
TO: Hearings Committee

FROM: Melissa Shipman, Planner

DATE: 21 November 2018

SUBJECT: **RESOURCE CONSENT APPLICATION
LUC-2018-219
261 TOMAHAWK ROAD
LOCHEND LIMITED**

INTRODUCTION

- [1] This report has been prepared on the basis of information available on 12 November 2018. The purpose of the report is to provide a framework for the Committee's consideration of the application and the Committee is not bound by any comments made within the report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.

SUMMARY OF RECOMMENDATION

- [2] For the reasons set out in paragraphs below, I consider that the proposal (albeit in a reduced format) is able to mitigate any adverse effects to minor. As a result, I have concluded that the proposal should be granted subject to conditions.

DESCRIPTION OF PROPOSAL

- [3] Resource consent is sought to convert an existing woolshed building and outdoor areas (courtyard/ceremony area) for use as a wedding venue and/or other celebratory occasions/conferences/seminars. An amended proposal was submitted to the Council to address initial concerns raised regarding the size of the car parking area in this landscape and the scale of the activity. An amended AEE was submitted which is the subject of this assessment of effects.

Conversion of the Existing Barn

- [4] The existing barn will be converted to provide a high quality function venue for hire. The applicant has provided plans which are designed to maintain the exterior rural character of the woolshed.
- [5] Part of the conversion involves the demolition of an existing corrugated iron lean-to store which will be replaced with a new corrugated iron lean-to of larger dimensions to accommodate a new kitchen and toilet facilities. The new lean-to will be clad in second hand corrugate iron to achieve an authentic barn look.
- [6] The exiting woolshed door openings will be replaced with fully glazed openings framed with steel shelter/shade elements 'mainly' to the existing openings. Some retrofitting work will also take place including the removal of old linings

and sarkings. The applicant has not included an archaeological authority (Heritage New Zealand).

Scale/Frequency of Use/Hours of Operation

- [7] The amended proposal is for a venue which will cater for up to a maximum capacity of 150 people on no more than 8 days in any calendar month (reduced from an earlier proposal of 10). The applicant does not seek to restrict the number of events that could occur on any one day and/or on any consecutive day, nor does the applicant seek to restrict the duration of any event.
- [8] The applicant does not wish to restrict the hours of music, however, they state that outdoor music will be 'relatively short-lived' (30-60 minutes) and would generally occur between 2.30pm and 4.30pm. The applicant has indicated that the music will be acoustic and low key only. The applicant considers the desire not to annoy 'guests' as being a sufficient parameter around the level of music able to be played on the property. They have indicated that evening music will be 7.30pm – 8pm through to around 11.30pm – 12am. The applicant's proposal states that they will achieve compliance with the applicable noise standards.
- [9] The applicant seeks consent under the umbrella of 'rural tourist activity' for a wide ranging number of events including outdoor wedding ceremonies, other celebratory occasions (reunion, milestone birthdays), conferences/seminars and for formal photographs. While the applicant has indicated a preference for the continued use of the site for community support activities (meetings/fundraisers/fire service training etc) it is understood that this use is no longer being sought as part of this consent due to the 'community support' activity status that would otherwise be applied.

Access and Car parking

- [10] Vehicle access is via the existing gravel public road off Tomahawk Road (albeit the first 10m is formed and sealed). The private access continues beyond the legal road boundary and across area of DOC administered land. The applicant has provided evidence of an existing DOC concession to utilise this access and DOC have proceed their written approval for the proposed continued use of this access for the proposed activity.
- [11] A designated on-site car parking area will be provided for guests. The new car parking facility has been reduced in size and location from what was originally submitted and now provides capacity for up to 40 cars to be parked on-site. Additional accessible parking is provided closer to the venue (**Area 4** depicted in **Figure B below**), and coach parking is provide down slope of the venue within a cleared area on the northern side of the access. The main car park is now located in the immediate foreground of several large macrocarpa trees (see **Figure A below**).



Figure A: Main Car Parking Area

- [12] While the applicant states that this land is flat, some excavation is likely to establish suitable level. The applicant intends to provide a gravel surface to the car park.

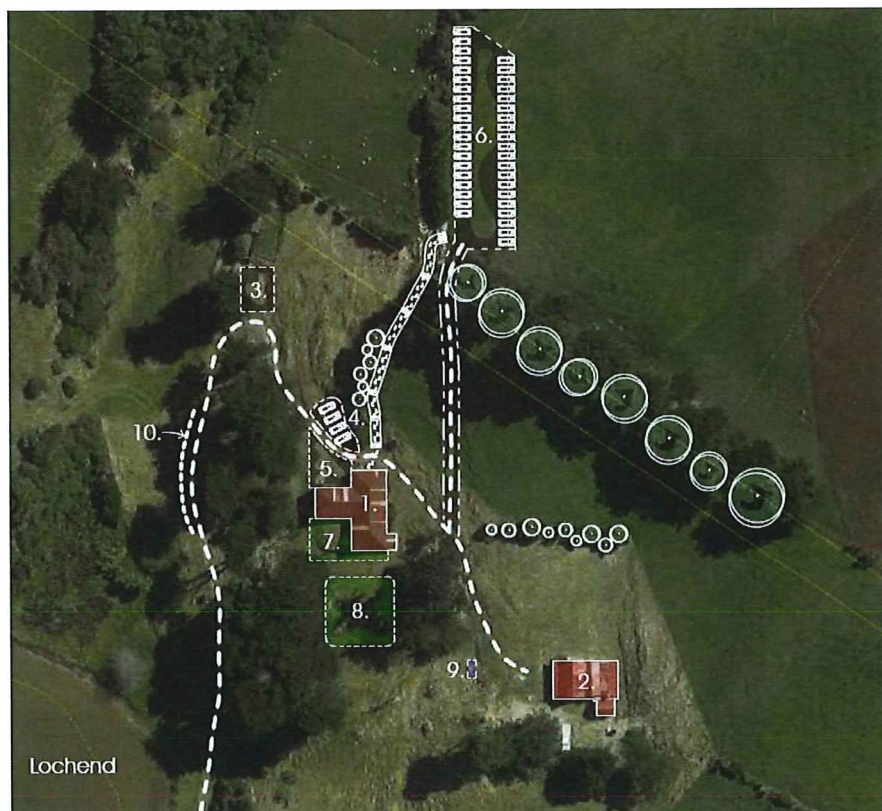


Figure B: Car parking and coach location (Items 3, 4, and 6).

- [13] While the applicant originally proposed to seal the first 70m section of legal road off Tomahawk Road to alleviate traffic noise past adjoining residential properties late at night, the applicant has now amended their proposal to withdraw this aspect of the proposal. However, the applicant still proposes to provide provision for a passing bay along the existing access within the property. The passing bay will be installed at the widest section of the road

which is approximately halfway into the property where the level roadway bench exceeds 7m (see **Figure C below**).



Figure C: Passing Bay Location Map and Cancelled Seal Extension Area

Lighting

- [14] Flood lights were originally proposed to surround the new car parking area above the woolshed however, due to the prospect of a breach of the landscape provisions (structures more than 50m away an existing building), the height of the flood lights has been reduced to low level lights at ground level only.
- [15] The applicant proposes to retain their connection to the town water supply (subject to retrospective authorisation by Council and the establishment of necessary legal easements over adjoining land). A new effluent disposal system (AX20 Innoflow Sewage System and pressure compensated dispersal field) will be designed (at a capacity) to service the new venue and the existing house on the property which will be designed and installed by All Septic and Drainage Limited (see **Figure D** for its location). The application does not state what the existing effluent disposal system for the dwelling currently is. The effluent dispersal field will be located on sloped land on the southern side of the proposed venue which is below the existing dwelling. A

separation distance of 65m has been maintained between the effluent disposal field and the edge of the lagoon.



Figure D: Proposed Siting for a new Effluent Disposal System/Field

- [16] The applicant is also aware that as currently applied for and notified, the application is NOT for a 'licensed premises' which would have resulted in a non-complying activity status and therefore, limitations in terms of the sale of alcohol may limit the operation further. The Licensing Officer's comments are appended to this application (**Appendix 3**). However, the key restraint will be that alcohol must be sold under a Special Licence for each event, or, where alcohol is provided for consumption it must be at an event which is catered for by a licensed caterer. The latter type of license allows for the licence holder to provide the food and beverage for an event without the need for a Special Licence. These requirements will simply need to be a consideration for anybody seeking to lease the venue with the intention of providing/serving alcohol.

Services

- [17] The applicant has stated that they are on town water supply and will seek to continue with that option. There are some limitations around the applicant's desire to achieve that which are set out in more detail later in this report. The venue is to be served by an AX20 Innoflow sewage system and pressure compensated dispersal field to be designed and installed by All Septic and Drainage Limited.
- [18] A copy of the application, including plans of the proposed woolshed conversion, access and car parking provision, is contained in Appendix 1 of this report.

DESCRIPTION OF SITE AND LOCATION

- [19] The applicant describes the site as a small working farm located between the Upper and Lower Tomahawk Lagoons at Ocean Grove and as rising up from the edges of both lagoons (at sea level) through steeper foot slopes up to the contoured and undulating easy rolling pasture land. One dwelling and a woolshed are the only visible larger structures on the farm. The existing woolshed is located at the lower extents of the rolling pasture nestled into the hillslope in the background of mature macrocarpa trees. The dwelling is located in a slightly more elevated and exposed position several hundred metres north of the shed. The existing access to both buildings meanders around the perimeter of the lagoon edge before meandering steeply up to the woolshed and higher again to the dwelling. The access appears to have had some upgrading work (bigger aggregate applied) involving larger batters to provide more traction on the steeper sections as well as a greater level of width through the property.
- [20] The property is 41 hectares in area and its physical address is 261 Tomahawk Road, Dunedin. The land is legally described as Section 5 Block VII Otago Peninsula Survey District and Section 19-23 Block VII Andersons Bay Survey District and Section 3, 5, 7 Block III Tomahawk Survey District (held in Computer Freehold Register 500037). Council records indicate that land located at 245 and 265 Tomahawk Road is gazetted to DOC for conservation purposes. Part of the vehicle access to the site crosses over DOC land (which is the subject of a separate concession) – see **Figure E** below:

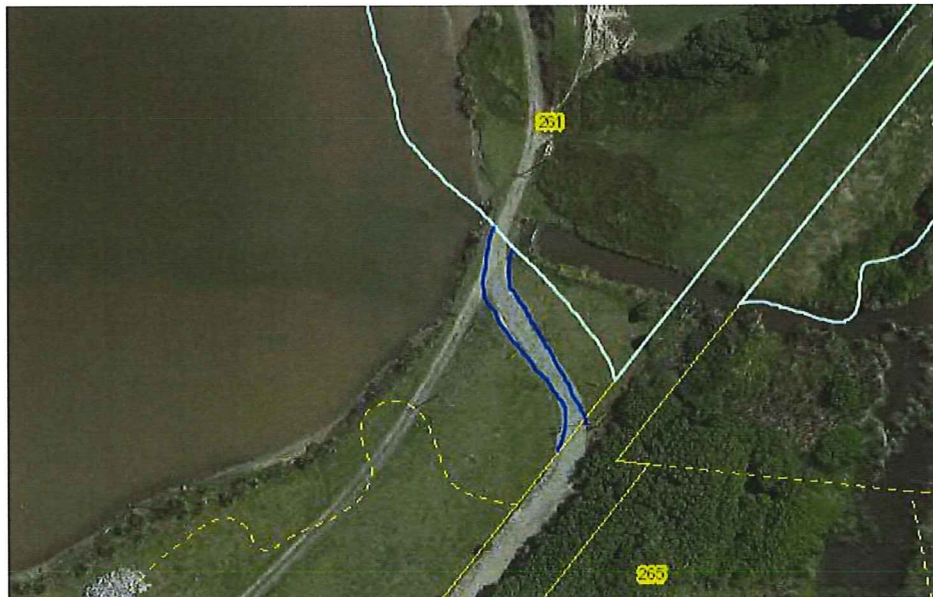


Figure E: Area of DOC Concession

- [21] Part of the proposed vehicle and pedestrian access to the upper car parking area traverses through an area of legal road (unformed) which passes through the site (see **Figure F over the page**).
- [22] The applicant has confirmed that the formed carriageway of the existing legal road is generally between 6 and 7m wide in most places, with a narrower section of around 5.5m approximately 115m into the driveway.

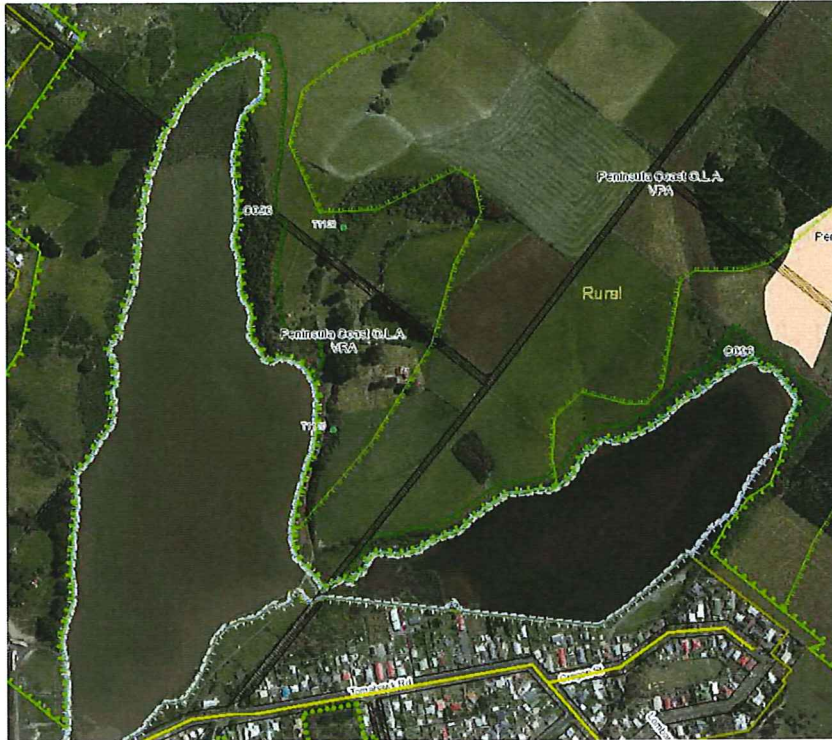


Figure F: Legal (Paper) Road Traversing the Application Site

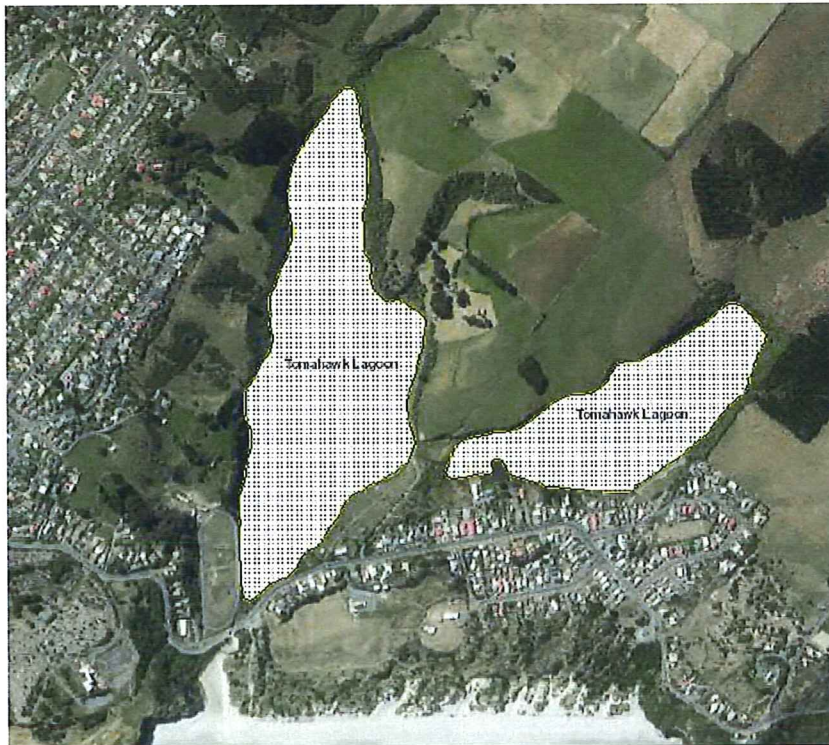


Figure G: Tomahawk Lagoon Extents (provided by ORC)

ACTIVITY STATUS

- [23] Dunedin currently has two district plans: the operative Dunedin City District Plan, and the Proposed Second Generation Dunedin City District Plan (the "Proposed 2GP"). Until the Proposed 2GP is made fully operative, both district

plans need to be considered in determining the activity status and deciding what aspects of the activity require resource consent.

- [24] The activity status of the application is fixed by the provisions in place when the application was first lodged, pursuant to Section 88A of the Resource Management Act 1991. However, the provisions of both district plans will be in force at the time of the decision making must be had regard to when assessing the application. At the time of writing this report, the District Plan remains operative and the Proposed 2GP has legal effect (from 7 November 2018).

