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| APPLICATION NUMBER: | LUC-2015-345 |
| RELATED APPLICATIONS/LICENCES: | LUC-2010-49 |

PLANNING APPLICATION DETAILS FORM

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| Property Address | 140 Highcliff Road Dunedin |
|-------------------------|----------------------------|

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|------------------------------|---|
| Property Description: | Property No: 5116768, Legal Description: LOT 3 DP 431251 |
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|---------------------------------------|------------------------|---|
| First Contact: (Applicant) | Name: | Cuisine Dunedin Limited |
| | Mail Address: | C/O Anderson and Co PO Box 5933 Moray Place Dunedin 9058 |
| | Phone Number: | |
| Second Contact: (Agent) | Name: | Paterson Pitts Resource Management Limited |
| | Mail Address: | C/O Anderson and Co PO Box 5933 Moray Place Dunedin 9058 |
| | Phone Number: | 03 479 0005 |
| | Contact Person: | |

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| Description of Application: | establish and operate a residential activity and change a condition of consent |
|------------------------------------|--|

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|--------------------------|---------------------|-------------|----------------------------|
| Application Type: | Land Use Consent | | |
| Consent Type: | Commercial Activity | Residential | Consent Nature |
| | | | Other Residential Activity |

| | |
|---|---|
| Major Category | Land Use Category D |
| Minor Category | Non-Notified - Unrestricted Discretionary |
| Senior Planner or Responsible Officer: | Campbell Thomson |

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|------------------------|--------------|---------------------------|-------------|
| Lodgement Date: | 30 July 2015 | Lodgement Officer: | Paula Myers |
|------------------------|--------------|---------------------------|-------------|

| | | | |
|---------------------|------------|------------------------|--|
| Amount Paid: | \$1,300.00 | Invoice Number: | |
|---------------------|------------|------------------------|--|

| | | | |
|---|---------------------------------|--|----------------------|
| Waived: <input type="checkbox"/> | | | |
| Application Requirements | Signed Application Form | | Copy of Title |
| | Locality Plan | | Site Plan |
| | Plans and Elevations | | AEE |
| | Affected Persons Consent | | |

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| Counter Comments: | |
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* OCCUPY A RESIDENTIAL ACTIVITY

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|---------------------------------------|-------------|
| APPLICATION NUMBER: | |
| RELATED APPLICATIONS/LICENCES: | LUC-2010-49 |

PLANNING APPLICATION DETAILS FORM

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|-----------------------------|-----------------------------|
| Property Address(es) | 140 HIGHCLIFF ROAD, DUNEDIN |
|-----------------------------|-----------------------------|

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| Property Key(s): | 5116768 |
|-------------------------|---------|

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|-------------------------|-----------------------------|---|
| Contact Details: | Applicant Name(s): | CUISINE DUNEDIN LIMITED |
| | Person Key(s): | |
| | Address for Service: | C/O ANDERSON & CO, P.O. BOX 5933 MORAY PLACE, DUNEDIN 9058 |
| | Contact Person: | |
| | Contact Number: | |

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| Description of Application: | SECTION 127 VARIATION TO CHANGE A CONDITION OF CONSENT AND LAND USE CONSENT TO ESTABLISH AND OPERATE * |
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| Application Type: | New Application: | COC EXI <u>LUC</u> OUT POL S221 S226 S241 S243 SUB |
| | Existing Consent: | POL Sub-Type: BLR OIC ROW FLC S125 <u>S127</u> S357 Decision S357 Fees |
| | Subdivision Certification: | S223 only S224c only S223/224c combined |

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|---|---|---|---|
| Consent Type: <small>(refer to laminated sheet; only complete if a land use or a subdivision consent)</small> | — | Consent Nature: <small>(refer to laminated sheet; only complete if a land use or a subdivision consent)</small> | — |
|---|---|---|---|

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| Major Category: <small>(only complete if a land use or a subdivision consent)</small> | LUC A LUC B LUC C <u>LUC D</u> SUB Limited Notified |
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| Minor Category: <small>(only complete if a land use or a subdivision consent)</small> | Controlled Restricted <u>Unrestricted</u> Non-Complying |
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| Senior Planner or Responsible Officer: | John Sule Darrell Thomson Other <u>CAMPBELL THOMSON</u> |
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| Lodgement Date: | 30-7-2015 | Amount Paid: | \$ 1500-00 |
|------------------------|-----------|---------------------|------------|

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| Payment Method: | <u>Cheque</u> EFTPOS Cash To Be Invoiced Internal Transfer |
|------------------------|--|

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|----------------------|-----------|--|------|---|---------|
| Payment Date: | 31-7-2015 | Prepay Number: <small>(if known)</small> | 4288 | Receipt Number: <small>(if known)</small> | 6257166 |
|----------------------|-----------|--|------|---|---------|

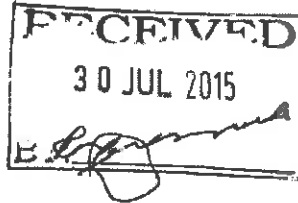
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| Fee Waived: | <u>Fees Schedule</u> Full Waiver Partial Waiver Consequential |
| Size of Partial Waiver: | Fees capped at _____ Fee waived amount _____ |

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| Counter Comments: | |
|--------------------------|--|



Paterson Pitts Resource Management Limited
Trading As **Anderson & Co**
Activity of Planning & Resource Management

30 July 2015



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

Attention: Mr Alan Worthington

Dear Alan

Ref: S12710L300715.doc

Re: 140 Highcliff Road, Dunedin

We enclose on behalf of Cuisine Dunedin Limited, a resource consent application to:

- Establish and operate/occupy a Residential Activity (retirement village) at 140 Highcliff Road, Dunedin that does not meet the conditions associated with the permitted activities, and
- To change a condition of consent attached to LUC-2010-49.

Historically the site has been associated with a bar and accommodation, and more recently the site has operated as a restaurant and bar, with the existing use rights being consented in 2010 (LUC-2010-49). This proposal is to continue to operate the restaurant and bar and to develop the site with residential activity.

Change to a condition attached to LUC-2010-49:

It is proposed that the restaurant and bar operations are reduced by consolidating the existing public bar and games rooms onto the the restaurant area. The combined restaurant and bar will then be operated as a Club (rather than a public bar), subject to receipt of the required licence. These changes will reduce both the footprint associated with these activities and the size of the operation, by limiting the operations to a Club licence. Condition 1 of LUC-2010-49 requires the restaurant and bar to be constructed "generally in accordance with the plans and relevant details submitted with the resource consent application received by Council on 10 February 2010". The proposed changes do not increase the scale or type of effects of the consented operation. However, the proposed residential development (outlined below) will change the 2010 site plan. For this reason, the application includes a change to the condition attached to LUC-2010-49 by replacing the plans submitted in 2010 with a revised plan, and the resulting amendment to the relevant details including the reduction in parking.

S127(3) RMA directs Council to treat an application for a change of a condition of consent as a Discretionary Activity. Due to the reduced footprint of the restaurant and bar, and the amended method of operating (Club rather than a public bar), the parking demand is assessed as reducing. The conclusion of the AEE is that the quantum of parking available in the revised site plan is assessed as having effects that are no more than minor.

Establish and operate/occupy Residential Activity:

The proposed residential activity will be a retirement village containing 25 beds/retirement apartments, and it is proposed this activity operates under the Retirement Villages Act 2003. The development is considered suitable for 'active retirees' who can manage independently, but seek the community support and unity offered by a retirement village. The retirement village residents will have common access to open space (glazed atrium), laundry and the facilities associated with the Club.

Notwithstanding the historic and consented use of the site for a restaurant and bar, the site is zoned Residential 1. Consent is required because the proposed Residential Activity does not comply with the relevant conditions in Rule 8.7.2, thus becoming a Discretionary Activity (restricted).

As a restricted Discretionary Activity, Council has restricted its discretion to the condition(s) with which the activity fails to comply. Each condition is assessed in the attached AEE, and the conclusion of the AEE is that the application can be granted with few conditions.

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

Enclosed is a cheque for your required \$1,300.00 deposit, and 2 copies of the application as you requested to assist in ensuring that you meet the statutory processing times.

Yours faithfully



Conrad Anderson
t/a Anderson & Co Resource Management
for
Cuisine Dunedin Limited

Form 9

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

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

We: Cuisine Dunedin Limited
182 Marua Road
Mount Wellington
Auckland 1051

Apply for the following type of resource consent:

To change a condition of consent (LUC-2010-49), and land use consent to establish and operate/occupy a Residential Activity in conjunction with the amended LUC-2010-49 at 140 Highcliff Road, Dunedin, as generally shown on the attached plans, together with the required earthworks.

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

Commercial Activity (change of a condition), Residential Activity (new) in the Residential 1 zone, and earthworks of no more than 1,000m³.

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

140 Highcliff Road, Dunedin being described as Lot 3 DP 431251 Town of Dunedin, with a combined area of 1,665m².

The valuation number is 27260-26001

The property number is 5116768

The site features include:

The site contains a commercial building associated with the restaurant and bar, which is accessed at street level, with a sloping car park on the south-east portion of the site.

Other activities that are part of the proposal to which this application relates, include:

Consent LUC-2010-49 authorises the existing commercial activity on the site.

Additional resource consents needed for the proposal to which this application relates:

None.

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

(a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and

(b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and

(c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

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

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

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

- CFR OT 523050
- Terraview Map
- Council rating record
- HAIL
- LUC-2010-49
- Diagrams

Signed, on behalf of the applicant



Conrad Anderson

Date: 30/7/2015.

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

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

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

Name: Cuisine Dunedin Limited
Address: 182 Marua Road
Mount Wellington
Auckland 1051

**RESOURCE CONSENT APPLICATION
&
APPLICATION TO AMEND A CONDITION OF
CONSENT**

APPLICANT:

**Cuisine Dunedin Limited
at
140 Highcliff Road, Dunedin**



Anderson & Co Resource Management

Advising on Planning and Resource Management

www.RMApro.co.nz *your RMA professionals*

P O Box 5933

Dunedin 9058

ASSESSMENT OF ENVIRONMENTAL EFFECTS
prepared by
Conrad Anderson
for a
Resource Consent
and a
Change of a condition attached to a Resource Consent
by
Cuisine Dunedin Limited
at
140 Highcliff Road, Dunedin

Assessment of Environmental Effects

Any person may apply to the relevant authority for a resource consent (S88(1) RMA).

In doing so, the application MUST include, in accordance with Schedule 4 (RMA), an assessment of environmental effects in sufficient detail to satisfy the purpose for which it is required.

There is no prescribed qualifications required in order to prepare the required assessment of environmental effects. However, the consent authority may determine within 10 working days after the application was lodged, that the application is incomplete and return the application forthwith.

Conrad Anderson is completing his recognised formal planning qualifications (Masters in Planning) at the University of Otago, and his work is being supervised by an expert in resource management, Don Anderson, who not only holds recognised formal qualifications, he also has extensive experience in the preparation of the required assessments of environmental effects.

