

APPENDIX 4:

BACKGROUND INFORMATION

Relevant Previous Land Use Consents
Foot Path – Commercial Use Application
HAIL Information

Reference: RMA 2004-1137; 5030065; 196727, 226628
 Enquiries to: Anita Vanstone
 Direct Phone: 474 3713

11 February 2005

Lynley and Lucien Verkerk
 C/-Virginia Fay
 P O Box 5513
DUNEDIN

Dear Lynley and Lucien

RESOURCE CONSENT APPLICATION: RMA 2004-1137
138 UNION STREET
DUNEDIN

Your application for resource consent to increase the size of the existing coffee takeaway business, Fluid Café, at 138 Union Street, Dunedin, was processed on a non-notified basis in accordance with section 93 and 94 of the Resource Management Act 1991. A Senior Planner – Consents considered the application under delegated authority on 9 February 2004.

I advise that the Council has **granted** consent to the application. The full text of the decision commences on page 3. The consent must be given effect to within five years, in accordance with section 125 of the Resource Management Act.

DESCRIPTION OF ACTIVITY

The applicant seeks resource consent to increase the size of the existing coffee takeaway business, Fluid Café, which is attached to the Campus Wonderful Store, at 138 Union Street, Dunedin. It is proposed that part of the Campus Wonderful Store be amalgamated with the existing takeaway coffee bar, to form a small sit down café. It is proposed to extend the cafe by 24m² and offer seating for up to 15 people, including the seats provided on the footpath. The applicant is also seeking consent to add an additional two tables associated with the proposed activity on the footpath adjacent to the subject site.

The subject site is legally described as Part Section 50, Block XXXVI, Town of Dunedin.

REASONS FOR APPLICATION

The subject site is zoned **Residential 3** by the Dunedin City District Plan. The proposal is not specifically identified as being a permitted, controlled or discretionary in the **Residential 3** zone. Therefore, it is considered to be a **non-complying** activity pursuant to Rule 8.9.6.

PLANNING ASSESSMENT

Affected Persons

The written approval of the persons detailed in the table below has been obtained. In accordance with section 104(3) of the Resource Management Act the consent authority cannot have regard to the effect of the activity on these parties.

Person	Owner	Occupier	Address	Obtained
Trevor and Emma Choie	√		74 Forth Street, Dunedin	18/1/2005
Dunedin College of	√	√	Corner of Forth and Union	27/12/2004

objections to the alterations. However, would like it to be noted on the resource consent that any activity during the extension that may cause damage to the road, footpath, or street furniture will be repaired at the cost of the applicant.

(iv) Hours of Operation (8.13.9)

The proposal will result in no change to the existing hours of operation. The applicant states that "...the nature of food and beverages sold in the existing Fluid café will not change, nor will the current hours of operation be altered".

(v) Cumulative Effects (8.13.13)

The extension of the existing café into the Campus Wonderful Store is unlikely to cause any additional adverse effects to what is already occurring at present. While the District Plan has not anticipated this type of development in the Residential 3 zone, the proposal is increasing the scale of an existing commercial activity. The effects of this proposal are not likely to accumulate with existing effects of existing activities in a manner that results in those effects becoming more than minor. Council will consider the additional effects of other structures, at the time of each future consent application.

CONSENT DECISION

*Pursuant to section 34A(1) and 104B and after having regard to Part II matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council **grants** consent to the **non-complying activity** of the extension of the existing coffee takeaway business, Fluid Café, at 138 Union Street, Dunedin, legally described as Part Section 50, Block XXXVI, Town of Dunedin and subject to the following conditions imposed under section 108 of the Act:*

- (1) *The proposal shall be constructed in general accordance with the information provided with the application titled "Site Plan" dated 19 November 2004 and received by Council on 10 December 2004.*

ADVICE NOTES

- (1) *In addition to the conditions of a resource consent, the Resource Management Act establishes through Section 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effects created from an activity they undertake. A similar responsibility exists under the Health Act 1956.*
- (2) *The resource consent holder should note that Council will not consider extending the restricted parking areas adjacent to their site for the purpose of providing further parking, as a result of this consent.*
- (3) *Any activity during the extension of Fluid Cafe that may cause damage to the road, footpath, or street furniture, will be repaired at the cost of the applicant.*
- (4) *The consent holder is required to either change, or obtain a new license, to increase the number of tables and chairs occupying the footpath outside Fluid Café, on Forth Street.*
- (5) *Under the Health (Registration of Premises) Regulations 1966, the premises must be registered by the Dunedin City Council. The premises must comply with the First Schedule of the Food Hygiene Regulations 1974, for registration to be approved.*

DURATION OF CONSENT

This consent shall expire after a period of five (5) years from the date of this decision unless the consent has been given effect to during this time. This period may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.

REASONS

Effects

This is a resource consent. A building consent may be required before any work is undertaken on the site. Please check with the Building Control Office, Development Services to establish whether or a not a building consent is required.

RIGHTS OF OBJECTION

In accordance with section 357 of the Resource Management Act 1991, the consent holder may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

The Chief Executive
Dunedin City Council
P O Box 5045
DUNEDIN

Attn: Senior Planner – Enquiries 1st Floor

Yours faithfully

Anita Vanstone
PLANNER

Report



TO: Senior Planner
FROM: Planner
DATE: 9 February 2005

Reference: RMA 2004-1137
Enquiries to: Anita Vanstone
Direct Phone: 474 3713

9 February 2005

Lynley and Lucien Verkerk
 C/-Virginia Fay
 P O Box 5513
DUNEDIN

Dear Lynley and Lucien

RESOURCE CONSENT APPLICATION: **RMA 2004-1137**
138 UNION STREET
DUNEDIN

Your application for resource consent to increase the size of the existing coffee takeaway business, Fluid Café, at 138 Union Street, Dunedin, was processed on a non-notified basis in accordance with section 93 and 94 of the Resource Management Act 1991. A Senior Planner – Consents considered the application under delegated authority on 9 February 2004.

I advise that the Council has **granted** consent to the application. The full text of the decision commences on page 3. The consent must be given effect to within five years, in accordance with section 125 of the Resource Management Act.

DESCRIPTION OF ACTIVITY

The applicant seeks resource consent to increase the size of the existing coffee takeaway business, Fluid Café, which is attached to the Campus Wonderful Store, at 138 Union Street, Dunedin. It is proposed that part of the Campus Wonderful Store be amalgamated with the existing takeaway coffee bar, to form a small sit down café. It is proposed to extend the cafe by 24m² and offer seating for up to 15 people, including the seats provided on the footpath. The applicant is also seeking consent to add an additional two tables associated with the proposed activity on the footpath adjacent to the subject site.

The subject site is legally described as Part Section 50, Block XXXVI, Town of Dunedin.