Dunedin City District Plan

- [25] The subject site is zoned **Rural** in the Dunedin City District Plan. The site has a number of other classifications which are also identified in **Figure F** above. The site is also adjoins Tomahawk Lagoon which is identified as an **area of significant conservation value (Schedule 25.4 of the Plan – C112)**. The paper road services the private access to the site and Tomahawk Road is classified as a **Collector Road**. The site contains an **Area of Significant Conservation Value** identified in Schedule 25.4 of the Plan (**C096**). The proposed activity falls outside of the designated AOSC area however, the original coach location was located across part of the area. A lancewood tree and a Ngaio Tree on the property are identified in **Schedule 25.3** as a significant tree warranting protection (**T1120 and T1121**). The trees are removed from the access and the venue location. The whole site is located within the **Peninsula Coast Outstanding Natural Landscape (ONL)**– the lower parts of the site are located within a **Visually Recessive Area (VRA)** and the more elevated parts of the site are located within a **Visually Protected Area (VPA)**. Only a small section of the access at the southern end is located within the VPA all other areas of the proposed activity are located with a VRA area.

- [26] The applicant has assessed the application as a 'Rural Tourist Activity' in the District Plan which is defined as follows:

*"means the use of land and buildings for the purpose of attracting visitors, provided that the activity is **complementary to a permitted activity** of the Rural Zone **or a natural feature** of the rural area".*

- [27] The proposed use is most definitely designed to attract visitors to the property which is the first component of this definition. The proposed activity then must meet the requirement to be either **complementary to** a permitted activity of the Rural Zone; or be **complementary to** a natural feature of the rural area. The subject site is considered to meet the requirements of the latter. Importantly, there is no requirement in the definition for the 'natural feature' to be located on the subject site. Therefore, the Tomahawk Lagoon which is located outside of the site but contributes significantly to the setting of the subject site can be considered to be a 'natural feature' in this 'area'. The test of being a 'natural feature' is considered to mean a distinctive or characteristic part of a landscape. Tomahawk Lagoon is a wetland of regional and local significance which offers a geographical distinctiveness, aesthetic and transient values (presence of wildlife) which accounts for its recognition in the District Plan (C112). It is therefore concluded that the proposed event and function centre being proposed is a rural tourist activity.

- [28] For comparative purposes, a commercial activity is defined as follows:

"means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or service and includes any commercial office or restaurant, and excludes service stations".

- [29] Under Rule 6.5.2(i) farming activity is a permitted activity in the event that the applicant seeks to continue with any farming activities concurrently alongside the proposed activity.
- [30] Under Rule 6.5.4(ii) Rural Tourist Activities which do not gain access from a State Highway, are assessed as a **Controlled Activity**. The activities are controlled in respect of the following matters: The scale of the activity, vehicle access and parking, signs, the size and location of structures, and the performance standards of the Environmental Issues Section.
- [31] The applicant has not sought permission to run a 'licensed premises' – instead they wish to lease the premises wholly to members of the public who will have sole responsibility to obtain appropriate licenses individually. However, the applicant has not proposed any limitations for hire of the premises in their application to ensure that appropriate licenses are obtained. This is dealt with through other legislative provisions which fall outside of the RMA 1991 under the Sale and Supply of Alcohol Act 2012.
- [32] Any application for a licensed premise typically falls under the umbrella of a non-complying activity in the Plan under Rule 6.5.7(ii) which captures any activity not specifically identified as permitted, controlled, discretionary or prohibited. While the serving of alcohol might be anticipated by some to be implicit in the holding of a wedding there are a number of models under which a wedding can be held without the service of alcohol. The application has not traversed the specifics of the matter but the applicant did confirm prior to notification that they did not seek a 'licensed premise' and that they understood the ramifications for how the facility could be operated in the event that the application was notified in its current format (i.e. the Council's Licensing Officer has advised that only certain approved caterers with appropriate special licenses will be able to service alcohol within the venue.
- [33] While no new road is proposed, road construction, where the activity has not been considered as part of an approved subdivision consent is a discretionary activity under Rule 20.5.4(i). Under Rule 20.5.1(i) maintenance of existing roads which includes realignment, road signs, and landscaping is a permitted activity (Transportation Section).
- [34] Construction of any passing lanes within the access road and or within the DOC concession area will fall within the coastal habitat (defined as a 100m strip of land immediately inland from MHWS) and may necessitate a discretionary activity consent where earthworks exceeding 1m³ in volume or 25m² in area (including deposit of fill in wetlands) is required. The applicant has not provided any detail around the construction of the passing lanes and any information provided by the applicant around earthworks (prior to the amended proposal for provision of passing lanes) has stated that the applicant will comply with the earthworks limits/thresholds under the Plan. It is therefore recommended that the Applicant provide further detail prior to the hearing on this matter.
- [35] Overall, (excluding consideration of any earthworks with coastal habitat) the activity status is considered to be a Controlled Activity under the Operative Plan. In the event that earthworks within the coastal habitat are required, the Panel may wish to give consideration for the unbundling of the proposal.

Proposed Second Generation Dunedin City District Plan (Proposed 2GP'')

- [36] The Proposed 2GP was notified on 26 September 2015. The 2GP zoning maps indicate that it is proposed that the subject site be zoned as **Rural**. The maps also indicate the property is located within an **Outstanding Natural Landscape – Peninsula Coast. A Coastal Character Overlay Zone**

extends around the perimeter of the site and over Tomahawk Lagoon (NCC – Appendix A.5). The site contains two **Areas of Significant Biodiversity Value C096** located along the western extent of the site adjoining Tomahawk Lagoon and **C112** which identifies the edge of the Tomahawk Lagoon as being of regional and local significance. The maps also indicate that some lower parts of the property are located within a **Hazard 3 (coastal) Overlay Zone**.

- [37] Under the Proposed 2GP 'Rural Tourism' is limited being more specifically defined as:

"The ancillary use of land or buildings for the interpretation and demonstration of a rural or conservation activity and/or viewing and interpretation of the natural environment (including coastal environment), scheduled heritage item or archaeological site, where the tourism activity is ancillary to a rural or conservation activity on the site. For the sake of clarity, rural tourism includes associated restaurant, retail, and conference, meeting and function activities, where ancillary to the rural tourism activity. This definition excludes activities otherwise defined as entertainment and exhibition, or conference, meeting and function."

- [38] Given the specific exclusion, there is clear direction that the use of the converted barn for the proposed use will not satisfy the criteria for inclusion in that category of activity. The proposed activity is a venue for hire, as opposed to an opportunity to engage with guests/visitors in/about the landscape or items within the landscape.

- [39] Conference, meeting and function is an activity in the commercial activities category. Commercial activities are defined to include *"The category of land use activities that consists of: ancillary licensed premises....., 'conference, meeting and function'.*

- [40] Conference, meeting and function is defined as:

"The use of land and buildings for the purposes of holding organised conferences, seminars and meetings, or as a venue that is hired for weddings or other functions. This definition excludes activities otherwise defined as entertainment and exhibition, community and leisure (which includes churches and community halls), and sport and recreation."

- [41] Commercial activities are classified as a **non-complying activity** in the rural zone under Rule 16.3.3.46. Ancillary Licensed Premises are defined as activities that sell alcohol but they are treated as secondary to another activity. Their activity status in the Rural Zone is classified under Rule 16.3.3.34 as "the same status as the underlying activity".

- [42] Under Rule 10.3.3 a setback of 20m must be maintained from mean high water springs (MHWS) and 20m from any wetland identified in Appendix A1.2 and any Schedule of Areas of Significant Biodiversity Value (**ASBV**), or 20m from any water body with a clearly defined bed of at least 3m in width in the rural zone. While earthworks associated with the operation, repair and maintenance of the existing roading network is exempt from these standards, a private access track is not considered to be an 'existing roading network'. Activities that contravene this performance standard are **restricted discretionary activities** under Rule 10.3.3.8. The applicant has not demonstrated whether these rules will be complied with however, Tomahawk shares a common sea outlet with the eastern lagoon and therefore is likely to be tidal. It is likely that the separation distance is not maintained.

- [43] Under Rule 10.3.5, in an outstanding natural landscape or a natural Coastal character overlay zone up to three new building less than or equal to 60m² footprint may be erected on the site provided they are located within 30m of any building greater than 60m² footprint on the same site. The new lean-to structure is considered to comply with this provision.
- [44] Under Rule 10.3.6.1 in any landscape or character overlay zone, new buildings and structures and additions and alterations must have exterior surfaces including roof that have alight reflectance value (LRV) of 30% or less except the rule does not apply to natural wood finishes, glass, clear plastic, soffits or flues. The proposed exterior cladding of the new lean-to is considered to satisfy thee provisions. The new lighting structures are unlikely to trigger any of these provisions given their small individual size.
- [45] No buildings are proposed in the areas subject to the flood hazard overlay therefore the rules provisions are not considered to be of relevance to a consideration of this proposal, however, the hazard may have relevance to the continued utilisation of the access to the site.
- [46] Rules 6.6.1 - 6.6.1.7 sets out the car parking minimum parking space dimensions for cars and coaches and also the minimum gradient of parking areas and the surfacing and marking of parking areas, lighting of parking areas and access to parking areas. If the applicant proposes to gravel the parking areas then a contravention of the performance standards is assessed as a restricted discretionary activity under respective provisions (6.6.1.5.b).
- [47] While no new road is proposed, the formation of a new road or alterations to existing roads is a discretionary activity under Rule 6.3.2.2 (Transportation Section).
- [48] Rule 9.3.3.2 sets out the fire fighting requirements for new residential buildings. Where the applicant seeks to disconnect from the potable water supply and be self-sufficient (as referred to in the revised application) this provision sets out the minimum required for one dwelling but does not set out the additional provision for guest capacity.
- "Provide an area of minimum dimensions of 4.5m x 11m with suitable fire engine access, water storage of 45,000 litres (45m³) or equivalent fire fighting capacity, and have the water supply located within 90m of the fire risk or otherwise provide for water supply and access to water supplies for fire fighting purposes consistent with the SNZ/PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice."*
- [49] In the event that LPG is required to service the new venue, the maximum quantity limits are applied to the rural zone is 50 litres under Rule 9.3.4.1.d (Appendix A6.4.1) because the storage and use on the farm is not for domestic purposes associated with the dwelling. The applicant is requested to confirm what quantity if any of flammable fuels storage will be required (i.e. water heating). Any contravention of this performance standard is a restricted discretionary activity under Rule 9.3.4.4.
- [50] Rule 9.3.5.1 provides controls for light spill into sites within a residential zone, or in any other notional boundary of any residential building. The rule provisions require all outdoor lighting to be shielded from or directed away from adjacent roads and site boundaries and set a maximum luminance limit of 10 lux between 7.00am and 10.00pm and 3 lux between 10pm and 7am. The standards set out within the rule do not apply to light spill from the headlights of motor vehicles.

- [51] In terms of noise, Rule 9.3.6.1 requires that noise level to be measured in accordance with the following:

Zoning of receiving property	Noise level measured at the boundary of the receiving property or the notional boundary of noise sensitive activities in a rural, rural residential or Ashburn Clinic zone		
	a. 7.00am to 7.00pm	b. 7.00pm to 10.00pm	c. 10.00pm to 7.00am
1. Residential, Recreation, Smith Street and York Place, schools, Dunedin Botanic Garden, Wakari Hospital, Mercy Hospital and Moana Pool zones	50 dB LAeq (15 min)	45 dB LAeq (15 min)	i. 40 dB LAeq (15 min); and ii. 70 dB LAFmax
2. Rural, rural residential, centres and Ashburn Clinic zones (at notional boundary of noise sensitive activities); except in those parts of rural zones that are within 350m of the Industrial Zone	55 dB LAeq (15 min)	50 dB LAeq (15 min)	i. 40 dB LAeq (15 min); and ii. 70 dB LAFmax

Figure H: Proposed 2GP Provisions 9.3.6.1

- [52] The penalty for any contravention of this performance standard by more than 5dB LAeq (15 min) is a non-complying activity status which indicates the seriousness of any degree of non-compliance. A contravention by a lesser extent warrants a discretionary activity status.
- [53] On the matter of signage, the maximum area of road signs providing directional information permitted in this rural zone is 0.25m². For road signs providing regulatory or warning information there is no maximum area. While the applicant has made reference to a sign with the name 'Lochend' to be placed on the edge of the unsealed public road, it is unlikely to satisfy the criteria for 'directional information'. If Council elects to place warning information to alert visitors to the presence of wildlife along the public portion of the access to the site, there is provision for some signage to be erected under Rule 6.5.1 of the Proposed 2GP.
- [54] Section 88A of the Resource Management Act determines that when an application has been lodged prior to notification, the activity status remains unaltered despite a proposed plan being notified. Accordingly, the activity status of the application discussed above (i.e. both the subdivision and land use components) remains unaltered.
- [55] The activity status under the Proposed District Plan is non-complying activity.

Overall Activity Status

- [56] The Proposed 2GP was notified on 26 September 2015, and some 2GP rules have immediate legal effect. The relevant rules are now subject to the appeal period which ends on 19 December 2018. Given the time of lodgement prior to notification of the Proposed 2GP, the overall activity status is considered to be a Controlled Activity. Therefore, under Section 104A(a) consent must be granted and conditions may be imposed on the consent under Section 108 only for those matters over which control is reserved in the District Plan. Under Rule 6.5.4(ii) the Panel have control in respect of the following matters:
- The scale of the activity.
 - The vehicle access and parking.
 - Signs.

- The size and location of structures; and the performance standards of the Environmental Issue section.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("the NES")

- [57] The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.
- [58] While the applicant has not undertaken a HAIL search, and it has not been established whether any HAIL activities have been undertaken on this site, the National Environmental Standard only controls change in land use where the land use is reasonably likely to harm human health. In this situation, the use is changing from farm use (sheep shearing/wool storage) to commercial food preparation/catering and function venue which will not raise any implications for human health. As such, the National Environmental Standard is not deemed applicable to the proposal.

NOTIFICATION AND SUBMISSIONS

- [59] Written affected party approvals were received from parties in the following table:

Person	Owner	Occupier	Address	Obtained
Charlotte and Todd Robertson	✓		263 Tomahawk Road	Yes
J R Campbell and D C Campbell	✓	✓	271 Tomahawk Road	Yes
Paul Noakes	✓	✓	273 Tomahawk Road	Yes
Stan and Trish Walters		✓	269 Tomahawk Road	Yes
Colin and Dianne Henderson (Trusts)	✓	✓	269 Tomahawk Road	Yes
Otago Regional Council	-	-		-
Department of Conservation	-	-		Yes

- [60] While identified as an affected party, the Otago Regional Council did not identify any reason for which their written approval was necessary (see **Appendix 3**).
- [61] Below is a map indicating the location of the above neighbouring properties who have provided their written approval. Note: DOC land is not identified in this map:



Figure I: Written Approvals Obtained (Blue Tick)

- [62] In accordance with Section 104 of the Act, **where written approval has been obtained from affected parties the consent authority cannot have regard to the effects of the activity on that person.**
- [63] The Department of Conservation Authority (hereafter referred to as DOC) were determined to be affected parties due to their conservation role (public service department of New Zealand) and the proximity of the activity to one of Dunedin's regionally significant wetlands. Tomahawk Lagoon is located within an area of 33 hectares which is managed by DOC as a Wildlife Management Reserve. The proposed activity also requires a DOC concession to access the proposed activity. DOC have provided their written approval specifically noting that:
- [64] *"...the property is accessed via a concession (across the Tomahawk Lagoon Wildlife Management Reserve) granted by the Department and that this concession will be used by those attending events at the venue. The concession contains obligations on the holder to protect the environment, and the Department will use this mechanism to ensure there are no adverse effects from this activity on the Reserve".*
- [65] A copy of the current DOC concession document is contained in the application documents. The applicant has since modified their proposal to include the provision of a passing lane which appears to be located within the DOC concession area. While the works are located off-site, it is necessary given the request for a passing lane is intended to satisfy transportation related concerns, for the applicant to re-obtain DOC's written approval to determine whether such works are viable and can be implemented as a condition of consent.
- [66] Otago Regional Council (hereafter referred to as ORC) is responsible for the water quality of the Tomahawk Lagoon (Schedule 9 Regionally Significant Wetland no. 154, Map F54) which is a regionally significant wetland and habitat for threatened plant species and for regionally significant habitat for waterfowl and waders. The Regional Plan recognises the site as part of a chain of feeding habitats along the coast which is used by migrating waders and is a habitat for native fish and eels. Correspondence has been received from ORC that reinforces the protection of wetlands as a matter of national importance under Section 6 of the RMA and in Otago's Water Plan. They have noted that the water supply will be reticulated with sewage to be disposed on-site.

