects. Therefore, there are no persons who should be notified.

Step 4 – Are there any special circumstances under s95B (10) which requires limited notification?

- There are no special circumstances that would warrant the limited notification to any other persons not already deemed to be affected parties (excluding persons assessed under s95E as not being affected persons).

Based, on the above, and the preceding assessment of effects any adverse effects on the environment are less than minor and as such, no parties are adversely affected by the proposal. It is considered that the application need not be limited notified in accordance with Section 95B of the RMA.

Though the proposal will introduce a discretionary activity when assessed against the Grey District Plan, it is considered that the impact is of low potential and will create less than minor effects. Accordingly, this application can be processed by non-notification.



## 9.0 CONCLUSION

This application seeks consent for the provision of a caravan trailer and accessory buildings on the site for Turkish Foods Ltd that provides commercial activities on the site, but no veranda is provided over the footpath and car park rule around contributions in lieu of parking space.

There are non-compliances with the proposal however they are all site standards within the District Plan and in the case of the NESCS, an application is required as a discretionary activity due to the HAIL activity that existed on the site.

The application overall is for a discretionary activity.

Section 104 of the Act sets out the matters to be considered when assessing an application for resource consent. These matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the proposal is consistent with the relevant objectives, policies, and rules of the District Plan.

It has been demonstrated by the preceding assessment that the effects on the environment because of this proposal will be no more than minor. The relevant provisions of Part II of the Resource Management Act 1991 have been satisfied and it is considered that the proposed development is consistent with the purpose of the Act, promoting the sustainable management of natural and physical resources, with no more than minor environmental effects.

## ANNEXURE A – FORM 9

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### Form 9: Application for Resource Consent Under Section 88 of The Resource Management Act 1991

---

**TO:** The Grey District Council

**West Coast Kebabs Ltd applies** for the resource consent described below.

1. **The names and addresses** of the owner and occupier (other than the applicant) of any land to which this application relates are as follows:

Eat Love Repeat Smashed Burger Foods Ltd

2. **The location** to which this application relates is:

86 MacKay Street legally described as Lot 2 DP 551 contained in Record of Title WS3B/13. The title is attached at Annexure B.

3. **The type of resource consent** being sought is a Land Use Consent.

4. **A description of the activities** to which the application relates is:

The proposal is to erect the proposed building with no full veranda attached under the District Plan within the Commercial Core zone.

The proposed development will be in accordance with the plans accompanying this application and which should be read as part of it. A more detailed description of the proposed activity is to be found in the assessment of effects on the environment which accompanies this application as Annexure A, and which should also be read as part of this application.

5. **Attached is an assessment of any actual or potential effects** that the activity may have on the environment.

6. **No additional resource consents** we are aware of are required in relation to this proposal:

7. **No other information** is required to be supplied by the district or regional plans or regulations.





.....

**DATED:** 1<sup>st</sup> April 2024

(Signature of applicant or person authorised to sign on behalf)

**Address for service:**

DHCL  
2 Queens Drive Ashburton  
**Ashburton 7700**

**Attention: David Harford**

Telephone: (03) 307 7164  
Mobile: 029 307 7164  
Email: [david@dhconsulting.co.nz](mailto:david@dhconsulting.co.nz)

**Address for Applicant**

West Coast Kebabs Ltd  
C/- Ali Kivlicim

Telephone: 021 880735

Email: [Ali\\_Kivlicim@hotmail.com](mailto:Ali_Kivlicim@hotmail.com)

## ANNEXURE B – RECORD OF TITLE

# Quickmap Title Details



Information last updated as at 01-Apr-2024

## RECORD OF TITLE DERIVED FROM LAND INFORMATION NEW ZEALAND FREEHOLD

**Identifier** WS3B/13

**Land Registration District** Westland

**Date Issued** 11 July 1968

**Prior References**

WS1A/706

**Type** Fee Simple

**Area** 106 square metres more or less

**Legal Description** Lot 2 Deposited Plan 551

**Registered**

**Owners**

Eat Love Repeat Smashed Burger Foods Limited

Pursuant to Section 118A Land Transfer Act 1952 fencing provision in Lease 33868 and Lease 34083 now affects the fee simple estate - 26.2.1970