REASONS FOR APPLICATION

The subject site is zoned **Residential 3** by the Dunedin City District Plan. The proposal is not specifically identified as being a permitted, controlled or discretionary in the **Residential 3** zone. Therefore, it is considered to be a **non-complying** activity pursuant to Rule 8.9.6.

PLANNING ASSESSMENT

Affected Persons

The written approval of the persons detailed in the table below has been obtained. In accordance with section 104(3) of the Resource Management Act the consent authority cannot have regard to the effect of the activity on these parties.

Person	Owner	Occupier	Address	Obtained
Trevor and Emma Choie	√		74 Forth Street, Dunedin	18/1/2005
Dunedin College of Education	√	√	Corner of Forth and Union Street, Dunedin	27/12/2004
Otago Polytechnic	√	√	95 Forth Street, Dunedin	25/1/2004
University of Otago	√	√	68 Forth Street, Dunedin	7/12/2004

No other persons are considered to be adversely affected by this proposal for those reasons outlined below in the section headed Effects on the Environment.

Effects on the Environment

The following assessment of effects on the environment has been carried out in accordance with section 104(1) of the Resource Management Act 1991. It addresses those assessment matters listed under 8.13 and 20.6 of the District Plan considered relevant to the proposed activity, and is carried out on the basis that the environment is characterised by high density residential development (primarily student accommodation), and large scale educational facilities (Otago Polytechnic, Otago University and Dunedin College of Education).

Any actual or potential effects on the environment of allowing this proposal to proceed will be no more than minor for the following reasons:

(i) Sustainability (8.13.1)

The proposal is consistent with the objectives and policies of the Sustainability section of the District Plan. These seek to maintain or enhance the amenity values of the City and to provide for development at an appropriate density to allow the sustainable management of the infrastructure. As discussed in more detail in Items (ii) and (iii) below, the proposal will not have adverse effects on the existing amenity values of the area.

(ii) Amenity Values and Character (8.13.5)

The proposed development will expand into the existing premises of the Campus Wonderful Store. A new window is proposed to be installed along the Forth Street boundary and the exterior of Fluid Café and Campus Wonderful Store be painted to appear as one premise. It is also proposed to extend the existing verandah to also include Fluid Café. I believe these proposed developments will improve upon the visual effects of the existing building

The alteration to the existing building will not result in any additional shading, noise or traffic effects. It is also not anticipated there will be an additional effect to the foul and storm water drainage systems. Therefore, I believe the activity will have the same or similar effects to that of the existing commercial activities onsite (Campus Wonderful Store and Fluid Café). I do not

believe the effects of such a development will extend beyond the subject property and those who have given their affected party approvals.

(iii) Transportation (8.13.7)

The activity is focused on attracting foot traffic from the Otago Polytechnic, Dunedin College of Education and the Otago University. Therefore, it is unlikely to generate additional vehicular traffic. Council's Transportation Planning Department have viewed the application and have provided comments. They are satisfied that the extensions will have no more than minor effect on the safe and efficient use of the roading network. There is currently no parking on the site and there is no possibility of providing any in the future. However, it is not considered necessary for there to be parking provided on the site, because it is likely that most customers will walk to the store or cafe. Furthermore, it is not anticipated that people will drive to the café for the purpose of eating and drinking.

Transportation Planning also specified that there are a small number of restricted car parks outside the store and cafe. They advised that *"as we do not consider any more parking will be necessary as a result of this consent, the applicant should be advised that we will not consider extending those restricted areas to include more spaces"*. This will be included as an advice note on the resource consent.

The addition of two more tables on the footpath adjacent to the café are unlikely to create adverse effects on the foot traffic along Forth Street. Council's Roading Department has viewed the application and no objections to the alterations. However, would like it to be noted on the resource consent that any activity during the extension that may cause damage to the road, footpath, or street furniture will be repaired at the cost of the applicant.

(iv) Hours of Operation (8.13.9)

The proposal will result in no change to the existing hours of operation. The applicant states that *"...the nature of food and beverages sold in the existing Fluid café will not change, nor will the current hours of operation be altered"*.

(v) Cumulative Effects (8.13.13)

The extension of the existing café into the Campus Wonderful Store is unlikely to cause any additional adverse effects to what is already occurring at present. While the District Plan has not anticipated this type of development in the Residential 3 zone, the proposal is increasing the scale of an existing commercial activity. The effects of this proposal are not likely to accumulate with existing effects of existing activities in a manner that results in those effects becoming more than minor. Council will consider the additional effects of other structures, at the time of each future consent application.

SECTION 94 ASSESSMENT

After having regard to the above planning assessment it is considered that:

- (1) The adverse effects of the activity on the environment will be no more than minor.
- (2) Written approval has been obtained from those persons potentially adversely affected by the granting of consent to the proposal.
- (3) No special circumstances exist in relation to the application that requires it to be notified.

Section 94 Recommendation

That for the reasons concluded above, this application is processed without notice, pursuant to section 94 of the Act.

Anita Vanstone
PLANNER Anita Vanstone

Date

Section 94 Decision

That recommendation above be adopted under delegated authority.

Ian McCabe
SENIOR PLANNER

Date

RECOMMENDED CONSENT DECISION

*That pursuant to section 34A(1) and 104B and after having regard to Part II matters and sections 104 and 104D of the Resource Management Act 1991, the Dunedin City Council **grants** consent to the **non-complying activity** of the extension of the existing coffee takeaway business, Fluid Café, at 138 Union Street, Dunedin, legally described as Part Section 50, Block XXXVI, Town of Dunedin and subject to the following conditions imposed under section 108 of the Act:*

- (1) *The proposal shall be constructed in general accordance with the information provided with the application titled "Site Plan" dated 19 November 2004 and received by Council on 10 December 2004.*

ADVICE NOTES

- (1) *In addition to the conditions of a resource consent, the Resource Management Act establishes through Section 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effects created from an activity they undertake. A similar responsibility exists under the Health Act 1956.*
- (2) *The resource consent holder should note that Council will not consider extending the restricted parking areas adjacent to their site for the purpose of providing further parking, as a result of this consent.*
- (3) *Any activity during the extension of Fluid Cafe that may cause damage to the road, footpath, or street furniture, will be repaired at the cost of the applicant.*
- (4) *The consent holder is required to either change, or obtain a new license, to increase the number of tables and chairs occupying the footpath outside Fluid Café, on Forth Street.*
- (5) *Under the Health (Registration of Premises) Regulations 1966, the premises must be registered by the Dunedin City Council. The premises must comply with the First Schedule of the Food Hygiene Regulations 1974, for registration to be approved.*

DURATION OF CONSENT

This consent shall expire after a period of five (5) years from the date of this decision unless the consent has been given effect to during this time. This period may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.

