

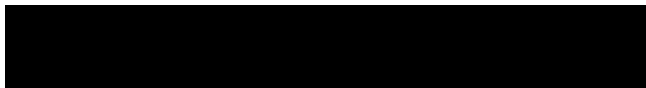


Ref: [REDACTED]

Civic House, 110 Trafalgar Street
PO Box 645, Nelson 7040, New Zealand

24 November 2022

P (03) 546 0200
E LGOIMA@ncc.govt.nz
nelson.govt.nz



Dear [REDACTED]

OFFICIAL INFORMATION REQUEST

I refer to your information request dated 31 October 2022 regarding other resource consent applications for food carts, aside from Puff the Paleo Dragon.

Please find attached the application and decision for the only other resource consents for a mobile foodcart – RM155331 and RM985256. Note these were applied for and granted before the Puff the Paleo Dragon consent and also may no longer be operating.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact me.

Yours sincerely

Mandy Bishop

Manager Consents and Compliance

Encl: RM155331 and RM985256

Internal Document ID: [REDACTED]

APPLICATION FOR RESOURCE CONSENT

OFFICE USE	
Consent No.	RM 155331
Initial payment	\$ 500.00
Receipt number	592413
Date stamp	RECEIVED 07 OCT 2015

Applicant & Contact Details

Full name of applicant(s) Chelsea Jane Hall & Matias Cacciavillani trading as Viva La Vaca

Contact person or agent As above

Address for service * (see note below) 50 Stansell Avenue, Tahunanui, Nelson

Post Code 7011

Phone _____ Mobile: [REDACTED]

Fax _____ Email [REDACTED]

Address for Invoicing – if different from above *(see note below) _____

Signed [Signature]

Date 6/10/15

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

* All correspondence including the Decision Letter and Invoice will be sent to the "Address for Service". If the invoice is to be sent to a separate address, please specify above.

Property Details

Address: Number _____ Street/Road _____

Legal Description: Mobile foodcart – registration T393N

Owner's name & Address: 50 Stansell Avenue, Tahunanui, Nelson

Occupier's Name (if different) _____

Activity Details

Provide a brief description of the activity to be undertaken; Note: a full description of the activity must be provided as part of the application (see item 4 of the Checklist on next page:

Mobile foodcart operating an Argentinian BBQ using charcoal and wood to cook food slowly over hot coals. The BBQ is fired by a clean-burning woodburner that joins onto the BBQ. The BBQ has 2 chimney vents and uses a Flucube to reduce emissions.

If there is an associated building consent, please quote Building Consent Number:BC _____

Type of Resource Consent(s) Sought

- ☐ Land Use ☐ Subdivision ☐ Coastal Permit* (refer to checklist overleaf)
☒ Discharge Permit : ☐ Water ☐ Land ☐ Air
☐ Water to take/dam/divert ☐ Certificate of Compliance
☐ Change of condition (s.127) - Existing RM No:.....
☐ Extension of time (s.125) - Existing RM No:.....
☐ Other

Please refer overleaf or items to be provided with application form → →

CHECKLIST: Have you included all of the following items?

The following items **must** be provided with the application form (see note (i) below)

✓ x N/A

1	An INITIAL PAYMENT in accordance with the Nelson City Council Schedule of Fees & Charges (see Note (vi) below). Payment may be made by cheque, EFTPOS, or internet banking.
2	Copy of CERTIFICATE OF TITLE (Search Copy must be less than 3 months old and must include a Title Plan)
3	PLANS & DIAGRAMS - 1 copy <i>Relevant to the activity being proposed, (eg. site plan, location plan, elevations), and to a recognised scale, (eg. 1:100 or 1:200 if appropriate), and showing the boundaries, North point, and any other relevant information.</i>
4	RELEVANT INFORMATION AND ASSESSMENT OF ENVIRONMENTAL EFFECTS as required by Schedule 4 of the Resource Management Act 1991 (A 'Guide to Applying for a Resource Consent – Information to be included in an application' is available at Council reception and on Council's website)

*Applications for Swing Moorings (Coastal Permit) also need to complete the form "**Supporting Information for a Mooring**" (Form RC22, RAD 1478363)

Important Notes

- (i) Your application will not be lodged for processing by Nelson City Council unless all the above items are included with the application form.
- (ii) Your application will be checked for completeness, under Section 88 of the Resource Management Act 1991 (the Act).
- (iii) If your application is deemed to be **complete**, it will be formally received as from the date of lodgement. You will receive an acknowledgement letter within 10 working days advising you that the application is formally received, and advising of the name of the Planner who will be processing the application.
- (iv) If your application is deemed to be **incomplete** (at the Section 88 check) it will be **returned** to you within 10 working days, along with details of the missing information (or information that is needed in order for it to be deemed complete).

If the returned application is re-lodged with the Council, it will be treated as a new application, i.e. the processing clock starts from the date the application is re-lodged.

If you decide not to re-submit the application, the initial payment (deposit) will be returned to you, minus the charges incurred to date (eg. for the Section 88 check by the Planner, and for administration time).
- (v) After your application is formally received, the Council may make further requests, including: more information; additional consents; and/or written approvals from people that the Council considers are adversely affected by the proposal.
- (vi) Further charges may be imposed for processing your application, including public notification, and/or consideration by the Hearings Panel (Section 36 of the Act). If your application proceeds to limited or full notification, the notification fee must be paid prior to notification.
- (vii) Once your application has been formally received by the Council, it is available for public inspection.

Chelsea Hall
Director
Viva La Vaca
50 Stansell Avenue
Tahunanui
Nelson 7011

Monday 5 October

Resource Consents
Nelson City Council
Trafalgar Street
Nelson 7010

To whom it may concern,

Supporting information for Resource Consent – Viva La Vaca

We are applying for resource consent (discharge permit) for our mobile foodcart trailer, Viva La Vaca, as a restricted discretionary activity under section AQR.27A of the Nelson Resource Management Plan. We would like to apply for the maximum number of years for resource consent (35 years) for all urban areas throughout Nelson, 7 days per week. At present we operate on a Saturday at Beaurepairs on Rutherford Street, in Nelson, between 8-4pm. We plan to expand the business and increase operating hours throughout the week and weekend as demand increases. We provide off-site catering to events, festivals and private functions throughout Nelson and we also have a permit to operate at Tahunanui Beach during summer (December 2015 – March 2016).

Viva La Vaca is a homebuilt foodcart/trailer that operates on trade and private premises. It contains a solid fuel burning woodburner (approximately 50cm wide x 40 cm high x 50cm deep) attached to a 1.2m long BBQ (with two grills). Wood and charcoal are used as fuel in the woodburner. Once these fuels have broken down to embers they are then pulled through to the BBQ where food is cooked slowly over hot coals. The woodburner has a 4.5m Chimney with a Fluecube (<http://www.fluecube.com/>) attached to it, to further reduce any emissions. The BBQ is enclosed and has an additional chimney to draw any additional smoke and odor away. This chimney attaches to the main woodburner chimney and all emissions then go through the Fluecube at the top of the chimney. At most, odor is limited to the initial start up of the woodburner (very minimal smoke associated with starting any clean burning woodburner) and occasionally when the BBQ doors are opened there will be a faint smoky smell of cooking food emitted.

We use Manuka and Kanuka wood that has been dried for over a year (to ensure it is as clean burning as possible) and charcoal (we currently use Charcoal Cowboys premium hardwood lump charcoal) as fuel for the woodburner. On an average trading day, Viva La Vaca will use 2kg of charcoal and a banana box (size approximately 60cm long x 50cm wide x 25cm deep) of dry Manuka wood – we only use enough fuel to create embers to cook food for the hours we are trading.

I have attached photos of the woodburner, BBQ and foodcart (chimney is visible) to support this application. If you need any further information or would like to look over the foodcart, please do not hesitate to contact either myself or Matias.

Thank you very much for your time, I look forward to hearing from you.

Yours sincerely



Chelsea Hall
Director
Viva La Vaca





RECEIVED
- 7 OCT 2015



RECEIVED
- 7 OCT 2015



RECEIVED
- 7 OCT 2015

2 November 2015

PO Box 645 Nelson 7040
Phone: 03 546 0200
Fax: 03 546 0239

Chelsea Hall & Matias Cacciavillani
50 Stansell Avenue
Nelson 7011

Resource Consent Number: RM155331
Contact: Jennifer Lancashire
DD: 546 0385
Email: Jennifer.lancashire@ncc.govt.nz
www.nelson.govt.nz

Dear Chelsea and Matias

RM155331: DECISION ON NON-NOTIFIED RESOURCE CONSENT

Pursuant to Section 114 of the Resource Management Act 1991 ("the Act"), please find enclosed a copy of the Council's decision on your application for resource consent.

Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Any such objection must be made in writing setting out the reasons for the objection and must be lodged with the Council, together with a fixed fee of \$250.00 (GST inclusive), within 15 working days of receiving this letter.

In addition Section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form, must state the reasons for the appeal, the relief sought, state any matters required by regulations and must be lodged with both the Environment Court and the Council within 15 working days of receiving this letter.

You may commence your activity immediately unless you lodge an objection or appeal to this decision. However, it is important that you check the conditions of your consent carefully as some of them may require you to carry out specific actions before you may commence your activity. In some cases you may also require other permits or building consents for your activity and these must be obtained before you can commence your activity.

Please note that under Section 125 of the Act, your consent will lapse in five years unless you have given effect to it before then.

An invoice will be posted out within the next working week (if not included with the decision letter).

Please feel free to contact me if you have any questions regarding any aspect of your consent or its conditions. My contact details are listed at the top of this letter.

Yours faithfully

Jennifer Lancashire
Senior Planner

RESOURCE CONSENT DECISION

Resource Consent number: RM155331

Pursuant to section 104C of the Resource Management Act 1991 ("the Act"), the Nelson City Council ("the Council") hereby **grants** resource consent to:

Chelsea Hall & Matias Cacciavillani

The activity to which this decision relates:

Discharge permit to operate a mobile BBQ foodcart which uses solid fuel for commercial cooking

Location details: Nelson Urban Area¹

Duration of Consent:

This consent expires in 35 years on 2 November 2050

CONDITIONS

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

1. The activity shall be carried out in general accordance with the application lodged with Council on 7 October 2015 and the following conditions of consent.

Where there is any apparent conflict between the application and consent conditions, the consent conditions shall prevail.

2. The consent holder shall not be permitted to discharge to air within Airshed A between 1 May and 31 August in any year.

Advice note: Airshed A is shown in Fig. A2.2A of the Nelson Air Quality Plan 2012 (and attached in Appendix two).