220 Order in Council exempting Mackay Street from Section 128 Public Works Act 1928

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## ANNEXURE C – DEVELOPMENT PLANS





# TURKISH CARAVAN

66 Mackay Street  
Cremorne

## NOTES:

Do not scale drawings. Dimensions take preference over scale. Contractors to check all dimensions and detailing prior to commencing any work.

All work shall comply with NZS 3604:2011, the New Zealand Building Code and other relevant standards.

All proprietary items and materials shall be fixed, installed or applied in strict accordance with the manufacturers recommendations and specifications.

## FOUNDATION PLAN

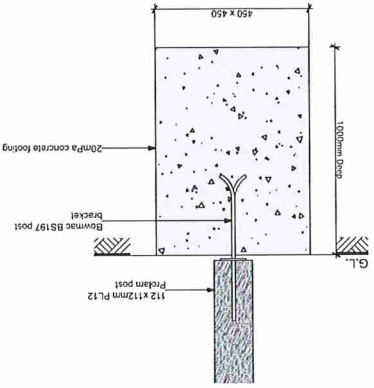
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ISSUED: 26/01/2024  
PROJECT #: 147

ID 01 Date 15/02/2024 Working Drawings Issue

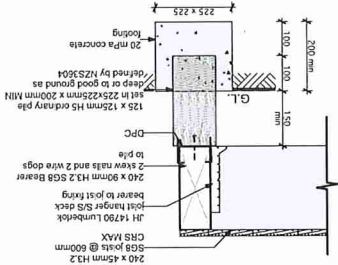
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samantha.m@mitchellandmilline.com

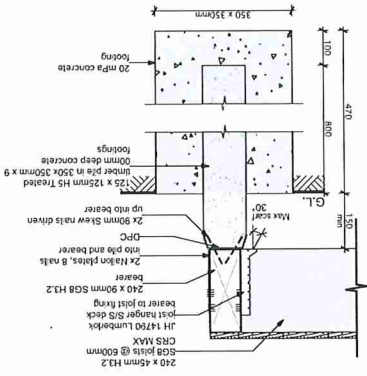
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2 Pergola Post to Footing Detail 1:10