REASONS

Effects

In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and outlined above. It is considered that the proposal will have less than minor adverse effects on the environment and therefore passes section 104B of the Resource Management Act 1991.

District Plan – Objectives and Policies

In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the District Plan (1999) were taken into account when assessing the application.

The proposal is considered to be consistent with the following objectives and policies:

- **Objective 8.2.1** and **Policy 8.3.1** ensures that the adverse effects of activities on amenity values and character of residential area are avoided, remedied or mitigated.
- **Objective 20.2.2** states that land use activities are undertaken in a manner, which avoids, remedies or mitigate adverse effects on the transportation network.
- **Objective 20.2.4** ensures the maintenance and enhancement of a safe, efficient and effective transportation network
- **Policy 20.3.3** provides for activities on roads and footpaths where it is compatible with the function of the road, is safe for road users and pedestrians and has no more than minor effects.

Other matters - Integrity of the Plan

As the proposal is a non-complying activity consideration must be given to whether granting consent to the application would establish an undesirable precedent that could ultimately undermine the integrity of the District Plan. In this instance, the application is extending the takeaway coffee bar, Fluid Café, into the existing Campus Wonderful Store. Both of these activities have existed in the area for a number of years and this application simply constitutes a change in their relative sizes (or scale). Therefore, a true exception is not required to distinguish this proposal from similar applications.

Section 104D

In accordance with section 104D of the Resource Management Act 1991, Council can only grant consent to a non-complying activity if either:

- a) the adverse effects of the activity will be no more than minor; or
- b) the proposal will not be contrary to the objectives and policies of the District Plans.

In this instance, it has been determined that the adverse effects of the activity will be no more than minor, in the issues addressed under the heading 'Effects on the Environment' above. It has also been determined that the proposal is consistent with the objectives and policies of the Plan. Therefore, Council can consider granting consent to the proposal.

Part II Matters

The proposed activity has also been assessed in terms of Part II matters of the Resource Management Act 1991. For the reasons outlined above, the proposed activity is considered consistent with section 5(2)(c); “Avoiding, remedying, or mitigating any adverse effects of activities on the environment”, section 7(c) “The maintenance and enhancement of amenity values” and section 7(f) “The maintenance and enhancement of the quality of the environment.”

Recommendation

That for the reasons outlined in this report, Council grant consent to the proposed activity under delegated authority, in accordance with Section 104B of the Act.

Anita Vanstone
PLANNER

Date

Decision

That the above recommendation be adopted under delegated authority.

Ian McCabe
SENIOR PLANNER

Date

COMPLIANCE WITH CONDITIONS

It is the applicant’s responsibility to comply with any conditions imposed on this 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.

BUILDING CONSENT

This is a resource consent. A building consent may be required before any work is undertaken on the site. Please check with the Building Control Office, Development Services to establish whether or a not a building consent is required.

RIGHTS OF OBJECTION

In accordance with section 357 of the Resource Management Act 1991, the consent holder may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

The Chief Executive
Dunedin City Council
P O Box 5045
DUNEDIN

Attn: Senior Planner – Enquiries 1st Floor

Yours faithfully

Anita Vanstone
PLANNER

Reference: Dev 100-138 Union Street/RMA 2000-0734
Enquiries to: Ian McCabe
Direct Phone: 474 3750

13 November 2000

Lynley Skinner and Lucien Verkerk
 138 Union Street
DUNEDIN

Dear Lynley and Lucien

CONSENT APPLICATION: RMA 2000-0734
LYNLEY SKINNER AND LUCIEN VERKERK
138 UNION STREET
DUNEDIN

The above application was considered by Council's Senior Planner – Consents and **granted** under delegated authority on 13 November 2000. The application was processed on a non-notified basis in accordance with Sections 93 and 94 of the Resource Management Act 1991.

DESCRIPTION OF ACTIVITY

The applicant is seeking consent to establish a coffee takeaway business at the northeast corner of the subject site associated with an existing commercial activity (Campus Wonderland (Dairy) Store), which is located at 138 Union Street, Dunedin. The applicant is also seeking consent to place tables and chairs, and a sandwich board sign associated with the proposed activity on the footpath adjacent to the subject site.

REASONS FOR APPLICATION

Transitional District Plan

The subject site is zoned **Commercial A** in the *Transitional District Plan (Dunedin Section)*. Adjacent properties are zoned Residential D. "Shops" are permitted in the Commercial A zone subject to a number of conditions relating to bulk and location. The proposed activity complies with those conditions and is therefore considered to be a **permitted activity** in terms of the Transitional District Plan pursuant to Section 374(4) of the Resource Management Act 1991.

Proposed District Plan

The subject site is zoned **Residential 3** in the *Proposed District Plan*. The proposed activity is not specifically identified as being permitted, controlled or discretionary in the Residential 3 Zone and is therefore also considered to be a **non-complying activity** under Rule 8.9.6 of the Proposed District Plan.

Planning Status

Overall, the proposed activity is considered to be a **non-complying activity**.

PLANNING ASSESSMENT

Affected Persons

The written approval of the persons listed in the following table has been obtained. In accordance with Section 104(6) of the Act, where written approval has been obtained from affected parties, the consent authority cannot have regard to the effect of the activity on that person.

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Person	Owner	Occupier	Address	Obtained
Trevor and Emma Choie	4		74 Forth Street, Dunedin	12-Oct-00
Otago Polytechnic	4	4	Corner of Forth Street and Union Street	2-Oct-00
Dunedin College of Education	4	4	145 Union Street East	12-Sept-00
University of Otago	4	4	Corner of Forth Street and Union Street	29-Sept-00

Effects on the Environment

The following effects assessment only takes into account the effects of the proposed activity that are relevant under Section 104(6). The Courts have determined that the effects of an activity on the environment should be considered in relation to the existing environment. The following assessment of the actual and potential effects of the proposed activity on the environment has been prepared on the basis that the environment is characterised by high density residential development (primarily for student accommodation) and large scale educational facility (being the Dunedin College of Education and Otago Polytechnic). Union Street and Forth Street are characterised by a large amount of both vehicular and foot traffic, particularly during term time at all three of the nearby tertiary education facilities.