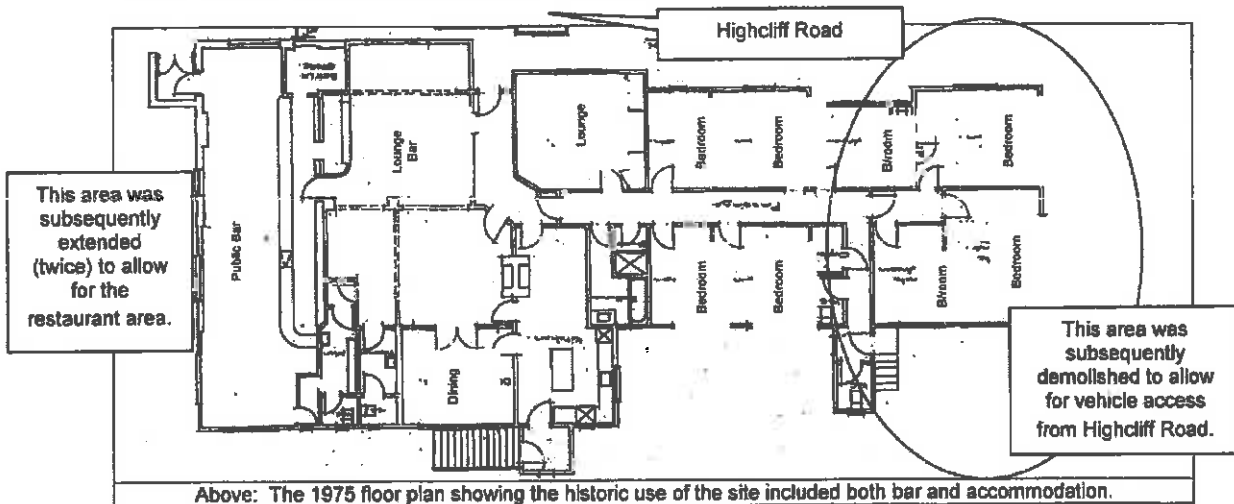
Assessment of Environmental Effects
Including
Commentary of the Relevant Provisions
of the
Dunedin City District Plan

Application
by
Cuisine Dunedin Limited
at
140 Highcliff Road, Dunedin

Application Outline:

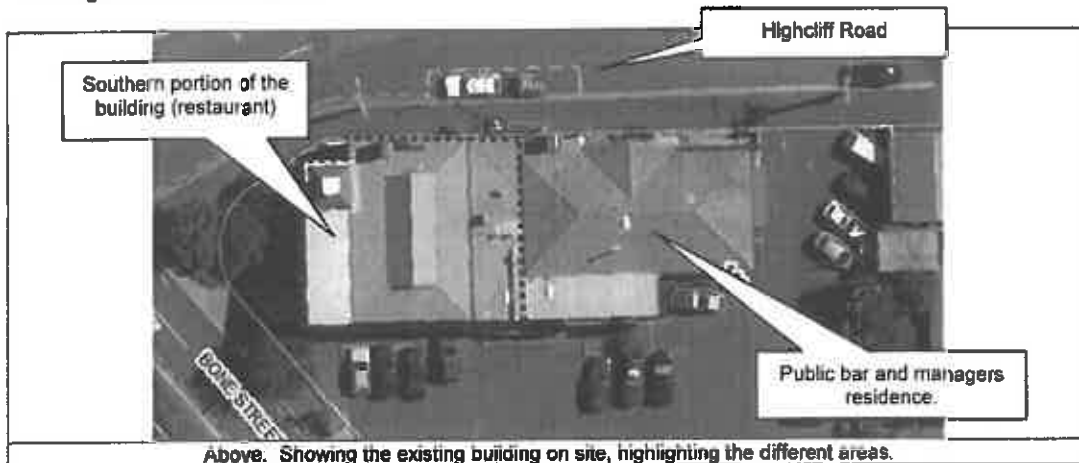
The subject site has been formally known as the Shiel Hill Tavern, Pumpernickles and more recently as The Hill Restaurant and Bar. In 2010 the existing on-site activities were authorised by consent LUC-2010-49, with the activities including a restaurant, a public bar, a games room and a managers flat.

The original hotel was erected in 1923, and has undergone a number of renovations since, including the expansion of the bar and restaurant facilities in the 1970's, 1980's and again in the 1990's. Prior to the 1970's expansion the core activities on the site were skewed towards accommodation, as shown in the floor plan below:



Above: The 1975 floor plan showing the historic use of the site included both bar and accommodation.

The site now includes an enlarged restaurant and bar, public bar, games rooms and managers accommodation.



Above: Showing the existing building on site, highlighting the different areas.

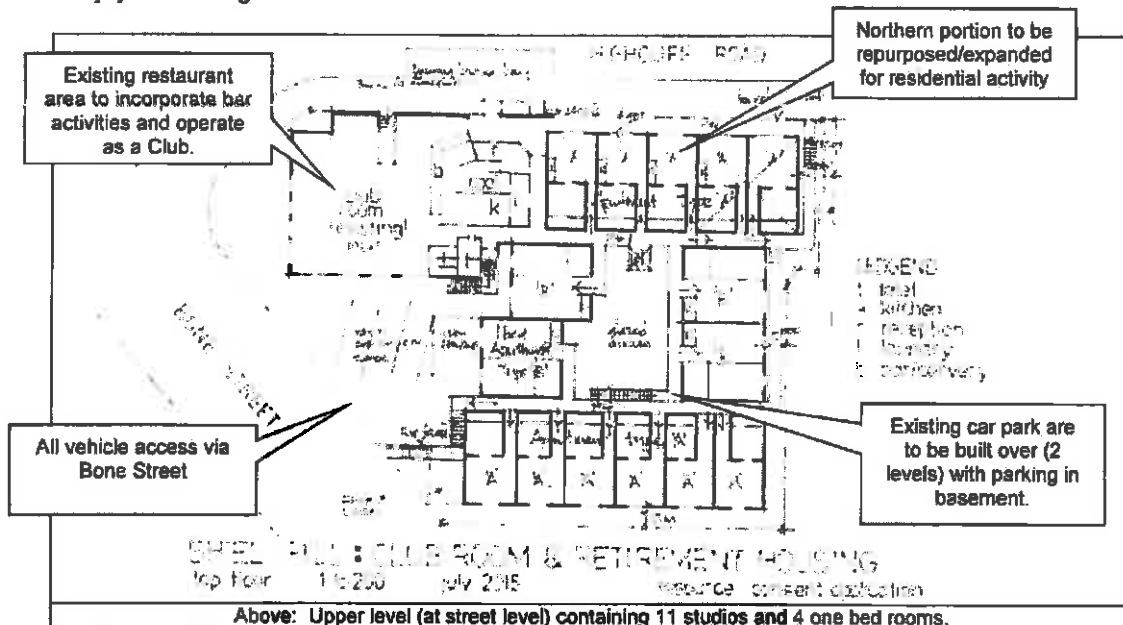
This application has two central parts:

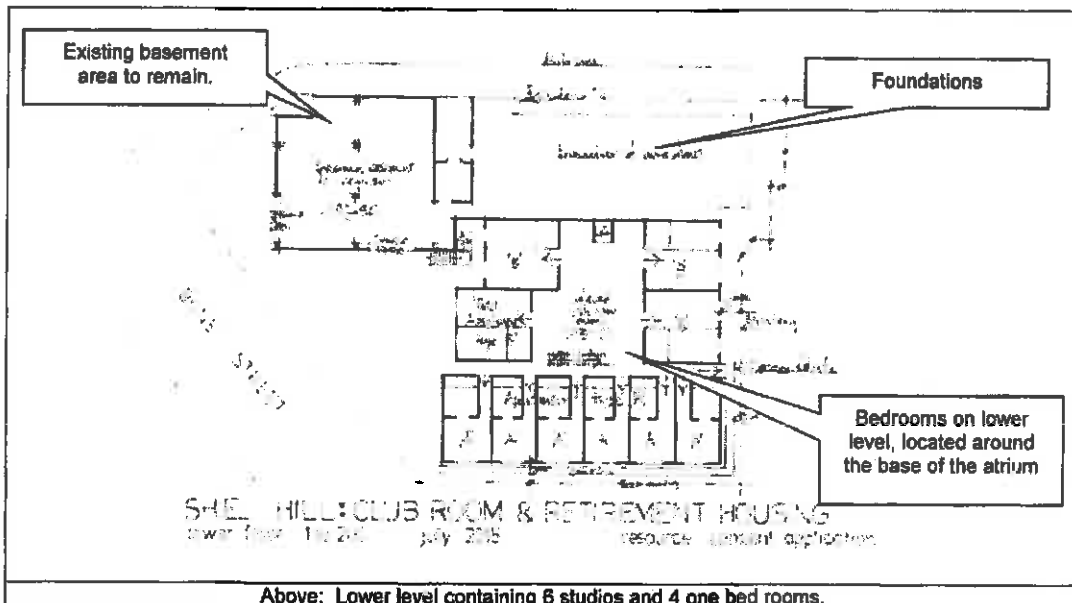
1. To continue the activity associated with LUC-2010-49, albeit on a smaller footprint and in a different format. The existing public bar and games room will be consolidated to the existing restaurant area in the southern portion of the building, and will operate as a Club for members, rather than as a public facility.
2. The area currently associated with the public bar, games room and managers accommodation will be demolished to provide for residential activity in the form of a retirement village.

As a result, the application includes resource consent applications for both a new land use and to change a condition of the existing consent, as follows:

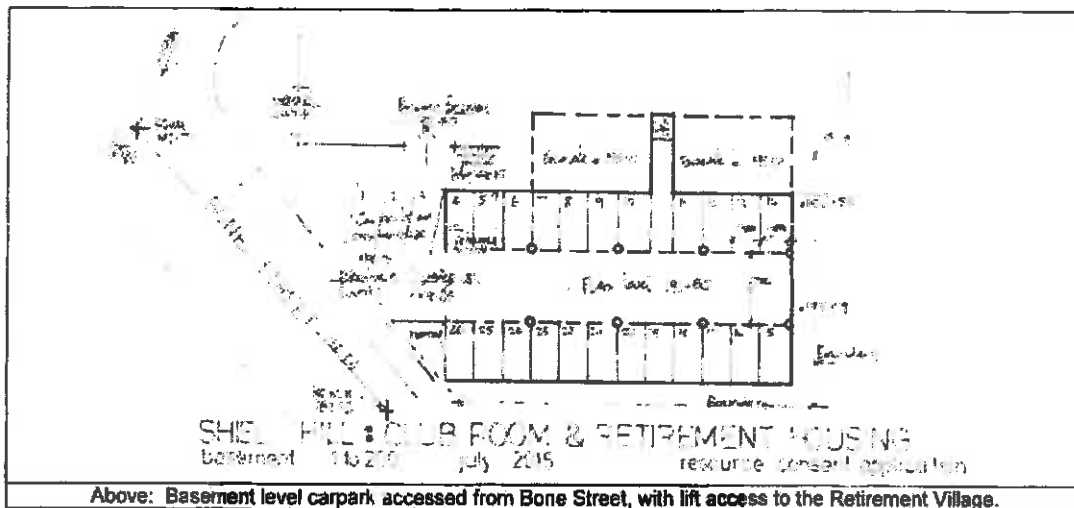
- The application to change a condition of consent is associated with the consent (LUC-2010-49). A change is required, as the proposed residential development (retirement village) will alter the site plans and relevant details that form part of the 2010 consent.
- The application for a resource consent is associated with the residential activity (retirement village). A resource consent is required as the proposal does not meet the conditions attached to the Permitted Activities.

The retirement village will consist of 25 beds/retirement apartments, in either a studio format (total 17 beds, referred to as type 'A') or as one bedroom rooms (total 8 beds, referred to as type 'B'). The retirement village will be constructed over two levels, with the upper level being on the same level as the existing activities (approx. street level) containing the majority of the beds (15 beds), with a smaller lower level containing 10 beds, below which will be a car park in the basement. The levels will be connected with a lift, while the upper and lower levels enjoy a 2 level glazed atrium.





Above: Lower level containing 8 studios and 4 one bed rooms.



Above: Basement level carpark accessed from Bone Street, with lift access to the Retirement Village.

Please note, all floor plans and elevations are conceptual only, as architectural, building and structural input will be required to produce the final plans and details.

It is intended that the retirement village is to be managed in accordance with the provisions of the Retirement Villages Act 2003. The Retirement Villages Act 2003 provides security of tenure to the individual residents without the responsibility of ownership, and allows the residential activity to operate as a cohesive group.