3. The discharge into air shall only be from the combustion of dried Manuka, Kanuka (or similar) or charcoal from the BBQ and attached solid fuel woodburner as shown and described in the application.

Advice note: This discharge permit does not authorise the combustion of prohibited fuels or materials as outlined in AQr.20 (b) (i) to (xii) of the Air Quality Plan (See Appendix three).

4. The discharge into air from the BBQ shall be via a stack at a height of at least 4.5 metres as shown in the application. The discharge shall be directed vertically into air and shall not be impeded by any obstruction above the stack which would decrease the vertical efflux velocity below that which would occur in the absence of such obstruction as determined by the Councils Monitoring Officer.

¹ The Nelson Urban Area is defined in the Nelson Air Quality Plan 2012 – see Figure A2.1 (and attached in Appendix One). However the consent holder is not permitted to discharge to air from Airshed A (see Fig. A2.2A) during the winter months in accordance with the requirements of condition 2 of this discharge permit.

Advice note: the 'fluecube' which is currently attached to the stack is not considered to be an obstruction

5. The opacity of the discharge from the stack shall not be darker than the Ringlemann Shade 1 as determined by the Councils Monitoring Officer in accordance with the NZ standard 5201:1973, except
 - a) In the case of a cold start for a period not exceeding thirty minutes in the first hour of operation; and
 - b) For a period not exceeding 4 minutes in each succeeding hour of operation.
6. The discharge shall not cause smoke or odour which is offensive or objectionable beyond the boundaries of the property on which the consent is exercised. 'Offensive' and 'objectionable' will be in the opinion of the Councils Monitoring Officer.
7. For the purposes of, and pursuant to Section 128 of the Resource Management Act 1991, the Council reserves the right to review this consent annually commencing 12 months from the date this consent is granted, for any of the following purposes:
 - (a) To modify existing conditions of consent relating to the effects of the activity on the environment.
 - (b) To require the Consent Holder to adopt the best practicable option to mitigate any adverse effect upon the environment, arising from the generated effects of the activity.
 - (c) If the Council deems that it is necessary to do so in order to deal with any adverse effect on the environment which may arise from the exercise of this consent, and which is appropriate to deal with at a later date.

ADVICE NOTE(S)

1. This is not a building consent, and the Consent Holder shall meet the requirements of the Council for all Bylaws, Regulations and Acts.
2. This resource consent authorises only the activity described above. Any matters or activities not consented to by this consent or covered by the conditions above must either:
 - (a) comply with all the criteria of a relevant permitted activity in the Nelson Resource Management Plan (NRMP); or
 - (b) be allowed by the Resource Management Act 1991; or
 - (c) be authorised by a separate resource consent.
3. This discharge permit is granted to the above mentioned Consent Holder, and relates to a particular location. Section 137 of the Act states that the Consent Holder may apply to the Council to transfer the whole or part of the Consent Holder's interest in the permit to any owner or occupier of the site in respect of which the permit is granted; or a local authority; but not to another site unless the consent or a rule in the Nelson Air Quality Plan/Nelson Resource Management Plan expressly provides otherwise.
4. The Consent Holder should note that this resource consent does not override any registered interest on any property title.
5. A monitoring charge of \$100 has been included in your invoice, as conditions of consent requiring monitoring have been imposed. This charge covers the costs involved in the first hour of monitoring compliance with the consent conditions. Where additional monitoring costs are required to determine that conditions have been met, these will be charged as provided in the Council's Fees and Charges Schedule.

DESCRIPTION OF PROPOSAL

The applicant is applying for a discharge permit to operate a mobile BBQ foodcart which uses solid fuel (Manuka and charcoal) for commercial cooking. This activity falls to be considered a restricted discretionary activity under rule AQR.27A. Whilst the applicant currently only operates on Saturdays on Rutherford Street and at Tahunanui Beach during the summer, they are seeking a consent that will allow them to operate anywhere within the urban area of Nelson. The applicant seeks a consent that will allow them the flexibility to expand their business and provide catering for events, festivals and private functions on any day of the week. The applicant has also requested a maximum duration of 35 years.

PLAN RULES AFFECTED

According to the Nelson Resource Management Plan, the following apply to the subject property:

Zoning: All

Overlays: N/A

Rules: AQR.27A Small scale solid fuel burning appliances and open fires (Urban Areas) – commercial cooking

Status: Restricted Discretionary

REASONS FOR THE DECISION

1. The solid fuel woodburner has a 4.5 metre high chimney with a fluecube atop. The attached BBQ is enclosed and has an additional chimney to draw smoke away. The mobile nature of this commercial cooking activity means that the stack could be located anywhere in Nelson. However the height of the stack, together with the fluecube provides a sufficient means of dissipating the smoke.
2. The applicant uses dried Manuka and Kanuka and charcoal (hardwood lump charcoal) in small volumes (approx 2kg per event which are clean burning materials. No prohibited materials (as detailed in AQR.20) are used.
3. The solid fuel burning appliance is no larger than any other standard domestic woodburner and the attached BBQ is comparable to any larger sized domestic BBQ that could otherwise be used as of right (providing it is not used for commercial cooking purposes). The burner takes a limited volume of Manuka and charcoal and only enough to provide one commercial serving which usually lasts approximately three hours per event (depending on the nature of the event).
4. The consent planner and Councils Environmental Programmes Advisor (Mr Frizzell) undertook a site visit to observe the solid fuel burning appliance and BBQ being lit. The discharge of smoke is undoubtedly limited to the initial 'starting up' of the solid fuel burner (as is the case for any domestic wood burner). The discharge of smoke emissions could be observed for the initial 15-20 minutes after the burner was lit.

Following that no smoke emissions or odour could be observed (there will be odours from the BBQ which will be discernible once cooking commences however this is not necessarily deemed to be objectionable and is indeed no different to any domestic BBQ). The stack and fluecube were observed to effectively discharge the smoke emissions, even with it being a very windy day. The applicant confirmed that the stack is cleaned after each use.

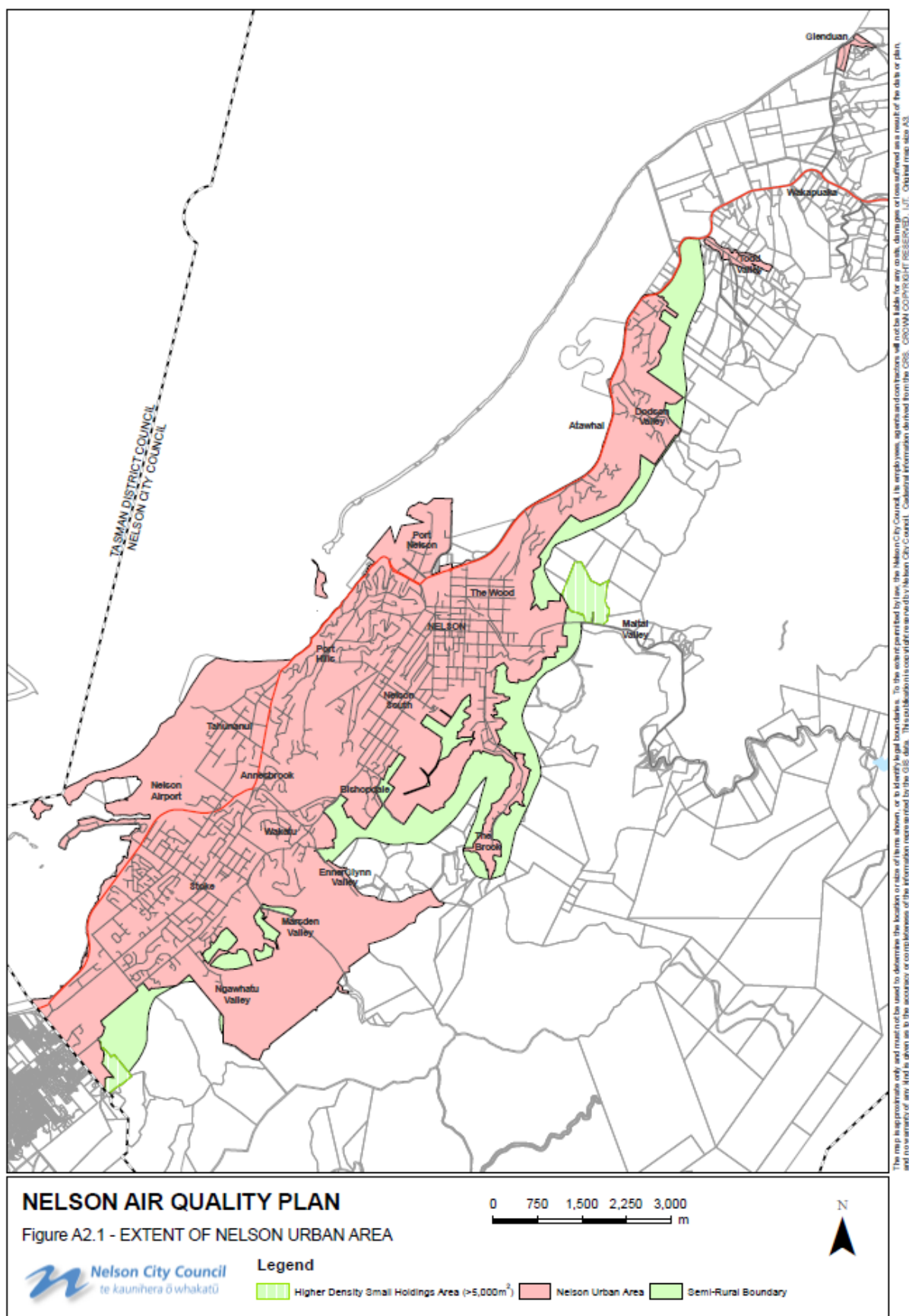
5. The Councils Environmental Programmes Officer comments that the effects are minor and can be controlled by placing suitable conditions on the consent.

6. The applicant seeks a consent that will allow them the flexibility to expand their business and operate anywhere in Nelson on any day of the week. This is considered to be reasonable, except for in Airshed A during the winter. A condition has been placed on the consent to prevent this from occurring. It is unlikely that the foodcart will operate on each day of the week. However even if it were to operate daily the effects are still deemed to be no more than minor.
7. In terms of the effects of the activity on those in the immediate vicinity of the foodcart, the foodcart will operate at private functions (where those on the site have requested the foodcart) or at events, where other commercial cooking stalls will be present. The applicant will still be bound the requirements of rule AQR.22 which prevent discharges from resulting in offensive or objectionable odours (and prohibited materials from being burnt etc).
8. Taking the above matters into consideration the Council considers that the adverse effects of the activity on the environment will be no more than minor and there are no persons adversely affected by this proposal.
9. The activity is considered to be consistent with the relevant objectives and policies contained in the Nelson Resource Management Plan and the Nelson Regional Policy Statement.
10. The application is also considered to be consistent with the National Environmental Standards for Air Quality which requires Regional Councils to ensure the national air quality standards are met within their regions.
11. The Council has taken into account the relevant principles outlined in sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as set out in section 5.