Additionally, they have noted that the actual activity (i.e. the venue) will not be located immediately adjacent or within the wetland. The ORC have stated that they do not consider themselves to be an affected party to the application. This is considered to be satisfactory consultation with that party. The ORC have however highlighted that given the potential sewage discharge volume from a full capacity venue (150 people) the limit of 2000 litre/day permitted activity rule volume in the water plan will most likely be exceeded. They have therefore highlighted the need for the applicant to discuss the consenting requirements with the ORC's consent team. For stormwater, ORC have highlighted the rules controlling the discharge of stormwater to water (or land where it may enter water) and the need to ensure compliance with the water plan.

- [67] It is noted that the applicant has not provided any more detailed information associated with the widening of the access at intervals immediately alongside the wetland.
- [68] After initial consideration of the application, it is considered that the adverse effects of the proposal would be no more than minor, having regard to the surrounding environment and the mitigation measures proposed.
- [69] It was therefore determined that the minor effects of the proposal would be restricted to a limited number of parties being the owners and occupiers of the properties at:
- **Owners and occupiers of 257 Tomahawk Road** – residing within close proximity of the vehicle movements associated with the proposed activity.
 - **Owners and occupiers of 267 Tomahawk Road** - residing within close proximity of the vehicle movements associated with the proposed activity.
 - **Owners and occupiers of 269 Tomahawk Road** - residing within close proximity of the vehicle movements associated with the proposed activity.
 - **Aukaha (Te Runanga o Otakou)** – Local Iwi custodians of local water bodies and cultural values associated with regionally significant wetland bodies.
- [70] With the exception of Aukaha, the location of those properties can also be identified in **Figure I** provided above. The written affected party approval of all these parties was not obtained and the application was, therefore, notified on a limited basis on 3 October 2018.
- [71] Copies of the application were sent to these parties on 3 October 2018 with submissions closing on 31 October 2018.
- [72] Four submissions were received by the close of the submission period. No submissions were in support, three submissions were opposed and one submission was neutral.
- [73] No late submissions were received.
- [74] The submissions are summarised in the table below, and a full copy of the submissions is attached in **Appendix 2**.

Name of Submitter	Support/ Oppose	Summary of Submission	Wish to be heard?
P G & J S Clark	Oppose	▪ Raises concerns for the controlled activity status of the proposal as a 'tourist activity' - believes it to be a 'commercial activity'. ▪ Amenity/lifestyle concerns raised including: (i) Long duration of events; (ii) Start and finish times; (iii) Large volumes of people (150); (iv) Additional community functions over and above the 8 events? (v) Noise on gravel road – separation distance 20m; (vi) Amplification of noise over water (refraction). (vii) Devaluation of property. ▪ Insecure reliance on service connections (water and power supply) due to lack of ability to obtain legal easements – the submitter will not agree to any new easements. ▪ The site is a rural site relying on unauthorised connections to Council infrastructure.	Yes
R H Flier,	Oppose	▪ Amenity concerns raised including; (i) Night-time noise, light glare and dust from traffic, sleep disruption – bedroom proximity to the road; (ii) Hours of operation are potentially of long duration (10am to 1am) mostly on the weekends and late at night; (iii) Large volume of people; (iv) The above causing stress and anxiety. Seeks the whole activity be opposed.	No
C D And L A Arthur	Oppose	▪ Amenity concerns raised including: (i) Large number of cars;	No

		(ii) Fencing between the lawn and the road. (iii) Impact on privacy – buses in particular. (iv) Traffic noise, dust, light, glare, sleep disruption late at night. If granted, seeks consideration for a further reduced proposal: (i) Reduced number of events; (ii) Reduced hours of operation.	
Auakau (Te Runanga o Otakou)	Neutral	▪ Seek a condition of consent on any consent approved requiring the Accidental Discovery Protocol to be adhered to in order to manage any discovery of artefacts or archaeological material. Notably, several archaeological sites are identified in the vicinity of the site. The species residing in the area of the site are taonga species of significance and importance to Ngai Tahu, some of which are threatened. Several conditions are recommended if Council is minded to grant consent which address the above matters: (i) <i>Accidental Discovery Protocol for any earthworks;</i> (ii) <i>Limiting speed limits along the access road;</i> (iii) <i>Warning signs – birdlife;</i> (iv) <i>Requiring wastewater disposal system appropriate for soil conditions in the area;</i> (v) <i>No discharges to the Lagoon;</i> (vi) <i>Maintenance requirements for the wastewater disposal system;</i> (vii) <i>Landscape planting to native plants.</i> (viii) <i>Adopt measures to minimise contamination to the lagoon;</i>	No

		(ix) <i>Noise and lighting limited to permitted Council standards.</i>	
		(x) <i>Limit events held to 8 events per month.</i>	

ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

[75] Section 104(1)(a) of the Act requires that the Council have regard to any actual and potential effects on the environment of allowing the activity. 'Effect' is defined in Section 3 of the Act as including-

- a) *Any positive or adverse effect; and*
- b) *Any temporary or permanent effect; and*
- c) *Any past, present, or future effect; and*
- d) *Any cumulative effect which arises over time or in combination with other effects—*
regardless of the scale, intensity, duration or frequency of the effect, and also includes –
- e) *Any potential effect of high probability; and*
- f) *Any potential effect of low probability which has a high potential impact.*

Permitted Baseline

- [76] An important consideration for the assessment of effects is the application of what is commonly referred to as the permitted baseline assessment. The purpose of the permitted baseline assessment is to identify the non-fanciful effects of permitted activities and those effects authorised by resource consent in order to quantify the degree of effect of the proposed activity. Effects within the permitted baseline can be disregarded in the effects assessment of the activity. Given the advanced stage of the Proposed 2GP, consideration must also be given to the permitted baseline under the Proposed 2GP.
- [77] The site is a rural zoned site which allows for farming activity and forestry activity to be undertaken as a permitted activity. One dwelling is permitted on a site of 15 hectares in area. Due to the sites location within an outstanding natural landscape (Peninsula Coast) the level of new development that can be undertaken on the site is further limited. Any number of farming buildings so long as they are located within 50m of the dwelling which must be 50% greater in area than the new building.
- [78] The existing environment contains only two buildings across the large site, the dwelling/cottage located at the top of the site and the existing barn (to be converted).
- [79] An application of the baseline assists in understanding the effects of the activity. This is because activities which are permitted on this site can generate a level of vehicle movements which will result in a change to the existing environment without requiring any further consent.
- [80] The existing environment comprises a farm with one dwelling and a one farm building within relative close proximity of the dwelling. The site has been used for pastoral farming. However, a number of other activities can be undertaken on the site and/or a combination of the following can occur concurrently on the property resulting in a higher number of vehicle movements to and from the property and a potentially a higher level of noise that the status quo. Other relevant permitted activities include:

- (i) Visitor accommodation/home stay (short term living accommodation) or boarding house for up to and including 5 guests, provided that they are secondary to the permanent living accommodation;
- (ii) Home occupation – carried out by members of the residential unit which employ no other people and is accessory and secondary to the residential activity on the site.
- (iii) Farming activity;
- (iv) Forestry activity (except within 20m of a residential or rural residential zone) – species restricted;
- (v) Accessory buildings for permitted activities.

However, the above activities are NOT applied to that part of the site which falls within the Area of Significant Conservation Values (ASCV) (listed in Schedule 25.4 of the District Plan). Within that part of the site no activity or buildings are permitted except a limited amount of signage and activities consistent with the relevant strategy plan or covenant which governs them.

Additionally, the landscape classification of the site (Peninsula Coast Outstanding Natural Landscape) limits the construction of any new buildings and structures to those that are erected within 50m of an existing building that has a floor area at least 50% greater than the floor area of the proposed structure (Rule 14.6.1(b)) or to additions which do not increase the floor area of an existing building by more than 100%.

Within the above limitations there remains some scope for additional activity with limited scope for new structures given the sensitive landscape within which the site lies. 'Farming activity' might necessitate the need for additional workers on site which come and go (i.e. vegetable picking/planting/shearing/weed management/fencing/horse care and riding etc). Further, no constraint exists on the hours within which farming activity must occur, albeit, generally this is an activity undertaken within daylight hours due to the considerable cost associated with lighting large farm areas. The exception to this is any farming activity which continues through the night within existing sheds.

It is noted that commercial residential activity and community support activities are a discretionary activity as are structures for recreational activities greater than 25m² in area (Rule 6.5.6).

- [81] The foreseeable future environment allows consideration for what will soon be permitted activities within the rural environment (now that the Proposed 2GP has legal effect). **Small scale rural tourism** allowing for attendance of 25 or fewer people per day is a permitted activity in the Rural Zone (ONL) with provision for a maximum of 10 days per calendar year where an attendance rate of 26 to 50 people per day is permitted. **Rural Ancillary Retail** is a permitted activity allowing for the produce from the property or goods produced on the property as part of working from home activity to be sold on-site. Some control over hours of operation (7.00am to 7.00pm exempting wildlife and night sky viewing activities) and minimum car parking is required for both small scale rural tourism and for rural ancillary retail (for example, 1 parking space for any customers of roadside produce stall and 1 parking space for every 5 persons a rural tourist facility can accommodate at any one time. The subject application would need to provide 30 car parks to operate a small scale rural tourism operation. The different character of land use under the definition of 'rural tourism' (Proposed 2GP) warranting these upper attendance rates is outlined in earlier sections of the report.

- [82] Further **community and leisure activities** are permitted in the Proposed 2GP Plan in a Rural Zone (ONL) where they do not exceed 50 people at any one time, and allowing for up to 100 people on no more than 10 days per calendar year.
- [83] **Conservation activities** are permitted within the Rural Zone (ONL) which includes restoration planting, pest and weed control and track construction and maintenance/fencing.
- [84] **Ancillary licensed premises** are regarded as the same status as the underlying activity, so any licensed premises associated with small scale rural tourism and/or community and leisure could be undertaken as a permitted activity.
- [85] As set out above, the subject activity will no longer meet the definition of a 'rural tourism activity' under the Proposed District Plan and commercial activity of the proposed scale and character is no longer anticipated in the Rural Zone.

Assessment of Effects

Dunedin City District Plan

- [86] While the above matters of control are intended to narrow the matters for consideration somewhat, the advanced stage of the Proposed 2GP allows for a broader consideration for consideration of other matters according to the policy direction under the Proposed 2GP (Decisions Version November 2018).
- [87] Notwithstanding this, a review of 'the scale of the activity' is considered to allow consideration for the size and intensity of rural tourist activities not just their size in terms of guest numbers. The scale of the activity must also be considered in the context of the existing site which requires consideration for the existing landscape character and values, rural amenity values and cultural values and an opportunity to assess the scale the activity appropriately both in terms of size (guest numbers), hours of operation, and frequency of events per day/month/year).

Effects on Sustainability

- [88] The proposal seeks to utilise (through conversion) an existing barn building on the farm and the scenic setting of the property overlooking the tomahawk lagoon for commercial activity. While the plan anticipates somewhat movement of people through the property by virtue of a controlled activity status for 'rural tourist activities' the scale of the property is not set by the plan therefore, any assessment of the effects of the proposal on sustainability are to be determined according to the setting. The setting includes that of a Regionally Significant Wetland and a site contained an areas of significant
- [89] The applicant has not indicated whether or not they seeking to continue the pastoral farming that has previously been undertaken on the property therefore some clarification will be needed. Presumably 8 events a month would not preclude either the continuation of a working farm or certainly the predominant activity from being farming.
- [90] In terms of physical change, there are no new structures in this landscape with the exception of some lighting fixtures which will be permanently installed. The rural form which exists today will be preserved by the proposal as will those areas currently protected in the District Plan, being the protected conservation areas.

Effects on Rural Amenity Values

- [91] The District Plan identifies key elements of the rural character of rural areas which should be maintained and enhanced (Objective 6.2.2). These include:
- (a) *the predominance of natural features over human made features,*
 - (b) *the high ratio of open space relative to the built environment,*
 - (c) *significant areas of vegetation in pasture, crops, forestry and indigenous vegetation,*
 - (d) *presence of large numbers of farmed animals,*
 - (e) *noises, smells and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes,*
 - (f) *low population densities relative to urban areas,*
 - (g) *generally narrow unsealed roads,*
 - (h) *absence of urban infrastructure.*
- [92] The Council's Landscape Officer considers the effects on the rural amenity values of the landscape to be 'relatively low due to the reduced capacity of parking and the temporary nature of the effects'.
- [93] With the exception of the widening of the access road to accommodate passing lanes, and the replacement of a lean-to on the existing shed with a larger structure, there will be no significant changes to the physical rural environment. A large carpark is to be established however, in the foreground of the existing macrocarpa hedge it is well screened from views below the site looking up. When viewed from above, it will be a relatively small area of the site when 360° views command a greater level of attention.
- [94] It is likely that while events are on, the volumes of traffic around the perimeter of the lagoon may impact on rural amenity values however, it is not considered that up to 30-40 vehicles coming to and leaving an event within a well separated amount of time will cause effects that are more than minor. However, in the event that figure is doubled with two events per day it may begin to result in a deterioration of the rural amenity values of this particular setting (alongside the edge of a regionally significant setting). While the facility meets the test of being complementary to a natural feature of the rural area, the volume of traffic coming to and from the property can impact on the rural amenity values, more particularly at night time when the typical amenity values are the quiet serene environment. This provides added emphasis to consideration of a reduction in the scale of the events held late into the evening. Although any restrictions are somewhat arbitrary, I consider it is necessary to reduce the scale of the activity to a level which at least halves the number of vehicles that could potentially pass by the submitters' properties. This may result in a reduction in the number of guests by half, which is more aligned with the scale of rural tourism – small scale anticipated under the Proposed 2GP. It is recommended that a condition preventing concurrent events being held on the same day and on concurrent days is necessary to reduce the potential for an intensity of commercial activity not anticipated (by submitters') along a gravel road servicing one rural property.
- [95] Although the applicant has proposed a limitation to 8 events per month, the applicant still considers that '*The relatively isolated and secluded nature of the property suggests that a limitation on the number of events that can occur on the site is not necessary*'. Instead the applicant sees the ability of the applicant to manage the events as being the greater barrier. I disagree with this assessment because it lacks any consideration for the sensitive natural environment which the proposal must operate alongside, nor does it consider the sole reliance on an unformed gravelled access which traverses past low density residential properties and around the edge of a regionally significant

wetland. Further, the self-limiting factor referred to by the applicant can easily be overcome by employing more staff and upgrading systems both of which are not limited by way of any condition promoted by the applicant. While the number of guests is limited by the size of the venue, the regularity of use is not limited.

- [96] While the courts have previously held that a wedding venue is considered to be a rural tourist activity if it meets the test of being 'complementary to a natural feature of the rural environment' the aesthetic and transient values of the lagoon (a regionally significant wetland) which make the lagoon a distinctive or characteristic natural feature of the setting, the activity is very commercial in nature.
- [97] While the congregation of people could be anticipated by the plan in the rural area, the Plan has allowed full consideration for the scale of the activity which includes its size, its regularity and hours of operation.
- [98] While events such as weddings and other celebratory occasions are considered to be harmonious with beautiful views and outlooks. These are not available to guests/visitors after dark. Given this, the Panel may wish to adopt conditions to limit the scale of the activity after dark to a level commensurate with what is anticipated in the rural environment. The rural amenity values of the site that require some level of protection include prevention of night 'glow' and a reduced volume of traffic to and from rural properties particularly at night time. Conditions are included to limit the scale of the activity after dark to address the potential for degradation of the rural amenity values in this locality.
- [99] The Council's Landscape Architect has given some consideration to the effects on residential properties bordering the access:

" While it is noted that the access road is relatively distant from the nearest residential locations (approximately 500m), the existing low-key and largely natural character of the lagoon edge is likely to be noticeably intruded upon by the proposed commercial level of vehicle use, if the venue is used at the maximum frequency proposed (8 times per month). Management of these potential adverse effects is likely best addressed by either limiting the number of vehicles permitted to access the site or reducing the allowable frequency of events."

- [100] The Officer also considers the impact of the proposal when viewed from those properties which overlook the site from the east, approximately 500m from the site.

"...it is noted that while overlooked from some residential locations to the east, the nearest residential properties are approximately 500m from the site. As such, the revised features of the proposal, such as the reduction of parking and the restriction on the type of lighting will help to ensure the proposed activity does not become a focal feature from surrounding residential locations and amenity values associated with this rural landscape are maintained."

- [101] Relying on the Officer's comments, any adverse effects on rural amenity values are minor and able to be mitigated by conditions of consent around landscaping (retention of macrocarpa and new planting) and lighting.