In keeping with the format of retirement villages, each room will provide an amount of independence with individual facilities (sleeping, cooking, dining, bathing and toilet) and access/use of common facilities (laundry, courtyard and the Club).

Notwithstanding the sites extended history associated with Commercial Activity, the site is zoned Residential 1.

This development will introduce a second activity to the site, being Residential Activity in the form of a retirement village.

The Dunedin City District Plan defines Residential Activity as "*the use of land and buildings by a residential unit for the purpose of permanent living accommodation and includes ...retirement villages...*" (*underline added*).

Further, the District Plan defines a 'residential unit' as "*a building or part of a building which is self contained ... where one or more persons live together whether related or not...*". However, a Residential Unit can not have staff providing for more than 18 residents.

As noted above, each resident will be self-sufficient, as is the case in many retirement villages (as opposed to rest homes), but all residents will effectively 'live together' in terms of the layout, operationally (due to the intention that the residential activity will be managed in accordance with the provisions of the Retirement Villages Act 2003), and due to the ability for the residents to utilise the common facilities and the attached common space in the Club.

The number of residents in the retirement village / Residential Unit is not material in terms of the definition, as the development is a retirement village aimed at 'active retirees', not a resthome, and no staff will be providing for the residents within the Residential Unit.

The Permitted Activities in the Residential 1 zone (Rule 8.7.1) include "*Residential Activity at a density of not less than 500m² of site area per residential unit provided that a single residential unit may be erected on an existing site of any size*".

The area of the subject site allocated to the proposed Residential Activity is greater than 500m² and only one residential unit (retirement village) is proposed. As a result the proposal is a Permitted Activity, but the proposal does not meet the relevant conditions in Rule 8.7.2, thus the application is a Restricted Discretionary Activity (Rule 8.7.4(i)). Matters for consideration include:

- Minimum Yard: Front
- Minimum Yard: Other
- Height plane
- Maximum Site coverage
- Minimum Amenity Open Space
- Separation Distances
- Car parking

The above matters are each assessed later in this AEE.

Further, a change to the condition of consent (LUC-2010-49) is required, as the proposed retirement village will alter the plans and relevant details that form part of the 2010 consent. As directed by S127(3) RMA such an application is a Discretionary Activity.

An assessment of the change is contained later in this AEE.

The property is well suited for use for the proposed use and the conclusion of this assessment is that the proposal will result in environmental effects that are no more than a minor. In support of that conclusion, the following summarises the later detail:

- The proposal will allow for the enhanced use of the land resource, which will support the recently renovated restaurant area.
- The proposal will have social benefits by offering the choice for residents of the wider community the ability to remain in their community in accommodation that is less capital intensive, requires less maintenance, and encourages increased socialisation.

In summary, the proposal will result in a sustainable use of part of an existing building resource, and the environmental effects of the proposal are assessed as being no more than a minor. Consequently this is considered to be an appropriate application for consent to be granted with few conditions, in terms of S104 RMA.

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

Introduction

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

Initial information:

- a. Description of the activity: To change a condition of consent (LUC-2010-49), and land use consent to establish and operate/occupy Residential Activity in conjunction with the amended LUC-2010-49 at 140 Highcliff Road, Dunedin, as generally shown on the attached plans, together with the required earthworks.
- b. Site: 140 Highcliff Road, Dunedin being described as Lot 3 DP 431251 Town of Dunedin, with a combined area of 1,665m².
- c. Building Owner: The applicant, Cuisine Dunedin Limited, has an agreement to purchase the property from Cutler Investments Limited.
- d. Ground Owner: The applicant, Cuisine Dunedin Limited, has an agreement to purchase the property from Cutler Investments Limited.
- e. Occupier: The building is vacant.
- f. Other activities that are part of the proposal: None.
- g. Other resource consents required: None.

Additional Information for some applications:

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

Subdivision Consent – Additional Information:

Not applicable.

Reclamation Consent – Additional Information:

Not applicable

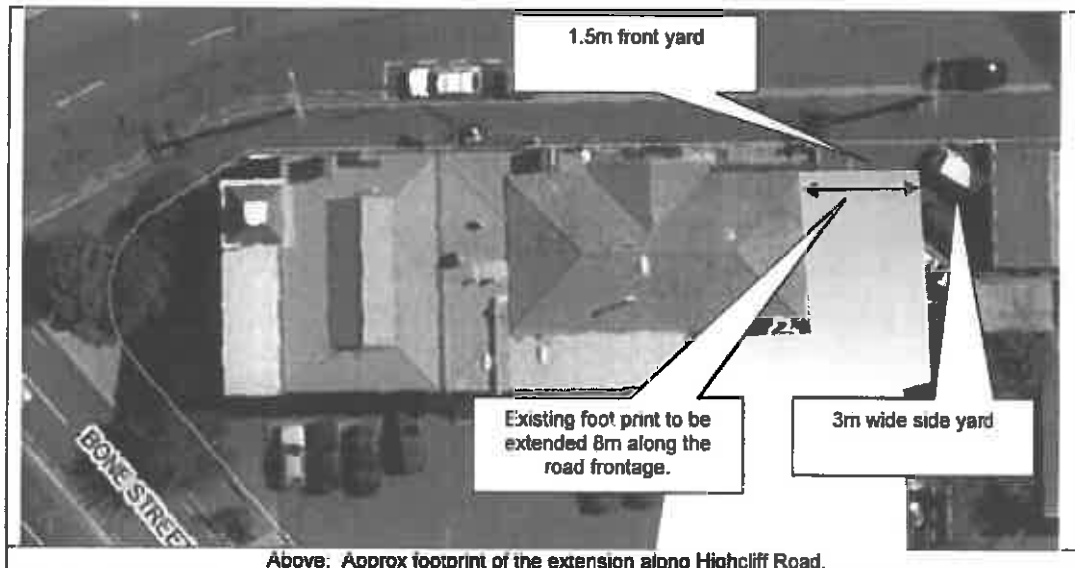
Assessment: Discretionary Activity:

Minimum Front Yard

Rule 8.7.2(i)(a) requires a Front Yard of 4.5m

Comment: The existing building is built to the front boundary, with a vehicle entrance at the northern end of the Highcliff Road frontage.

The proposal will result in the building footprint being extended along the Highcliff Road frontage (over the existing vehicle entrance). The extension is approximately 8m, leaving a 3m side yard, and a set back from the road of 1.5m:

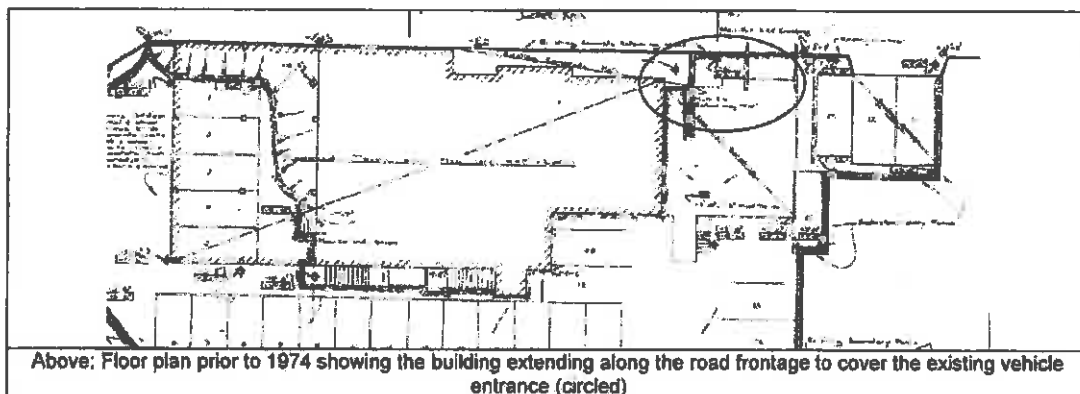


Above: Approx footprint of the extension along Highcliff Road.

The proposed extension will result in a very similar situation to the road frontage that has historically been associated with the site. The plan and photo below shows the historic footprint extending over the current vehicle entrance:



Above: Aerial photo prior to 1974 showing the building extending along the road frontage to cover the existing vehicle entrance (circled)



Above: Floor plan prior to 1974 showing the building extending along the road frontage to cover the existing vehicle entrance (circled)

The proposal will essentially reinstate the footprint on the road frontage that existed prior to the 1974 building consent.

The minimum front yard of the existing building was considered by the processing planner in 2010. No concerns were raised regarding the encroachment. The proposal to extend the encroachment by an estimated 8m is an extension to the frontage of approximately 22%.

The extension is in keeping with the existing building and historically similar, and will not cause any shading of concern nor impact the neighbouring property.

Minimum Other Yards

Rule 8.7.2(i)(a) requires Other Yards of 2m. The proposal is complies with this condition.

Height Plane Angle

Rule 8.7.2(ii) requires a Height Plane of 63 degrees. As for the front yard, the existing building was considered by the processing planner in 2010. No concerns were raised regarding is

From the side boundaries:
The height plan will be encroached on the boundary with 148 Highcliff Road and 5 Bone Street. With regards to 148 Highcliff Road, that property largely does not face the subject site and has limited windows facing the subject site. 148 Highcliff Road has a garage at the street frontage along the common boundary. As shown in the photo right, 148 Bone Street only has two, relatively small, windows facing the subject site.



The effects of the encroachment to 148 Highcliff Road is assessed as being less than minor.

With regards to 5 Bone Street, initial consultation has been undertaken with the owners, who have indicated potentially a positive reception to the proposal. However, these discussions have not been progressed and it is anticipated the owners/occupies of 5 Bone Street may become a notified party to this application.

Maximum Height

Rule 8.7.2(iii) requires a maximum height of 9m. The proposal is complies with this condition.

Site Coverage

Rule 8.7.2(iv) requires a maximum site coverage of 40%

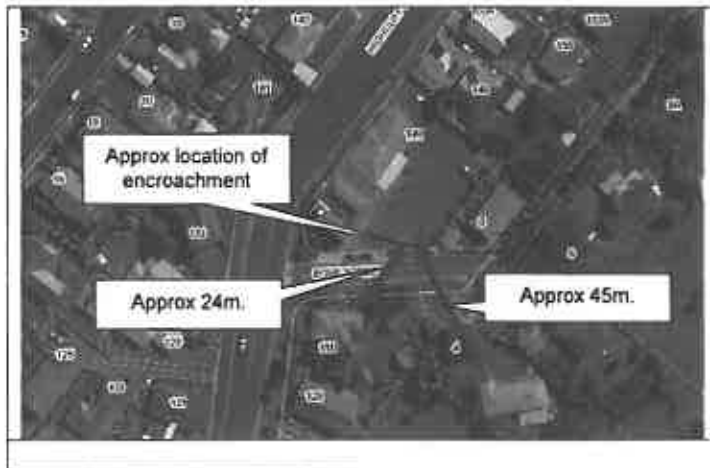
The proposal will result in site coverage in excess of 40%. The following matters are noted.

- **Impact in the neighbourhood:** The majority of the extension is situated at the rear of the site, which is effectively blocked from public view due to the existing building. When travelling south on Highcliff Road, visibility to the proposal is effectively blocked by the neighbouring garage at the road front. When travelling north on Highcliff Road it is difficult to see the proposal due to vegetation in front of 128/130 Highcliff Road. However, once past the vegetation the proposal will be viewable for approximately 35-40m until you reach the subject property.
- **Run off/hard surfaces:** The proposal will not change the existing situation, due to the majority of the undeveloped portion of the site currently being hard surfaced.
- **Neighbours:** refer next page:

As shown in the photo to the right, the neighbours to the south are approximately 24 to 45m from the nearest point associated with the proposed building.

Due to the westerly location of 130 Highcliff Road the effect of the site coverage is assessed as being less than minor.