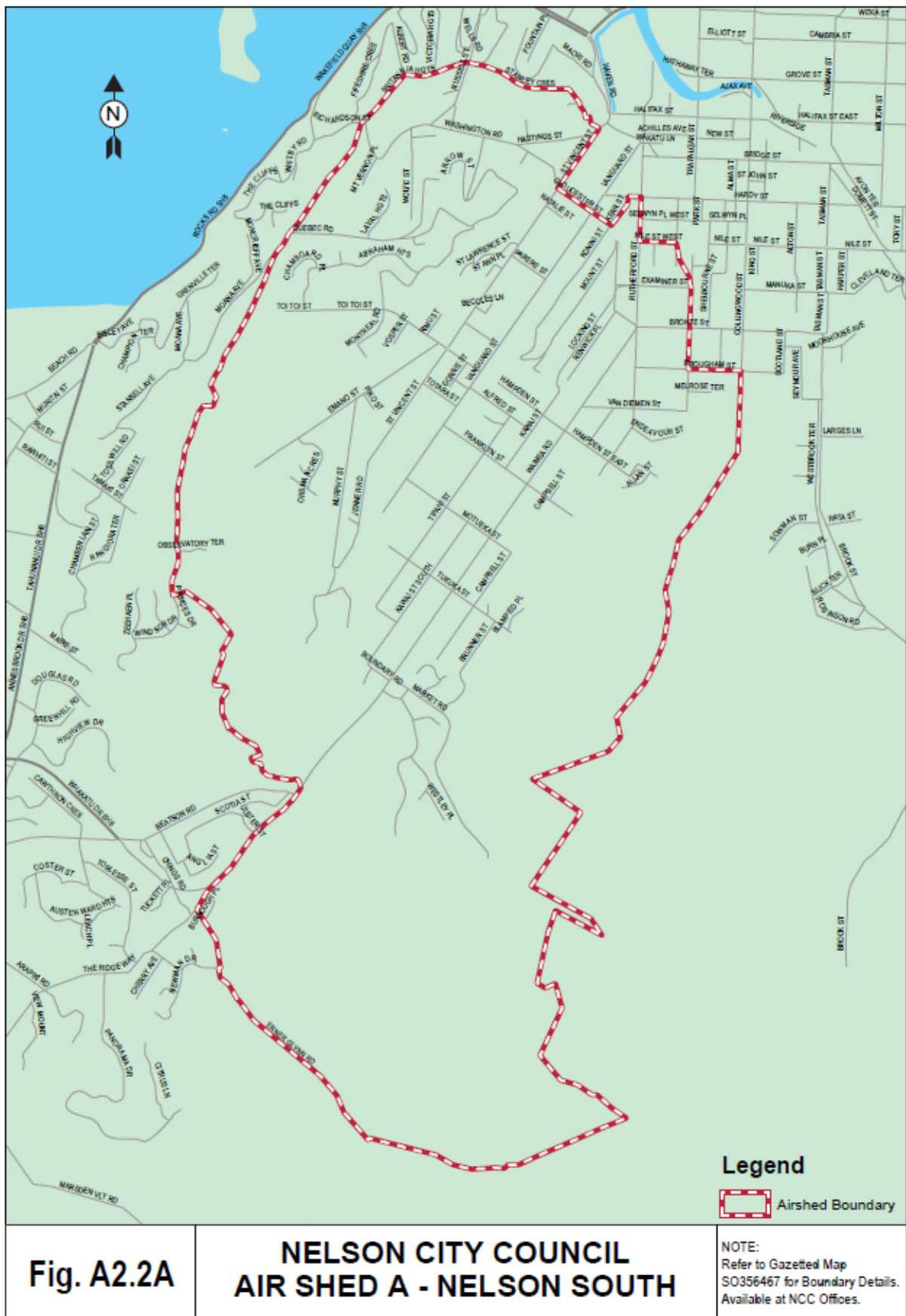
This resource consent is **granted** on 2 November 2015 under delegated authority from Nelson City Council by:

Mandy Bishop
Manager Consents and Compliance

Appendix One – Nelson urban Area



Appendix Two - Fig. A2.2A Airshed A



Nelson Air Quality Plan (3 November 2008)

697615

Appendix three – List of prohibited fuels / materials

- i) wood having a moisture content of more than 25% dry weight, or
- ii) wood which is painted, stained, oiled or coated (except if allowed by resource consent under rule AQR.55), or
- iii) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic (CCA), or
- iv) composite wood boards containing formaldehyde or similar adhesives, including but not limited to, chip board, fibreboard, particle board and laminated boards, or
- v) metals and materials containing metals, including but not limited to cables, or
- vi) materials containing asbestos (except for the processing of vehicle brake shoes subject to a resource consent under Rule AQR.53 (All other industrial or trade premises)), or
- vii) material containing tar or bitumen, or
- viii) all rubber, including but not limited to, rubber tyres, or
- ix) synthetic material, including, but not limited to, motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastic (except if allowed by a resource consent under Rule AQR.55 (Outdoor burning – Rural)), or
- x) waste oil (except if allowed by resource consent under rule AQR.23), or
- xi) peat, or
- xii) sludge from industrial processes.

PROCESSED

985256
4 Dodson Valley Road
Mark Lile
(03) 546 0292
ML:ml

NELSON CITY COUNCIL

PO BOX 645 NELSON NEW ZEALAND PHONE 03-546 0200 FAX 03-546 0239

4 August 1998

Mr A Rahsepar
16 Avon Terrace
Nelson

Dear Sir,

**Notice of Decision - Resource Consent Application: 985256
Section 88 of the Resource Management Act 1991**

Applicant: Mr A Rahsepar
Owner: SA & RN Copeland
Property: 4 Dodson Valley Road (Lot 5, being the subdivision of CT5B/616 – see 940585)
Land Use Consent: Food Cart (Controlled Activity)

On 4 August 1998 the Development Planner, acting under delegated authority, considered your application for resource consent. This application involves establishing and operating a takeaway food shop from a food cart.

This application was not publicly notified pursuant to Section 94(1)(b) of the Act as the Transitional Plan expressly permits the consideration of the application without the need to obtain the written approval of affected persons. Refer to Scheme Statement 8.29(a), on page 74 (City of Nelson Section of the Transitional District Plan).

Consent was granted pursuant to Sections 104 and 105 of the Act subject to the following conditions imposed pursuant to Section 108 of the Act:

- a) The activity be carried out in accordance with the application and the plans submitted with the application, with the exception of the following changes imposed as conditions of consent.
- b) A comprehensive landscape planting and maintenance schedule shall be submitted to the Nelson City Council Planning Section (to the attention of Mr Pattison) for approval. Changes to this landscape plan may be required and shall become binding on this consent.
- c) The landscape planting and maintenance schedule required as condition (b) of this consent shall be implemented to a high standard within 2 weeks of the food cart first opening for business on this site.
- d) No on site dining is permitted without the provision of additional on-site parking spaces at the rate required by the relevant planning documents.
- e) Rubbish and waste shall be removed from the site on a daily basis.

- f) Rubbish containers shall be provided. These containers shall have tight fitting lids.
- g) All outside rubbish containers shall be located on sealed surfaces to provide for easy cleaning.
- h) Cooker hoods and filters should be used and changed on a regular basis to prevent emission of odours from the flu.
- i) The consent holder shall undertake to do anything else deemed necessary to prevent any nuisance (noise, smell, dust and vermin etc) caused to other properties.

Reasons for Decision

Consent was granted to this controlled activity subject to conditions imposed under section 108 of the Resource Management Act 1991. As noted above, the Transitional District Plan allows the granting of this application without public notification.

The subject property is zoned Commercial 2 within the Transitional District Plan. This zoning covered to entire title. The Proposed Nelson Resource Management Plan has zoned the subject site Suburban Commercial. It is important to note here that a majority of the former title has been zoned residential within this Proposed Plan. For this reason, along with the subdivision that that recently been approved, the potential for this property to be developed in the manner intended by the Transitional District Plan has been lost.

Notwithstanding the above, the provisions of the Transitional District Plan remain in tact. Decisions of the Proposed Nelson Resource Management Plan have been released. The proposed food cart has therefore required consent as a controlled activity under the Transitional District Plan. The purpose of this consent is to ensure a high level of site treatment. At this point it is important to note that the Council must grant consent to controlled activities but may impose conditions of consent, pursuant to section 108 of the Act.

Section 94(5) of the Act also provides the Council with the authority to publicly notify this controlled activity. It is widely accepted however that this is to allow public input into the imposition of conditions. Special circumstances must however exist to justify putting the applicant through this procedure. It was considered that no such circumstances exist. This is especially the case given that a number of adjoining and adjacent land owners have consented to the proposal.

The conditions of consent imposed on this consent will ensure the site is developed and maintained to a high standard. Condition (b) is seen to be the most important of these conditions as it is envisaged the site will be landscaped to a high standard.

The consent holder is reminded of the requirements of SCr.39 of the Proposed Nelson Resource Management Plan. The may not emit any such offensive or pervasive odours discernible beyond the boundaries of the site.

Your status as applicant for this resource consent provides you with certain rights with regard to the Council's decision.

For your general guidance, Sections 127 and 357 of the Resource Management Act 1991 provide rights with respect to:

1) Objection to certain decisions and requirements of consent authorities. (Section 357)

If your consent was not publicly notified, or was notified and no submissions were received or any submissions received were withdrawn, you have the right to object to all or part of this decision. An objection must be lodged with the Council within 15 working days of your receipt (or receipt by the person who filed the application

on your behalf) of the Council's formal decision. Reconsideration of the decision will require further assessment of costs incurred in accordance with Council processing charges.

2) Application for change or cancellation of consent conditions. (Section 127)

An application to change or cancel a consent condition can be made to the Council at any time. Such an application is treated in a similar manner to a resource consent application incurring normal Council processing charges. If the consent condition(s) you wish to have deleted or changed resulted from a resource consent application that was publicly notified, you should first obtain written consent from all those persons who made a submission on this application.

You should note that a resource consent lapses on the expiry of **two years** after the date of commencement of that consent, unless the consent is given effect to, or after the expiry of such a shorter/longer period as is expressly provided for in the consent. Section 125 of the Resource Management Act 1991 details matters relating to the extension of consent duration.