Effects on Landscape Character and Values

- [102] The site is located within an outstanding natural landscape which is of high visual value and of high sensitivity to change. Pasture is the dominant vegetative cover with paths of bus in the gullies and on steeper slopes. The remains of old buildings and shelter plantings such as macrocarpa are a feature of the landscape which the District Plan recognises as having historic interest. The dominance of the natural elements is important in maintaining the character (Section 14.5 District Plan). The introduction of new physical structures in this landscape is seen as the greatest threat to the visual quality along with the removal of vegetation and the location of new shelterbelt plantings which limit views.
- [103] Although no new buildings are being constructed there are some works proposed to the woolshed as well as the introduction of larger car parking areas within the site. The Council's Landscape Architect has assessed the effects of the proposed activity and those works on landscape and visual amenity.
- [104] The Officer identifies the relevant features and characteristics of the Peninsula Coast Outstanding Landscape Area that are identified as important to protect. These are listed as:
- *The general visual dominance of the natural landscape elements over human landscape elements (e.g. buildings or shelter plantings) giving the area a sense of maturity and harmony.*
 - *An apparently remote, isolated rural character.*
 - *The integrity, extent, coherence and natural character of the landform, streams and remaining areas of indigenous vegetation.*
 - *The minimal influence of any large-scale structures or exotic plantings to diminish the impact of the natural landscape forms and features.*
 - *The dramatic coastal landforms and views.*
 - *The presence and quality of human-made features which are relics of the past, eg old lime kilns, stone walls. (15.5.1(a)(iii)).*
- [105] The Officer then considers the prospect of physical change:
- "...due to the minor nature of modifications to existing buildings and the reduced extent of car parking associated with the amended proposal, effects of this development on the important features and characteristics of this landscape can be kept at relatively low levels. There is some concern, however, that vehicle movements along the lagoon edge will have some adverse effects on the natural character values of this regionally significant wetland".*
- [106] The officer then considers the prospect of any change in character created by a different intensity and character of traffic:
- "There are likely to be some adverse effects on existing natural character values of the lagoon associated with intermittent periods of vehicle movements generated by 30-40 vehicles."*
- [107] The Officer then considers this in the context of the wider landscape:
- "... the Peninsula Coast Outstanding Landscape Area covers a large area, which includes a spectrum of landscape types, from highly remote locations on the eastern coastline, through to more rural fringe locations. It is considered that this site, while highly scenic, does not*

have values associated with being highly remote or isolated from areas of settlement, which would be threatened by this activity. This is largely because the subject site is in relatively close proximity to residential suburbs when compared with other Peninsula locations."

- [108] The Officer considers that the proposal will largely maintain the visual predominance of natural landscape features over human made features as required by Objective 6.2.2 on the plan largely because the high ratio of open space relative to the built environment will remain. The Officer states that:

"Currently, existing rural character is heavily influenced by the predominant pastoral landcover, established Macrocarpa shelter vegetation, and the visually recessive nature of the existing buildings, such as the homestead and woolshed. The proposal will not introduce any new buildings, but rather involves a sympathetic addition to the existing woolshed, which is in a visually recessive location, due to screening provided by either landform or mature shelterbelt vegetation."

- [109] The officer has regard to the availability of views from a range of surrounding locations:

"...the western extent of Ocean Grove, and the eastern extent of the hill suburbs of Andersons Bay and Shiel Hill. As seen in figures 5 & 6, views of the proposed guest parking area are likely to be at least partially visible from these locations. To avoid adverse effects associated with this feature of the development contrasting with existing pastoral views it is recommended that some additional shelterbelt planting is undertaken along the western boundary of the parking area (refer Appendix 2)."

- [110] In addition to shelterbelt planting, the Officer supports the surface of the car parks being gravelled so that from the limited range of locations from where it will be visible it will be largely in-keeping with the surrounding rural context, and will not appear notably different from a large farm vehicle parking area, when not occupied by guest vehicles.

- [111] The Officer acknowledges the potential for the removal of shelterbelt planting along the paper road which traverses the site in a northwest-southeast orientation, north of the existing woolshed and homestead:

"It appears from aerial photography that some of the trees within the shelterbelt that aligns with this road may actually be located within this unformed legal road. Whilst these trees will only provide limited screening of the proposed guest parking area, they provide a backdrop to the woolshed and homestead building and contribute to the existing context of built development being subservient to the surrounding natural character of the site".

And, as a consequence, requires the retention of existing macrocarpa and the planting of new shelterbelts:

"Existing landscape character is largely related to the combination of broad expanses of pastoral land, remnant native vegetation with the gullies and at the lagoon edge and the clusters and lines of shelter planting. The retention of existing large-scale vegetation on this site is, therefore, considered an important means of retaining existing landscape character values."

To ensure the ongoing contribution of these trees and the clusters of Macrocarpa planting to the east of the woolshed and homestead, in terms of both visual screening and their contribution to the natural character of this site it is recommended that all existing mature trees on site are retained. Where it is determined that trees are within the unformed legal road to the north east of the building on site, it is recommended that additional Macrocarpa planting is undertaken immediately to the northeast of the paper road, given that it is not possible to impose conditions for the retention of trees within an unformed legal road".

- [112] The officer considers the modified lighting proposed (low-level or building-mounted down lighting), if designed to meet all the relevant district Plan requirements (Rule 21.5.4 Performance Standard: Glare and Lighting), will have sufficiently reduce potential light spill and glare. The Officer considers the retention of existing mature trees on this site as assisting with reducing any such adverse effects.
- [113] The Officer considers the revised features of the proposal, such as the reduction of the area of parking on the upper slope and the restriction on type of lighting (deletion of floodlights) will help to ensure the proposed activity does not become a focal feature from surrounding residential locations and amenity values associated with this rural landscape are maintained.
- [114] The proposal will result in an increase in the intensity of the use of the existing road access. The access is located along an approximately 316m section of a regionally significant wetland which contains both habitat and plant species that are identified as being both rare and threatened. In terms of the impact on those species it is important to have consideration to what is permitted on the site currently.
- [115] Potentially a more intensive farming activity may necessitate a higher use of the existing farm access as well as the access widening which is proposed. However, the character of that use is more likely to be intermittent and spread across the week, rather than what is proposed with the types of event focussed functions proposed for the site. A maximum guest count of 150 would likely arrive over the hour before a wedding or conference and leave over the hour after a wedding has occurred, and potentially over a longer period of time depending on the type of event. While that results in an intense period of activity the intensity is only likely to occur on up to two occasions during any day, potentially four if two events are held at the property in one day (i.e. a morning event and an evening event). The applicants have signalled they are unlikely to cope with such intensity in terms of event management. However, two smaller events may result in this scenario being viable.
- [116] DOC has provided written approval to the proposal (albeit the passing lane is yet to be approve) and ORC have clearly stated they do not have an interest in it other than to highlight separate consents may be required from them independent of this resource consent. These parties are charged with being caretakers of the habitat and wildlife and water quality of the Tomahawk Lagoon and they have not raised any concerns.
- [117] Despite the lack of concern raised by those parties, overall, the intensity of vehicle use is not considered to be similar in character to what is anticipated in a rural environment (particularly under the Proposed 2GP). While rural tourist activities are anticipated in the current provisions the activity no longer meet s the definition of rural tourism under the Proposed 2GP. Even 'rural tourist activities' generating the number of events and people as that proposed would not meet the criteria for 'large scale rural tourism'. It is a further indication

that the proposed scale and intensity of commercial operation pushing the upper limits for acceptability in the rural zoned landscape overlays. The scale must be appropriate to setting and even acknowledging the presence of an existing gravel access track from Tomahawk Road around the edge of the lagoon, this is still considered to be a sensitive setting for the reasons set out above.



Figure J: Distant Views of the site from Tomahawk Road

Effects on Cultural Values

- [118] Given the sensitivities associated with a commercial activity of the scale and intensity proposed operating alongside a regionally significant wetland, Aukaha have raised some concerns in their submission which they consider warrant particular conditions to mitigate potential adverse effects.

- [119] The protection, access, use and management and biodiversity of wetlands are of importance to iwi as recognised in their Natural Resource Management Plan 2005. Wetlands are part of the cultural landscape which is of cultural and spiritual values to takata whenua. Wetlands are recognised for their Mahika Kai and for the important role they play in maintaining and restoring biodiversity as a plant and bird habitat. Aukaha have identified the impact that an overly intensive commercial activity could have in this particular environment in terms of its impact on breeding native birds and in terms of the risk to kaimoana through discharges into the wetland.

- [120] Aukaha have identified the need to adopt the Accidental Discovery Protocol when undertaking any earthworks on the property. Some permitted earthworks have occurred to level an area alongside the converted barn and to improve the access leg from the barn up to the cottage and upper paddocks, The applicant has not provided any detail on the level of earthworks that will be required to create either the passing lanes, the bus parking area or the upper car parking area. However, it is likely that combined, and in conjunction with the earthworks that have already occurred on the property to create the level area alongside the converted venue and improve access from the barn to the existing dwelling that the maximum volume of 200m³ that is permitted to occur within any 12 month period (in a landscape management area) under the current plan will have been reached. A separate application for resource consent will be required in the event that this limit is reached.

- [121] Earthworks are proposed in close proximity of the wetland which is located in an area that was utilised by Ngai Tahu. It is accepted that this means there is potential to uncover unrecorded maori sites/artefacts during any earthworks, the condition is promoted in the recommended conditions of consent if the Panel is minded to grant consent. Although the site is not recorded in the Proposed 2GP as a particular 'wahi tapu' site, the evidence of Aukaha is considered sufficient to take a precautionary stance towards the potential discovery of items of value to iwi and include the condition.
- [122] Aukaha have raised awareness in their submission of the threatened state of particular bird species (kotuku) and other important bird species as well as the value of plant habitat (raupo) within the wetland. To ensure their continued survival and ability to thrive, Aukaha have requested a number of other conditions; limiting the speed limit, introducing signage to alert guests to the sensitive nature of the environment they are entering (i.e. presence of birdlife); that any wastewater disposal system be sufficiently design to ensure no discharge into the lagoon (with a requirement for a record of maintenance); for landscaping within the property to compliment the coastal environment (native); that any earthworks or construction activity on the site take additional precautionary steps to minimise risk of contamination to the lagoon (wet concrete discharges/fuel, clean machinery within the work site, removal of excess material from the site etc); noise and lighting be limited; and for event frequency to be limited to eight per month.
- [123] In summary, it is considered that any adverse effects on cultural values as a result of the scale of the activity can be managed through conditions of consent which reduce any adverse effects on cultural values to minor.

Effects on Residential Amenity Values

- [124] The venue is located wholly within a rural environment which is accessed by a legal unsealed road. The unsealed road provides access by the public from Tomahawk Road to the edge of the lagoon and is located through Residential zoned land (Residential 1 – Current Plan and General Residential 1 – Proposed 2GP). The submissions received from the residents raise key concerns with the proposed volumes of traffic that are predicted with events of up to 150 guests and the hours and frequency of disruption that may occur for the period within which these events occur.
- [125] The opposing submitters raise residual effects outside the site that will potentially result from the events such as dust, glare, noise that the vehicles and buses (and guests attending) which will be produced as guests arrive and leave the property. While no anecdotal evidence is provided for the level of vehicle activity that already takes place on the public road portion of the access, it is not sealed which may be indicative of a volume of traffic which is not significant. The access is also not well identified from Tomahawk Road as an access point to the reserve nor is there any great public access to walking tracks or recreational picnicking areas at this location. Potentially however, there is scope for the Council to provide improved access to public land through the paper road which traverses their property (see **Figure F**) and has the potential to provide connectivity with other existing tracks. The Parks and Recreation Officer has provided some comment on the prospects of increased access by the public via the unformed legal road (attached as **Appendix 3** to this report):
- [126] *"While PARS have no immediate plans to develop this unformed legal road as a walking track, the possibility of this occurring in the future as demand and need arises should be considered in the granting of this application. The legal road provides a right of access for the public. It also provides a moderately better grade than the existing walkway and is likely much drier on the*

ridgeline; the existing walkway is very wet for significant parts of the year. There is also a heritage aspect to this section of legal road, with stacked stone walls present in the vicinity. The legal road provides a much better view of the two lagoons, city and the coast, than the existing track. There is value in a track around the outside of the lagoons and potential re-alignment of the existing track to a better grade, utilising the unformed legal road. The existing track connects into a DOC track, and DCC amenity area, and could potentially be linked into the remaining unformed road in the future to compliment the area's track network as the city continues to grow, and service the Dunedin community."

- [127] The prospect of a higher use of the public access off Tomahawk Road must be considered when view the level of residential amenity that residents currently enjoy alongside this road.
- [128] Even acknowledging a higher usage of the public road during the day, it is unlikely that the level of traffic movements and or activity at night which is proposed by the application could be anticipated by any permitted level of activity either currently or into the foreseeable future.
- [129] Some of the properties adjoining the access have provided their written approval removing the ability to consider any adverse effects on them. These properties are identified on the map provided earlier in this report and have the benefit of intervening road reserve land which is slightly raised providing a bit of a buffer from the visibility of traffic on the access road as well as from the potential glare from buses/vehicles at night. The dwellings on those properties are slightly further distanced from the access road as well, but not significantly.
- [130] The properties of opposing submitters immediately adjoin the entrance to the unsealed legal road where no such buffer exists (see **Figure K** below and the photographs).

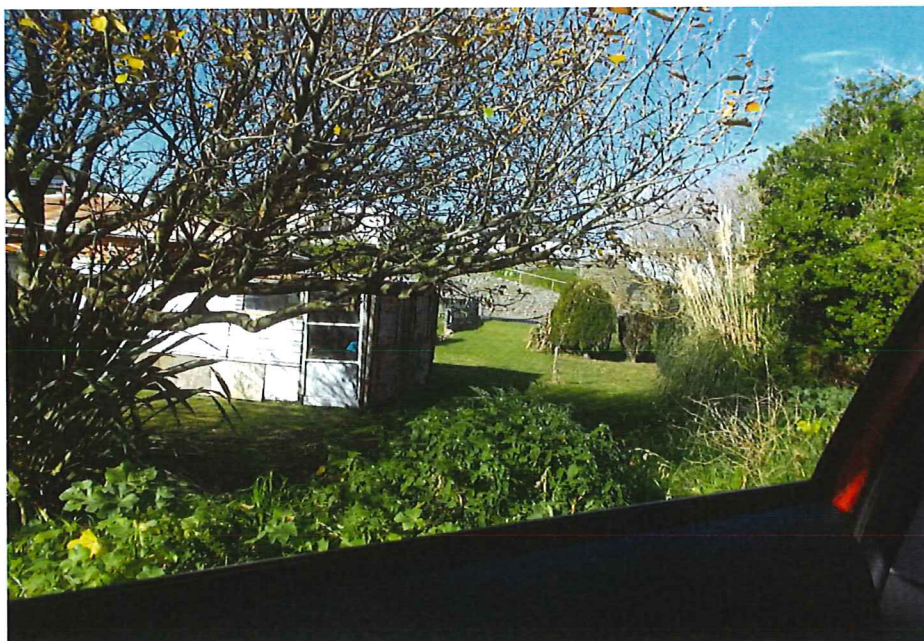




Figure K: Photographs illustrating the degree of visibility into properties alongside the entrance to the site (from the unformed legal access).

- [131] An important part of the environment to consider is that the houses of three submitters (two of which are located on the same property) are located in close proximity of a gravel road which forms the sole main entrance to the site. Vehicle movements generated by the proposed venue are significant in terms of the very light use of the gravel road by the public and residents up until now (30-40 vehicles to and from any single event). The potential for late night vehicle movements to disturb residents is high because the background noise levels are low particularly in the evening when commuter traffic along Tomahawk Road is reduced.
- [132] The potential for dust nuisance and disrupted sleep associated with guests arriving and departing in the evening for wedding events (or other) on consecutive nights and or on multiple occasions during a day is raised by

submitters as is the duration of events. Although a total of 8 events is proposed per month which is not a significant amount, given the lack of any parameters around those events other than the total number not exceeding 150, and the hours which guests must have departed by, it is considering necessary to introduce such parameters by conditions of consent to ensure any adverse effects on the properties of 257/257A and 267 Tomahawk Road are reduced to minor. Conditions are considered necessary to reduce the frequency of events across any one week to a total of 3 and to prevent concurrent functions within any one week as well as the duration of events particularly where they are held during the evening and involving music (21st parties/weddings/guy fawkes/new year celebrations). In approving the activity the panel may be minded to give consideration to the total number of guests. It may be that effects can be mitigated by reducing the number of guests from 150 down to 75 in order to reduce the overall number of vehicles leaving in the wee hours of the morning as well as reducing the duration over which it will take for the guests to leave the property. For functions proposed past the hours of 9pm a reduction in guest numbers would reduce any potential noise disruption and/or glare/dust nuisance by half to 75 guests. Although the submitters may argue that being woken once is sufficient disruption to warrant a reduction in the hours outside of normal sleeping hours, occupants of the application site may have work during evening hours outside the site which results in some coming and goings late at night which must be considered as part of the baseline.

- [133] Limiting guest numbers is considered to be the most logical way of reducing the scale of any event. Anecdotally, staff numbers can sometimes rise to up to 20-25 staff (over and above guest numbers) depending on the calibre of a wedding for example and its duration and level of catering (bistro/full service) and entertainment (musicians) that will be provided. However, staff tends to arrive at different times to the guests and therefore are unlikely to add to the intensity in the same manner as guests, albeit they may leave the property later than guests. Generally, towards the end of the evening, numbers are dwindling with the bulk of the work done. The number of guests will likely be the main determinant of the number of staff chaperoning and/or providing musical entertainment at an event.