Due to the distance (approx. 45m) between the proposed building and 4 Bone Street, along with the sloping ground contours, the effects on 4 Bone Street is assessed as being less than minor.



The situation regarding the owners of 5 Bone Street is discussed above.

Open Amenity

Rule 8.7.2(v) requires a minimum open amenity space of 35m² per residential unit, which is not achieved.

The proposed design, layout and operation in conjunction with the Club will appeal to residents seeking the comfort of a large internal common area (the Club). The Club will retain the existing large windows which provide excellent views. The proposal does result in limited open amenity space, however, due to weather and the opportunity for social connectedness, the provision of inside amenity rather than open amenity is considered to more desirable to future residents.

Separation Distances

Rule 8.7.2(vi) requires a separation distance of no less than 4m if a common wall is not shares. Not applicable, as the retirement village is one 'Residential Unit'.

Car Parking

Rule 8.7.2(Vii)

The proposal will provide 26 car parks, the majority of which will be under cover, and the parks will be allocated firstly to residents, and secondly to members of the Club.

The site currently has 29 car parks, which are not well utilised. The proposal to consolidate the restaurant and bar activities, together with the proposal to operate as a Club will limit the demand for parking by Club members (who are not residents of the Retirement Village).

On that basis the proposed 26 car parks, with the occasional use of curb parking is assessed as being sufficient for the proposed operations.

With regards to the application to changing the condition of consent (LUC-2010-49), the amendment is required, as the proposed retirement village will alter the plans and relevant details that form part of the 2010 consent. Such an application is to be treated as a discretionary activity.

The amendment includes:

1. Substituting the revised plans.
2. Consolidating the restaurant and bar activities to the existing restaurant area.
3. Amending the operation to a Club.

The consolidation of activities and amendment to a Club are assessed as having a lessor effects than the current activity as the proposed activity will have a smaller footprint and have restricted access. In addition, the addition of the retirement village is likely to provide an increased residential/community feel to the Club, impacting positively on the operations of the Club.

The revised plans allow the retirement village to be constructed, with the impact on LUC-2010-49 being a reduction in car parking. The reduction in car parking will be supported by the amendments to the current activity, via a reduced public demand.

The parking situation has been discussed above, and assessed as having effects that will be no more than minor.

Assessment: Non-Complying Activity:

The above is based on the assumption the proposal is a Permitted Activity that does not comply with the relevant conditions in Rule 8.7.2 and that the amendment to a condition of consent is a discretionary activity, with the relevant area of assessment being the quantum of parking being provided. However, if an alternative view is taken and the proposal is determined to be a Non-Complying Activity, the following assessment has been prepared:

Assessment of the activity against the matters set out in Part 2

Part 2 sets out the purpose of the Act, the matters of national importance, other matters and the obligations in respect to the Treaty.

The proposal does enable the land resource to be used to meet the needs of the community without adversely affecting the environmental bottom lines. The matters of national importance (S6) are only relevant in terms of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health. See comments below

The proposal is consistent with the efficient use of resources and has no more than a minor effect on the amenity values/environment (S7). No Treaty matters have been identified (S8).

With regards to *Other Matters*, no other matters are considered to be relevant.

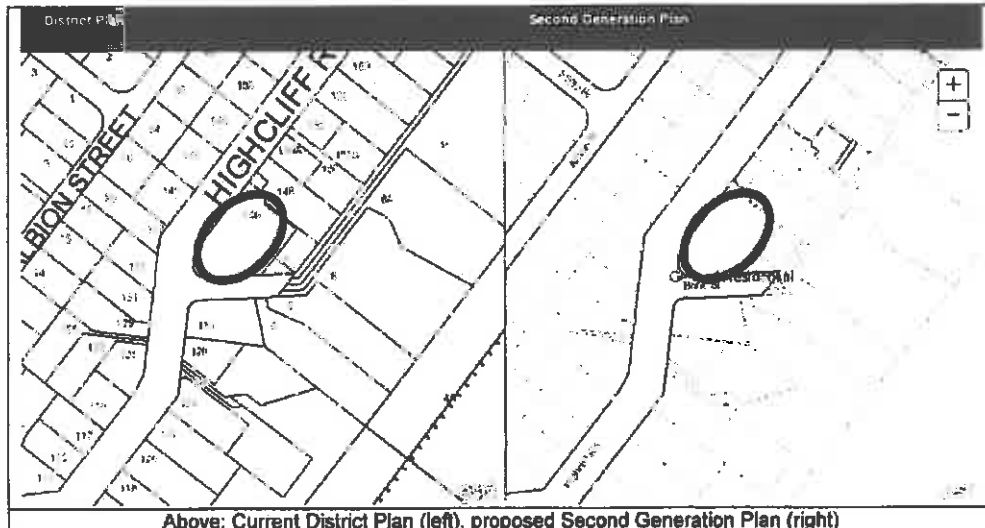
Assessment of the activity against the relevant provisions (s104(1)(b))

- a) **Regulation/National Policy Statements/Regional Policy Statement & Plans**
There are no policy statements or plans that are relevant and helpful to determine this local matter.

The proposal will change the use of the site, with soil disturbance anticipated to be in excess of the thresholds in the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health. Earthworks not exceeding 1,000m³ are anticipated.

The HAIL property search from the Dunedin City Council found no specific evidence of HAIL activity on the site, a copy of which is attached.

- b) **District Plan**
The District Plan zones the site Residential 1, and the proposed Second Generation Plan seeks to continue the residential zoning, as shown in the diagram below:



Consideration of the objectives and the policies to implement those objectives (S75 RMA) is relevant to the consideration of the proposal in terms of S104 RMA.

There are 7 Residential objectives, 2 which have relevance to the proposal. There are 15 Residential policies, 2 of which have relevance:

- Objective 8.2.1 / Policy 8.3.1: Seeks to maintain/enhance amenity values and the character of residential areas.
- Objective 8.2.4 / Policy 8.3.4: Seeks to ensure that the existing urban service infrastructure servicing residential area is sustained.

The existing consented Commercial Activity will continue to operate, albeit on a smaller footprint and in a different format. The proposed introduction of Residential Activity to the site in the form of a retirement village, combined with the existing Commercial Activity will at least maintain the amenity of the area, which has the following attributes:

- Historical use of the site for commercial activity
- Surrounding residential activity

The matters associated with setback and height plane encroachment along with site coverage has already been commented on.

The proposal will have little if any effect on infrastructure such as road, water and sewer.

Section 4 (Sustainability) include some objectives and policies of note, particularly those relating to amenity and infrastructure. Both of which are discussed above.

Assessment of the activity's effects on the environment: clause 6 & 7

The following assessment is in sufficient detail to satisfy the purpose for which it is required.

Alternative Location/Methods

The proposal is site specific.

As no significant adverse effects on the environment have been identified, so alternative locations/methods are not relevant.

Assessment of the actual or potential effects on the environment:

- a. Effects on those in the neighbourhood, and where relevant, the wider community:

The proposal will result in the better utilisation of the existing facilities, thus having positive effects on the neighbourhood by enhancing the sustainability of the restaurant and bar operations. The wider community will benefit from the additional of a new form of accommodation for those in the community who wish to live in a retirement village in their own community.

- b. The social, economic, or cultural effects that are raised by this application are:

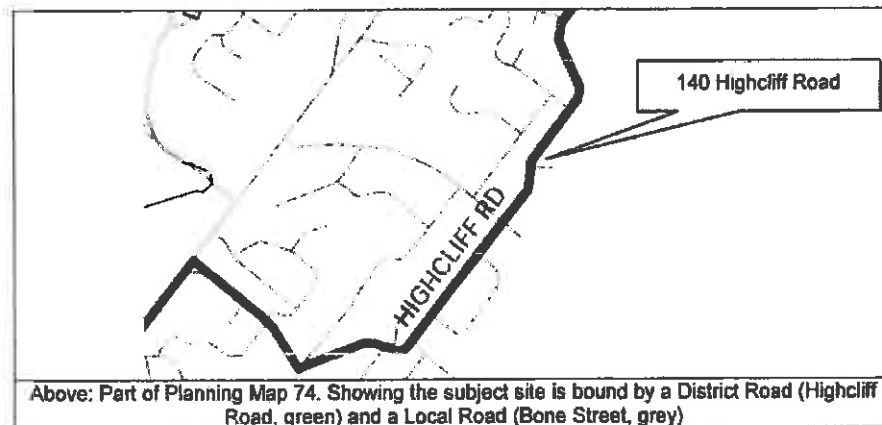
As noted above.

- c. Physical effects on the locality, including landscape and visual effects:

The existing building has a strong presence at the road frontage, and while the proposal will increase the amount of building at the street front, the most significant portion of the building facing the street is at the southerly end, which will remain unchanged.

The building bulk and its visibility from the public domain has been discussed above.

With regards to traffic, the subject sites fronts Highcliff Road (District Road) and Bone Street (local road), refer to map below:



Vehicle access to and from the site will be via Bone Street. Parking has been discussed above.

With regards to the *effects on the environment of allowing the activity*, the proposal will will enable the land resource to be effectively and efficiently reused, with the effects of the use being no more than minor.

- d. Ecosystems

The site is currently fully developed, with a combination of the existing buildings and car park, as shown in the photo below. No ecosystems of any importance have been identifies at the subject site. The building and other infrastructure already exists.



e. Natural and physical resources

The natural resource is the land, which is fully built upon.

The physical resources include the the existing buildings and the Council's infrastructure.

The granting of this application will allow the efficient re-use of the land and infrastructural resources.

f. Discharge of containments

The proposal involves no discharges or hazardous substances.

The proposal requires disturbance of soil and does result in a change of use. A commentary on the HAIL is provided above.

g. Risk to the neighbourhood / wider community (natural hazards, use of hazardous substances or hazardous installations)

Not applicable.

Mitigation Measures.

No adverse environmental effects have been identified.

Monitoring

No specific monitoring is considered necessary.

Persons Affected/Consultation

As noted above, initial discussions have been held with the owners of 5 Bone Street, and it is anticipated they may be notified as part of the consenting process.

Conclusion

it is the conclusion of this assessment that the proposal has adverse effects that will be no more than minor, and is not contrary to any relevant Objective or Policy of the District Plan. Thus, passing both limbs of the S104D gateway.