Any actual or potential adverse effects on the environment of allowing the activity are considered to be less than minor (ie "*de minimus*") for the following reasons:

- (1) The proposed activity will be restricted to the northeastern corner of the subject site in a derelict area previously used as a bike maintenance business. It will be an extension to an existing commercial activity carried out on-site and will generate effects that will be largely the same or similar to those generated by the existing commercial activity. Those effects, which include residential and visual amenity, noise and traffic will not extend beyond the boundary of the immediately adjacent property on Forth Street, from which affected party approvals have been obtained by the applicant.
- (2) The additions to the existing structure will be located in a small derelict yard at the northeastern corner of the subject site. The proposed activity involves replacing the derelict structure with a purpose built kitchen and servery that will significantly improve the visual amenity of the subject site and serve to enhance the streetscape of Forth Street.
- (3) The proposed table and chairs are sufficiently small enough that they are unlikely to create any effects for foot traffic along Forth Street. Council's Contract Asset Management (Roading) Department, which administers activities that occupy footpaths, is satisfied that the proposed activity is appropriate and will not affect the safety and efficiency of the footpath.
- (4) The proposed activity is intended largely for foot traffic and is unlikely to generate additional vehicular traffic. Council's Transportation Planning Department are satisfied that the proposed activity will not have an adverse effect on the safe and efficient use of the roading network.
- (5) The proposed activity will not generate increased shading effects. The adjacent property and its associated building are located to the north of the subject site and are elevated above it. The large polytechnic building on Forth Street shades the subject site in the mornings, while the residential building on the adjacent residential property shades the site for the rest of the day and into the evenings.
- (6) The proposed activity will not affect the sustainability or functionality of the existing public foul and stormwater drainage systems, or the existing water reticulation system. However, it is a requirement of Council that the applicant install a testable double check valve backflow prevention device on the existing metered water service to the property adjacent to the roadside property boundary to comply with the Water Supplies Protection Regulations 1961.

The applicant is advised of this requirement by way of an advice note attached to this consent.

DECISION

*That pursuant to Sections 34(4) and 105(1)(c) and after having regard to Part II matters and Sections 104 and 105 of the Resource Management Act 1991, the Dunedin City Council **grants** consent for a **non-complying activity** to establish a coffee takeaway service in conjunction with an existing commercial activity on the property at 138 Union Street, Dunedin being all that parcel of land containing 216m² more or less being Part Section 50 Block XXXVI Town of Dunedin.*

Pursuant to Section 105(1)(c) of the Resource Management Act 1991 resource consent be granted subject to the following conditions imposed under Section 108 of the Act:

- (1) *That the proposed activity shall be constructed generally in accordance with the plans "Proposed Alteration to Premises at 138 Union Street, Dunedin for Campus Wonderful Store" dated August 2000 and the details submitted with the application dated 16 October 2000.*

Advice Note(s)

- (1) *The consent holder will be required to install a testable double check valve backflow prevention device on the existing metered water service to the property, on private property adjacent to the roadside property boundary. The device must be installed to comply with the Water Supplies Protection Regulations 1961 as administered by the Council's Water Manager.*

REASONS

Effects

In accordance with Section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed and are outlined above. It is considered that the proposed activity will have less than minor adverse effects on the environment and therefore passes the threshold tests set out in Section 105(2A)(a) of the Resource Management Act 1991.

District Plan – Objectives and Policies

In accordance with Section 104(1)(d) of the Resource Management Act 1991, the objectives and policies of the Proposed and Transitional District Plans were taken into account in assessing the application. Objectives 8.2.1 and 21.2.2 and Policies 8.3.1 and 21.3.3 of the Proposed District Plan seek to ensure development does not adversely affect the character and amenity of the residential areas of the City or the health and safety of the community. Objectives 23, 27 and 29 of the Dunedin City Transitional District Plan (Dunedin Section) relate to maintaining City amenity and controlling the design and appearance of new development in the City. The proposed activity is considered consistent with these objectives and policies for the reasons outlined in Points (1) – (6) under the heading Effects on the Environment above.

Overall, the proposed activity passes the threshold test set out in Section 105(2A)(b) of the Resource Management Act 1991.

Part II Matters

The proposed activity has also been assessed in terms of Part II matters of the Resource Management Act 1991. For the reasons outlined in the above, the proposed activity is considered consistent with Section 5(2)(c); "Avoiding, remedying, or mitigating any adverse effects of activities on the environment", Section 7(c) "The maintenance and enhancement of amenity values" and Section 7(f) "The maintenance and enhancement of the quality of the environment."

COMPLIANCE WITH CONDITIONS

It is the Applicants responsibility to comply with any conditions imposed on their resource consent

prior to and during (as applicable) exercising the resource consent. Exercise of the resource consent prior or contrary to compliance with the conditions imposed implies acceptance of the conditions and may result in prosecution, the penalties for which are outlined in Section 339 of the Resource Management Act 1991.

DURATION OF CONSENT

It is brought to the Applicants attention that under the terms of Section 125 of the Resource Management Act 1991, this consent shall lapse if effect has not been given to it within two years or Council has not granted an extension of time.

BUILDING CONSENT

This is only a resource consent and a separate application for building consent may be required before any work is undertaken on the site. Please check with the Building Control Office, Development Services.

RIGHTS OF APPEAL

In accordance with Section 357 of the Resource Management Act 1991, the consent holder may object to this decision or any condition within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

The Chief Executive
Dunedin City Council
P O Box 5045
DUNEDIN

Attn: Senior Planner- Enquiries 1st Floor

Yours faithfully

Ian McCabe
PLANNER

Reference: 884
Enquiries To: Suzie Osborne
Telephone: 477 4000
Email: Suzie.Osborne@dcc.govt.nz
Date: 18 March 2015

Fluid Espresso Limited
138 Union Street East
Dunedin 9016

Dear Fluid Espresso Limited

COMMERCIAL USE OF FOOTPATHS APPLICATION - APPROVAL
Permit Number: 884

Your application to replace three cubes with one bench seat outside your premises at 138 Union Street Dunedin, has been approved as per the diagram submitted with your application. Although this does not meet the specific provisions for tables and chairs in the 2005 Commercial Use of Footpaths policy:

"7.3 Tables must be no longer than to allow a maximum of four chairs around each table at any time."

However, because the policy is being reviewed we will approve your application pending the outcome of the policy for the period 4 March 2015 to 30 June 2015. 6

Enclosed is your amended permit, which expires on **30 June 2015**.

Enforcement is carried out on a regular basis to ensure that any item / items placed on the footpath comply with the "Commercial use of Footpaths Policy" 2005, any item that causes a nuisance may be required to be removed in the interests of public safety.