This letter deals with certain Resource Management aspects of this proposal only and in no way indicates that the application satisfies the requirements of the Building Act 1991 with respect to drainage, retaining walls or any other structure subject to a consent pursuant to the Building Act 1991. A separate application for a building consent may be required.

If a building consent is required and you have not already done so, you should now apply for a building consent and await confirmation or otherwise that your proposal meets building code requirements.

Please find enclosed an invoice of the costs incurred in processing this application. If your invoice shows a refund due to you, a cheque will be sent out under a separate cover.

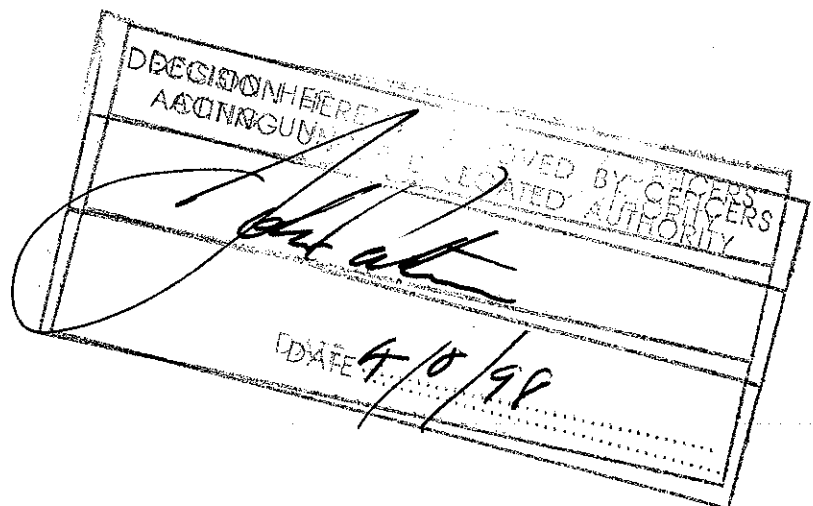
Where conditions of consent which require monitoring have been imposed a monitoring charge has been included in your invoice. This charge covers one visit to monitor compliance with consent conditions. Where additional monitoring visits are required to determine that conditions have been met these will be charged at the rate of \$45 (exclusive of GST) for each additional visit.

If you have any enquiries please contact Mark Lile on (03) 546 0292.

Yours faithfully

for J S Pattison

**J S Pattison
Development Planner**



27 July 1998

Memo To: Mark Lile c.c. Rod Witte
Memo From: Theresa Lau
Subject: **FOOD CART: RAHSEPAR**

Application for Registration of a Food Cart
Pursuant to the Food Hygiene Regulations 1974

Applicant: Mr Ali Rahsepar
Address: 16 Avon Terrace, Nelson
Proposed Location: 4 Dodson Valley Road, Atawhai
Proposed Activities: Restaurant or eating-house
Hours of Operation: Monday to Saturday from 11am – 1.30 pm and 5pm – 9.00pm
Sunday possibly all day, possibly none

Introduction

Mr Ali Rahsepar intends operating a restaurant/takeaway type activity from a food cart. The food cart in question was reported to be well made, aesthetically pleasing and a work of art. It is intended to be permanently located at 4 Dodson Valley Road. The proposal is for the cart to be a stand-alone operation (fully self-contained). Mr Rahsepar intends carrying out full processing of food from raw ingredients to final end product in the food cart. Mr Rahsepar also intends to process food in a domestic kitchen sometimes. The business is not connected with any other registered premises in the immediate vicinity or anywhere else. The menu submitted is interesting, exciting and of a type found in good cosmopolitan restaurants.

High-risk Food

The above-proposed activity is a high-risk activity in terms of food safety. Such activities using a food cart are possible provided it is in close proximity to and in close connection with a registered food kitchen. Some examples are: a food cart inside a restaurant e.g. a bain marie type of operation or BBQ in the garden of a registered food premises or a food cart inside a supermarket for promotion purposes. Such food carts normally has almost all its food storage and processing in the registered kitchen and the cart has minimal or no processing at all. In terms of food safety, the food in such carts are kept either very hot or very cold as prescribed in the Food Hygiene Regulations. Mr Rahsepar's food needs to be kept at similar or better temperatures. The methods to be employed for keeping food at very high or very low temperatures still need investigation.

Power Supply

Refrigerators and freezers require constant reliable power supply. Connecting domestic electrical supply to the food cart may not meet with the approval of the Electrical Supply Company due to associated dangers. Gas supply has the capability of running out, thus compromising food safety especially when this happens at night or at the weekends when the cart is not operating. Generators produce a fairly constant power supply but tend to be noisy. Generators are therefore not likely to be approved as a means of supplying power there is already a noise problem in the vicinity of 4 Dodson Valley Road. To allow a generator to operate in the area would be to increase the noise problem.

Legislative Requirements

The stand-alone cart operating high-risk food activities cannot meet the minimum requirements of the First Schedule of the Food Hygiene Regulations for registration purposes. The operation of the cart cannot meet the minimum requirements of the rest of Food Hygiene Regulations for operations. The proposed activities are likely to breach the Resource Management Act in terms of discharges to air and land.

Mr Rahsepar has proposed to process (prepare and cook) food in a domestic kitchen. The domestic kitchen needs to comply with the First Schedule of the Food Hygiene Regulations and be registered. It is the policy of the Environmental Health Department that domestic kitchens are not used as commercial kitchens because commercial kitchens are expected to be used solely for the preparation of food for sale and not be exposed to general domestic use. Animals and people including infants and children not associated with the preparation and cooking of food for sale are not allowed in commercial kitchens as food safety are likely to be compromised.

Hours of Operation

Mr Rahsepar need to clarify if these are the hours that the business is open for trading i.e. for service to customers only or will these be the total operating hours i.e. inclusive of food preparation, cooking and service to customers. The reason this need clarification is that people who wish to support or object the venture may be misled.

District Plan

Mr Rahsepar intend operating outside of daylight hours, specifically 5.00pm – 9.00pm. The Food Hygiene Regulation requires premises to have sufficient light of sufficient intensity during the hours of operation. However, artificial light with sufficient amount and intensive could cause a problem at night with other residents in the locality over spillage and glare. Noise problems associated with customers dinning on site and noise from generators if one is used are other District Plan problems.

Application not approved: 

Designation: Environmental Health Officer

Date: 27 July 1998

1 August 1998

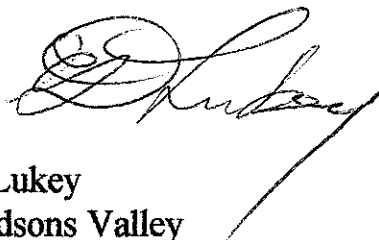
Nelson City Council
Property Department
Attn: Mr Mark Lile

Dear Mr Lile

As a Tennant residing at 4 Dodsons Valley Rd, Atawhai I am happy to support Mr Rahsepar's Resource Consent application and give permission for Mr Rahsepar to operate his Food Cart Business on the Commercial land at 4 Dodsons Valley Rd.

He has showed me photo's of his Cart, explained the hours he will be open and the types of food he will be offering.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Elle Lukey', with a long, sweeping underline.

Elle Lukey
4 Dodsons Valley
Atawhai

1 August 1998

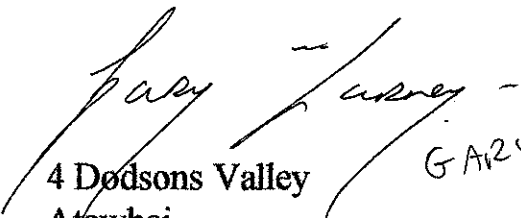
Nelson City Council
Property Department
Attn: Mr Mark Lile

Dear Mr Lile

As a Tennant residing at 4 Dodsons Valley Rd, Atawhai I am happy to support Mr Rahsepar's Resource Consent application and give permission for Mr Rahsepar to operate his Food Cart Business on the Commercial land at 4 Dodsons Valley Rd.

He has showed me photo's of his Cart, explained the hours he will be open and the types of food he will be offering.

Yours faithfully


4 Dodsons Valley
Atawhai

GARY MC CARNEY.

26 July 1998

Nelson City Council
Planning Dept
Attn: Mark Lile

M Lile	my 20/7/98.
28 JUL 1998	
NELSON	Site file

In follow up to our conversation over the phone 24 July I can confirm that regarding the issue of 'odour' from the food cart we have installed the following;

A 'ULTIMATE' rangehood containing an absorbent filter system which is removable and can be emptied and cleaned regularly.

Also a 'MISTRAL' ventilation system

Mr Neil Coventry-Brown has inspected the food cart on two occasions and can verify that the food cart is of a very high standard in its kitchen design.

Yours faithfully


Ali Rahsepar
16 Avon Tce
Nelson

25 July 1998

Nelson City Council
Attn: Mr M Lile
Planning Dept

As owner/occupier at 9 Dodsons Valley Rd I give permission to allow the operation of a Food Cart parked on Lot 5 Commercial land 4 Dodsons Valley Rd. The owners have discussed this with me and I am aware of the types of food they will be selling and the hours they will be open.

Yours faithfully

A handwritten signature in cursive script that reads "V. K. Heyward".

V. K. HEYWARD

9 Dodsons Valley Rd
Atawhai

25 July 1998

Nelson City Council
Attn: Mr M Lile
Planning Dept

As owner/occupier at 7 Dodsons Valley Rd I give permission to allow the operation of a Food Cart parked on Lot 5 Commercial land 4 Dodsons Valley Rd. The owners have discussed this with me and I am aware of the types of food they will be selling and the hours they will be open.

Yours faithfully


C R JACKMAN
7 Dodsons Valley Rd
Atawhai

NELSON CITY COUNCIL

PO BOX 645 NELSON NEW ZEALAND PHONE 03-546 0200 FAX 03-546 0239

24 July 1998

A Bahsepar
16 Avon Terrace
NELSON 7001

Dear Sir

PROPOSED FOOD CART : 4 DODSON VALLEY ROAD

Further to our recent telephone conversation, I can confirm that the following further information is required: -

- (a) Further details as to how the cooking odours will be controlled within the food car.
- (b) The written approval of the owner and occupiers of 7 and 9 Dodson Valley Road, and the occupiers of the flats on the rear of the application site.
- (c) Please contact me if you require any further information.