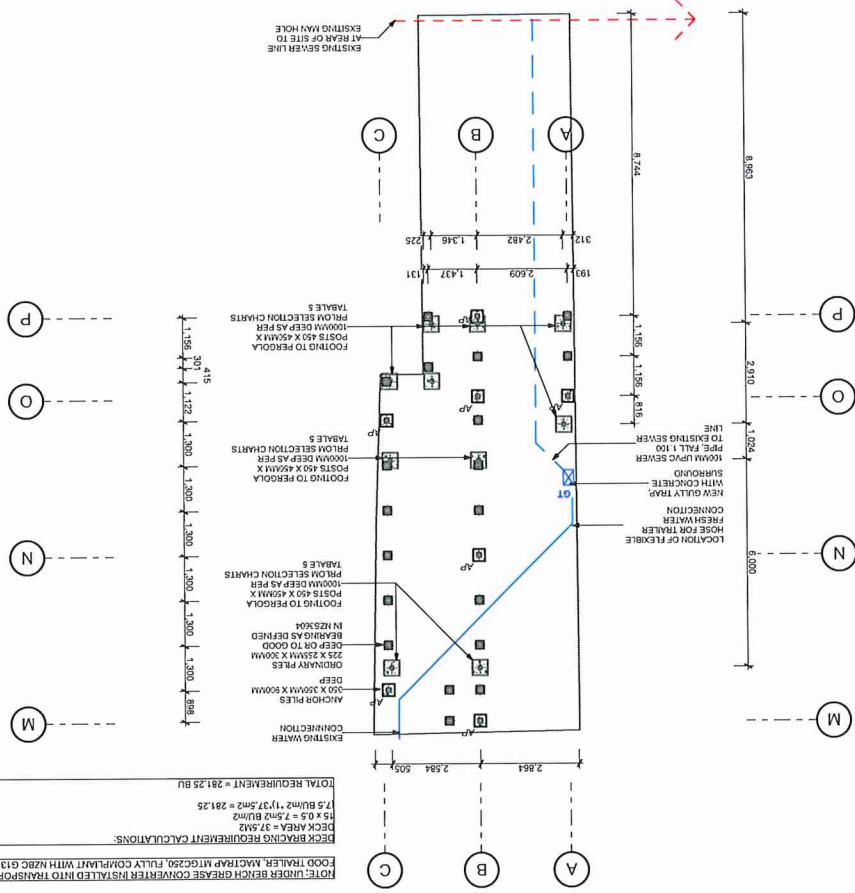
3 Typical Ordinary Pile Detail 1:10



4 Typical Anchor Pile Detail 1:10

NOT: UNDER BENCH GREASE CONVERTER INSTALLED INTO TRANSFORMABLE FOOD TRAILER. MACTRAMP MITG250. FULLY COMPLIANT WITH NZS6 G13

DECK BRACING REQUIREMENT CALCULATIONS:  
15 x 0.5 = 7.5m<sup>2</sup> Blumz  
17.5 Blumz = 17.5m<sup>2</sup> = 281.25  
TOTAL REQUIREMENT = 281.25 BU



1 Foundation and Plumbing Plan 1:100

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sambathia@mitchellandmilline.com  
 New Zealand  
 021 026 52180

63 Racecourse Road, Ashburton  
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D03

# DECK PLAN & DETAILS

PROJECT #: 147

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15/02/2024 Working Drawings

15/02/2024 Working Drawings

15/02/2024 Working Drawings

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## TURKISH CARAVAN

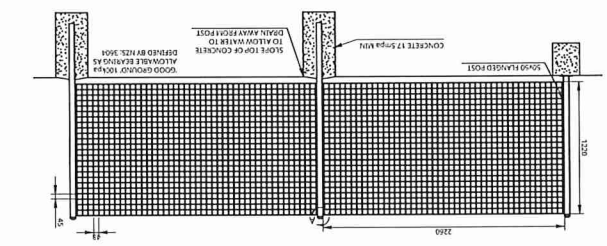
66 Mackay Street  
 Christchurch

NOTES:

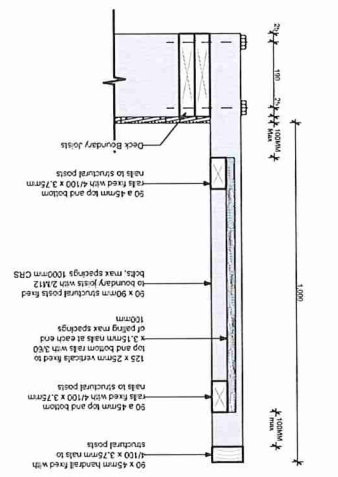
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 All work shall comply with NZS 3604:2011, the New Zealand and Building Code and other relevant standards.  
 All proprietary items and materials shall be fixed, installed or applied in strict accordance with the Manufacturers recommendations and specifications.