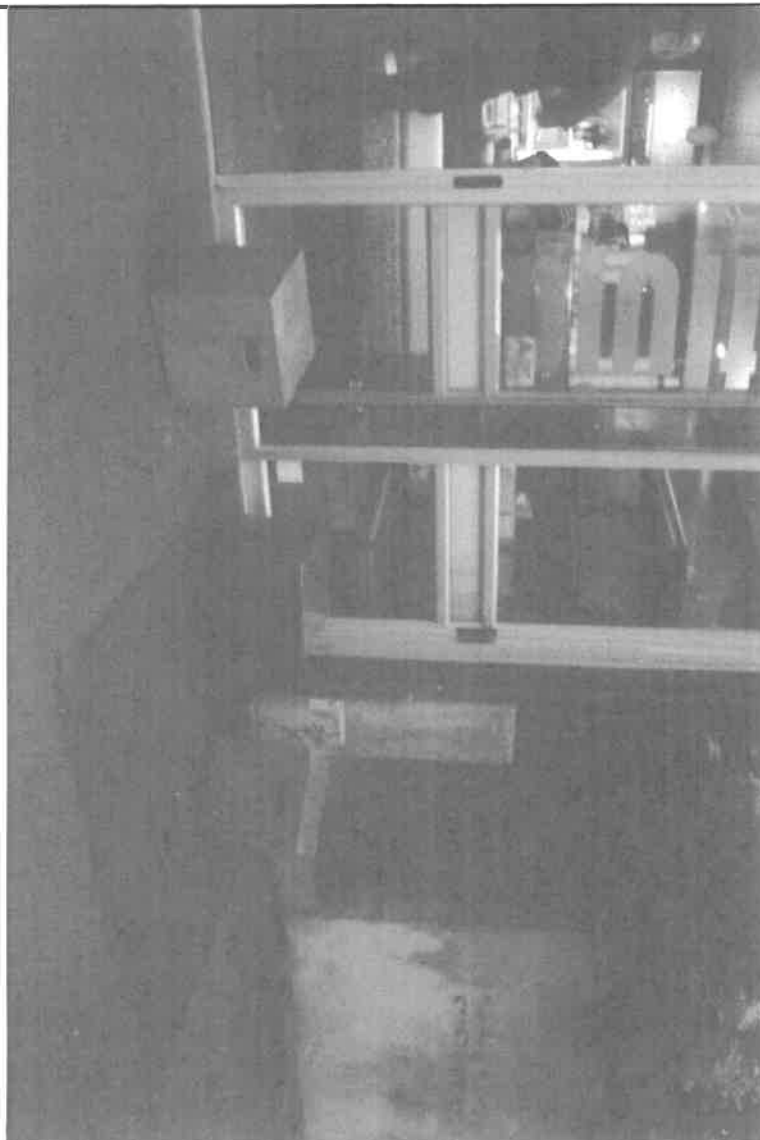
Should this policy be reviewed, all applications / renewals shall be processed in accordance with the updated policy.

If your permit is for tables and chairs or display of goods your permit must be prominently displayed in a front window at all times. If your permit is for a portable sign your permit must be displayed prominently on your sign at all times.

Yours faithfully



Daphne Griffen
Team Leader Parking Services



***Aoraki Direct Insulation
& Construction***

For all your insulation and construction needs

Tamati Langsbury

Ph 027 245 0504 Ph 03 4894857 (A/H)
Email: aorakitamati@gmail.com

Smile





DUNEDIN CITY COUNCIL
Kaunihera-a-rohe o Otepoti
**COMMERCIAL USE OF FOOTPATHS
APPLICATION FORM**

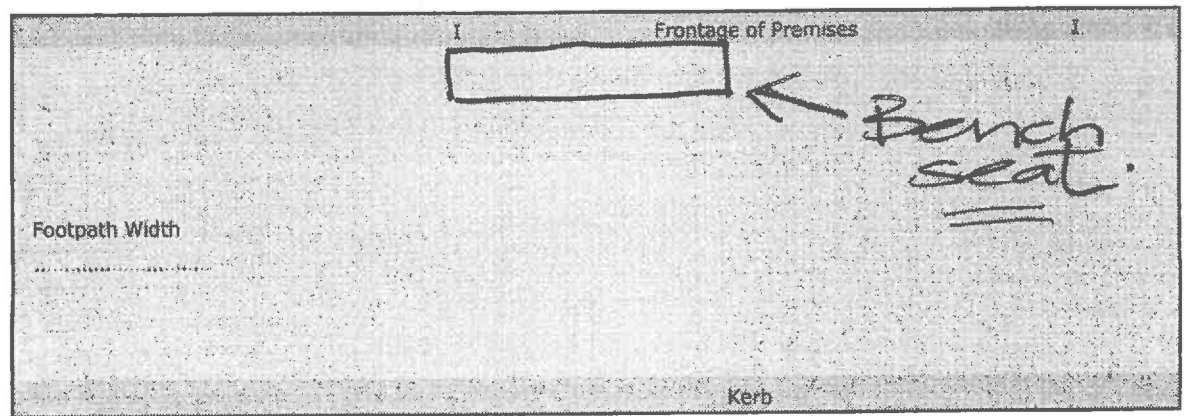
Enquires to : The Customer Services Agency, Telephone 477 4000 or Online www.CityofDunedin.com
Applications to: PO Box 5045, Moray Place, Dunedin 9058, New Zealand

- ✓ Name of Company: VERKERK STORES LTD
Trading / Business name: (if different from above) Fluid espresso 408669
Address of Premises: 138 Orion St 5030065
Postal Address: (if different from above) _____
Email Address: verkerkfamily@extra.co.nz
✓ Business Owner: Lynley Verkerk
Contact Person: (if different from above) _____
Contact Telephone Number: 034317796
✓ Type of Business: Cafe
Days and Hours of Operation: Mon - Fri 7-4

Application for: (include number and size of the object/s applying for)

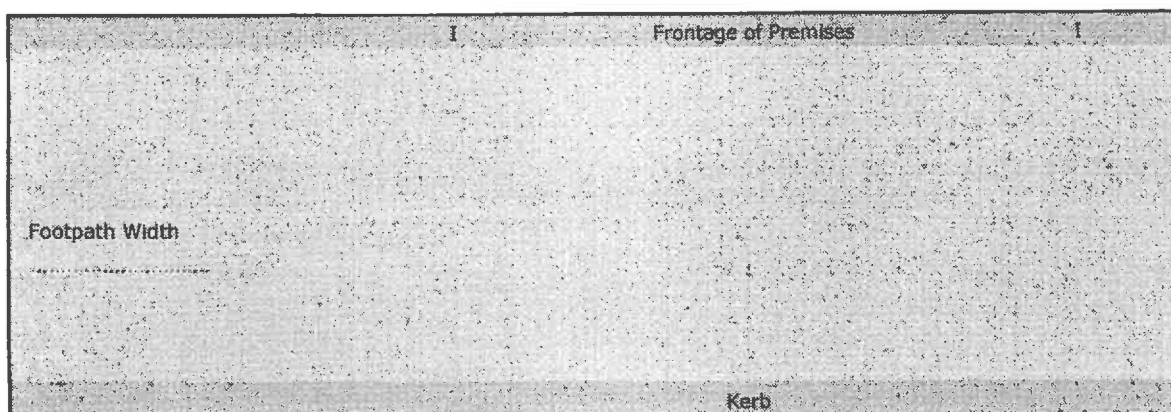
- ~~Signboard:~~ _____
Tables: _____
Screens: Bench seat to replace
Other: 3 cube

Draw a sketch of the layout of the object/s in relation to the premises, footpath and kerb line



* Between the hours of 9pm and 6am, Monday to Sunday premises may be permitted to place screens parallel to the building line, An alternative plan may be submitted for this period.