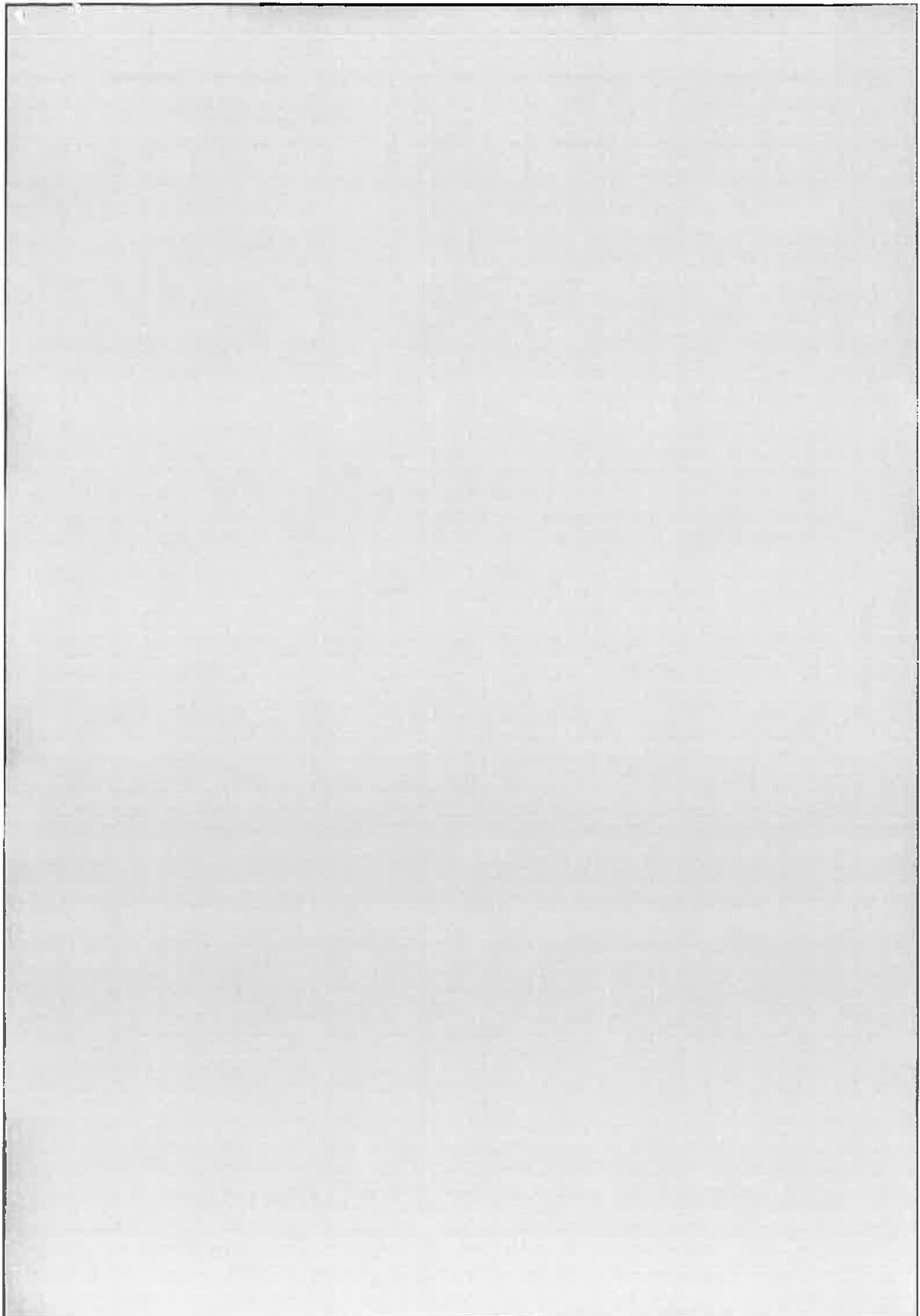
Further, the assessment concludes the proposal passes both the 'substantive test' of S104(1) and Part II.

With regards to the proposal being a true exception within the zone, notwithstanding the historic and continued zoning of the site as residential, the site has a long history associated with commercial activity, with the commercial activity having the ability to continue today. While not unique in the Residential 1 zone, the long association of the site for non-residential activity is unique when compared the far majority of sites within the Residential 1 zone.

In summary, the proposal has been assessed as being appropriate for consent to be granted, with few conditions of consent, and for the conditions attached to LUC-2010-49 to be amended to reflect the new site plan and details.

Anderson & Co Resource Management

Date 30 July 2015





Peterson Pitts Resource Management Limited
Trading As **Anderson & Co**
Advancing Planning & Resource Management

COPY

30 July 2015

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

Attention: Mr Alan Worthington

Ref: S12710/L300715.doc

Dear Alan

Re: 140 Highcliff Road, Dunedin

We enclose on behalf of Cuisine Dunedin Limited, a resource consent application to:

- Establish and operate/occupy a Residential Activity (retirement village) at 140 Highcliff Road, Dunedin that does not meet the conditions associated with the permitted activities, and
- To change a condition of consent attached to LUC-2010-49.

Historically the site has been associated with a bar and accommodation, and more recently the site has operated as a restaurant and bar, with the existing use rights being consented in 2010 (LUC-2010-49). This proposal is to continue to operate the restaurant and bar and to develop the site with residential activity.

Change to a condition attached to LUC-2010-49:

It is proposed that the restaurant and bar operations are reduced by consolidating the existing public bar and games rooms onto the the restaurant area. The combined restaurant and bar will then be operated as a Club (rather than a public bar), subject to receipt of the required licence. These changes will reduce both the footprint associated with these activities and the size of the operation, by limiting the operations to a Club licence. Condition 1 of LUC-2010-49 requires the restaurant and bar to be constructed "generally in accordance with the plans and relevant details submitted with the resource consent application received by Council on 10 February 2010". The proposed changes do not increase the scale or type of effects of the consented operation. However, the proposed residential development (outlined below) will change the 2010 site plan. For this reason, the application includes a change to the condition attached to LUC-2010-49 by replacing the plans submitted in 2010 with a revised plan, and the resulting amendment to the relevant details including the reduction in parking.

S127(3) RMA directs Council to treat an application for a change of a condition of consent as a Discretionary Activity. Due to the reduced footprint of the restaurant and bar, and the amended method of operating (Club rather than a public bar), the parking demand is assessed as reducing. The conclusion of the AEE is that the quantum of parking available in the revised site plan is assessed as having effects that are no more than minor.

Establish and operate/occupy Residential Activity:

The proposed residential activity will be a retirement village containing 25 beds/retirement apartments, and it is proposed this activity operates under the Retirement Villages Act 2003. The development is considered suitable for 'active retirees' who can manage independently, but seek the community support and unity offered by a retirement village. The retirement village residents will have common access to open space (glazed atrium), laundry and the facilities associated with the Club.

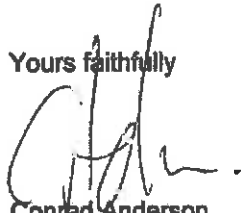
Notwithstanding the historic and consented use of the site for a restaurant and bar, the site is zoned Residential 1. Consent is required because the proposed Residential Activity does not comply with the relevant conditions in Rule 8.7.2, thus becoming a Discretionary Activity (restricted).

As a restricted Discretionary Activity, Council has restricted its discretion to the condition(s) with which the activity fails to comply. Each condition is assessed in the attached AEE, and the conclusion of the AEE is that the application can be granted with few conditions.

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

Enclosed is a cheque for your required \$1,300.00 deposit, and 2 copies of the application as you requested to assist in ensuring that you meet the statutory processing times.

Yours faithfully



Conrad Anderson
t/a Anderson & Co Resource Management
for
Cuisine Dunedin Limited

Form 9

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

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

We: Cuisine Dunedin Limited
182 Marua Road
Mount Wellington
Auckland 1051

Apply for the following type of resource consent:

To change a condition of consent (LUC-2010-49), and land use consent to establish and operate/occupy a Residential Activity in conjunction with the amended LUC-2010-49 at 140 Highcliff Road, Dunedin, as generally shown on the attached plans, together with the required earthworks.

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

Commercial Activity (change of a condition), Residential Activity (new) in the Residential 1 zone, and earthworks of no more than 1,000m³.

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

140 Highcliff Road, Dunedin being described as Lot 3 DP 431251 Town of Dunedin, with a combined area of 1,665m².

The valuation number is 27260-26001

The property number is 5116768

The site features include:

The site contains a commercial building associated with the restaurant and bar, which is accessed at street level, with a sloping car park on the south-east portion of the site.

Other activities that are part of the proposal to which this application relates, include:

Consent LUC-2010-49 authorises the existing commercial activity on the site.

Additional resource consents needed for the proposal to which this application relates:

None.

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

- (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
- (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and

(c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

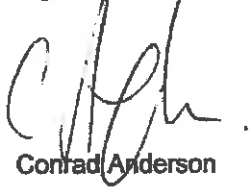
Attached is an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.

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

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

- CFR OT 523050
- Terraview Map
- Council rating record
- HAIL
- LUC-2010-49
- Diagrams

Signed, on behalf of the applicant



Conrad Anderson

Date: 30/7/2015

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

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

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

Name: Cuisine Dunedin Limited
Address: 182 Marua Road
Mount Wellington
Auckland 1051



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



Search Copy


R.W. Muir
Registrar-General
of Land

Identifier 523050
Land Registration District Otago
Date Issued 14 April 2011

Prior References
OT310/85

Date Fee Simple
Area 1665 square metres more or less

Legal Description Lot 3 Deposited Plan 431251

Proprietors
Cutler Investments Limited

Interests

5036 Order in Council imposing Building Line Restriction - 20.12.1940 at 9:30 am

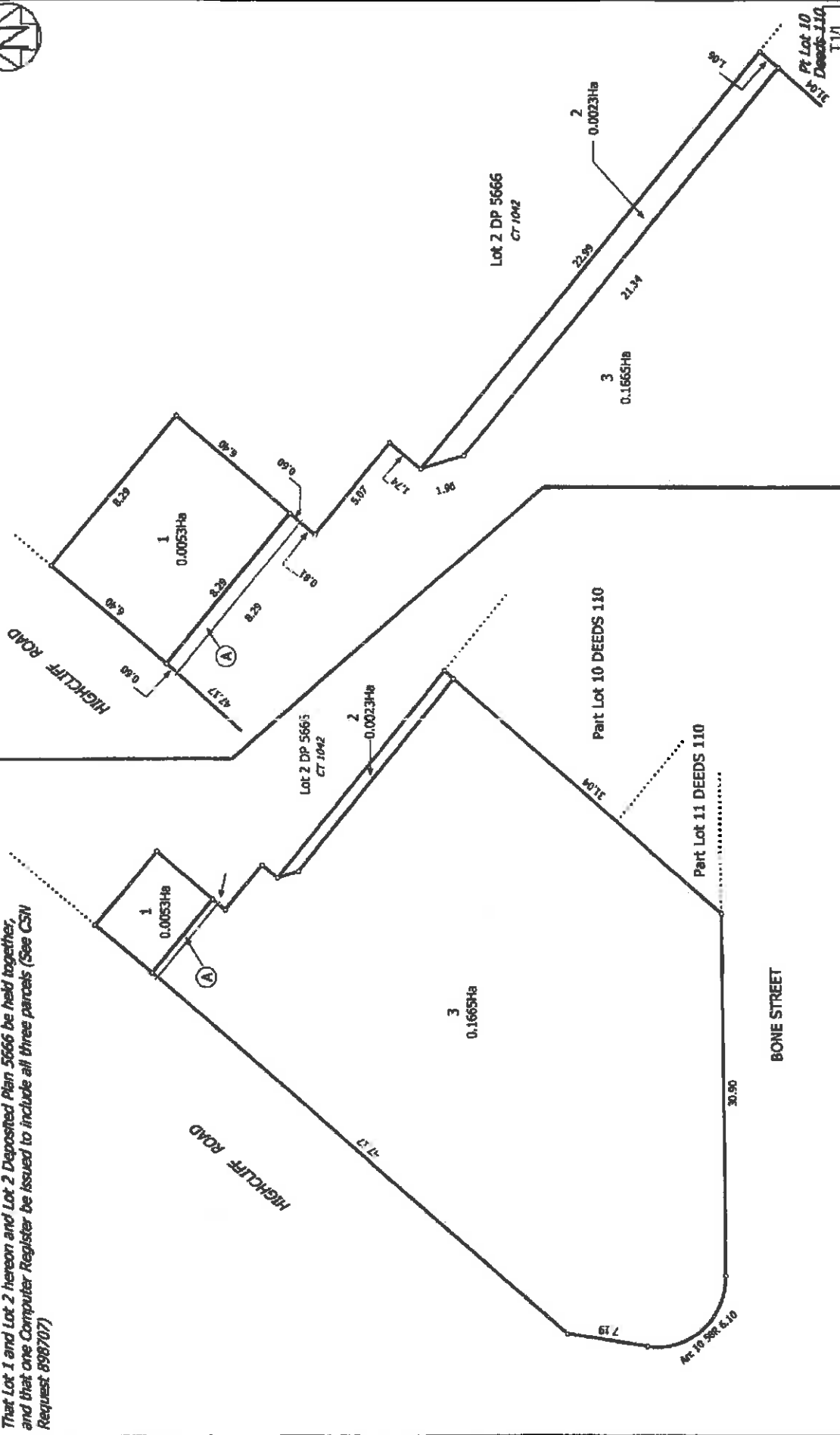
Subject to an encroachment easement over part marked A on DP 431251 created by Easement Instrument 8735200.2 - 14.4.2011 at 1:39 pm