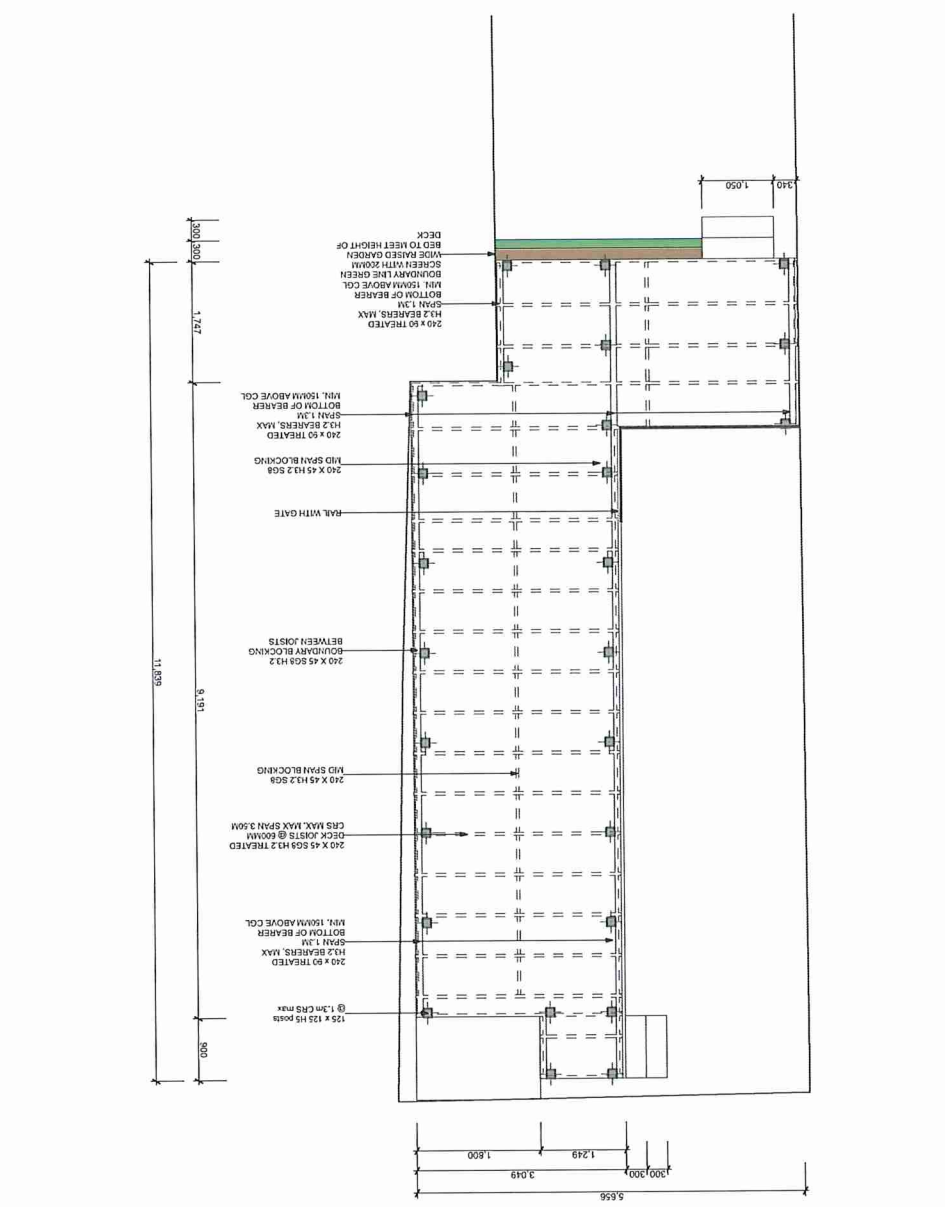
Boundary Line Green Screen



Timber Railing Detail

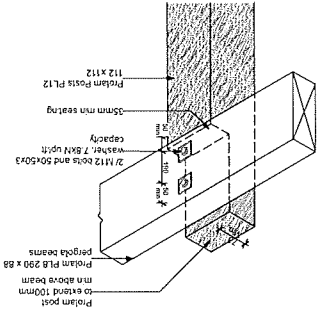


## Deck Framing

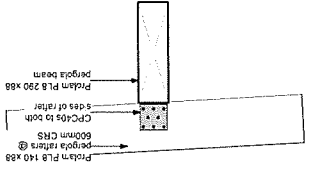


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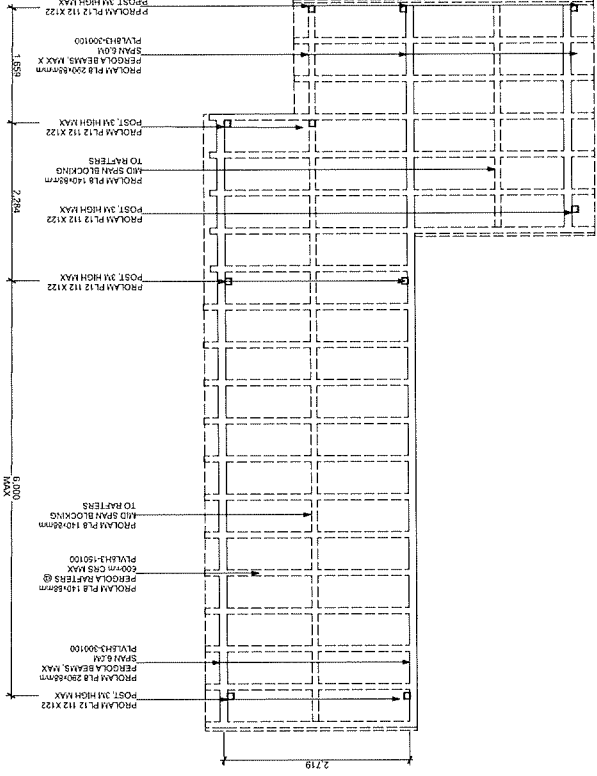
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All work shall comply with NZS 3604:2011, the New Zealand Building Code and other relevant standards.  
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2 Pergola Beam to Post Fixing Detail 1:10



3 Pergola Beam to Rafter Fixing Detail 1:10



ID	Date	Issue