Draw a sketch of the layout of the object/s in relation to the premises, footpath and kerb line



Application for: (include number and size of the object/s applying for)

Signboard:.....

Tables:.....

Screens:.....

Other:.....

Days and Hours of Operation:.....

Declaration

I hereby declare that the information I have supplied is true and correct.

I have read and undertake to comply with the conditions of the Commercial use of Footpaths Policy.

X.....

Signature

Date

D. Ferkerk
11/2/15



AGREEMENT

THIS AGREEMENT is made on the day of 20 by the (*premises name and hereinafter called "the APPLICANT "*) to the Dunedin City Council (*hereinafter called "the Council"*).

WHEREAS the APPLICANT has applied to the Council for authority to use a portion of the road, footpath or other public area within the territorial authority area under control of the Council and paid the prescribed fee to the Council.

THIS AGREEMENT RECORDS THAT THE APPLICANT INDEMNIFIES and will KEEP the Council INDEMNIFIED against all liabilities, demands, losses, damages, fees, claims, costs and expenses incurred or arising out of, or in connection with the use of that portion of the road, footpath or other public area by the APPLICANT, their guests, employees, contractors, invitees, or members of the public.

SIGNED ON BEHALF OF THE APPLICANT:

X Lynley Verkerk - Verkerk Stone Ltd
Name of Business Owner or Authorised Person

Verkerk
Signature

SIGNED ON BEHALF OF THE DUNEDIN CITY COUNCIL:

Name of Authorised Person

Signature

Date: ____ / ____ / ____



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

19 April 2016

Mr Conrad Anderson
 PO Box 5933
 Moray Place,
 Dunedin 9058

Dear Conrad

HAIL-2016-9 – 138 Union Street, Dunedin.

Please find enclosed the results of the Hazardous Activities and Industries List (HAIL) Property Search lodged on 10 February 2016. This HAIL property search details the information which is documented on Council records for the site at 138 Union Street, 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.

No record of a HAIL activity has been found.

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

P.R. Marshall.

Phil Marshall
Senior Planner

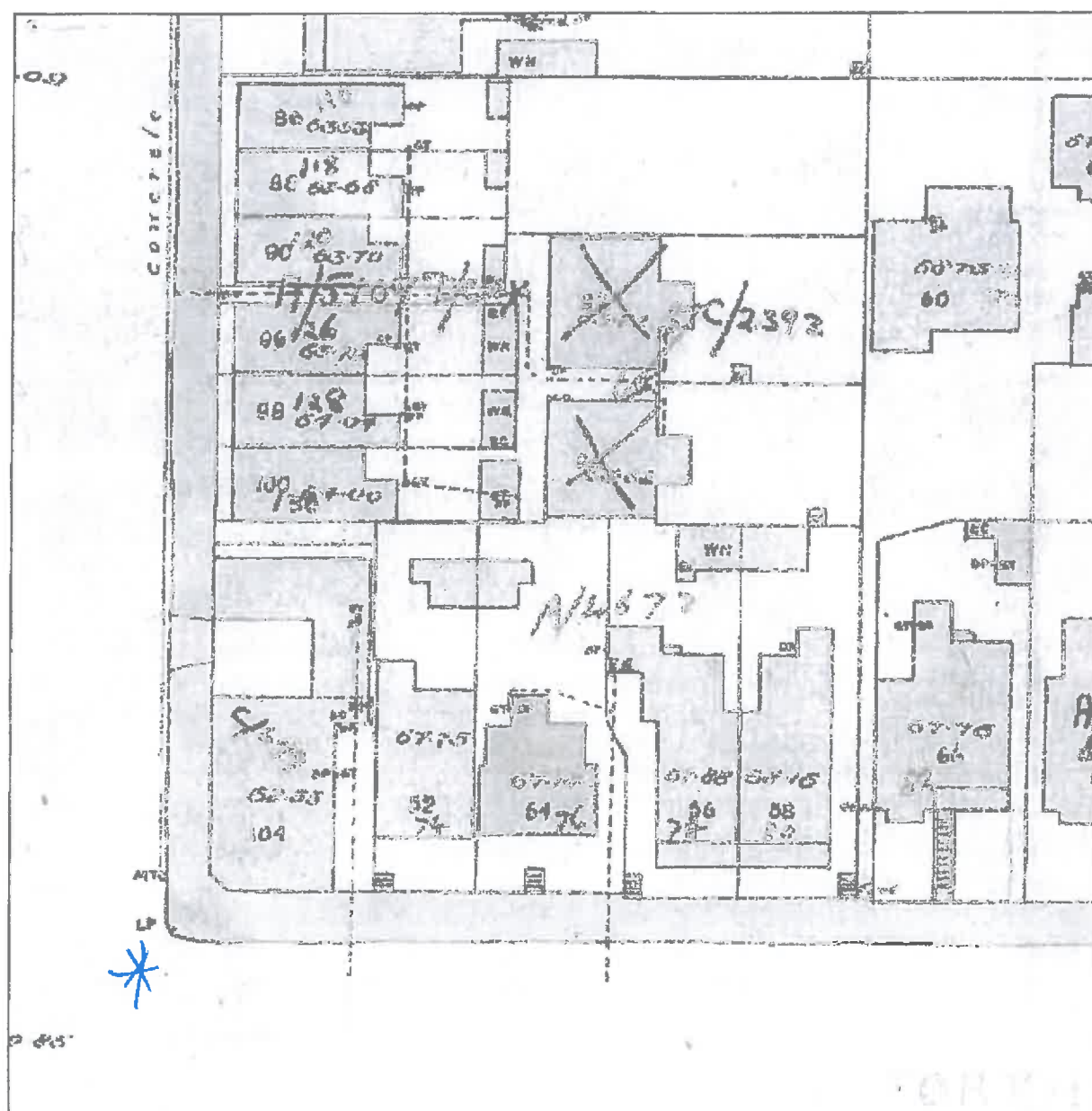
Phil Marshall

From: Chris Scott
Sent: Monday, 15 February 2016 12:59 p.m.
To: Phil Marshall
Cc: Resource Consents Front Counter; Information Solutions - Archives
Subject: RE: HAIL-2016-9, 138 Union Street Dunedin, HAIL application lodged
Attachments: 138 Union 1947.pdf; 138 Union 1957.pdf; 138 Union 1967.pdf; 138 Union 1978.pdf; 138 Union 1990.jpg; 138 Union 2000.jpg

Hi Phil,

I have examined the available archival evidence relating to this site, and can find no conclusive evidence of HAIL activity taking place there. The site has been occupied by a shop for an extended period, at least as long ago as 1893. It was primarily occupied by houses and a stable before that. An occupier of the section in 1894-5, John Colvin, had a shop licensed to store 40 gallons of kerosene, that appears to be in the same location as the current shop.