- [134] While the offer of sealing the public road by the applicant past the opposing submitter's properties has been withdrawn, such off-site mitigation in the form of sealing the road, installation of acoustic fences on the boundaries of submitters, installation of acoustic glass within submitters properties and/or provision for additional screen planting can be considered, if volunteered by the applicant, where they provide a meaningful reduction of potential adverse effects. This may be preferable to the applicant to a limitation on the number of guests. The Panel may elect to support such measures in addition to the reduction in guest numbers.

- [135] While the opposing submitters have the ability to install closed board fences of up to 2.0m in height on their boundaries and/or to plant high vegetation to reduce the potential for glare and disruption to sleep, it is unlikely to wholly remove the noise of vehicles passed the property or reduce the noise of vehicles/buses of the volume proposed passing by these properties at night – it may however, reduce effects to minor. Although Aukaha have requested a reduced speed limit for guests within the property there is no ability to consider the speed of vehicles along the public section of road (although the surface of the road may reduce the speed of most guests). While vehicles travelling along Tomahawk Road provide their own potential noise disruption to the opposing submitters during the evening hours, the dwellings will be subject to noise disruption from another otherwise quieter aspect of their dwellings than what they would have previously, not reasonably anticipated.

- [136] There are a number of scenarios which could be applied to conditions in order to limit the scale of the activity so that any adverse effects on the residential amenity of properties adjoining the access is minor. However, the conditions recommended are considered appropriate to allow the activity albeit at a scale where the commercial nature of the activity is commensurate with residential activity adjoining the sole access point to the activity. It is acknowledged that the applicant intends to comply with the noise standards in the current plan and the proposed 2GP and that Council's Environment Officer does not consider compliance is insurmountable subject to conditions of consent controlling the level of outdoor noise beyond certain hours and the use of stereos and live music etc. While a submitter has raised the potential for the noise from the venue to be exacerbated by the topographical features in the environment and the effect of noise travelling over water, it is assumed the submission is reliant on anecdotal evidence rather than that of an expert in the field. The Council's Officer has not raised any concerns with the environmental characteristics of the surrounding land/water as reducing the applicant's ability to meet the noise standards applying to rural zoned properties.
- [137] The lagoon backdrop to these properties provides a serene and quiet environment at the rear of these properties when compared to the level of traffic generated along Tomahawk Road.
- [138] A number of community facilities are located within the tomahawk community including the Grants Braes Football Club facility opposite the entrance to the site which may have generated overspill car parking within Tomahawk Road for some events/fundraisers. This is unlikely to be the situation with the proposed activity because of the significant separation distance from the venue to the submitters' properties and the level of car parking which has been provided on site. No conditions can be imposed to enforce on-site parking however, the applicant may elect to volunteer a condition which restricts guest to parking on the site. This may alleviate some of the submitters' concerns with guests congregating at the main entrance, particularly for collection after an event.
- [139] Some submitters have raised concerns about the effects of noise generated by the activities in the venue particularly in light of the topography of land in the vicinity of the site and the proximity to the surface of water which may enhance noise – only anecdotal evidence is provided for such an effect occurring. As set out earlier in this report, the applicant has considered the potential for the activity to generate unwanted noise within adjoining residential properties and asserts that the noise standards will be complied with. If it is demonstrated through operation that the applicant cannot comply with the noise limits, then the activity will be put on notice and continued non-compliance will result in closure of the facility and/or downscaling of the size and/or frequency of events.
- [140] A review clause is recommended to allow for the scale of the activity to be revisited in the event that the noise effects of the activity are not able to comply with the noise limits at the boundary. During summer in particular, the functions will likely spill over into the areas outside the venue for optimum viewing and enjoyment which may pose challenges for the applicants to manage. The review clause also enables additional conditions to be imposed to further reduce the effects of noise such as venue doors and windows to be closed at all times for microphone usage and/or limiting live/stereo music above a certain limit, and or the hours of operation to be limited further. Other conditions promoted in this report are considered sufficient not to limit the activity in this manner at this time.

- [141] While some guests are likely to roam the property (for photographs or to stretch the legs), for health and safety reasons (rural property/working farm) it is likely that guests will be asked to remain within the venue confines. Conditions of consent are recommended to keep guests away from the wetland fringes where plant and terrestrial habitat exists and to remain outside of areas of particular conservation value (Scheduled Item CO96).
- [142] A key mitigating factor in terms of the need for any such review referred to above, will be the on-site occupancy of the consent holder. This offers a unique situation for management of the activity to ensure compliance with conditions at all times or, although not ideal, in the event of non-compliance, the ability to carry out swift action to address the non-compliance.

Effects on the Transportation Network (Provision for Access and Car Parking)

- [143] The sole access to the site is via a privately maintained access within legal road (see **Figure L** below). The road has a legal width of 16m and a formed width of approximately 7m. The applicant has measured the sealed width from the intersection with Tomahawk Road at 10m at which point it becomes a well formed gravel surface.
- [144] The DCC does not maintain this unsealed access, and the applicant has provided some indication that they do (as the predominant user). The legal road is, however accessible by the public. The Council's Transport Department have identified that *"The proposal will result in a significant increase of the vehicle access that comes off Tomahawk Road, including heavy vehicles such as coaches" with the applicant being the predominant user.*"



Figure L: The formed and sealed vehicle crossing onto Tomahawk Road.

- [145] The applicant proposes to rely on the existing vehicle access which is via the existing Tomahawk Road legal road entry. The Department of Conservation has confirmed the applicant's ability to utilise an existing DOC concession arrangement for access over DOC administered land by the applicant and their guests. DOC have also provided their written approval, therefore, no further assessment of the effects of the proposal on DOC administered land will be made.
- [146] Once the driveway leaves the legal road line and enters the subject property, the applicant record the formed carriageway as reducing down to 3 to 3.5m in access width (see **Figure M** below).



Figure M: Existing vehicle Access looking south from the northern extents of the access.

- [147] Reviewing the standard of access in relation to the scale of event proposed, Transport considers there to be: *"...significant risk of failure of the vehicle access due to the type and intensity of traffic proposed, which may endanger road users including the general public. The access also passes through an urban area, close to existing dwellings, and there are anticipated to be noise and dust effects on these dwellings which should be more comprehensively assessed. Our experience with maintaining a large unsealed road network is that the vegetation is not as effective at intercepting dust as is submitted in the application."* The Transport Officer has previously requested evidence from a suitably qualified engineer that the access can withstand the proposed traffic volumes and types. The applicant provided correspondence from the Transport Development Manager at Fulton Hogan confirming that his inspection found the driveway and crossing to be 'structurally very sound for heavy traffic'.
- [148] The applicant has stated (section 2.3 page 8 of additional information received 20 July 1998) that the existing 7.0m width of the legal road is more than adequate for two-way traffic, although the driveway within the property will need some upgrading in terms of additional metal to accommodate function traffic in particular coaches, although sheep trucks do use this road. The level of upgrading is not detailed however, the Council's Transport Officer has highlighted the lack of opportunities for vehicles to pass on the vehicle access within the site necessitate provision for appropriate passing areas to be installed. The Officer recognises that the possibility of this occurring may be low, however the consequence of this happening are severe (with vehicles needing to reverse a significant distance up to 300m immediately adjacent to the lagoon edge. The applicant has amended their proposal to include two passing lanes within the site. These are identified in **Figure C** above.
- [149] The proposal is for several areas of parking, firstly, a guest parking area upslope and directly north of the venue catering for up to 40 car parks (approximately 75-100m from the venue) and accessed by pedestrian access ways from the venue to the car park which will be lit; secondly, provision for an accessible parking area for up to four cars below the venue on the opposite side of the vehicle access which meanders past the venue and up to the main car park; and thirdly, a coach car park located slightly further down the access road at a bend in the road. No detailed plans have been provided to demonstrate manoeuvring can be achieved for the coaches at this location.

However, the Council's Transport Officer has considered the reduced provision for car parking to be an adequate level of car parking. A condition of consent is recommended to ensure that coach parking area is sufficiently large to allow for coach manoeuvring prior to any commencement of the activity. The Officer has requested that the spaces be adequately demarcated although the applicant has not indicated a preference for how the car parks will be demarcated. As set out earlier in this report, the Landscape Officer raises the prospect of the visibility of the car park in a sensitive landscape which may necessitate additional controls on how the car parking areas are set out. A condition of consent is recommended to address the finer detail of the treatment of the car park.

- [150] Part of the pedestrian and vehicle access to the main car park crosses over public road. Any structures and or access constructed over the area of legal road may be removed in the future at the Council's request to make way for public access/public tracks. While some lighting structures in the areas of public road (necessitating a power connection) they are easily relocated in that eventuality.
- [151] Due to host responsibility requirements, the applicant promote the use of coaches and/or shuttles or similar to event organisers to transport people to and from functions on the premises. The applicant has even suggested that this may be a stipulation for people hiring the venue. At the time of preparing this report, no offer of a condition had been made however the applicant may wish to firm up their position on this matter prior at the hearing. If such a request were to form a condition for hire of the premises, the traffic generation is likely to be considerably reduced. In the eventuality of guests leaving vehicles at the premises there may be additional traffic generation over the next day following an event where people collect their vehicles, however to protect business efficiency presumably guests will be asked not to leave any vehicles on the premises following an event.
- [152] The applicant predicts 3-4 coaches serving the largest event. The applicant estimates that a maximum of 30-40 vehicles will attend any one function. They predict that most of the traffic generated by their functions particularly weddings will arrive and depart within two reasonably short windows. They have not provided any indication of the traffic patterns for other types of events that they propose to hold. The applicant does not think that dust will be an issue due to the slow speed at which traffic will travel and they consider the existing level of vegetation will be sufficient to intercept the dust.



Figure N: Proposed Bus Parking Area

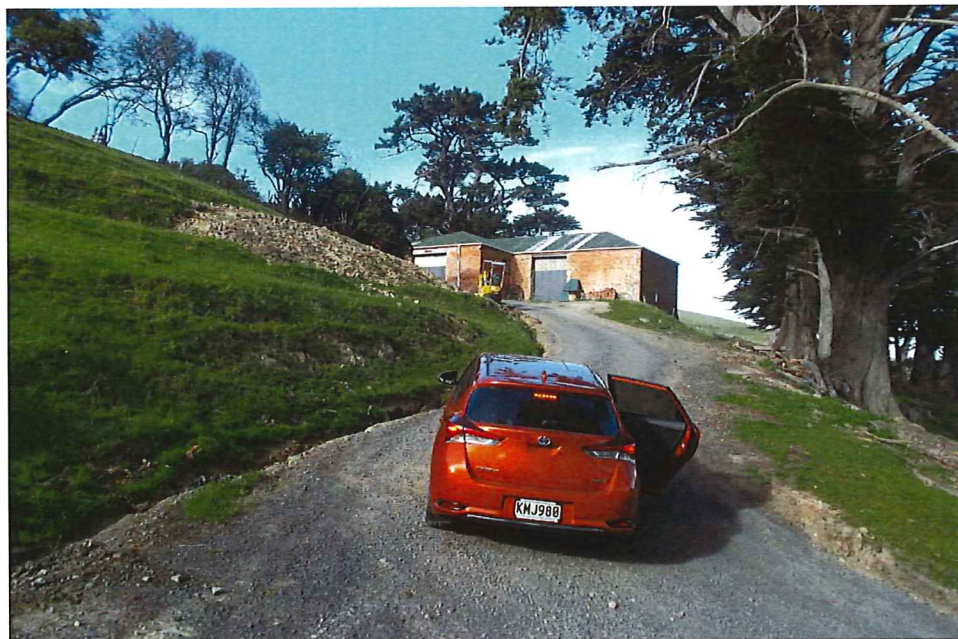


Figure O: Access approach up to the barn/future function venue



Figure P: Proposed Car Parking Location

Effects on the Conservation values and Biodiversity Values

- [153] Effects on conservation and biodiversity values include effects on the health of the indigenous or mixed habitats and ecosystems that support indigenous biota, as well as effects on the indigenous biota themselves.
- [154] No assessment of the ecological and/or biodiversity values that existing in the vicinity of the site and/or how/if they may be impacted by the proposed activity has been provided by the applicant to date. The applicant relies on the written approval of DOC as indicative of there being no potential adverse effects of significance and on the permitted baseline of farming which is permitted across the site which extends to the edges of the wetland fringes with the exception of the protected areas referred to above.
- [155] As set out earlier, so long as the proposal does not include the ability for guests to roam the property into any areas of significant conservation value, any adverse effects on those conservation and biodiversity values are considered to be less than minor. The activities associated with the venue are separated from the edge of the tomahawk lagoon and those areas set aside as areas of significant conservation value within the property (ASCV/C112).
- [156] Some rural tourist activities along the peninsula marry the concept of conservation and biodiversity values with their operations and provide an educational experience which achieves wider arching objectives (Orokonui Eco Sanctuary, Royal Albatross Centre, Blue Penguins Pukekura). The proposed operation does not appear to providing any such positive benefits which can be considered alongside the commercial objectives. The applicant may seek to align its business values with the values that the wetland has in that community and provide further evidence for consideration by the Panel at the hearing.
- [157] Overall, recommended conditions (referred to above under the rural amenity section) are deemed as necessary to protect the existing conservation and biodiversity values.

Provision for Stormwater, Water and Sewerage, Power

- [158] The requirements of the waste water disposal system make change as the applicant confirms what type of water supply they will seek to rely on. Currently
- [159] While the applicant is currently on an urban on demand supply, this does not appear to be authorised (out of zone connection). A submitter has also raised the matter of legality issues associated with reliance on existing water pipes which extend from the 267 tomahawk Road property into the site. The sale of the subject site has brought about the need for independent infrastructure to service the existing cottage and barn. This is not considered to be critical to any consideration of the application as the policy directive for any rural properties is towards properties being self-sufficient in water supply and on-site effluent disposal. While above ground water tanks may necessitate additional resource consents where they do not meet the landscape provisions (within 50m of an existing building which is 50% greater than the floor area of the new tanks), these can be applied for separately, in the event of non-compliance. No suitable locations have identified for any water tanks and it may be necessary for a number of tanks to provide the required level of water and fire fighting supply for a commercial activity of the scale proposed. In the event that the applicant applies for a new out of zone water connection any earthworks exceeding the scale thresholds (landscape) will be subject to a separate resource consent application (and the requirement to put on a backflow and water meter).
- [160] In the event of a self-sufficient water supply, the Council's Environmental Health Officer has highlighted the requirement for the drinking water to be brought meet the necessary standards to meet the NZ Drinking Water Standards. This is likely to require the additional effort of installing a water treatment system and of testing the water supply on a regular basis in accordance with the standard (see **Appendix 3** for Officer Comment). An advice note is included in the decision certificate alerting the applicant to the need to contact Public Health South for further information from a suitably qualified Drinking Water Assessor regarding a Water Risk Management Plan, water treatment and sampling requirements.
- [161] The applicant has proposed a waste water disposal system designed by a suitably qualified person. Any system must be designed with a capacity to provide for both the combined loading of the existing dwelling and the full occupancy of the venue. This will be reviewed at building consent stage. However, the applicant is advised to discuss the requirements for trade waste alongside the domestic wastewater disposal requirements further with Council prior to lodgement any building consent. The Otago Regional Council has highlighted that further resource consents may be required under their Water Plan therefore an advice note is recommended to alert the consent holder, particularly where the type of water supply is modified.
- [162] Conditions of consent are recommended to ensure any approved system is operational prior to guests arriving.

Hazards and Safety

- [163] Section 6(h) of the Resource Management Act 1991 requires the Council to recognise and provide for the management of significant risks from natural hazards, as a matter of national importance. In addition, under Section 106 of the Resource Management Act 1991, the Council may decline a subdivision consent, or it may grant the subdivision consent subject to conditions, if there is a significant risk from natural hazards.

[164] The assessment of the risk from natural hazards requires a combined assessment of:

- (a) *the likelihood of natural hazards occurring (whether individually or in combination); and*
- (b) *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*
- (c) *any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).*

[165] The site is annotated in the Hazards Register as being subject to a Coastal Flood hazard Overlay. This only applies to the lower areas of the site around the edge of the lagoon. No buildings are proposed in this area, however, some earthworks have been undertaken on the site to formalise the access arrangements between the existing shed and the dwelling up to the new car park and the applicant states (further information response dated 20 July 2018 that any works have occurred on existing tracks and formed areas. In the event that the passing lanes necessitate further consents the earthworks will be assessed in the context of the flood hazard risk. It is understood that the lagoon is tidal and there may be times when the access to the venue is interrupted for periods of time. The applicant may be able to expand further on the potential for guests to be restricted from departure by flooding of the access. While this may not have occurred within their current occupation of the property, submitters may have anecdotal evidence to indicate the level of risk associated with this occurrence. Climate change may result in a higher frequency of flooding of the accessway in the future, further limiting the intensity of use of the property for events. However, alternative access options up to the site may be available in the future (via public road across the site).