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PROJECT #: 147

**PERGOLA &  
DETAILS**

D04



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# TURKISH CARAVAN

66 Mackay Street  
Gymnash

## NOTES:

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All proprietary items and materials shall be installed or applied in strict accordance with the Manufacturers recommendations and specification.

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PROJECT #: 147

## ROOF & ELECTRICAL

D05



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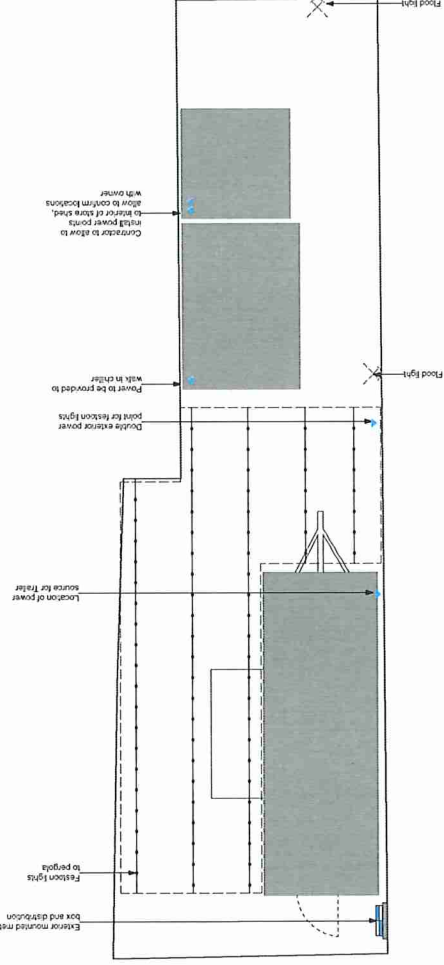
New Zealand