Yours faithfully



Mark Lile
Planning Officer

When calling
please ask for:
Direct Dial Phone:
Email:

Theresa Lau
03 546 0372
tllau@ncc.govt.nz

23 July 1998

Memo To: Rod Witte and Mark Lile
Memo From: Theresa Lau
Subject: 4 DODSON VALLEY ROAD: FOOD CART

It has come to my attention this morning that Mr Raspar (consent applicant) submitted a letter addressed to Neil Coventry-Brown, a menu similar to the type found in eating-houses. I have composed a letter to the applicant advising him of the Food Hygiene Regulations in relation to his proposed operation. Please see a copy of the letter addressed to Mr Raspar and Mr Raspar's proposed menu.

21 July 1998

Nelson City Council
Attn: Mr Neil Coventry-Brown

Dear Mr Brown

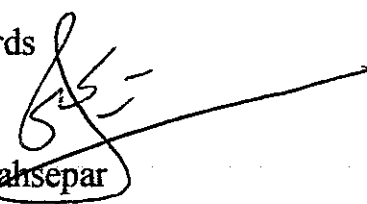
Here is a brief outline of the types of foods I envisage cooking and selling in my Food Cart called 'Gourmet Cafe'.

- Souvlaki- BBQ Chicken with salad and dressing wrapped in naan flat bread. Chicken would be cut into pieces and stored in the fridge (fresh everyday!)
- Beef roll - grilled beef and salad and sauce rolled in flat bread
- Tandoori Chicken and rice
- spaghetti bolognaise served with pasta and parmesan cheese
- vegetarian fettuccine - mixed vegies cooked in creamy cheese sauce and served with pasta

I plan to start with these foods out on our commercial land at 4 Dodsons Valley Rd. After some time and research with the Atawhai Community I hope to extend the menu options to cater for the tastes and requests of customers.

I have trained as a Chef in Germany and had had 8 years experience cooking in many different Restaurants both in Europe and New Zealand. I can assure you that my standard of cleanliness and hygiene is very high and the preparation of my gourmet food will be always fresh and delicious!

Regards


Ali Rahsepar

23 July 1998

Mr Ali Rahsepar
16 Avon Terrace
NELSON

Dear Sir

Food Hygiene Regulations 1974: Gourmet Cafe

Thank you for your letter of 21 July addressed to Neil Coventry-Brown. Your menu and hours of operation appears to be consistent with an eating-house. The following passages is taken from the Food Hygiene Regulations 1974 and it would appear that your proposal do not meet the criteria for approval under the said Regulations. Please note Regulation 39 (a) below which requires premises of a permanent nature.

Food Hygiene Regulations 1974

Definition:

"Stall" includes any movable stand, mobile shop, road vehicle, fishing vessel, or similar structure, vehicle, or vessel, on or at or from which food is sold:

R. 39. STALLS--

No person shall use a stall as an eatinghouse unless he also provides, for use together with the stall,--

- (a) Suitable premises of a permanent nature approved in writing for the purpose by the local authority, and equipped and provided with facilities for the cleaning of utensils and of the contrivances of the stall, and with adequate, additional space for the storage of food, utensils, and equipment; and
- (b) Adequate means for the disposal of waste water; and
- (c) An adequate supply of drinking water.

Yours faithfully

Theresa Lau
Environmental Health Officer

NELSON CITY COUNCIL

PO BOX 645 NELSON NEW ZEALAND PHONE 03-546 0200 FAX 03-546 0239

15 July 1998

Mr A Rahsepar
16 Avon Terrace
NELSON 7001

Dear Sir

**Application For Resource Consent Under Section 88
Resource Management Act 1991**

Application No: 985256
Applicant: A Rahsepar
Property: 4 Dodson Valley Road

The above application for consent to establish and operate a food cart will be heard at 9.00am on Wednesday, 5 August 1998, in the Council Chamber, Floor 2A, Civic House, Trafalgar Street, Nelson, by the Applications Committee of Council acting under delegated authority.

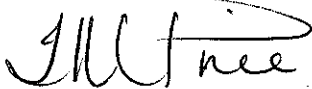
As an applicant you are entitled to be present at this hearing, may be represented or you may support the application in person, either orally or with written submissions. You may also call persons to give evidence on your behalf.

Council Officers are preparing a report on the application and you may wish to comment on this at the hearing. A copy of this report will be forwarded to you as soon as possible.

Ten (10) copies of all written evidence should be supplied for Councillors, Officers and other parties at the hearing.

If you require any further advice, please contact Mark Lile of the Planning Section, on the number provided above.

Yours faithfully



for J S Pattison
Development Planner

*Hearing cancelled by
director of planning office.
mlile*

13 July 1998

Mr A Rashpar
16 Avon Terrace
NELSON

Dear Sir

Food Hygiene Regulations 1974: Food Cart

Your application for Resource Consent to set up a food cart at 4 Dodson Valley Road has been passed to me for comment this morning. Please be aware that permanent food outlets require permanent premises. These premises need to comply with the First Schedule of the Food Hygiene Regulations 1974. I enclose a copy for your perusal.

I would be happy to discuss any Food Hygiene Regulations issues with you, so please feel free to give me a call.

Yours faithfully

Theresa Lau
Environmental Health Officer

Theresa Lau

From: Theresa Lau
Sent: Monday, 13 July 1998 08:43
To: Mark Lile; John Pattison
Subject: Resource Consent Application: Pie Cart at Dodson Valley

Food Hygiene Regulations Compliance.

As this is a permanent venture, the premises need to comply with the First Schedule of the Food Hygiene Regulations. The premises need to be of permanent construction. Please see attached.



First Schedule.doc

I shall be writing to the applicant/s regarding this.

The applicant/s have never discussed their proposal with any Environmental Health Officer.

13/7/98.

Theresa,

Bob may have mentioned this to you next week.

Comments from Environmental Health would be appreciated.

Mark.

Mark Lile

From: John Pattison
Sent: Friday, 3 July 1998 15:20
To: Mark Lile
Subject: RE: Proposed Food Cart @ 4 Dodsons Valley

We will look at it on Monday

-----Original Message-----

From: Mark Lile
Sent: Friday, July 03, 1998 2:39 PM
To: John Pattison
Subject: Proposed Food Cart @ 4 Dodsons Valley

The site is zoned Commercial 2 in the Transitional Plan. You need resource consent to do anything under this plan. After reading the scheme statement 8.29(a)(p74), I believe this is because of the proximity to residential properties and the desire to retain a high level of site treatment.

Takeaway cooked foods are listed as a controlled activity on this site. This is curious given that this activity is not listed next door as permitted or controlled within the Commercial 1 zone.

The Proposed Plan zones the site Suburban Commercial. As with Mr Turners application, the activity is considered to be permitted under the performance standards of this Plan.

We are therefore dealing here with a controlled activity. The controls we have are primarily in relation to the standard of building development and site treatment - not I submit, the effects of the commercial activity itself. Refer to Ordinance 8.29(a).

The visual amenity/treatment of the site is therefore of primary importance. I must say I do have some concerns here given that we must rely upon the applicants managing the site in a manner which is deemed acceptable to nearby residential properties. Do you think the landscaping details provided are adequate? If not, what more would you require?

On a different front, an applicant who knows a little about resource management law could submit that Section 19 applies and therefore no resource consent is required. Although I do not think the activity will remain permitted under the Proposed Plan I have some difficulty with the wording of Section 19. In this light I would prefer to treat this activity as controlled rather than permitted. This is a fairly conservative approach.

To ensure you have enough to keep you occupied I have dropped the file in your tray for your information. Some photos of the completed Cart are to be delivered.

* High level of site treatment?

→ standard of building development and site treatment.

- details of landscaping required.
- planting and maintenance schedule. - all on-site
- courtyard dining? drinking?
- five conditions of consent volunteered.

Effects.

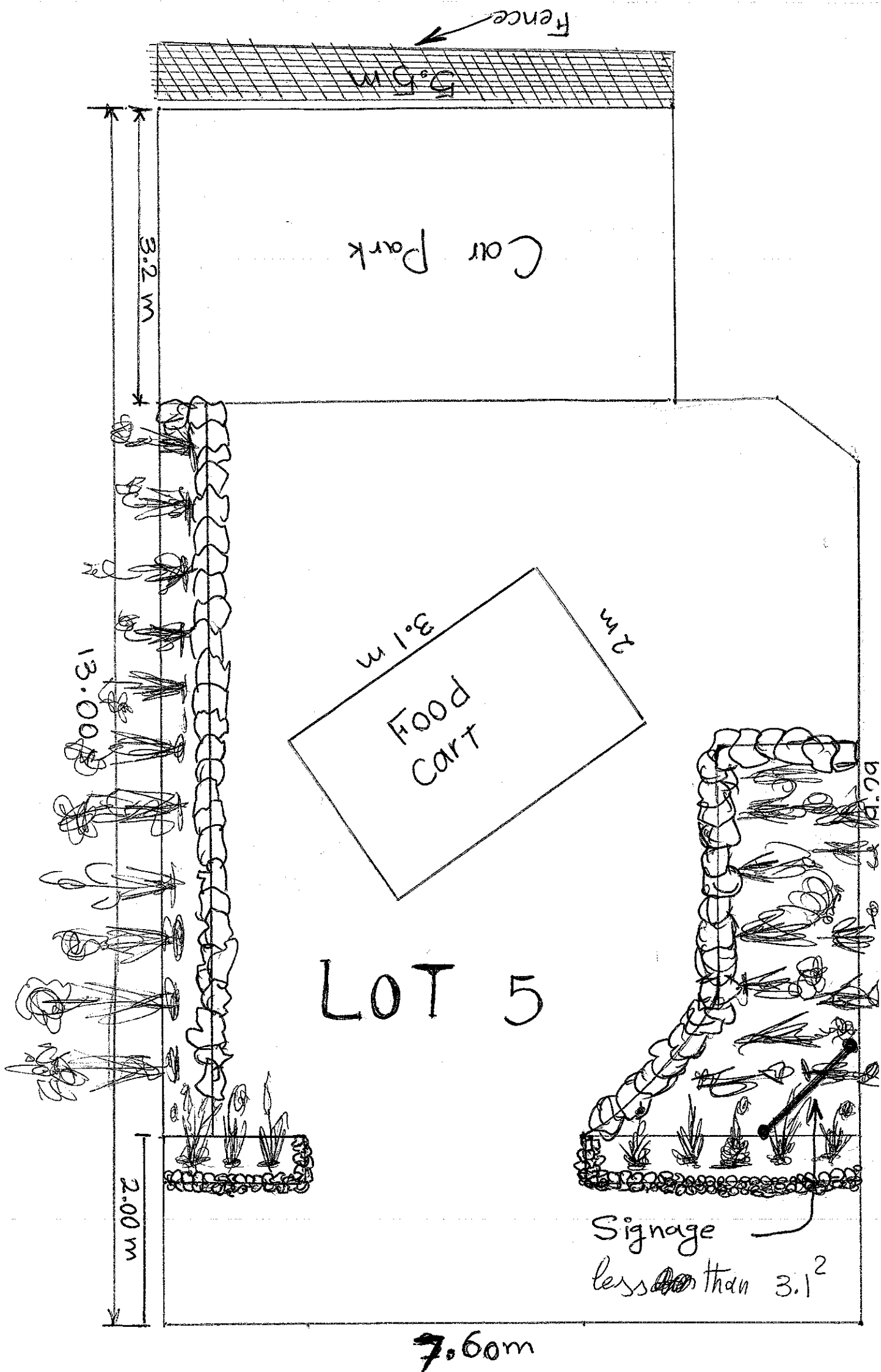
- commercial property exhibiting a low level of amenity, adjacent to residential zone.
- cooking fumes. - must comply with SCR 39 - emission of odours!
- outdoor dining / drinking / catering / entertainment?