[166] Having regards to this assessment, it is considered that there are no significant risks from natural hazards that need addressing as part of this application.

Cumulative Effects

[167] The concept of cumulative effects, as defined in *Dye v Auckland Regional Council & Rodney District Council* [2001] NZRMA 513, is:

"... one of a gradual build up of consequences. The concept of combination with other effects is one of effect A combining with effects B and C to create an overall composite effect D. All of these are effects which are going to happen as a result of the activity which is under consideration".

[168] Similarly, some effects may not presently seem an issue, but after having continued over time those effects may have significant impact on the environment. In both of these scenarios, the effects can be considered to be 'cumulative'.

[169] There are a number of other community facilities within the Tomahawk community which all rely on access via Tomahawk Road and which are likely to have or in future to involve late night events/fundraisers/etc. These include the old Tomahawk School, the Ocean Grove Domain Hall and the Ocean Grove Recreation Hall (Grants Braes Football Club rooms). A proposal is currently being considered by the Council for the development of a sustainable, multi-use community facility in the Tomahawk-Ocean Grove area. At the time of preparing this report, it was not known which sites had been selected for such a facility, nor what would be happening to the sites not selected for the

facility. The proposal does however, signal the potential for the Grants Braes Football Club to be used more intensely than previously. Any of the other facilities in the area are considered to be too far separated to be of consequence to a cumulative effects assessment. As the proposed activity has made adequate on-site provision for car parking to meet the needs of its guests, there are unlikely to be any cumulative spill over effects from car parking. Any late night activities that meet the noise limits. The topography around both facilities is such that when viewed from the Tomahawk Road properties on the flat, the facilities are encapsulated by the landforms around them. However, the residential character of the residential zone may be further eroded by an increased intensity of community and commercial use in close proximity of the site, however, not to the extent that effects are minor.

Effects Assessment Conclusion

- [170] The congregation of people of the magnitude proposed has the potential to give rise to effects on the environment which are more than minor. After considering the likely effects of this proposal above, overall, I consider they can be appropriately mitigated by conditions of consent so as to be minor. A key condition in the absence of other conditions limiting the effects of the activity, is for the reduction of the number of guests by half from 150 guests to 75 which is expected to reduce the expected vehicles by half as well, (40 to 20 vehicles). There is also the ability to further reduce the frequency of the event further however, the permitted baseline under the Proposed 2GP must be considered (up to 25 people on any day and up to 10 events per year exceeding 26 to 50 people per day for rural tourism). The proposed activity exhibits a different character to 'rural tourism' however which may necessitate more limiting conditions.
- [171] Therefore, the frequency of the activity could be reduced and/or the potential for consecutive bookings could be avoided through conditions and/or more certainty about the duration of events can be provided. The variables are endless, however, the objective is to mitigate any potential adverse effects to minor. The result is a more palatable amount of traffic travelling on a gravel road past a residential property late into the night and travelling around the perimeter of a natural feature and across an outstanding natural landscape.
- [172] Late night vehicles and/or coaches have the potential to disturb residents as the background noise levels are low and the public access road portion which runs past their properties is gravelled, however, conditions of consent to further limit the number of people attending (unless coaches are pre-arranged for all guests) during night time events in particular is considered key to mitigating any adverse effects on their residential amenity values as well as key to maintaining rural amenity and landscape values of the area (by limiting the intensity of night time vehicular traffic around the perimeter of the lagoon and across the site). Residents also have the option of undertaking additional fencing and/or planting to further buffer the effects of the adjacent land use, the conditions of consent barricading their rear boundaries to a greater extent than what is currently established.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

- [173] Section 104(1)(ab) of the Resource Management Act 1991 requires that the Council have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity. No such measures are proposed by the applicant.

OBJECTIVES AND POLICIES ASSESSMENT

Assessment of Objectives and Policies of the District Plan (Section 104(1)(b)(vi))

[174] In accordance with Section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Dunedin City District Plan and the proposed 2GP were taken into account in assessing the application.

Dunedin City District Plan

[175] The following objectives and policies of the Dunedin City District Plan were considered to be relevant to this application:

[Note: This is not a comprehensive list please check the objectives and policies relevant to your application to ensure they are all included.]

Sustainability Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 4.2.1 Enhance the amenity values of Dunedin.	The proposal is considered to be inconsistent with this objective and policy. While anticipated in the rural zone, this objective is for enhancement of the rural landscapes and natural areas. The proposal does not promote enhancement. While the policy directive includes maintain it does not detract from the higher objective of enhancing the amenity values. The improvements to the buildings will upgrade the site, however the presence of dilapidated old sheds is listed as part of the character in the Peninsula Coast Landscapes. The applicant has done their best to preserve some older features of the barn to maintain the low dominance of the building in this landscape. The applicant has also agreed to some lighting changes.
Policy 4.3.1 Maintain and enhance amenity values.	
Objective 4.2.2 Ensure that the level of infrastructural services provided is appropriate to the potential density and intensity of development and amenity values of the area.	The proposal is consistent with these objectives and these policies. The applicant proposes to be self-sufficient and conditions of consent will seek to ensure that suitable services are provided for the combined loading of one dwelling and the approved guest activity.
Objective 4.2.3 Sustainably manage infrastructure.	
Policy 4.3.2 Avoid developments which will result in the unsustainable expansion of infrastructure services.	
Policy 4.3.5 Require the provision of infrastructure services of an appropriate standard.	

Objective 4.2.5 Provide a comprehensive planning framework to manage the effects of use and development of resources. Policy 4.3.5 Require the provision of infrastructure services at an appropriate standard. Policy 4.3.7 Use zoning to provide for uses and developments which are compatible within identified areas. Policy 4.3.8 Avoid the indiscriminate mixing of incompatible uses and developments. Policy 4.3.9 Require consideration of those uses and developments which (a) Could give rise to adverse effects. (b) Give rise to effects that cannot be identified or are not sufficiently understood at the time of preparing or changing the District Plan. Policy 4.3.10 Adopt and holistic approach in assessing the effects of the use and development of natural and physical resources.	This suite of objectives and policies allows consideration for effects beyond the site and for long term effects. The policies require a holistic approach and the subject application is an example of when to apply such policies, the proposed land use activity relies on the natural and serene setting of the lagoon to operate ('complementary to a natural feature'), yet must be carried out at a level which does not deteriorate/detract from the enjoyment of the very same setting. Overall, the proposal is considered to be consistent with the objectives and policies outlined here. The controlled activity status is reflective of a supportive planning framework. While the applicant has attempted to promote an activity which is appropriate in this setting (8 events per month), the size and potential frequency of events combined with the hours of operation necessitate conditions of consent to avoid any adverse effects on both the natural character of the site and the setting and the amenity values enjoyed by residents adjoining the access to the site.
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Rural Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 6.2.1 and Policy 6.3.10 Maintain the ability of the land resource to meet the needs of future generations.	The proposal is consistent with this objective and policy. The continued ability to farm the land is not limited by the activity which occurs on only a relatively small area of the site relative to the size of the site.
Objective 6.2.2 and Policy 6.3.6 Maintain and enhance the amenity values associated with the character of the rural area. Policy 6.3.6 Avoid, remedy or mitigate the adverse effects of buildings, structures and vegetation on the amenity of adjoining properties.	The proposal is consistent with this objective and policy subject to implementation of the recommended conditions of consent which seek to maintain screening of the larger car parking areas and control over lighting.
Objective 6.2.4 and Policy 6.3.8 Ensure that development in the rural area takes place in a way which provides for the sustainable management of roading and other public infrastructure. Ensure residential activity in the rural area occurs at a scale enabling self-sufficiency in water supply and on-site effluent disposal. Policy 6.3.8 Ensure development in the Rural zone promotes the sustainable management of public services and infrastructure and efficiency of the roading network.	The applicant has stated that they will be self-sufficient in terms of water supply and on-site effluent disposal. Subject to the applicant adequately demonstrating that they can actually achieve this (through new water tanks and systems which allow for suitable water treatment) implementation of conditions of consent, the proposal is consistent with this objective and policies.

Objective 6.2.5 Avoid or minimise conflict between different land use activities in rural areas.	The proposed activity is considered to be compatible with the continued running of a pastoral farm, and provides the space and the separation from residential development to mitigate some of the adverse effects that occur with larger scale events. However, the proposal cannot mitigate the adverse effects which result from the access location through the middle of an existing residential environment. Although a strict interpretation of this policy might only require computability with other uses within the zone and the residential adjoining the site is not considered under this policy. If that is the case, the proposal is considered to be consistent with the objective.
Objective 6.2.6 Maintain and enhance the life-supporting capacity of land and water resources.	The proposed activity is unlikely to limit the life supporting capacity of land and water resources. On an event occurrence of 8 per month, the use of the farm is not likely to be affected nor will the health of the Tomahawk Lagoon, wetland and its fringes. DOC's unconditional support for the proposal can only be seen as an indication that this is the case. The proposal is therefore considered to be consistent with this objective subject to conditions. Conditions are considered necessary to ensure the protection, maintenance and enhancement of natural resources is not compromised unduly by the level of commercial activity proposed in this sensitive location.
Objective 6.2.7 Maintain and enhance the natural character and amenity values of the margins of water bodies and the coastal environment.	While no ecological evidence has been submitted to ensure that this objective will be maintained by the proposal. No activity is proposed inside the lagoon or within any of the conservation areas of the site, however, the access is located on the fringes of the wetland. At the number of events per month (8) the proposal is considered to be consistent with this objective. As set out above, DOC and ORC's lack of objection is indicative of this objective not being offended by the intensity of the proposal.
Policy 6.3.15 In the management of the margins of water bodies and the coastal marine area have particular regard to the maintenance of natural character, amenity value and the provision of reasonable public access for recreation.	For reasons set out above, the proposal is considered to be consistent with this policy directive, although conditions are necessary to ensure earthworks for any access widening along the edges of the wetland is carried out sensitively. The proposal will not restrict public access to the edge of the Lagoon from existing access points.
Policy 6.3.16 Maintain the water quality in water bodies, including groundwater aquifers and within the coastal marine area by ensuring that appropriate on-site sewage, stormwater and wastewater treatment are provided to avoid off-site effects.	The applicant proposes to provide suitably design on-site sewage and stormwater and wastewater treatment. DOC and ORC have raised no concerns for the scale of the property and the effects on the water quality of the adjacent lagoon. ORC have highlighted the need to review their Water Plan to ensure that any facilities are appropriately located/designed. The proposal is considered to be consistent with this policy.

Transportation Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 20.2.1 Avoid, remedy, or mitigate adverse effects on the environment arising from the establishment, maintenance, improvement and use of the transportation network. Policy 20.3.1 Avoid, remedy or mitigate the adverse effects on the environment of establishing, maintaining, improving or using transport infrastructure. Policy 20.3.2 Provide for the maintenance, improvement and use of public roads. Avoid, remedy or mitigate the adverse effects on the environment of establishing, maintaining, improving or using transport infrastructure.	The proposal increases the usage of the unsealed access road. The Council's Transport Officer is satisfied that the access can carry the anticipated volumes of traffic and the types of vehicles (coaches) although some provision for passing within the private access is still required. The creation of an additional two way passing point is considered by the Council's Transport Officer to be a necessary measure to reduce potential for bottlenecking with the maximum number of guests travelling by car into the event at similar times. Off-site mitigation has been proposed by the applicant in the form of the provision of a two way passing lane outside of the site (if approved by DOC) which is intended to mitigate the inability to turnaround on an otherwise long single lane access up to the event venue. The proposal is consistent with these objectives and policies.
Objective 20.2.2 Ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.	The Council's Transport Officer considers that the local transportation network can cope with the additional movements promoted by the activity. The Officer does not raise concern with the increased vehicular use of the unsealed gravel road and the safety of pedestrians who use the road for access to the lagoon. If necessary, the Council can make separate provision for pedestrian walkway, however, the frequency of events is likely to have negated any comment by Transport on the matter. The proposal is considered to be consistent with these objectives and policies.
Objective 20.2.4 Maintain and enhance a safe, efficient and effective transportation network.	
Policy 20.3.4 Ensure traffic generating activities do not adversely affect the safe, efficient and effective operation of the roading network.	
Policy 20.3.5 Ensure safe standards for vehicle access.	
Policy 20.3.8 Provide for the safe interaction of pedestrians and vehicles.	

Indigenous Vegetation and Fauna

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 16.2.1 Enhance the indigenous biodiversity, ecosystem integrity, natural character and amenity values of the City through the retention of remaining areas of indigenous vegetation and habitats of indigenous fauna. Policy 16.3.1 Encourage the retention of areas of indigenous vegetation and habitats of indigenous fauna. Policy 16.3.3 Avoid the effects of land use activities where those effects may compromise the protection of areas of significant indigenous vegetation and significant	These objective and policies place particular emphasis on the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna because it is recognised in the act as a matter of national importance. Aukaha has raised in its submission the identified habitat and fauna that the wetland and its fringes provide. While no activities are proposed (the coach parking area has been shifted) inside any of the areas protected in the plan, the objectives and policies clearly allow for a consideration of activities which may impact on them. The objectives indicate that they can be threatened by certain adverse effects of land use activities.

habitats of indigenous fauna in the City.	The proposal is considered to be consistent with these objectives and policies and the ecosystem of the wetland are unlikely to be compromised by the adverse effects of the proposal so long as conditions are implemented to control the scale of the activity, and to manage earthworks on the fringe of the wetland and any lighting. The lagoon is a regionally significant wetland with an ecosystem characterised by a high level of intrinsic value.
Policy 16.3.4 Provide for the establishment and operation of activities whose effects contribute positively to the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the City. Policy 16.3.5 Support efforts to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in private ownership in the City.	The applicant already supports the efforts of policy 16.3.5 through protection of the areas of conservation value across the property and through provision of public access to existing walkways around the eastern edge of the lagoon in particular.
Objective 16.2.2 Recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna in the City and its coastal margins.	The applicant may wish to elaborate further on those activities which they have and/or are undertaking within the property which are contributing positively to the protection of the indigenous vegetation and habitat along the fringes of the lagoon where the impact of the vehicle movements will have the greatest impact on the ASCV. A great deal of the applicant's property adjoins both the western and eastern lagoons therefore, they play a key role in managing land which is critical to the management of conservation areas.

Signs Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 19.2.1 Avoid, remedy or mitigate the adverse effects of signs on amenity values. Objective 19.2.2 Ensure that signs do not adversely affect the safe and efficient functioning of the road network. Objective 19.2.4 Promote the efficient use of signs by managing the adverse effects of visual clutter. Policy 19.3.1 Ensure that signs do not detract from the amenity values of the area in which they are located and the amenity values of areas from where they are visible. Policy 19.3.2 Control the design, location, size and number of signs erected at any given location to avoid, remedy or mitigate any adverse effects. Policy 19.3.4 Promote simplicity and clarity in the form of the sign and the message the sign conveys.	The proposal is considered to be consistent with these objectives and policies subject to conditions of consent limiting the number of signs and the location of signs within the accessway to prevent harm to wildlife and to prevent excessive speed on the gravelled access, as well as any reduction in the natural character of the fringes of the wetland which are generally absent of any built form, with the exception of post and wire fencing in parts.

Environmental Issues Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 21.2.2 Ensure that noise associated with the development of resources and the carrying out of activities does not affect public health and amenity values.	The proposal is considered to be inconsistent with this objective and policy subject to conditions of consent. The applicant intends to comply with the noise limits that apply to the zone however, it is considered necessary to include a review clause in the event that environmental factors result in an inability to do so and to condition the hours of operation to protect residents who may be subject to sleep disruption due to glare and noise from vehicles.
Policy 21.3.3 Protect people and communities from noise and glare which could impact upon health, safety and amenity.	

Proposed 2GP

- [176] The objectives and policies of the 2GP must be considered alongside the objectives and policies of the current district plan. The following 2GP objectives and policies were considered to be relevant to this application:

Section 16 - Rural Zones:

- [177] **Objective 16.2.1 and Policy 16.2.1.8 (Section 16 - Rural Zones)** seek to ensure that *"Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment"*.
- [178] **Policy 16.2.1.8** seeks to *"Avoid supported living facilities, commercial activities, industrial activities, and major facility activities, unless otherwise provided for, in the rural zones"*.

While the plan seeks to provide for rural activities and community activities which are defined to include conservation and community and leisure and sport and recreation activities, the 2GP has a clear directive of avoidance towards commercial activities categorising them alongside other activities which generate a higher level of traffic and noise than other activities which are not typically commensurate with the amenity values of a rural environment. The proposal is considered to be **contrary** to this objective and policy.

- [179] **Objective 16.2.2 (Section 16 - Rural Zone)** seeks to ensure that *"The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that ensure:*

a. the potential for reverse sensitivity in the rural zones is minimised;

b. the residential character and amenity of adjoining residential zones is maintained; and

c. a reasonable level of amenity for residential activities in the rural zones."