021 926 52180

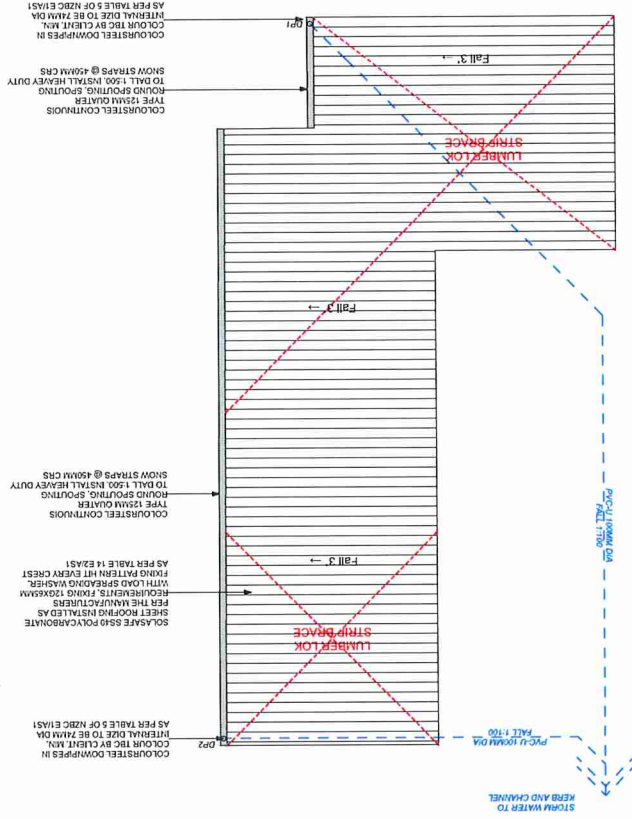
ssamun@mitchellmilmine.com

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2 Ground Floor Electrical Plan 1:75



1 Roof Plan 1:50



# TURKISH CARAVAN

88 Blackey Street  
Geymouth

NOTES:  
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All work shall comply with NZS 3604:2011, the New Zealand Building Code and other relevant standards.

All proprietary items and materials shall be fixed, installed or applied in strict accordance with the manufacturer's recommendations and specification.

ID	Date	Issue
01	15/02/2024	Working Drawings

SCALE: 1:100 @ A2

ISSUED: 26/01/2024

PROJECT #: 147

## CROSS SECTION

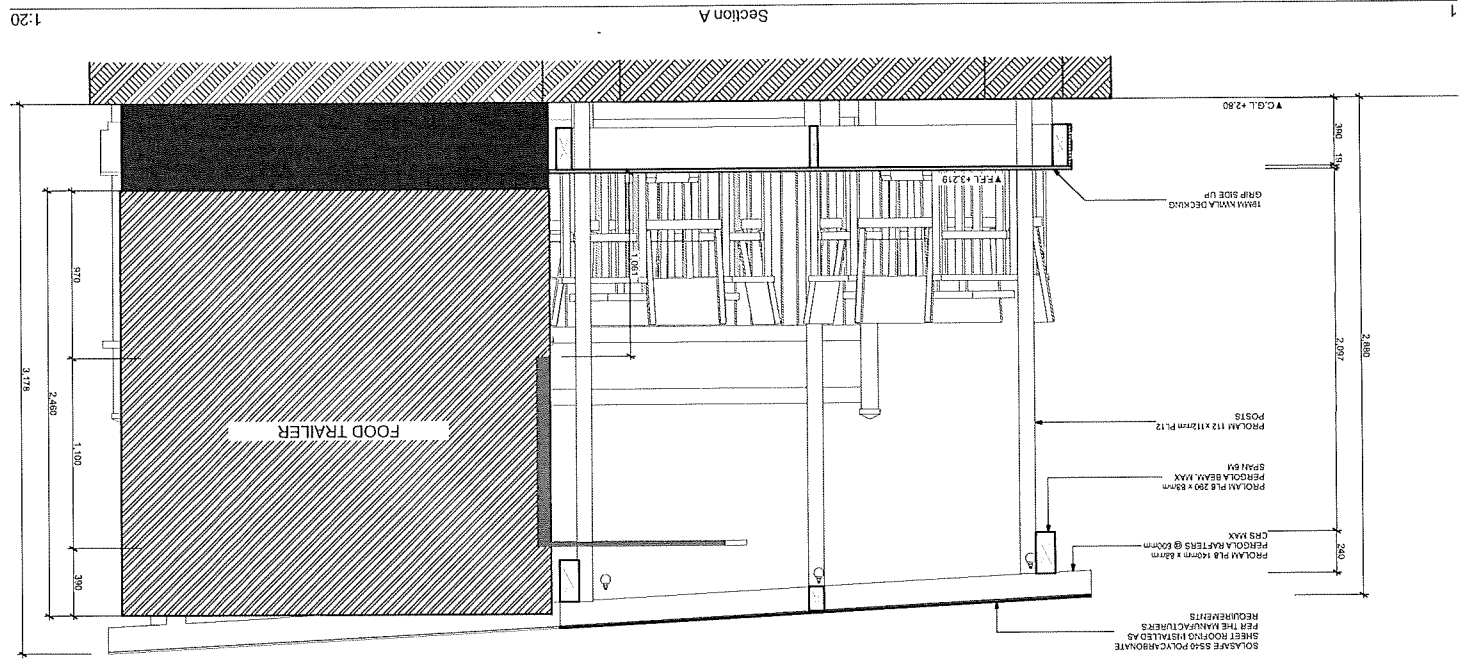
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samm@mlm.nz | mitch@mlm.nz | milmine.com