The drainage reticulation sheet below is dated to 1904, and shows the shop on the corner:



STREET

DATE 1947



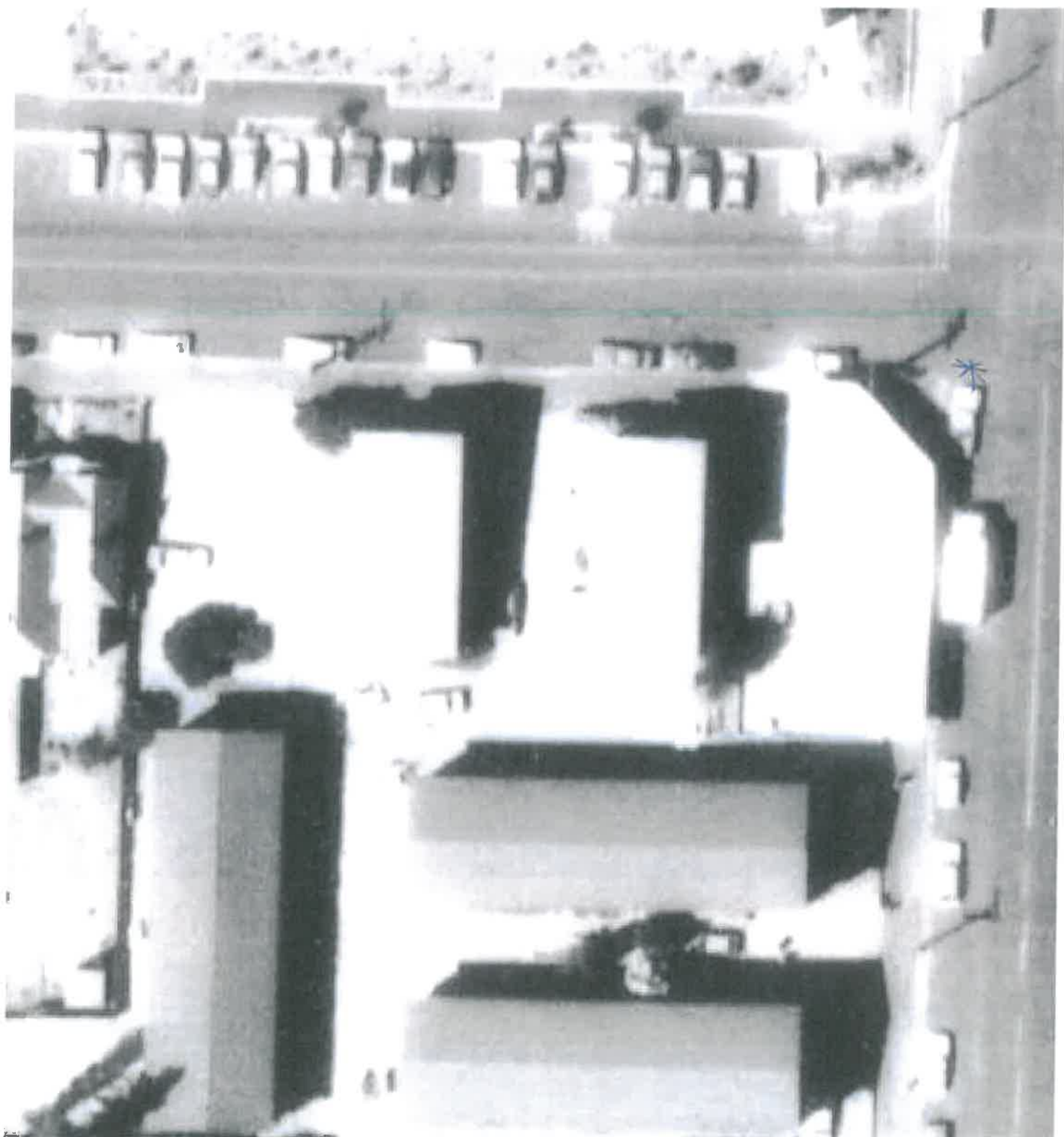
DATE 1957



DATE 1967



DATE 1978.



← 7



Building and Planning Consents for 138 Union Street.

Building Application	EDMS	OK	Status	Description	Lodge Date
ABA-2004-306260 GEMS ID ABA43515		✓	CCC Issued	REMOVE WALL/EXTEND CAFE	22/11/2004
ABA-2000-292064 GEMS ID ABA2834			CCC Issued	INTERNAL ALTS/KITCHEN SERVERY	06/11/2000
ABA-1995-333745 GEMS ID ABA955239			CCC Issued	ERECT SIGN	10/11/1995
ABA-1994-325480 GEMS ID ABA941047			Archlved	ALTER SHOP	28/03/1994
H-1975-80322 GEMS ID AAB19750853		✓	Historical Record	AAB19750853 (DWX) 1406 - Alterations to Campus Store (Bennett)	07/07/1975
H-1971-73330 GEMS ID AAB19710767			Historical Record	AAB19710767 3793 - sign at harveys store, no plan	01/04/1971
H-1969-1338		✓	Historical Record	AAB1969 1338 - Erect sign, plan (Kilgour)	11/08/1969
H-1968-3994		✓	Historical Record	AAD1968 (DWX) H3994 - Plumbing and drainage (Kilgour)	14/06/1968
H-1968-68273 GEMS ID AAB19680792		✓	Historical Record	AAB19680792 (DWX) 18694 - Demolish building and erect two shops (Kilgour)	13/06/1968
H-1949-33565 GEMS ID AAB19491067		✓	Historical Record	AAB19491067 (DWX) 7538 - Erect garage (Kilgour)	05/04/1949
H-1927-144516 GEMS ID AAD19271234		✓	Historical Record	AAD19271234 (DWX) C679 - PLUMBING AND DRAINAGE (COLVIN)	26/09/1927
H-1927-12237 GEMS ID AAB19270466		✓	Historical Record	AAB19270466 (DWX) 159 - Toilet (Foster and Higginson)	13/08/1927
H-1924-9137 GEMS ID AAB19240407			Historical Record	AAB19240407 7376 - alter shop, no plan (Beasely)	18/09/1924
H-1907-2358		✓	Historical Record	AAD1907 (DWX) 2358 - Plumbing and drainage (Coburn)	19/03/1907