- [180] While the proposed activity is not assessed as 'rural tourism', the provisions that allow for 'rural tourism large scale' activity are of assistance in assessing the parameters of development that is acceptable in the rural environment. **Policy 16.2.2.5** is directed towards rural tourism – large scale activities and

seeks to ***"Only allow rural tourism – large scale where adverse effects on the amenity of residential activities on surrounding properties will be avoided, or if avoidance is not practicable, adequately mitigated."***

- [181] It is clear that even for activities which are associated with a conservation activity and/or viewing and interpretation of the natural environment, of paramount importance, is the ability to mitigate adverse effects on the residential properties surrounding the activity. The proposal is considered to be only **inconsistent** with the Objective 16.2.2 however, it is considered that any inconsistency can be resolved by conditions of consent to minimise the effects on the residential community close by.
- [182] **Objective 16.2.3** seeks to ensure that ***"The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include:***
- a. a predominance of natural features over human made features;***
 - b. a high ratio of open space, low levels of artificial light, and a low density of buildings and structures;***
 - c. buildings that are rural in nature, scale and design, such as barns and sheds;***
 - d. a low density of residential activity, which is associated with rural activities;***
 - e. a high proportion of land containing farmed animals, pasture, crops, and forestry;***
 - f. extensive areas of indigenous vegetation and habitats for indigenous fauna; and***
 - g. other elements as described in the character descriptions of each rural zone located in Appendix A7.***
- [183] Overall, the proposal is considered to be **consistent** with this objective because an either/or scenario is provided for, 'maintained or enhanced'. While the proposal does not enhance the above elements, the proposal does maintain a predominance of the natural features because no new buildings are proposed, and the car parking areas are appropriately located to integrate and maintain this perception, the barn modifications maintain a rural scale and design, the areas within the site occupied for commercial activity are small relative to the size of the farm, the proposed activity does not seek to reduce any areas of existing vegetation or habitat (so long as the passing lanes constructions are well managed). The rural values such as the transient and intrinsic values of the zone are not identified as values within this zone in Appendix A7. While 'tourism' (particularly wildlife tourism) is generally described in the Peninsula Coast Rural Zone Values (Appendix A7 of the District Plan) as providing substantially to the local economy, the proposed activity has not met the test of being a tourist activity under the Proposed 2GP, therefore, recognition of the values that it provides to the rural environment does not allow for consideration of the proposed land use in this context.
- [184] Policy 16.2.3.1 requires buildings and structures to be set back from site boundaries and of a height that maintains the rural character values and visual amenity of the rural zones". The proposal is consistent with this policy – appropriate setbacks are maintained by the larger lean-to.

[185] **Policy 16.2.3.7 "Require ancillary signs to be located and designed to maintain rural character and visual amenity, including by including by being of an appropriate size and number to convey information about the name, location, and nature of the activity on-site to passing pedestrians and vehicles and not being oversized or too numerous for that purpose."** The proposal is considered to be **consistent** with this policy. While the concerns of submitters have raised the need for new signs, the proposal does not seek to advertise from the site and relies on the maintenance of the rural character for a high quality experience by event guests. Conditions of consent can secure the appropriate siting and size of any signage considered necessary by the Panel for the reasons previously outlined.

[186] **Objective 16.2.4** seeks to ensure that "**The productivity of rural activities in the Rural Zones is maintained or enhanced**" and **Policy 16.2.4.2** is restrictive in that it seeks to "**Only allow activities other than farming on highly productive land where the scale, size and nature of the activity means that any loss of current or potential future rural productivity would be:**

i. insignificant in any high class soils mapped area; and

ii. No more than minor in other areas of highly productive land..."

[187] The continued operation of the farm alongside the proposed activity does not appear to be compromised by the scale of the activity. The applicant may wish to provide confirmation of the continued viability of pastoral farming across the remainder of the site. The proposal is **consistent** with this objective and policy.

Section 10 - Natural Environment

[188] **Objective 10.2.1 (Section 10 – Natural Environment)** seeks to ensure that "**Biodiversity values are maintained or enhanced, including by protecting areas of significant indigenous vegetation and the significant habitats of indigenous fauna.**"

Policy 10.2.1.1 "Only allow land use, development and city-wide activities where biodiversity values are maintained or enhanced".

Policy 10.2.1.2 "Avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna or, if avoidance is not practicable, ensure that:

a. there is no net loss and preferably a net gain in the biodiversity values of the area; or

b. where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.6; or

c. where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.7."

[189] **Policy 10.2.1.3 Avoid rural activities (except for rural ancillary retail, rural tourism and rural research), residential activities (except for working from home), early childhood education, commercial activities (except for restaurants or retail activities ancillary to sport and recreation, and stand-alone car parking), industrial activities, major**

facility activities and indigenous vegetation clearance – large scale in Areas of Significant Biodiversity Value (ASBVs) unless:

a. there is no net loss and preferably a net gain in the biodiversity values of the ASBV including, but not limited to, those biodiversity values listed in Appendix A1.2; or

b. where there are no practicable alternative locations, any proposal for a biodiversity offset is in accordance with Policy 2.2.3.6; or

c. where a biodiversity offset is not practicable, environmental compensation is proposed in accordance with Policy 2.2.3.7.

[190] **Policy 10.2.1.5** seeks to "**Encourage conservation in all zones.**"

[191] **Policy 10.2.1.9** seeks to "**Requireshelterbeltsto avoid the use of wilding tree species, unless the risk of wilding tree establishment in areas of indigenous vegetation is insignificant**".

[192] The proposal is **consistent** with the objective and policies referred to above. The proposal is not for activity outside of the ASBV. While the proposal does not seek to actively encourage conservation, those areas protected in the plan do not form part of the land use being proposed therefore their protection is maintained. Conditions of consent will ensure that any new planting for screening and or for shelter of guests into the future, native.

[193] **Objective 10.2.2** seeks to ensure "**The biodiversity values and natural character of the coast and riparian margins are maintained and enhanced**".

[194] It seeks to achieve this through policies which encourage and require the following:

Policy 10.2.2.1 "Encourage conservation activity in coastal and riparian margins."

It is not known whether the applicant has/is undertaking active conservation activity (restoration planting, pest and weed control and fencing) in and around the wetland and ASCV within the property.

Policy 10.2.2.5 "Require earthworks to be located and undertaken in a way that minimises, as far as practicable, the risk of sediment entering the sea or water bodies".

[195] Earthworks are not proposed as part of the activity, however, the policy directive seeks to ensure that any earthworks undertaken (i.e. for passing lane construction) in close proximity of the water, take steps to ensure that sediment does not enter the water. A condition of consent seeks to ensure that any earthworks whether they breach the maximum thresholds or not, do not enter the lagoon. Iwi have requested these types of conditions.

[196] **Objective 10.2.3** seeks to ensure that "**Areas of outstanding natural coastal character (ONCC), high natural coastal character (HNCC), and natural coastal character (NCC) are protected from inappropriate use and development and their values, as identified in Appendix A5, are preserved or enhanced.**"

[197] The above objective is relevant since the site is identified as an Area of NCC. The proposal is considered to be **inconsistent** with this objective since

'protected' is a high level of application. As set out in previous objectives referred to, the 2GP seeks to avoid commercial activities in the rural areas. The proposal will also exceed the scale and intensity of activity anticipated by other activities which have a more permissive activity status under the 2GP. While this may not warrant the proposed to be considered as an 'inappropriate use', the rural environment is determined to be more sensitive with the additional layers of protection afforded to it by the NCC and ASBV. The following policies are also relevant to any consideration of the application:

- [198] **Policy 10.2.3.6 "Only allow.... transportation activities in the Natural Coastal Character Overlay Zone (NCC) where adverse effects on the natural character values identified in Appendix A5 are avoided, or, if avoidance is not practicable:**

a. no more than minor, or

b. where there are no practicable alternative locations, adequately mitigated."

Policy 10.2.3.9 "Require buildings and structures in a Natural Coastal Character Overlay Zone (NCC) to have exterior colours and materials that avoid or minimise, as far as practicable, adverse visual effects caused by reflectivity.

- [199] **Policy 10.2.3.11 "Require ancillary signs in coastal character overlay zones to be located and designed so that any adverse effects on natural character values, as identified in Appendix A5, are insignificant".**

- [200] The proposal seeks to ensure that any change to the access resulting from its increased usage is considerate of the natural character values of the site. The access already exists and while some physical changes are proposed to part of the access, for the majority, its physical appearance will be unchanged. Whether the intensified use of the access by up to 30-40 vehicles and some coach use will be detrimental to its appearance as a rural access will be dependent on the number of events held consecutively. If two wedding events were held after each other, a volume of up to 40 vehicles and several buses along with their departure again may change the natural coastal character of the site where it meets the edge of the lagoon. The Council Landscape Architect supports this assessment. At all other times when events are not in operation, the site will maintain its existing natural character. The Panel will need to give consideration for whether intense periods of activity over part of the week only is sufficient to meet the intention of the objectives and policies referred to above. Conditions of consent can ensure that the new parts of the woolshed and any new signage is suitable for integration into this sensitive environment (i.e. colours, size, reflectivity).

- [201] **Objective 10.2.4** seeks to ensure '***...development activities maintain and enhance access to coastlines, water bodies and other parts of the natural environment, including for the purposes of gathering food and mahika kai***'. The proposal does not restrict public access however will necessitate the sharing of the public road to an extent which might not have occurred to date. Iwi have raised the historical value of sites in this area for mahika kai however, do not indicate the level to which the lagoon is accessed for mahika kai currently. The proposal is considered to be **consistent** with this objective. No relevant policies are identified in relation to this objective – no buildings are proposed in proximity of the lagoon edge.

- [202] The site is also located within an Outstanding Natural Landscape (ONL) therefore the following objectives and policies are relevant to a consideration of the proposed activity:
- [203] **Objective 10.2.5** seeks to ensure that *"Outstanding Natural Features (ONFs), Outstanding Natural Landscapes (ONLs) and Significant Natural Landscapes (SNLs) are protected from inappropriate development and their values, as identified in Appendix A3, are maintained or enhanced."*
- [204] While **Policy 10.2.5.2** provides a clear directive of avoidance towards certain types of land use activities (including commercial activities) in an ONE, the policy directive towards land use in the ONL appears to be more towards the physical buildings and structures that land use might introduce i.e. Buildings and signage, rather than preventing any land use in particular.
- [205] **Policy 10.2.5.12** seeks to *"Require buildings and structures in Outstanding Natural Landscape (ONL) and Significant Natural Landscape (SNL) overlay zones to have exterior colours and materials that avoid or minimise, as far as practicable, adverse visual effects caused by reflectivity."*
- [206] **Policy 10.2.5.13** seeks to *"Provide for small buildings (no larger than 60m²) in landscape overlay zones but limit the number of these clustered together with each other or existing large buildings to a level that avoids or, if avoidance is not practicable, ensures cumulative visual effects are no more than minor."*
- [207] **Policy 10.2.5.14** *"Require ancillary signs in landscape overlay zones to be located and designed so that any adverse effects on landscape values, as identified in Appendix A3, are insignificant."*
- [208] The proposal is considered to be **consistent** with **Objective 10.2.5** and **Policies 10.2.5.12, 10.2.5.13 and 10.2.5.14**. No new buildings are proposed, with the exception of a lean-to replacement which will be larger than the previous one. The applicant intends to clad the new lean-to in appropriate materials. Should the provision of a self-sufficient water supply necessitate new water tanks, the applicant will need to identify where they will be located so that they can be sited and/or clustered in a manner consistent with the visual amenity objectives for this zone and the overlays which apply.

Section 2 - Strategic Directions

- [209] **Objective 2.2.1** seeks to ensure *"The risk to people, communities, and property from natural hazards, considering the potential effects of climate change, is no more than low."* It seeks to achieve this through managing land use and the risks from natural hazards to people, communities and property considering both the likelihood and consequences of natural hazards (Policy 2.2.1.1) and through Policy 2.2.1.2 which requires consideration for risks from a single natural hazard event or from repetitive natural hazard events, risks from a combination of natural hazards and risks that may arise in the next 100 years and risks that may increase in frequency or consequence as a result of climate change.
- [210] **Policy 2.2.1.3** seeks to identify Hazard 3 (flood) Overlay Zones as areas that are vulnerable to short term surface flooding but where there may be a low risk to people and property.
- [211] **Policy 2.2.1.8** requires a precautionary approach where there is incomplete or uncertain information about natural hazards and requires applicants to

demonstrate that risk will be no more than low. In terms of the public accessibility to the site, the applicant may have further evidence of the risks associated with an access which is subject to the Hazard 3 Flood Overlay.

[212] **Objective 2.2.2 and Policy 2.2.2.1** seeks to ensure that Dunedin is more energy resilient, reducing its reliance on non-renewable energy sources and well equipped to manage and adapt to changing or disrupted energy supply by reducing reliance on private motor cars for transportation and increasing capacity for local food production. Through **Policy 2.2.2.4**, the Plan supports transport mode choices and reduced car dependency through policies and rules that restrict the location of activities that attract high numbers of users, and to which access by a range of travel modes is practicable, to where there are several convenient travel mode options, including private vehicles, public transport, cycling and walking. The proposal is inconsistent with this strategic objective since the activity is located in the Rural Zone, albeit close to the urban fringe.

[213] **Objective 2.2.3 and Policies 2.2.3.1 and 2.2.3.2** seek to ensure "Dunedin's significant indigenous biodiversity is protected or enhanced, and restored; and other indigenous biodiversity is maintained or enhanced, and restored; with all indigenous biodiversity having improved connections and improved resilience". The Plan seeks to achieve this through the identification of areas of significant indigenous vegetation and/or as significant habitats of indigenous fauna areas and protecting them through ASBV scheduling, QE11 covenants etc and through assessment rules which require the consideration of significance as part of the assessment of effects on biodiversity values. Policy 2.2.3.2 discusses the importance of ecological context, which includes areas that:

i. have **important connectivity value** allowing dispersal of indigenous vegetation and fauna between different areas;

ii. **perform an important buffering function that helps to protect the values of an adjacent area** or feature; or

ii. **are important for indigenous fauna, on a regular or temporary basis, for breeding, refuge, feeding or resting;**

[214] The access to the venue lies between two ASCV areas. While the objectives and policies outlined above allow for consideration of the ecological context. No ecological evidence has been provided, and DOC and ORC have not raised concerns with the scale of the proposal. However, Tomahawk Lagoon which adjoins and surrounds the subject site is protected as a habitat for (Policy 2.2.3.2 continued):

"i. habitat for indigenous species that are threatened, at risk, or uncommon, nationally or within an ecological district;

ii. indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent nationally, regionally or within a relevant land environment, ecological district or freshwater environment including wetlands; or

iii. indigenous vegetation and habitats within originally rare ecosystems."

[215] Further, **Policy 2.2.3.3** requires that we maintain or enhance indigenous biodiversity in the rural environment through rules that protect ASBV's, that protect threatened species, by managing the location and scale of

development adjacent to the coast and water bodies and by requiring the assessment of effects on biodiversity values for discretionary and non-complying land use. Under the Proposed 2GP the activity is a non-complying activity. The applicants assessment of the impacts on the biodiversity values of the protected ASBV's is not prepared by any experts in the field, however, the intensity of the activity (if the hours of operation and/or the frequency of concurrent weddings is not constrained) raises concerns for the biodiversity values of the area and for the important edge that the access forms to the Tomahawk Lagoon environment. While vehicles travelling on the access may only temporarily displace any birds and wildlife that are on the fringes of the reserve, no assessment has been made.

[216] **Policies 2.2.3.4 and 2.2.3.5** seek to encourage conservation activity in all zones and to maintain or enhance biodiversity values in the urban environment.

[217] **Policy 2.2.3.6 and Policy 2.2.3.7** outline how a biodiversity offset and or environmental compensation may be considered. While neither are proposed by the applicant as part of the application, they are outlined below for the Panel's consideration:

"Only consider a biodiversity offset, as a positive effect to be balanced against the adverse effects of an activity, where the offset:

a. is proposed to address residual adverse effects after taking steps to first:

i. avoid adverse effects; then

ii. minimise adverse effects as far as practicable; by

1. mitigating effects and then remedying effects that cannot be mitigated; and

2. ensuring that any on-site rehabilitation or restoration measures will occur as soon as practicable;

b. is close to the donor site, unless a more distant site will result in a significantly better ecological outcome;

c. will result in no net loss and preferably a net gain in biodiversity value; where:

i. the biodiversity values gained will be the same or similar to those being lost;

ii. any gains in biodiversity values are demonstrably additional to those that may have occurred if the proposed activity had not gone ahead; and

iii. the positive effects of the offset last at least as long as the adverse effects of the proposed activity, and preferably in perpetuity;

d. will not be used to offset irreplaceable and vulnerable biodiversity and is not contrary to Policy 11 of the New Zealand Coastal Policy Statement; and

e. does not include forfeiting rights to permitted or consented land use or development activities."