The easement created by Easement Instrument 8735200.2 is subject to Section 243 (a) Resource Management Act 1991



Diag. AA

That Lot 1 and Lot 2 hereon and Lot 2 Deposited Plan 5666 be held together, and that one Computer Register be issued to include all three parcels (See CSN Request 898707)



Land District, Otago

Digitally Generated Plan
Generated on: 02/05/2011 11:24am Page 3 of 3

Lots 1 - 3 being a subdivision of Lot 1 DP 5666

Surveyor: Steven Mark Copson
Firm: T.L. Survey Services Ltd

Digital Title Plan
DP 431251

Deposited on: 14/04/2011



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

Listen

Rates Information Details

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

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

[Learn more about the General Revaluation 2013.](#)

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

To request a LIM for this property;

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

[search again](#)

| | |
|--|---|
| <ul style="list-style-type: none"> o <u>Property Details</u> o <u>Current Rates</u> o <u>Rates Levied</u> o <u>Rates Breakdown</u> | <ul style="list-style-type: none"> o <u>Future Rates</u> o <u>Public Access</u> o <u>Disclaimer</u> o <u>Rating Differential and Land Use</u> |
|--|---|

Aerial photography DCC, Jan/Feb 2013, CC BY 3.0 NZ

Property Details

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

[Map this property](#)

| | |
|---|--------------------------------|
| Valuation number | 27260-26001 |
| Rate account ID | 4023992 |
| Property number | 5116768 |
| Property address | 140 Highcliff Road Dunedin |
| Certificate(s) of title (guide only) | 523050 |
| Ratepayer name(s) | Cutler Investments Limited |
| Postal address for this assessment | 284 Stuart Street Dunedin 9016 |



Current Rates

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

| | |
|---|---------------------------|
| Current rating year | 2016 |
| Rating period | 1 Jul 2015 to 30 Jun 2016 |
| Rateability | Rateable |
| Rating differential | Area 3 - Commercial |
| Land use | Commercial : Retail |
| Legal description | LOT 3 DP 431251 |
| Area in hectares | 0.1665 |
| Value of improvements (01/07/13) | 446,000 |
| Land value (01/07/13) | 144,000 |
| Capital value (01/07/13) | 590,000 |
| Separately used or inhabited parts | 1 |

Rates levied (2016)

| Description | Factor | Rate or Charge | Amount |
|-----------------------------------|---------|----------------|---------|
| Commercial Community Services | 1 | 222.50 | 222.50 |
| Tourism Economic Development Rate | 590,000 | 0.000156 | 92.04 |
| General Rate Commercial | 590,000 | 0.007759 | 4577.81 |
| Commercial Fire Protection Water | 590,000 | 0.000872 | 514.48 |
| Commercial Drainage Connected | 1 | 440.00 | 440.00 |

| | | | |
|----------------------------------|---------|----------|----------|
| Commercial CV Drainage Connected | 590,000 | 0.002593 | 1529.87 |
| Total Charge | | | 7,376.70 |

Show full rates breakdown

Future Rates

| | |
|--|---------------------------|
| The values on which the future rates will be based are the valuations as at 1 July 2013 and will not take effect for rating purposes until 1 Jul 2016. | |
| Future rating year | 2017 |
| Future rating period | 1 Jul 2016 to 30 Jun 2017 |
| Rateability | Rateable |
| Rating differential | Area 3 - Commercial |
| Land use | Commercial : Retail |
| Legal description | LOT 3 DP 431251 |
| Area in hectares | 0.1665 |
| Value of improvements (01/07/13) | 446,000 |
| Land value (01/07/13) | 144,000 |
| Capital value (01/07/13) | 590,000 |
| Separately used or inhabited parts | 1 |

Public Access to Name and Postal Addresses of Ratepayers

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

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

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

Disclaimer

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

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

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

Rating Differential and Land Use

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

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

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



DUNEDIN CITY

COUNCIL

Kaunihera-a-rohe o Otepoti

50 The Octagon, PO Box 5045, Moray Place
Dunedin 9058, New Zealand
Telephone: 03 477 4000, Fax: 03 474 3488
Email: dcc@dcc.govt.nz
www.dunedin.govt.nz

22 July 2015

Conrad Anderson
Anderson & Co
P O Box 5933
Moray Place 9058

Dear Conrad

HAIL-2015-63 – 140 HIGHCLIFF ROAD, DUNEDIN

Please find enclosed the results of the Hazardous Activities and Industries List (HAIL) Property Search lodged on 09 July 2015. This HAIL property search details the information which is documented on Council records for the site at 140 Highcliff Road, Dunedin. Please note the attached documentation only includes information that is available on the Council's records and the Council does not necessarily hold comprehensive records of the historic land use of this site.

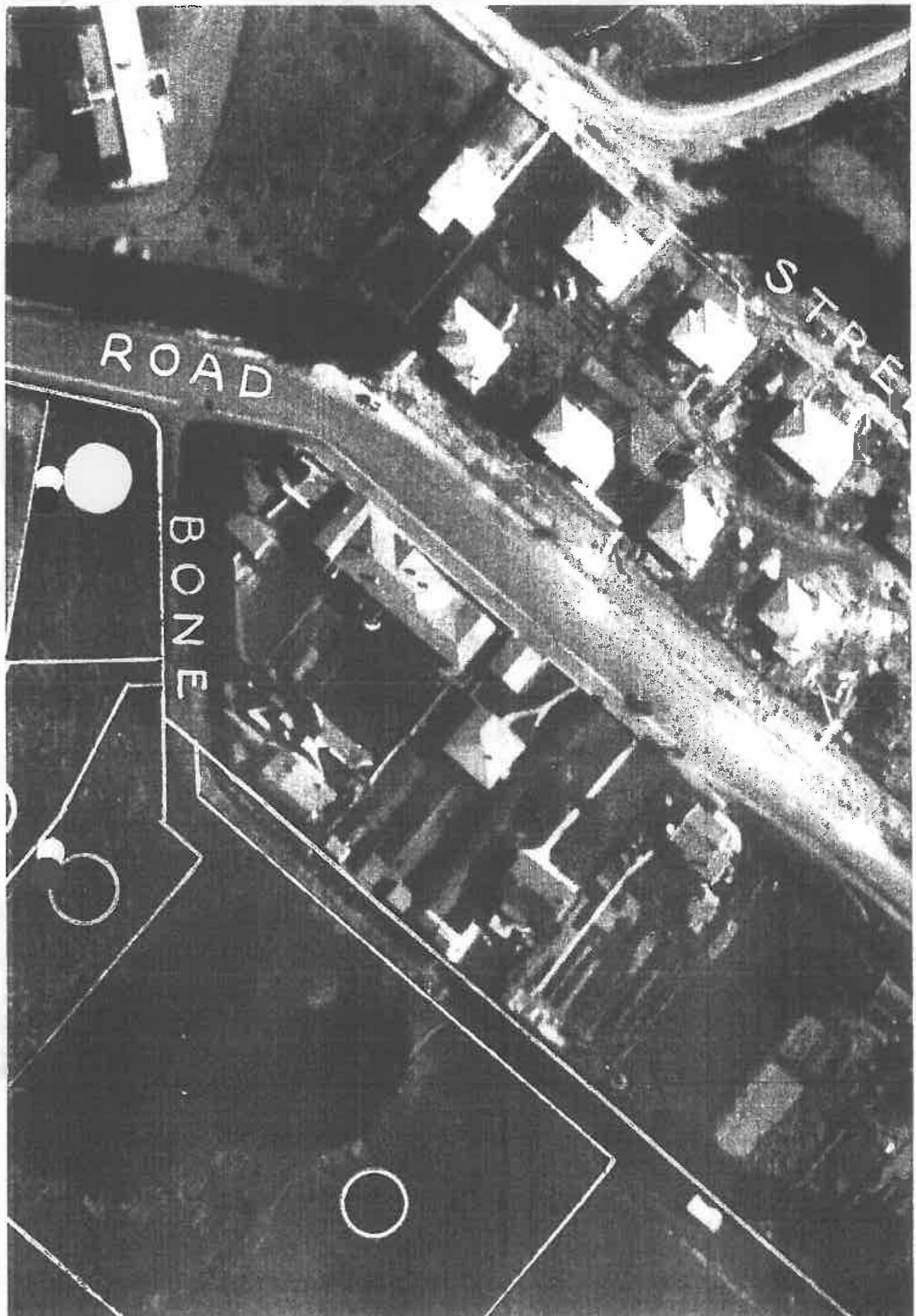
There is no specific evidence of HAIL activity on the site at 140 Highcliff Road, Dunedin. It is recommended that further investigation of the historic land use be undertaken through other means including consulting with any former land owners and checking with the Otago Regional Council.

This information does not constitute a Preliminary Site Investigation in terms of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Sule', written over a white background.