↑					
Planning Application	EDMS	OK	Status	Description	Lodge Date
LUC-2004-368541/A GEMS ID			Application Lodged	s127 variation of condition 1	06/04/2016
LUC-2016-129 GEMS ID			Application Lodged	establish and operate a residential activity	06/04/2016
HAIL-2016-9 GEMS ID			HAIL request lodged	138 Union Street	10/02/2016
RMA-2004-368541 GEMS ID RMA20041137			Consent Issued	INCREASE SCALE OF COMMERCIAL ACTIVITY - COFFEE TAKEAWAY AND CAFE	13/12/2004
RMA-2000-364369 GEMS ID RMA20000734			Consent Issued	TAKEAWAY COFFEE SERVICE ATTACHED TO EXISTING DAIRY	16/10/2000
RMA-1995-359216 GEMS ID RMA953919			Consent Declined	ERECT SIGN	14/12/1995
RMA-1993-355861 GEMS ID RMA93224			Consent Issued	OFF LICENCE Ownr: M VERKERK / App: M VERKERK ASPINALL JOEL & CO	13/10/1993
RMA-1968-353894 GEMS ID RMA80488			Consent Issued	ERECT TWO SHOP IN RES ZONE / App: D L KILGOUR R F BEDFORD	17/11/1968

RESOURCE CONSENTS WITHIN 25 METRES OF 138 UNION STREET DUNEDIN

[5029963](#) 95 Forth Street Dunedin

[LUC-2014-375](#) Land Use Consent extend campus building. The outcome was Granted on 23/07/2014.

[LUC-2013-205](#) Land Use Consent mobile communications installation. The outcome was Granted on 20/06/2013.

[LUC-2004-367802/A](#) Land Use Consent Section 127 Variation of conditions to upgrade existing mobile phone site. The outcome was s127 Upheld on 10/09/2008.

[RMA-2004-367802](#) Resource Management Act (Historical Data) MOBILE PHONE INSTALLATION (Non-Notified - Restricted Discretionary). The outcome was Granted on 10/05/2004.

[RMA-2004-368076](#) Resource Management Act (Historical Data) TELECOMMUNICATION FACILITY (Other). The outcome was Granted on 01/09/2004.

[RMA-1962-353651](#) Resource Management Act (Historical Data) ADDITIONS TO SHOP / App: J CRAIG (Notified - Non Complying). The outcome was Granted on 28/08/1962.

[5030083](#) 129 Union Street Dunedin

[LUC-2015-293](#) Land Use Consent land use consequential to a subdivision consent. The outcome was Granted on 28/07/2015.

[SUB-2015-55](#) Subdivision Consent subdivision creating 2 lots. The outcome was Granted on 28/07/2015.

[LUC-2014-371/A](#) Land Use Consent s127 change or cancellation of conditions. The outcome was s127 Upheld on 16/12/2014.

[LUC-2014-371](#) Land Use Consent establish a three bedroom unit. The outcome was Granted on 14/10/2014.

[5067942](#) 116 Union Street Dunedin

[LUC-2008-609](#) Land Use Consent extend the exterior wall in two blocks of flats. The outcome was Granted on 04/12/2008.

[RMA-1993-356333](#) Resource Management Act (Historical Data) ADD BALCONIES TO 2 BLOCKS OF FLATS Ownr:JOHN L KINRAID / App: JOHN L KINRAID 53 MILLS ST ST KILDA (Non-Notified - Non Complying). The outcome was Granted on 15/12/1993.

[5069744](#) 68 Forth Street Dunedin

[LUC-2009-465/A](#) Land Use Consent s127 change of conditions. The outcome was s127 Upheld on 12/12/2012.

[LUC-2012-371](#) Land Use Consent blanket consent for temporary University of Otago signage. The outcome was Granted on 10/10/2012.

[LUC-2009-465](#) Land Use Consent change of use of existing executive residence to enable the facility to provide general visitor accommodation. The outcome was Granted on 02/12/2009.

[LUC-2007-391](#) Land Use Consent The supply and sale of alcohol at the Executive Residence. The outcome was Granted on 13/08/2007.

[RMA-2003-367284](#) Resource Management Act (Historical Data) CERTIFICATE OF COMPLIANCE FOR OTAGO UNIVERSITY EXECUTIVE RESIDENCE (Other). The outcome was Granted on 05/12/2003.

[RMA-1999-363189](#) Resource Management Act (Historical Data) SALE OF LIQUOR ACT Hazards Comments: (Other). The outcome was Granted on 18/08/1999.

[RMA-1998-362553](#) Resource Management Act (Historical Data) OUTLINE PLAN FOR PROPOSED ALTERATIONS TO EXISTING STORE O/NO 21162ZA Hazards Comments: (Converted - Ended). The outcome was Granted on 15/12/1998.

[RMA-1993-355997](#) Resource Management Act (Historical Data) ER EXECUTIVE RESIDENCE Ownr:UNIVERSITY OF OTAGO / App: MASON & WALES LTD BOX 5455 (Non-Notified - Non Complying). The outcome was Granted on 17/03/1993.

[POL-2003-350205](#) Planning Other Legislation PLANNING CERTIFICATE FOR AN ON-LICENCE AT UNI OF OTAGO EXECUTIVE RESIDENCE (Other). The outcome was Granted on 09/12/2003.

[5106081](#) 20 Leithbank Dunedin

[RMA-1999-363189](#) Resource Management Act (Historical Data) SALE OF LIQUOR ACT Hazards Comments: (Other). The outcome was Granted on 18/08/1999.

[RMA-1998-362553](#) Resource Management Act (Historical Data) OUTLINE PLAN FOR PROPOSED ALTERATIONS TO EXISTING STORE O/NO 21162ZA Hazards Comments: (Converted - Ended). The outcome was Granted on 15/12/1998.

[RMA-1993-355997](#) Resource Management Act (Historical Data) ER EXECUTIVE RESIDENCE Ownr:UNIVERSITY OF OTAGO / App: MASON & WALES LTD BOX 5455 (Non-Notified - Non Complying). The outcome was Granted on 17/03/1993.

[5106120](#) 85 Forth Street Dunedin

[LUC-2014-375](#) Land Use Consent extend campus building. The outcome was Granted on 23/07/2014.

[LUC-2004-367802/A](#) Land Use Consent Section 127 Variation of conditions to upgrade existing mobile phone site. The outcome was s127 Upheld on 10/09/2008.

[5109605](#) 118 Union Street Dunedin

[LUC-2008-609](#) Land Use Consent extend the exterior wall in two blocks of flats. The outcome was Granted on 04/12/2008.