Conditions that cannot be imposed?

- to control management of the site?
-

Take it to the Applications Committee?

- raise following issues
 - odour
 - env. health comments
 - site treatment
- + for their information - as a result of Turner consent.



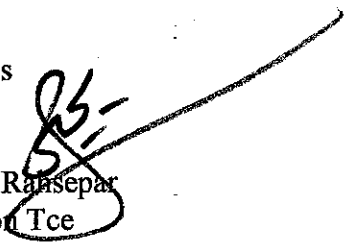
2 July 1998

Mr Mark Lile
Planning Officer
Nelson City Council

In reply to question number 5 of your letter addressed to me dated 22 June 1998, I can say that the food card will be parked most of the time on Lot 5.

However it is designed to be mobile and we would hope to use it in this capacity on odd occasions.

Regards


Mr Ali Ransapar
16 Avon Tce
Nelson

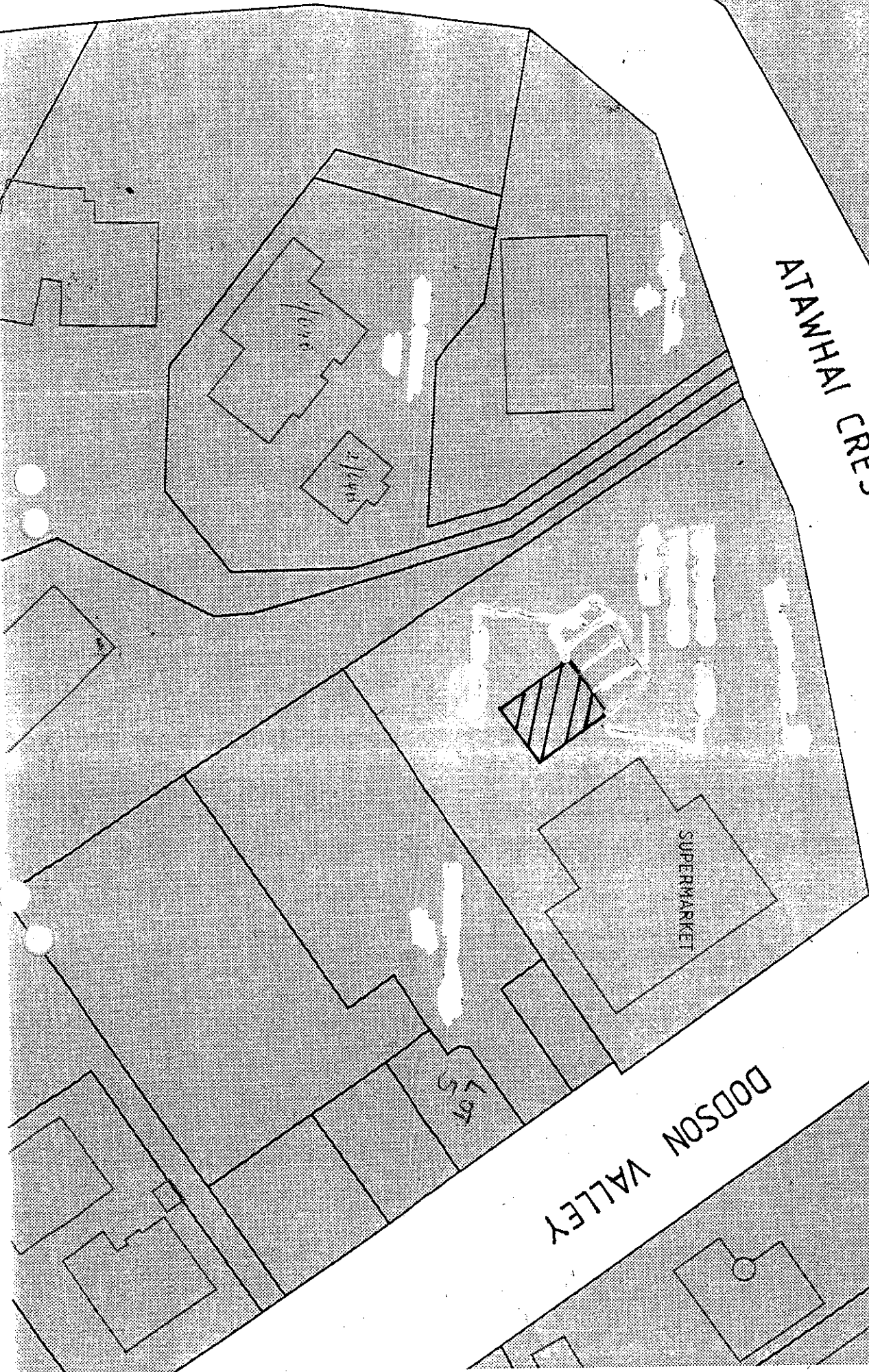
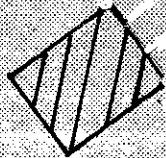
ATAWHAI CRES

1:500

SUPERMARKET

DODSON VALLEY

LOT 5



References

Prior C/T 3A/746

Land and Deeds, 69

Transfer No.

N/C. Order No. 183261.1



CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 27th day of SEPTEMBER one thousand nine hundred and SEVENTYSEVEN under the seal of the District Land Registrar of the Land Registration District of NELSON

WITNESSETH that

GREENSLADE CONSTRUCTION LIMITED at Nelson

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial underwritten or endorsed hereon) in the land hereinafter described, delineated with bold black lines on the plan hereon, be the several admeasurements a little more or less, that is to say: All that parcel of land containing 1825 square

metres more or less situated in the City of Nelson being Lot 1 Deposited Plan 9863.

108296 Resolution reimposing the building line restriction originally imposed by K2528.

D.L.R.

186965.1 Transfer to Foodstuffs (Christchurch) Properties Limited at Christchurch - 17.4.1978 at 11.02 a.m.

A.L.R.

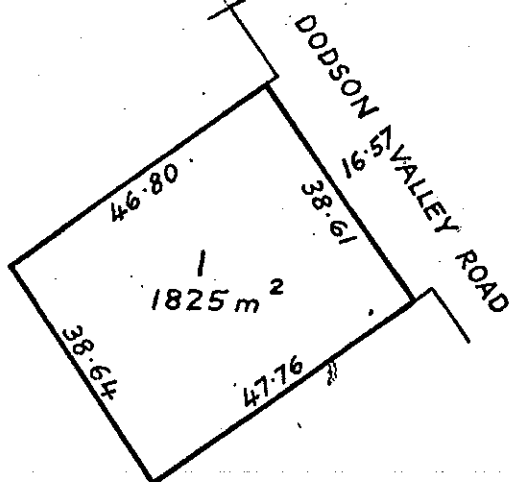
186965.2 Mortgage to The Trustees Executors and Agency Company of New Zealand Limited - 17.4.1978 at 11.02 a.m.

244763.1 Mortgage to B.D. Drake & McGillivray Nominees - 19.10.1984 at 11.35 o'clock.

244763.6 Memorandum of Priority making Mortgage 244763.1 a first mortgage and Mortgage 186965.2 a second mortgage - 19.10.1984 at 11.35 o'clock.

247172.1 Evidence of the change of name of the mortgagee in Mortgage 244763.1 to McGillivray, Callaghan & Co. Solicitors Nominee Company Limited - 8.2.1985 at 12.25 o'clock.

316119.1 Evidence of the change of name of the registered proprietor to Foodstuffs (South Island) Properties Limited - 2.4.1992 at 10.30 o'clock.



Measurements are Metric

- OVER -

5B/616

5B/616

LEGAL BY R075

DODSON

VALLEY

(16.57)