John Sule
Senior Planner



ROAD

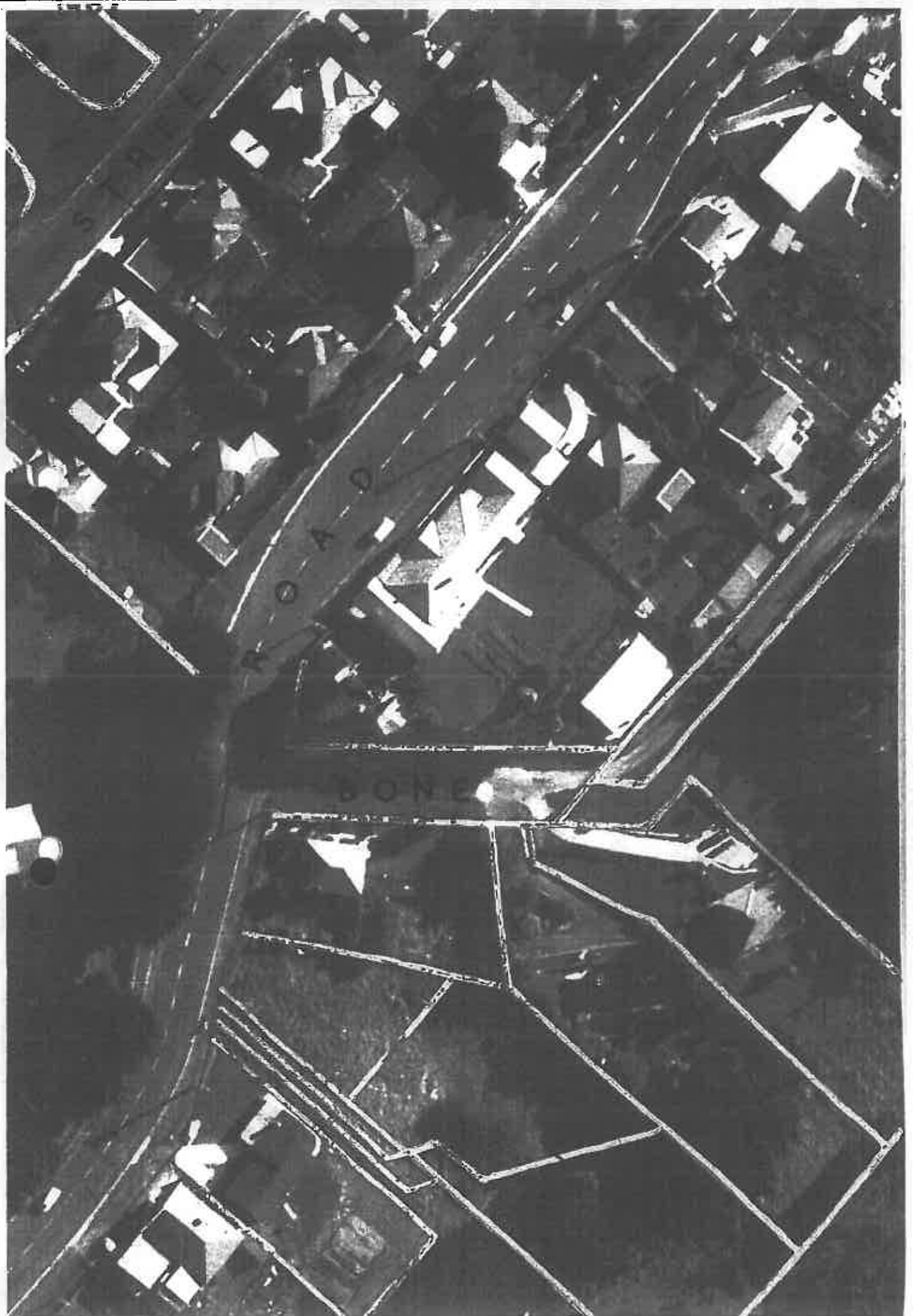
BONE

STREET

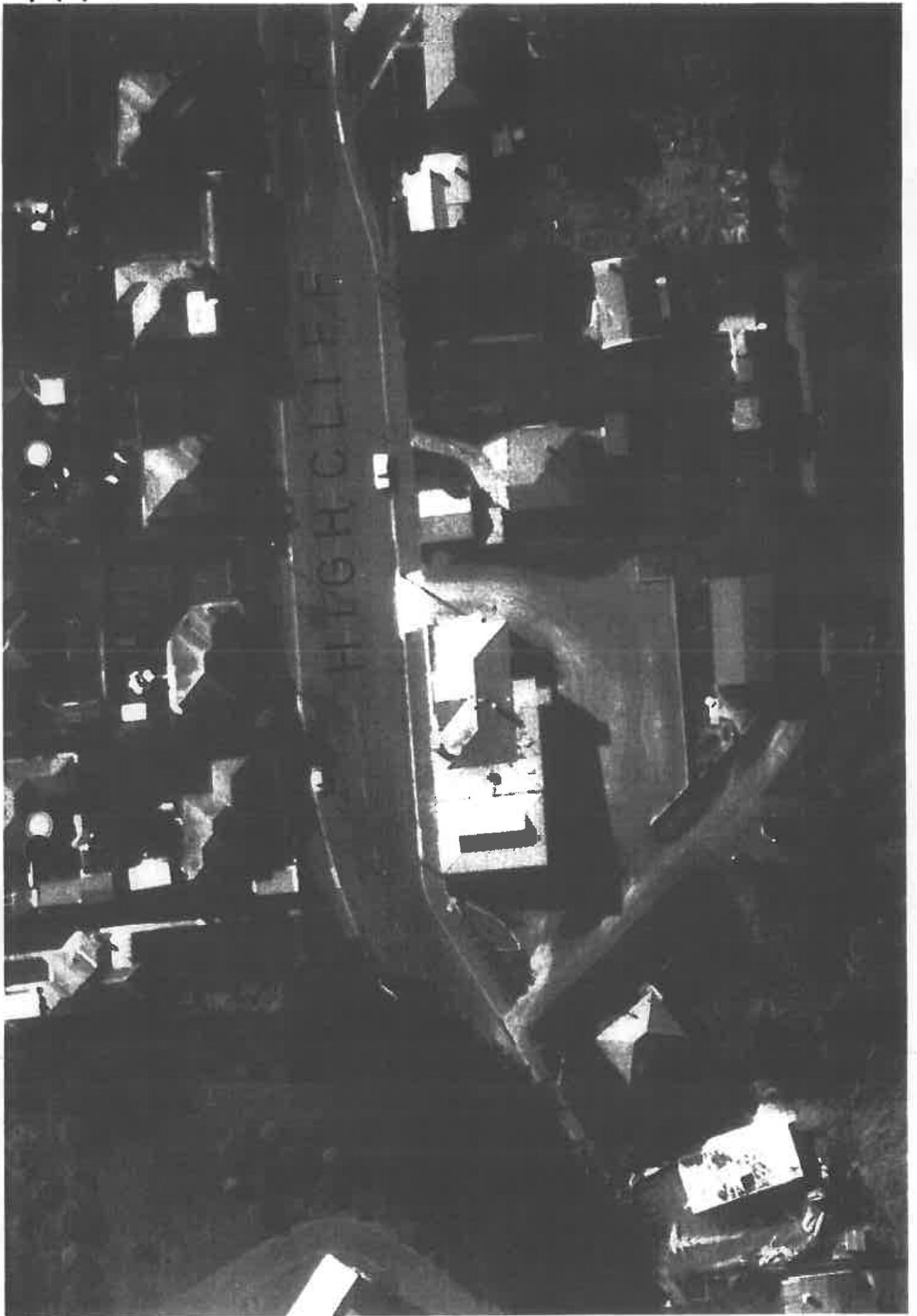
1947

1958





1978



1990



2008



SITE COMPRISING: 140 HIGHCLIFF ROAD, DUNEDIN**Property Key: 5116768****Address: 140 Highcliff Road, Dunedin****Building Consent History of the Site**

| Building Application | Status | Description | Lodge Date | Applicant |
|-----------------------------|---------------------------|--|-------------------|--|
| <u>ABA-2013-1126</u> | CCC Issued | Install Woodsman Matai ECR MkIII Fire | 14/06/2013 | <u>228604</u> Cutler Investments Limited |
| <u>BCC-2012-36</u> | BCC Issued | Shiel Hill Tavern | 17/09/2012 | <u>182415</u> Shiel Hill Tavern |
| <u>XPL-2010-51</u> | Property Search Completed | Copy of Drainage Plans | 12/01/2010 | <u>207821</u> T L Survey Services Limited |
| <u>XPL-2007-1553</u> | Property Search Completed | Macpherson Valuation Floor Plans | 12/07/2007 | <u>114459</u> Telferyoung (Otago) Limited |
| <u>ABA-2001-293065</u> | CCC Issued | ALT BLDG CASINO AREA IN TAVERN | 27/03/2001 | <u>106651</u> J S Masters |
| <u>ABA-1995-331619</u> | CCC Issued | ABA952107 2107 - Alter and add to tavern for restaurant, alter stormwater, plan (Robert Lee Limited - Shiel Hill Tavern) | 13/06/1995 | <u>134427</u> Robert Lee Limited |
| <u>PIM-1994-328713</u> | PIM Issued | PIM ONLY - ALT/ADD TO BLDG - TAVERN BELCHER,&W,D 140 HIGHCLIFF RD DUNEDIN | 25/10/1994 | <u>189736</u> Historic Person - Old Consents |
| <u>ABA-1994-324806</u> | CCC Issued | ALTER HOTEL BLDG-FLAT/PLB | 10/02/1994 | <u>111158</u> E A Nicolson |
| <u>ABA-1993-322390</u> | Archived | ALTER TAVERN - DOORWAY SHIEL HILL TAVERN 140 HIGHCLIFF RD DUNEDIN | 03/08/1993 | |
| <u>H-1986-99642</u> | Historical Record | AAB19861187 0305 - Erect sign, plan (Shiel Hill Tavern) | 26/02/1986 | |
| <u>H-1982-91864</u> | Historical Record | AAB19821053 3886 - Alter windows, move kitchen and alter partition to enlarge public bar, plan (Lion Breweries Limited) | 01/10/1982 | |

| | | | | |
|----------------------|-------------------|--|------------|--|
| <u>H-1982-215371</u> | Historical Record | AAD19821164 (DWX) K4501 - Alter plumbing-see property drainage 496 for plans (Herbert) | 26/08/1982 | |
| <u>H-1975-205484</u> | Historical Record | AAD19751277 (DWX) J5192 - Alter plumbing and drainage (New Zealand Hotels Division) | 10/07/1975 | |
| <u>H-1975-80444</u> | Historical Record | AAB19750975 861 - Alter and add to tavern, demolish part of original building, plan (New Zealand Breweries Hotel Division) | 15/01/1975 | |
| <u>H-1973-76836</u> | Historical Record | AAB19730958 8434 - Erect sign, no plan (Shiel Hill Hotel) | 21/11/1973 | |
| <u>H-1973-76835</u> | Historical Record | AAB19730957 8200 - Erect sign, plan (Shiel Hill Hotel) | 18/06/1973 | |
| <u>H-1970-197046</u> | Historical Record | AAD19701562 (DWX) H8019 - Boiler tubes (No Plan)(various) | 15/09/1970 | |
| <u>H-1970-197045</u> | Historical Record | AAD19701561 (DWX) H6864 - Relay boiler tube (Graves) | 20/01/1970 | |
| <u>H-1969-70049</u> | Historical Record | AAB19691009 1495 - crossing \$22.00 (Grave) | 11/11/1969 | |
| <u>H-1968-68355</u> | Historical Record | AAB19680875 19432 - Remove partition and fit new doors in bottle store, plan (Grave) | 24/10/1968 | |
| <u>H-1967-191565</u> | Historical Record | AAD19671116 (DWX) H3316 - Alter plumbing and drainage (Graves) | 11/12/1967 | |
| <u>H-1967-66812</u> | Historical Record | AAB19670909 17739 - Extend hotel lounge, plan (Grave) | 28/11/1967 | |
| <u>H-1966-65153</u> | Historical Record | AAB19660899 15209 - Alter toilet facilities in hotel, plan (Tilbury) | 09/05/1966 | |
| <u>H-1966-190173</u> | Historical Record | AAD19661050 (DWX) H197 - Alter plumbing and drainage (Tilbury) | 29/04/1966 | |

| | | | | |
|----------------------|-------------------|--|------------|--|
| <u>H-1965-63528</u> | Historical Record | AAB19650866 12640 - Add to hotel, plan (Tilbury) | 18/02/1965 | |
| <u>H-1965-188800</u> | Historical Record | AAD19651146 (DWX) G9540 - Alter plumbing and extend drainage (Tilbury) | 25/01/1965 | |
| <u>H-1963-185936</u> | Historical Record | AAD19631049 (DWX) G6753 - Alter plumbing (No Plan)(Tilbury) | 29/01/1963 | |
| <u>H-1958-178509</u> | Historical Record | AAD19581063 (DWX) F9989 - Alter drainage (Tilbury) | 06/08/1958 | |
| <u>H-1954-172117</u> | Historical Record | AAD19540545 (DWX) F3906 - Repair and extend drain (Tilbury) | 25/08/1954 | |
| <u>H-1954-43880</u> | Historical Record | AAB19540979 16060 - Add to lounge bar, plan (Tilbury) | 19/07/1954 | |
| <u>H-1954-172593</u> | Historical Record | AAD19541062 (DWX) F3124 - Alter plumbing (No Plan)(Tilbury) | 15/03/1954 | |
| <u>H-1954-172592</u> | Historical Record | AAD19541061 (DWX) F3123 - Alter foul and stormwater drainage (Tilbury) | 15/03/1954 | |
| <u>H-1954-43879</u> | Historical Record | AAB19540978 15716 - Add to and alter hotel, plan (Tilbury) | 18/02/1954 | |
| <u>H-1952-169787</u> | Historical Record | AAD19521138 (DWX) F938 - Alter plumbing (No Plan)(Tilbury) | 03/10/1952 | |
| <u>H-1952-40151</u> | Historical Record | AAB19521031 13027 - Add to kitchen and alter windows, plan (Tilbury) | 25/06/1952 | |
| <u>H-1950-167035</u> | Historical Record | AAD19500979 (DWX) E7800 - Alter plumbing (No Plan)(Tilbury) | 12/09/1950 | |
| <u>H-1940-23156</u> | Historical Record | AAB19400570 gazette 125 - p3693 - 33ft building line restriction on | 12/12/1940 | |

| | | | | |
|---------------------|-------------------|--|------------|--|
| | | Bone St frontage | | |
| <u>H-1930-15147</u> | Historical Record | AAB19300504 2244 - Add to hotel, plan (Ferguson) | 06/01/1930 | |
| <u>H-1929-14202</u> | Historical Record | AAB19290463 1686 - Erect garage, plan (Ferguson) | 07/05/1929 | |
| <u>H-1927-12268</u> | Historical Record | AAB19270498 232 - Add to hotel, plan (Ferguson) | 14/09/1927 | |
| <u>H-1925-10076</u> | Historical Record | AAB19250458 8550 - Add to hotel, plan (Ferguson) | 15/12/1925 | |
| <u>H-1923-8387</u> | Historical Record | AAB19230333 6495 - Erect wooden hotel, plan (Ferguson) | 24/08/1923 | |