These drawings are to be used in accordance with the relevant building code and specifications. All work shall comply with NZS 3604:2011, the New Zealand Building Code and other relevant standards.



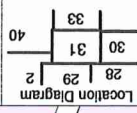
## ANNEXURE D – PLANNING MAP

**ENVIRONMENTAL AREAS**

- Rural Residential
- Commercial
- Industrial
- Rural Res.
- Township
- Residential

- 12 Designation
- All light roads deemed to be designated, State Highway and Rail designations for identification purposes.
- Archaeological Site
- Heritage Item
- Historic Tree
- Landscapes
- Area of Outstanding Landscape
- Infrastructure
- National Grid
- District Boundary

Dimensions not accurate. Roads, rivers etc are deemed to be the same environmental area as that adjacent.



Original Scale 1 : 5,000 at A3  
Scale 1 : 5,000 at A3  
0 50 100 150 m



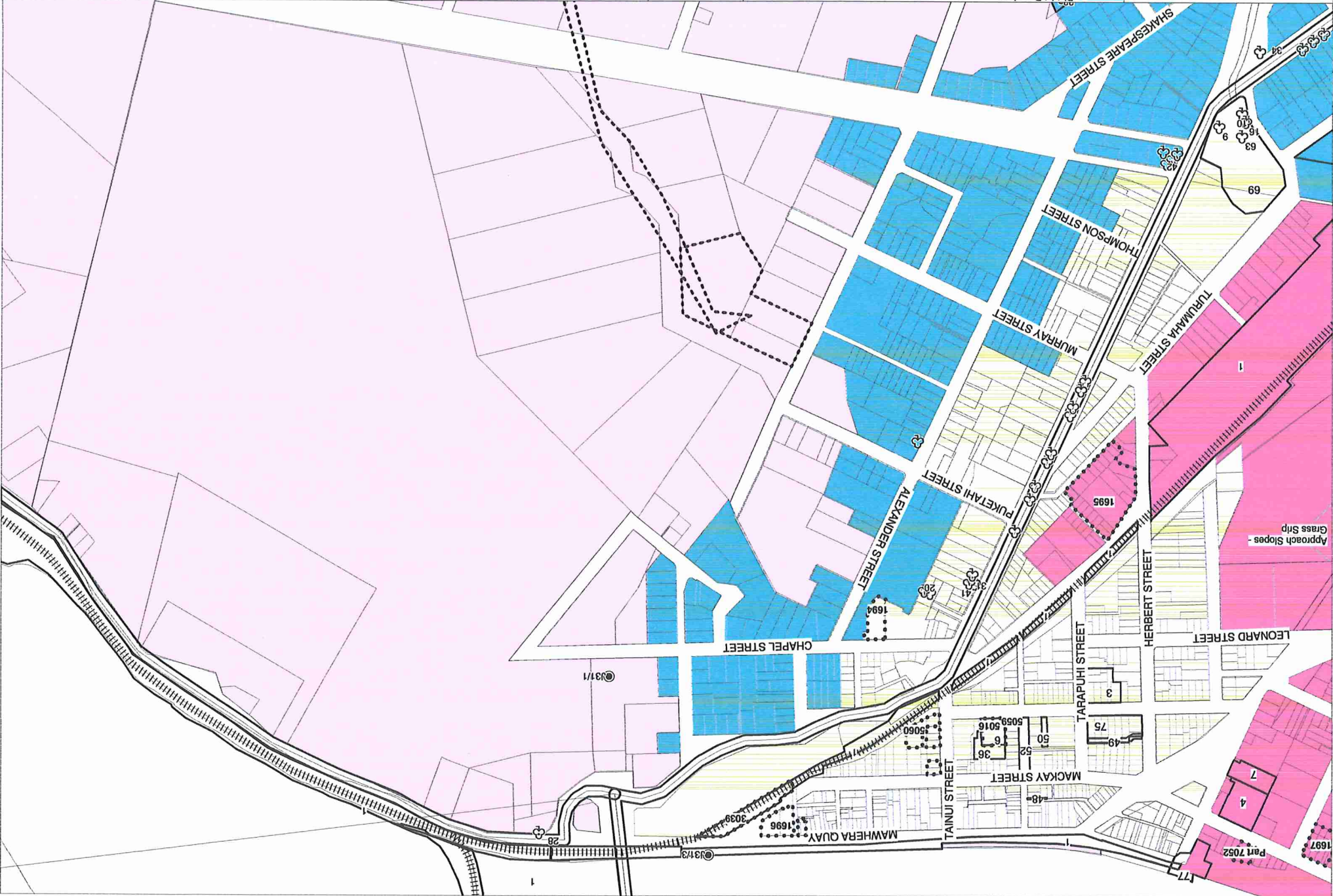
Cadastral information derived from Land Information New Zealand's Digital Cadastral Database (DCDB).  