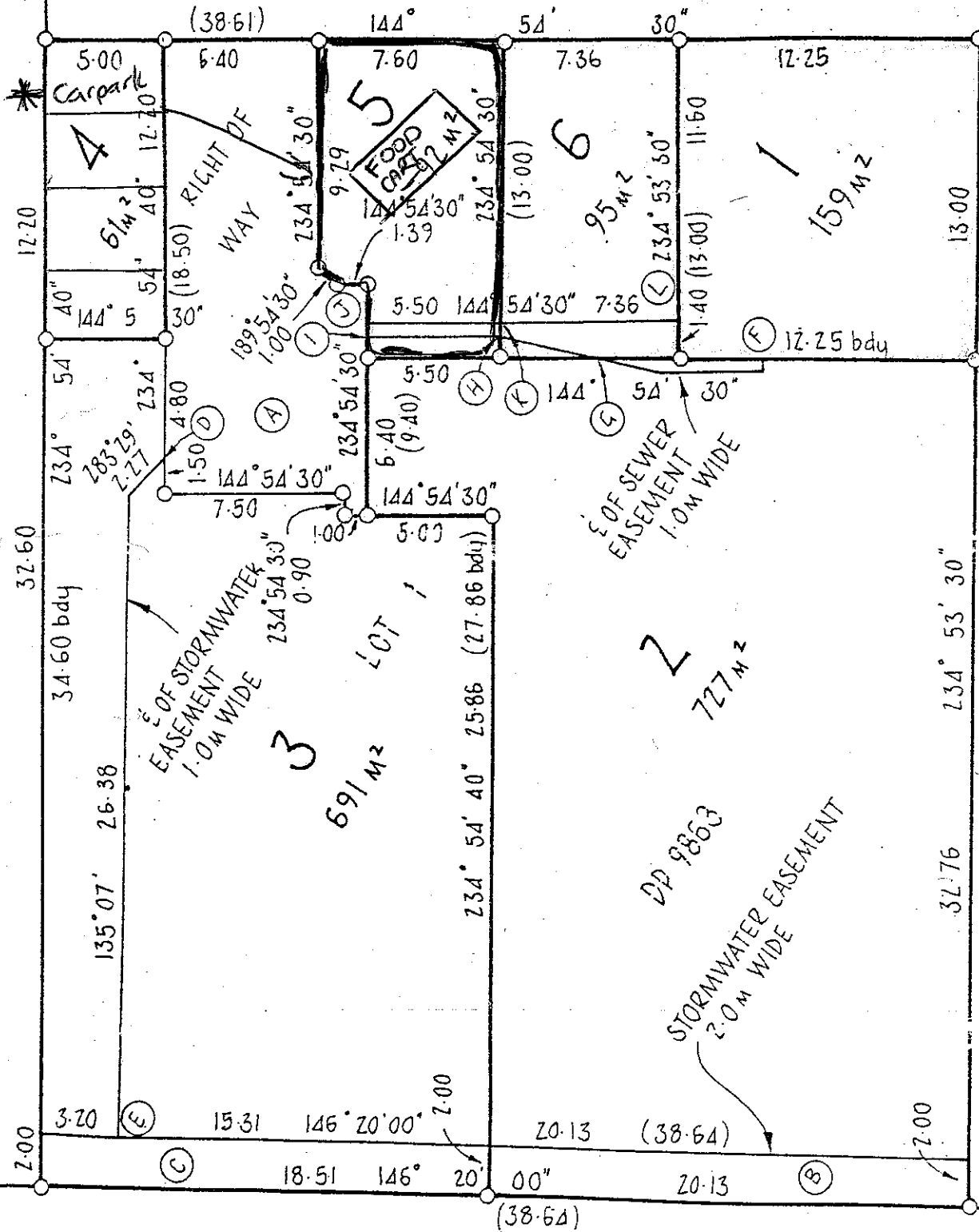
ROAD

IC 35 CAA 1961

VESTED ON DP 9863

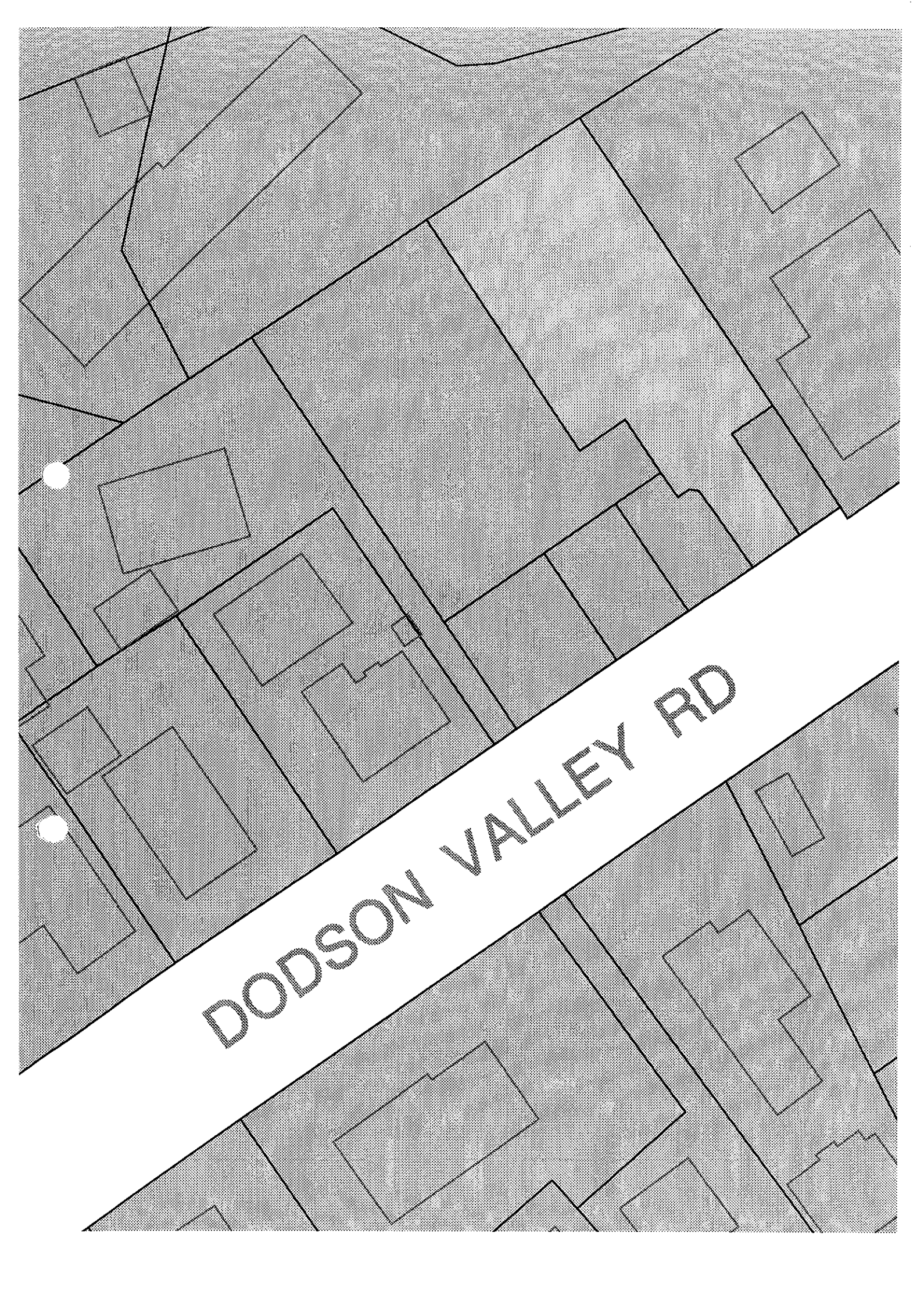
VESTED 0

LOT 1
DP 7085



LOT 4
DP 9873

LOT 5
DP 9873



DODSON VALLEY RD

This is an aerial photograph of a residential area, overlaid with a map showing property boundaries and building footprints. The map is oriented diagonally. A prominent road, labeled 'DODSON VALLEY RD', runs diagonally across the lower half of the image. The road is a light-colored, straight line. On either side of the road, there are numerous rectangular shapes representing buildings and lots. The background is a grainy, black-and-white aerial view. There are two white circular marks on the left side of the image, one near the top and one near the bottom, possibly indicating specific locations or points of interest.

NELSON CITY COUNCIL

PO BOX 645 NELSON NEW ZEALAND PHONE 03-546 0200 FAX 03-546 0239

22 June 1998

Mr A Rashpar
16 Avon Terrace
NELSON 7001

Dear Sir

Resource Consent Application 985256 : Food Cart

Thank you for your resource consent application to establish and operate a takeaway food retail shop from a food cart at 4 Dodson Valley Road. This application has been lodged with insufficient information. The following further information must be provided before the processing of your application can proceed:

1. Please provide a recent copy of the relevant Certificate of Title.
2. The Proposed Nelson Resource Management Plan requires a minimum 5% landscaping along the road frontage of the site. Please amend plans accordingly and provide a detailed landscape plan.
3. Rule 26 of the Proposed Plan also requires a fence or landscaping along the residential zone boundary of the site. This screen is required to be a minimum of 1 metre in height. Please identify.
4. Please advise what, if any, signage or on-site advertising is proposed.
5. Please provide elevations or photos of the proposed food cart and explain how mobile this cart will be. Will the cart be removed from the site at the end of each working day?
6. The one required on-site parking space is identified in a location soon to have its own separate Certificate of Title. A parking space on proposed Lot 5 should, therefore, be identified. Please amend plans accordingly.

Yours faithfully



M Lile
Planning Officer

[985256. - Rahsepar]

- recent Certificate of Title required id. proposed site.
- **II**: zoned Commercial 2.
 - restaurants ~~permitted~~ controlled.
 - workrooms (including kitchens) ~~permitted~~ ^{controlled} - but not in those circumstances
 - not incidental to shop or kitchen? restaurant?
 - kitchen area does not exceed area of kitchen.
 - no building closer than 4m to res. zone.
 - 5% landscaping requirement.
- **III**:
 - landscaping 5% (Scr. 25).
 - 3m setback from res. zone boundary (Scr. 26).
 - screening of res. zone boundary (Scr. 26).
 - parking? (Scr. 32) + loading
 - signage (Scr. 34).

APPLICATION FOR RESOURCE CONSENT

Pursuant to Section 88- Resource Management Act 1991

TO: The Consents Officer
Nelson City Council
PO Box 645
NELSON

Administration

Application No: 985256

Deposit Paid: \$100.00 pd.

Receipt No: 2608

I (full name and address of applicant)

MR ALI RAHSEPAR
16 AVON TCE, NELSON

apply for the resource consent (s) described below:

• Brief description of the activity to be undertaken, and any waiver/exemption sought.

MONDAY	11 - 1.30	5 - 9pm
TUESDAY	11 - 1.30	5 - 9pm
WEDNESDAY	11 - 1.30	5 - 9pm
THURSDAY	11 - 1.30	5 - 9pm
FRIDAY	11 - 1.30	5 - 9pm
SATURDAY	11 - 1.30	5 - 9pm
SUNDAY		

• The location to which this application relates is: (all details to be completed)

Number: 4 Street: DODSONS VALLEY RD

Locality: ATAWHAI - NELSON

Valuation Roll Number:

Legal Description:

(Copy of current Certificate of Title to be supplied)

(Describe the location in a manner which will allow it to be readily identified-e.g. the street address, the legal description, the name of any relevant stream, river or other water body to which the application may relate, proximity to any well known landmark, the grid reference (if known), etc)

• The names and addresses of the owner and occupier of any land to which the application relates are as follows:

Owner:

Occupier:

S9 R. COPELAND
P.O. BOX 483
NELSON

MR ALI RAHSEPAR
16 AVON TCE
NELSON

• The type of resource consent(s) sought is/are:

☒ Land Use Consent

☐ Water Permit

☐ Discharge Permit (Air/ Water)

☐ Coastal Permit

☐ Subdivision Consent

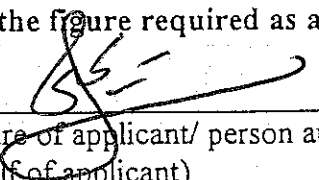
☐ Development

(under Local Government Act)

• Attach the following information (tick where appropriate)

- ☐ Copy of Certificate of Title
- ☐ Site Plan to a recognised scale such as 1:100 or 1:200 if appropriate showing site boundaries, north point, buildings, car parking and access, features such as roads and rivers, and any other relevant information.
(OR in the case of a proposed subdivision)
- ☐ Plans which adequately define proposed boundaries, allotments, reserves and accordance with both Section 219 of the Resource Management Act 1991 and the District Plan.
- ☐ A full description of the proposed activity. This may include details such as days and hours of operation, number of staff, number of vehicles involved, duration of activity etc
- ☐ An assessment of any specific matters required to be addressed by the District Plan
- ☐ An assessment of effects, both actual and potential, which the activity may have on the surrounding environment, together with any measures to be taken to avoid or mitigate these effects. A copy of the Fourth Schedule of the Resource Management Act 1991 and a guide to making an assessment are attached.
- ☐ The written consent of any affected persons (on the appropriate forms supplied by Council and on any plans)
- ☐ A deposit in accordance with the Nelson City Schedule of Administration Charges. In terms of Section 36 of the Resource Management Act 1991 further charges may be imposed for processing the application, including consideration by the Applications Committee
- ☐ In the case of a development under the Local Government Act, the total estimated value of work \$ _____ (GST inclusive)

I acknowledge that further charges may be incurred in the processing of this application.
(NB If public notification and/or a hearing are necessary, the total costs may significantly exceed the figure required as a deposit).