Resource Consent History of the Site

| Planning Application | Status | Description | Lodge Date |
|------------------------|---------------------|---|------------|
| <u>HAIL-2015-63</u> | HAIL request lodged | 140 Highcliff Road | 09/07/2015 |
| <u>POL-2012-55</u> | Completed | planning certificate for the purposes of the Sale of Liquor Act | 17/09/2012 |
| <u>SUB-2010-9</u> | s224c Issued | Three lot residential 1 subdivision | 10/02/2010 |
| <u>LUC-2010-49</u> | Completed | land use as a consequence of three lot residential 1 subdivision | 10/02/2010 |
| <u>RMA-1995-357290</u> | Consent Issued | EXTEND SOUTHERN END OF TAVERN LOUNGE BAR Owner: D & W BELCHER / App: D & W BELCHER 140 HIGHCLIFF RD | 19/01/1995 |

RESOURCE CONSENTS WITHIN 50 METRES OF 140 HIGHCLIFF ROAD DUNEDIN

5032329 150 Highcliff Road Dunedin

RMA-1997-360773 Resource Management Act (Historical Data) Right of Way over rear lot for front lot. There has been no outcome yet.

5032334 10 Bone Street Dunedin

RMA-1992-351309 Resource Management Act (Historical Data) Report (Non-Notified - Non Complying). There has been no outcome yet.

5032341 128 Highcliff Road Dunedin

RMA-1994-351448 Resource Management Act (Historical Data) Right Of Way Owner: BROWNE M.A. & K.J. / App: A.D. Hosken PO Box 1083 (Non-Notified - Non Complying). The outcome was Granted on 17/06/1995.

5032356 34 Albion Street Dunedin

RMA-1996-360163 Resource Management Act (Historical Data) ERECT GARAGE (Non-Notified - Non Complying). The outcome was Granted on 07/10/1996.

5032360 18 Albion Street Dunedin

RMA-1985-351800 Resource Management Act (Historical Data) RETAINING WALL AND FENCE Owner: GILCHRIST / App: GILCHRIST Designer: GILCHRIST (Non-Notified - Non Complying). The outcome was Granted on 27/11/1985.

5032368 129 Highcliff Road Dunedin

RMA-1985-354388 Resource Management Act (Historical Data) ERECT TWO DWELLING ON ONE SITE Owner: EADIE / App: M A EADIE 49 ROYAL TERRACE (Notified - Non Complying). The outcome was Granted on 18/12/1985.

5032370 123 Highcliff Road Dunedin

RMA-2003-367048 Resource Management Act (Historical Data) Construct garage (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 26/09/2003.

5070096 20 Albion Street Dunedin

RMA-1993-357972 Resource Management Act (Historical Data) Flats Plan Owner: CA & NJB INGS / App: T.B. Hendry 47 Greenacres Street (Non-Notified - Non Complying). The outcome was Granted on 30/09/1993.

RMA-1993-355826 Resource Management Act (Historical Data) Owner: C A & N J B INGS (Non-Notified - Non Complying). The outcome was Granted on 30/09/1993.

RMA-1993-356243 Resource Management Act (Historical Data) ER 2ND DWELLING ON SA SITE Owner: MR C A INGS / App: MR E RAWSON 20 LOCHEND ST (Non-Notified - Non Complying). The outcome was Granted on 27/09/1993.

5103323 150A Highcliff Road Dunedin

RMA-1997-360773 Resource Management Act (Historical Data) Right of Way over rear lot for front lot. There has been no outcome yet.

RMA-1997-360884 Resource Management Act (Historical Data) ERECT DWG B A HOLLEBON (Non-Notified - Unrestricted Discretionary). The outcome was Granted on 14/05/1997.

5116767 148 Highcliff Road Dunedin

LUC-2010-49 Land Use Consent land use as a consequence of three lot residential 1 subdivision. The outcome was Granted on 25/02/2010.

SUB-2010-9 Subdivision Consent Three lot residential 1 subdivision. The outcome was Granted on 25/02/2010.

RMA-1995-357290 Resource Management Act (Historical Data) EXTEND SOUTHERN END OF TAVERN LOUNGE BAR Owner: D & W BELCHER / App: D & W BELCHER 140 HIGHCLIFF RD (Non-Notified - Non Complying). The outcome was Granted on 09/02/1995.

5118548 152 Highcliff Road Dunedin

LUC-2012-143 Land Use Consent consequential land use as a result of subdivision. The outcome was Granted on 28/03/2012.

SUB-2012-18 Subdivision Consent subdivision creating 2 lots. The outcome was Granted on 28/03/2012.

5118549 152A Highcliff Road Dunedin

LUC-2012-143 Land Use Consent consequential land use as a result of subdivision. The outcome was Granted on 28/03/2012.

SUB-2012-18 Subdivision Consent subdivision creating 2 lots. The outcome was Granted on 28/03/2012.

Application Type: Land Use Consent

Application Number: LUC-2010-49

Pursuant to section 34A(1) and 104D and after having regard to Part 2 matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council grants consent to a **non-complying** activity, being the operation of the Shiel Hill Tavern at 140 Highcliff Road, being Lot 3 of SUB-2010-9 and the authorisation of yard and height plane angle breaches at 148 Highcliff Road, being Lots 1 and 2 of SUB-2010-9, and Lot 2 Deposited Plan 5666 (Computer Freehold Register OT310/84), subject to a condition imposed under section 108 of the Act.

Location of Activity: 140 and 148 Highcliff Road

Legal Description: Lots 1, 2 and 3 of SUB-2010-9, and Lot 2 Deposited Plan 5666 (Computer Freehold Register OT310/84).

Lapse Date: 25 February 2010, unless the consent has been given effect to before this date.

Conditions:

- 1 *The proposal shall be constructed generally in accordance with the plans and relevant details submitted with the resource consent application received by Council on 10 February 2010.*

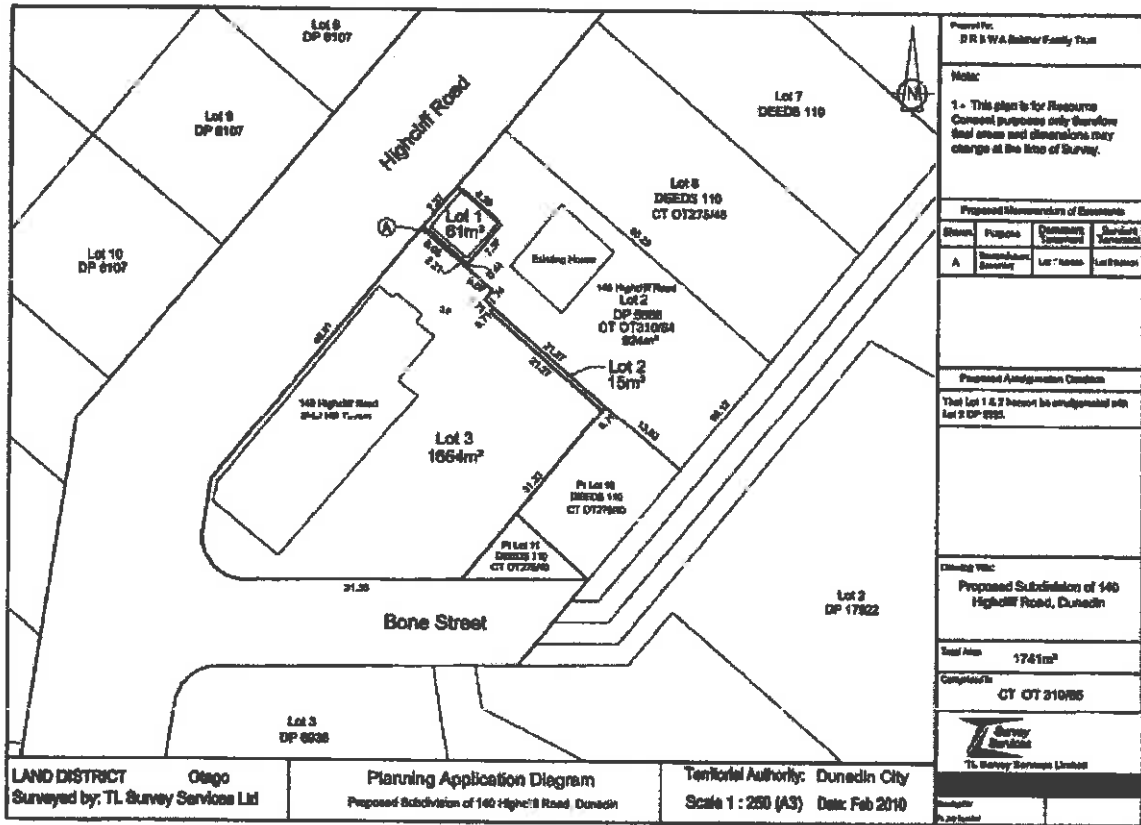
Advice Notes:

- 1 In addition to the conditions of a resource consent, the Resource Management Act establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
- 2 Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
- 3 The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
- 4 It is the responsibility of any party exercising this consent to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.
- 5 It is advised that any lots to be amalgamated will need to be held in the same ownership and, prior to amalgamation, any existing joint home settlements will need to be cancelled or extended to incorporate the entire land area subject of the amalgamation action.
- 6 The requirements of Parts 4 and 5 (Drainage and Water Supply) of the Dunedin City Council's 'Code of Subdivision' shall be complied with.
- 7 Any drainage issues and requirements (including any necessary works) are to be addressed via the building consent process.

Issued at Dunedin this 25th day of February 2010

Kirstyn Lindsay
Planner

Appendix 1 - Approved plan for SUB-2010-9 and LUC-2010-49 [Scanned image - Not to Scale]



| | | | |
|--|----------------------|------------------|-------------------|
| Plan No: RR & WA Nelson Family Trust | | | |
| Note: 1 - This plan is for Resource Consent purposes only. Boundary line areas and dimensions may change at the time of Survey. | | | |
| Proposed Memorandum of Easements | | | |
| Block | Purpose | Quantity Granted | Quantity Reserved |
| A | Subdivision Easement | Lot 1 Areas | Lot 2 Areas |
| Proposed Amalgamation Condition That Lot 1 & 2 must be amalgamated with Lot 3 DP 895. | | | |
| Existing VEC Proposed Subdivision of 140 Highhill Road, Dunedin | | | |
| Total Area | 1761m ² | | |
| Compendium | CT 01 210785 | | |
| | | | |
| Surveyor: T. J. Taylor | | | |

LAND DISTRICT: Otago
 Surveyed by: TL Survey Services Ltd

Planning Application Diagram
 Proposed Subdivision of 140 Highhill Road, Dunedin

Territorial Authority: Dunedin City
 Scale 1 : 250 (A3) Date: Feb 2010