

UNDER
IN THE MATTER

the Resource Management Act 1991
("RMA")
LUC-2025-146 being a resource consent
application for land use consent for the
establishment of commercial activity (café,
small grocery offering, visitor
accommodation), along with exterior
modifications at 33 Russell Street, Dunedin.

**CLOSING STATEMENT OF CONRAD STEWART ANDERSON ON BEHALF OF
TOMBOY LIMITED (THE APPLICANT)**

1. CONDITIONS

1.1 Attached is an updated set of conditions. These have been reviewed/completed jointly with Jane O'Dea (DCC). There is no disagreement associated with the attached.

1.2 With regards to the conditions, the following is noted:

- (a) Condition 3 – *Hours of operation are limited to 7am to 10pm. Staff may arrive and leave the site no more than 30 minutes either side of these times.*

The Applicant has reviewed/reconsidered the operational ability to comply with the 30 minute 'window' associated with staff arriving/departing before opening and after closing. This 'window' is considered sufficient by the Applicant, and no change is sought.

- (b) Condition 4 – *There must be no deliveries between 10pm and 7am the following day.*

The above provides clarity and is acceptable to the Applicant.

- (c) Condition 6 – *All deliveries must be carried out using vehicles no larger than a 99th Percentile Car.*

The Applicant has reviewed/reconsidered the operational ability to comply with delivery vehicles up to this size, and the Applicant considers that the vehicle size is sufficient. No change is sought.

- (d) Condition 10 – This is a slightly amended version of what was proposed in my evidence, and the updated draft wording is agreeable to the Applicant.

- (e) Condition 11 and 12 corrected for minor errors, as discussed at the Hearing.

- (f) Condition 18 (new) – to provide for the screening of the bins, and for any new/additional screening to be approved by Council prior to installation. The draft wording is agreeable to the Applicant.

2. PROPOSED ACTIVITIES

2.1 The proposal includes a number of activities, which are broadly listed below, along with comments:

- (a) External Alterations – the proposed alterations has the support of the DCC Heritage Adviser, and raises no concerns.
- (b) Visitor Accommodation – while the owners intend for the property to be their place of residence, to provide for some flexibility, Visitor Accommodation is sought for part of the property. The proposed Visitor Accommodation is small scale (4 bedrooms). The granting of resource consents for Visitor Accommodation in Dunedin is common place - subject to conditions specific to the Visitor Accommodation activity. The proposed conditions are agreeable to the Applicant.
- (c) Grocery offering – this is very small scale (retail floor area will be approx. 3m²). Such an activity could be considered a very small dairy, which is encouraged in the Residential Zones. This raises no concerns.
- (d) Café – this is limited to approx. 35m² of indoor space with up to 25 seats, and subject to further council approval, minor outdoor seating (8 seats). The Café component of the application has been the focus of the Hearing.

3. SUBJECT MATTER EXPERTS

- 3.1 The application has had input from a number of experts, including; heritage, transportation, infrastructure, environmental health and planning.
- 3.2 All the experts agree that the application can be granted subject to conditions. Council and the Applicants have agreed to a set of draft conditions (attached).
- 3.3 There is no expert opinion recommending that the application be declined.

4. SUBMISSION FROM 98 ARTHUR STREET

- 4.1 The submission from 98 Arthur Street raises a number of matters. These matters included noise and parking. Such matters were considered by the various subject

matter experts, and the subject matter experts raised no concerns (subject to imposing conditions of consent).

- 4.2 In terms of the subject building, apart from one bedroom window, the wall facing 98 Arthur Street is solid brick.
- 4.3 In terms of fencing the open yard on the subject site (which is only to be used in conjunction with the residential or Visitor Accommodation activity) to 98 Arthur Street, a solid tall fence is proposed.
- 4.4 In terms of the proposed café, this is considered small scale (refer para 46 of the s42A report), faces away from 98 Arthur Street and has no openings towards 98 Arthur Street.

5. CONCLUDING COMMENTS

- 5.1 Overall, the site's history, the permitted baseline (including permitted noise limits), the input from the various subject matter experts and the willingness of the Applicant to agree/offer the various draft conditions, all assist to support the proposal.

Conrad Stewart Anderson

06/03/2026