(signature of applicant/ person authorised to sign
on behalf of applicant)

15/6/98

Date

Address for service of applicant:

16 AVON TCE
NELSON

Telephone Number: 5483335
Fax Number: _____

Note: This application will be checked for completeness. If further information is required, you will be notified accordingly. When adequate information is supplied and the full deposit received, the application will be processed.

Monday 15th June 1998

Nelson City Council
P O Box 645
Nelson

Dear Sir

RESOURCE MANAGEMENT APPLICATION

APPLICANT: Mr Ali Rahsepar

LOCATION: 4 Dodsons Valley Rd

CONSENT FOR: Food Takeaway Retail Sales

SITE: 4 Dodsons Valley Rd

Description of Proposal

Mr Rahsepar proposes to locate and operate his Food Cart from the Commercial land situated in Dodsons Valley Rd.

The subject Lot is part of a subdivision currently in process.

The Food Cart will sell a variety of takeaway foods and drinks.

Attached are four plans. The first shows the location of the site in relation to roads and adjoining properties. The second shows the positioning of the Food Cart on the site. The third plan shows car parking area for the Food Cart. The fourth plan shows the layout of the interior of the Food Cart.

Self Assessment

District Plan requirements

Only the provisions of the new plan have been assessed below.

Zoning - The land is zoned 'Suburban Commercial'.

Activity

The activity should be classed as retail (MW.98) although food may sometimes be consumed on the site. Such consumption will be insignificant. Retail is a permitted activity in this zone.

Parking

Appendix 9 - Table 1 requires one space per 30 metres squares for Retail. Since the Food Cart is 6.6 m² one car park will be required.

Air Emissions (rule Scr.39)

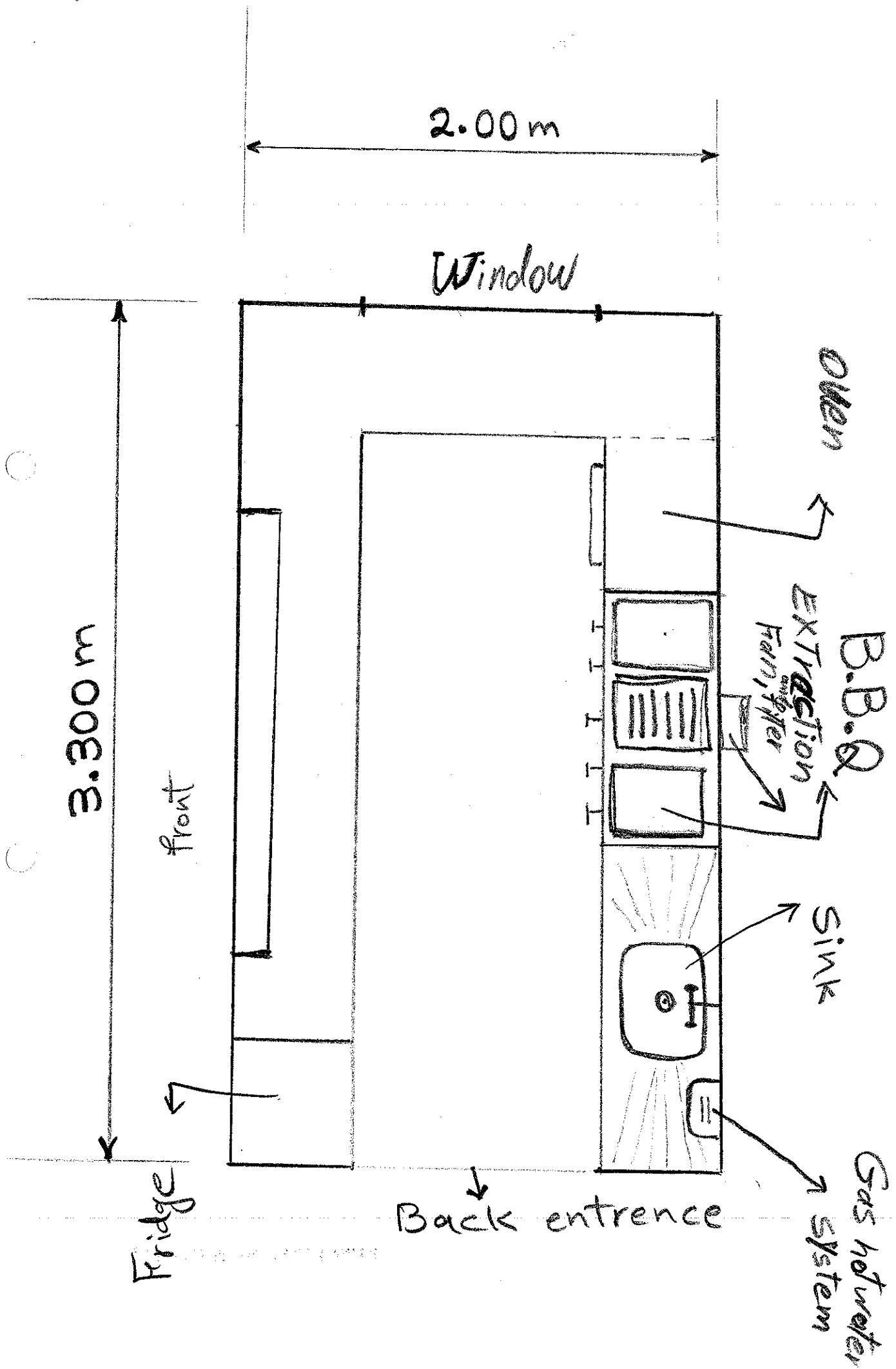
The applicant will comply with this rule.

ASSESSMENT OF EFFECTS

The potential effects identified are possible odours or noise from cooking smells, rubbish smells.

The following conditions will be accepted by the applicant to mitigate these potential effects:

1. Rubbish is to be disposed to (taken to recognised landfill) on a daily basis.
2. Rubbish containers area to have tight fitting lids.
3. All rubbish containers if stored outside should be on a sealed easily cleaned surface.
4. Cooker hoods and filters should be used and changed on a regular basis to prevent emission of odours from flu.
5. The owner/operator undertakes to do anything else deemed necessary to prevent any nuisance (noise, smell, dust and vermin attractant etc) on the site.





Safe Food Handler Award

Ali Rahsepar

HEREBY AGREES

*"To prepare, handle and serve
food in accordance with
best food safety practices
so that customers can be
confident they will receive
high quality safe food."*

Signed 15 June 1998
Ali Rahsepar



..... Bronze Award (Ref SFA1998/077)
Nelson City Council Validation

References

Prior C/T 3A/746

Transfer No.

N/C. Order No. 183261.1

REGISTER

Land and Deeds, 69



CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate dated the 27th day of SEPTEMBER one thousand nine hundred and SEVENTYSEVEN under the seal of the District Land Registrar of the Land Registration District of NELSON

WITNESSETH that

GREENSLADE CONSTRUCTION LIMITED at Nelson

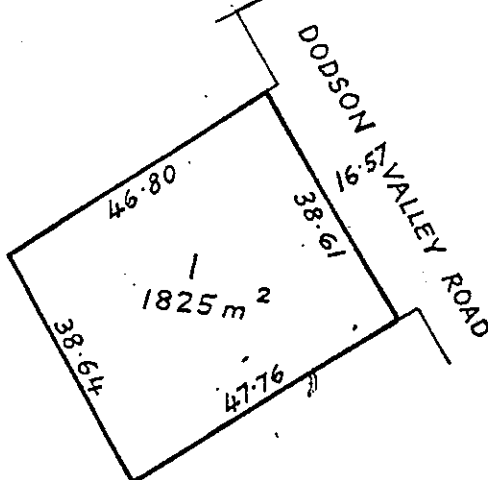
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108296 Resolution reimposing the building line restriction originally imposed by K2528.

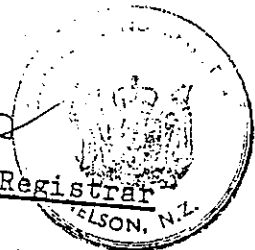
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D.L.R.

A.L.R.



District Land Registrar



186965.2 Mortgage to The Trustees Executors and Agency Company of New Zealand Limited - 17.4.1978 at 11.02 a.m.

244763.1 Mortgage to Drake & McGillivray Nominees - 19.10.1984 at 11.35 o'clock.

A.L.R.

A.L.R.

244763.6 Memorandum of Priority making Mortgage 244763.1 a first mortgage and Mortgage 186965.2 a second mortgage - 19.10.1984 at 11.35 o'clock.

A.L.R.

247172.1 Evidence of the change of name of the mortgagee in Mortgage 244763.1 to McGillivray, Callaghan & Co. Solicitors Nominee Company Limited - 8.2.1985 at 12.25 o'clock.

A.L.R.

316119.1 Evidence of the change of name of the registered proprietor to Foodstuffs (South Island) Properties Limited - 2.4.1992 at 10.30 o'clock.

A.L.R.

Measurements are Metric

- OVER -

5B/616

No. 5B/616

335845.1 Transfer to Margaret Thelma Bradshaw
of Nelson, Real Estate Sales Person -
4.3.1994 at 11.02 o'clock.

Well
A.L.R.

350365.1 Transfer to Nelson City Council -
31.7.1995 at 9.57 o'clock.

S. Small
A.L.R.

354899.1 Transfer to Sheryl Anne Copeland
of Nelson, Nurse and Ruth Nicola Copeland
of Amsterdam, Graphic Designer - 18.1.1996
at 10.05 o'clock.

S. Small

354899.3 Mortgage to ASB Bank Limited -
18.1.1996 at 10.05 o'clock.

S. Small
A.L.R.