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See Map 31a for Core Commercial Area

GREYMOUTH

Map No. 31

Date: October 1999





## ANNEXURE E – LOCATION PLAN

Mackesy Street

Pt Section 63  
Maori Reserve 31  
0.0113  
WS3B/11  
The Proprietors of Mawhera  
(SO 6440)  
25620-15100

80

Section 65  
Maori Reserve 31  
0.0202  
WS3B/16  
The Proprietors of Mawhera  
(SO 6440)  
25620-14800

86

Pt Lot 1  
DP 551  
0.0093  
WS3B/14  
The Proprietors of Mawhera  
25620-14900

Lot 2  
DP 551  
0.0106  
WS3B/13  
Eat Love Repeat Smashed Bur...

Lot 3  
DP 551  
0.0078  
WS3B/12  
The Proprietors of Mawhera  
25620-15200

Site.

Section 62  
Maori Reserve 31  
0.0202  
WS3B/4  
The Proprietors of Mawhera  
(SO 6440)  
25620-15300

Pt Lot 1  
DP 551  
0.0024  
WS3B/16  
The Proprietors of Mawhera  
25620-14800



**QuickMap**  
Custom Software Ltd

Any person wishing to rely on the information shown on this map must independently verify the information  
Scale 1:200 Topographical and Cadastral map derived from LINZ data. Printed: 08-Apr-2024 10:30.