[218] **Policy 2.2.3.7** states that:

"Only consider environmental compensation, as a positive effect to be balanced against the adverse effects of an activity, where:

a. the compensation is proposed to address residual adverse effects after taking steps to first:

i. avoid adverse effects; then

ii. minimise adverse effects as far as practicable; by

1. mitigating effects and then remedying effects that cannot be mitigated; and

2. ensuring that any on-site rehabilitation or restoration measures will occur as soon as practicable; then

iii. offset adverse effects in accordance with Policy 2.2.3.6;

b. the environmental compensation is as close as possible to meeting the criteria for a biodiversity offset as set out in Policy 2.2.3.6.

[219] No activities are located within the ASBV, therefore, the policies enabling environmental compensation and biodiversity offset are not considered to be necessary. Despite this, the proposal is considered to be **inconsistent** with the objectives and policies outlined within this section of the plan. While the activity is not located in the ASBV areas' the access which will accommodate the aspect of the activity which will create the most disruption, runs immediately alongside areas of high coastal character value within which threatened species and habitat reside. Whether the written approval of DOC is sufficient to warrant the proposal as being consistent with the above policies is to be debated, however, conditions of consent are able to ensure that the least disruption to the sensitive areas which the access travels through. While DOC and ORC have raised no concerns, Aukaha's submission sheds light on the responsibility to safeguard the wildlife and habitat that reside in the lagoon for their own sake and for present and future generations and the way that this access is used allowing for consideration of these matters.

Section 9 – Public Health and Amenity

[220] **Objective 9.2.2 seeks to ensure "Land Use, development and subdivision activities maintain or enhance people's health and safety."**

The proposed activity is considered to be **inconsistent** with this objective because, it is unlikely that the level of night time activity will maintain people's health and safety where it cause disturbance to sleep. Conditions of consent can ensure the proposal maintains the level of level of amenity and well-being that residents currently enjoy. Several residents have supported the proposal with written approvals although they are slightly further separated from traffic and may benefit from some elevated land on the access road in terms of additional screening. Subject to conditions of consent the level of disturbance through the evening hours could be reduced to minor. The Plan seeks to achieve this objective through the following Policies:

[221] **Policy 9.2.2.1 "Require activities to be designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant."**

- [222] **Policy 9.2.2.4 "Require activities to be designed and operated to avoid adverse effects from light spill on the health of people or, where avoidance is not practicable, ensure any adverse effects would be insignificant."**
- [223] The proposal is **inconsistent** with these two policies. The venue is well separated from any residential dwelling which is the main mitigating factor in terms of avoiding adverse effects of noise and light spill on people's health. The venue itself is internally lit and the pathways from the venue to the main car parking area will be lit, however, conditions of consent can ensure any lighting outside the building is of a low level and shrouded, and downwards facing. As indicated above, the sole access point for the activity is through a residential area. Due to a lack of fencing and the alignment of the road relative to the submitter's properties, vehicles will shine headlights towards their properties and the late hours of operation will potentially cause disturbance from vehicles on the gravel surface. Given the policy direction necessitates avoidance in the first instance, where avoidance is not practicable (because it is the only access to the site), the test goes to the effects being insignificant. This would appear to be a more stringent test than effects being minor, which may necessitate more stringent conditions on any consent granted to ensure the disturbance they experience whether it be from the vehicle noise or lights is insignificant.
- [224] **Policy 9.2.2.7 "Only allow land use, development, or subdivision activities that may lead to land use and development activities, in areas without public wastewater and stormwater infrastructure where these activities ensure wastewater and stormwater will be disposed of in such a way that avoids or, if avoidance is not practicable, ensures any adverse effects on the health of people on the site or on surrounding sites will be insignificant."**
- [225] While the applicant's additional information states that the proposal is to connect the venue into an existing water supply, as mentioned earlier, the water supply is unauthorised given the rural zoning and further complicated by the availability of the water supply via a submitter's property at 257 Tomahawk Road. The applicant proposes to be self-sufficient in respect of wastewater disposal and a sewage system and pressure compensated dispersal field has been designed. The proposal is considered to be **consistent** with this policy subject to implementation of a water supply to meet public health standards and subject to the installation of the proposed sewage system.
- [226] **Objective 6.2.2 and Policy 6.2.2.4 (Section 6 - Transportation)** seek to ensure that **"Land use activities are accessible by a range of travel modes"**. Policy 6.2.2.4 **"Only allows activities that are likely to generate a significant number of trips by walking, cycling or public transport where:**
- a. for activities likely to generate trips by cycling, there will be safe access for cyclists into and through the site and sufficient secure cycle parking;**
 - b. for activities likely to generate trips by walking, there will be safe access for pedestrians into and through the site; and**
 - c. for activities likely to generate trips by public transportation, the activity will be located a reasonable walking distance from a frequent public transportation route with safe access for pedestrians from a bus stop to the site."**

- [227] The proposal is considered to be **consistent** with this objective and policy. The Applicant has demonstrated that the anticipated level of traffic generated by the activity can be accommodated on the site. The Council's Transportation Officer considers there is adequate provision for on-site manoeuvring and suitable gradient for the modes of transport that are proposed to support the event based nature of the proposed land use.
- [228] **Objective 6.2.3 and Policies 6.2.3.1, 6.2.3.3, 6.2.3.4 and 6.2.3.9 and 6.2.3.11 (Section 6 -Transportation Section)**, are relevant as they seek to ensure that **"Land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods."** This objective is to be achieved through the following policy outcomes:
- [229] **Policy 6.2.3.1** seeks to **"Require ancillary signs to be located and designed to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network."**
- [230] **Policy 6.2.3.3** seeks to **"Require land use activities to provide adequate vehicle loading and manoeuvring space to support their operations and to avoid or, if avoidance is not practicable, adequately mitigate adverse effects on the safety and efficiency of the transport network."**
- [231] **Policy 6.2.3.4** seeks to **"Require land use activities to provide the amount of parking necessary to ensure that any overspill parking effects that could adversely affect the safety and efficiency of the transport network are avoided or, if avoidance is not practicable, adequately mitigated."**
- [232] **Policy 6.2.3.9** seeks to **"Only allow land use and development activities or subdivision activities that may lead to land use or development activities, where:**
- a. adverse effects on the safety and efficiency of the transport network will be avoided or, if avoidance is not practicable, adequately mitigated; and**
 - b. any associated changes to the transportation network will be affordable to the public in the long term."**
- [233] Overall, the proposal is considered to be **consistent** with this objective and these policies because the site is serviced via a Collector Road and an existing crossing point. Adequate provision for the anticipated traffic volumes and the types (coach) of traffic has been demonstrated. Ancillary signs and their location on any part of the legal access road can be addressed by way of a condition on the consent.
- [234] **Objective 6.2.4 (Transportation)** seeks to ensure that **"Parking areas, loading areas and vehicle accesses are designed and located to:**
- a. provide for the safe and efficient operation of both the parking or loading area and the transport network; and**
 - b. facilitate the safe and efficient functioning of the transport network and connectivity for all travel modes.**
- Policies 6.2.4.1 "Require parking and loading areas, including associated manoeuvring and queuing areas, to be designed to ensure:**

a. the safety of pedestrians travelling on footpaths and travelling through parking areas;

b. that vehicle parking and loading will be carried out safely and efficiently;

c. that any adverse effects on the safe and efficient functioning of the transport network are avoided, or if avoidance is not practicable, will be no more than minor;

d. the safe and convenient access to and from parking and loading areas for vehicles, emergency vehicles, pedestrians and cyclists; and

e. that mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths.

Policy 6.2.4.2 "Require driveways to be designed to ensure that:

a. the surfacing and gradient of the driveway allows it to be used safely and efficiently;

b. mud, stone, gravel or other materials are unlikely to be carried onto hard surface public roads or footpaths;

c. the width of the driveway is sufficient to allow the type and number of vehicles (including emergency vehicles), likely to be using it to do so safely and efficiently; and

d. sufficient distance is provided between shared driveways and dwellings.

- [235] The proposal is **consistent** with this objective and these policies. The provision for passing lanes has been addressed by the applicant to ensure that vehicles using the driveway can do so safely and efficiently. The Transport Officer is now satisfied that the gravelled driveway can accommodate the type and level of traffic anticipated. The policy provision requiring sufficient distance between shared driveways and dwellings is likely to be used in the context of new dwellings, however, the intensification of the use of the existing driveway may allow consideration for this provision. Sufficient distance is provided between existing residential dwellings and the private portion of the access, however, the distance between the public road portion and the adjoining residential properties, has warranted a recommendation for a reduction in the hours of operation, particularly at night when sleep disturbance is more likely to occur as set out in the effects assessment.

Natural hazards:

- [236] **Objective 11.2.1 and Policies 11.2.1.8 and 11.2.1.14 (Natural Hazards Section)**, seek to ensure the risk from natural hazards, including climate change, is minimised, in the short to long term. Although parts of the site are located within the Hazard 3 (Coastal) Overlay Zone, Policy 11.2.1.8 is not relevant given it applies to new buildings for residential activity and no residential activity is proposed.

Policy 11.2.1.14 however, is relevant but only in the event that the construction of passing lanes on the access necessitates large scale earthworks and no detail on the volumes (m³) has been provided by the applicant. The policy requires earthworks to be setback an adequate distance from water bodies to ensure that the risk from natural hazards is avoided, or

is no more than low. There does not seem to be any specific policy allowing for consideration of the sole access to the new facility being reliant on an access which is located in a flood hazard. The proposal is therefore considered to be **consistent** with the above objective and policy.

Overall Objectives and Policies Assessment

- [237] Having regard to the relevant objectives and policies individually, and considering these in an overall way, the above assessment indicates that the application is **inconsistent** with the current District Plan and **contrary** to the provisions of the Proposed 2GP.
- [238] While the proposed activity is consistent with most objectives and policies under the District Plan, of key importance is Objective 4.2.1 which seeks the enhancement of amenity values. The proposal does not promote the higher objective of enhancement of the rural environment (Peninsula Coast ONL) or of the amenity values of the residential areas which the access passes through.
- [239] Similarly, while the proposed activity is consistent with most of the relevant objectives and policies under the Proposed District Plan, of key importance to an assessment of the application is Objective 16.2.1 and Policy 16.2.1.8 which determine the appropriateness of certain activities in the rural environment. They indicate a clear policy directive for avoidance of commercial activities, hence the conclusion that the activity is overall contrary to the Proposed 2GP.
- [240] The Proposed 2GP Decisions Version had legal effect on the 7 November 2018 following the limited notification of the application. The Proposed 2GP is now subject to appeal with the appeal period ending on 19 December 2018.
- [241] Due to the early stages of the appeal period, it is not known whether any of the provisions of the Proposed 2GP are operative. Given the early stages of the appeal it is considered that **most weight should be applied to the Operative Plan**. The key relevant objectives seek to maintain and enhance the amenity values associated with the character of the rural area and to avoid or minimise conflict between different land use activities in rural areas and to protect people and communities from noise. Implementing policies include policy 6.3.5 that seeks to require activities to be of a nature, scale, intensity and location consistent with maintain the character of the rural area and to be undertaken in a manner that avoids, remedies or mitigates adverse effects on rural character. Policy 6.3.11 promotes the establishment of activities in the rural zone if their adverse effects can be appropriately managed. Policy 6.3.12 seeks to avoid or minimise conflict between differing land uses which may adversely affect rural amenity. Key to the character of the area/landscape is the Tomahawk lagoon and its fringes and the transient and intrinsic values that it provides as part of this rural environment.
- [242] The objectives and policies of the Operative Plan support the granting of the proposed activity, however, in light of the potential adverse effects of operating a facility of the scale and intensity proposed, and in recognition of the new policy directive under the Proposed Plan, conditions of consent are recommended to mitigate the adverse effects of the activity on the sensitive natural and rural environment which it operates alongside of and within, and on the residential properties which the access passes through.

Assessment of the New Zealand Coastal Policy Statement (Section 104(1)(b)(iv))

- [243] The proposed activity is located on the Peninsula Coast which is an area of high natural coastal character. The New Zealand Coastal Policy Statement

identifies an important issue facing the coastal environment which is the continuing decline in species, habitats and ecosystems in the coastal environment under pressures from subdivision and use.

- [244] The New Zealand Coastal Policy Statement 2010 addresses the need to protect indigenous biological diversity in the coastal environment by avoiding adverse effects of activities on habitat that is listed as threatened and by avoiding significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on habitats in the coastal environment that are important during the vulnerable life stages of indigenous species (Policy 11). This policy also identifies lagoons and coastal wetlands as indigenous ecosystems and habitats that are particularly vulnerable to modification. The policy seeks to protect the habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes. Habitat that is important to migratory species and ecological corridors are recognised as important for linking or maintaining biological values under this policy.
- [245] While DOC has provided their written approval to the proposal, the application has failed to address the potential impacts on the estuarine environment which the sole access runs alongside of. The proposal is considered to be **consistent** with the NCPS - no works are proposed within the lagoon or within any identified area of conservation/biodiversity value (ASCV/ADBV). Conditions of consent are able to mitigate any adverse effects on the Tomahawk Lagoon and on any habitat and/or fauna which contribute to the biodiversity values to minor.

Assessment of Regional Policy Statements (Section 104(1)(b)(v))

- [246] Section 104(1)(b)(v) of the Act requires that the Council take into account any relevant regional policy statements. The Regional Policy Statement for Otago was made operative in October 1998. The Proposed Regional Policy Statement (notified 23 May 2015) is in the appeals phase. Given their regional focus, the regional policy statements do not have a great bearing on the current application, however, the management of Otago's coastal environment is regarded as one of the significant resource management issues of the region and provides policies necessary to achieve integration approach towards the management of effects on land adjoining a coastal marine area.

Operative Regional Policy Statement (October 1998)

- [247] **Chapter 5: Land** is considered relevant in that it seeks to promote the sustainable management of infrastructure to meet the present and reasonably foreseeable needs of Otago's communities. The proposal is considered to be consistent with the objectives and policies contained within this section of the RPS.
- [248] **Chapter 8: Coast** is also considered relevant as the objectives and policies recognise the need to control land use effects on the quality of the coastal environment. The objectives and policies seek to recognise that the use and development pressures within Otago's coastal environment may compromise the natural character; estuarine areas, significant habitats of indigenous flora and fauna, outstanding natural landscapes and areas of significant conservation value in particular. The policy direction is for recognition of the environments that are more susceptible than others to the adverse effects associated with activities. While the application site is not pristine, but is a modified environment which includes an access which carries traffic generated by one dwelling and some intermittent stock delivery collection traffic, the proposal is for a high traffic generating activity. The RPS also addresses the potential for excess noise within Otago's coastal environment which can

adversely affect community and ecological values. The RPS recognises that the matter of noise is a cross boundary issue as the control of noise on the landward edge is a city council matter however, activities in the CMA is an ORC matter.

- [249] In light of these issues key relevant coastal objectives include 8.4.1 which promotes sustainable management of Otago's coastal resources, and Objective 8.4.2 which seeks to maintain and enhance the health and diversity of Otago's existing coastal ecology. Objective 8.4.5 seeks to protect areas of natural character and landscapes and their associated values within the coastal environment. Policies which seek to implement those objectives include Policy 8.5.1 which seeks to recognise and provide for the relationship that Kai Tahu have with the coast through protecting the characteristics of the coastal environment of special value to tangata whenua. Policy 8.5.2 seeks to recognise existing uses in the coastal environment through accepting the continuation lawfully existing uses and allowing for the enhancement of existing infrastructure but also allowing for activities that require a coastal location where adverse effects can be avoided, remedied or mitigated. The proposal does not 'require' a coastal location however it benefits from it and an upgrade of the access might be considered an enhancement in these terms.

- [250] Specifically Policy 8.5.4 recognises and provides for the prevention of the natural character of Otago's coastal environment and seeks to protect outstanding natural landscapes from inappropriate use by protecting estuarine areas and coastal lagoons as places of significant habitats of indigenous flora and fauna and of significant conservation value, cultural and spiritual and recreational and scientific significance.

- [251] Policy 8.5.5 seeks to protect the life supporting capacity of coastal ecosystems as well as avoiding as far as practicable or remedying or mitigating the adverse effects of land and water based activities on the coastal marine area.

- [252] Policy 8.5.9 seeks to control the emission of noise within the coastal environment which has the potential to adversely affect the amenity and intrinsic values of an area. The policy requires compliance with District Plan noise standards and New Zealand noise standards. The proposed activity seeks to comply with the District Plan standards but has not referenced the New Zealand standards.

- [253] Objectives 10.4.1, 10.4.2, 10.4.3 and policies 10.5.1, 10.5.2 seek to protect the biota of Otago recognising that any loss of a species through displacement or extinction would mean a reduction in diversity of Otago's living environment. The RPS recognises that local authorities have the opportunity to reduce the adverse effects of development on desirable habitats and identifies that the retention and protection of significant indigenous vegetation and indigenous fauna is dependent on habitat, therefore habitat protection is a matter of national importance by the RMA. Importantly, the RPS highlights that estuaries and wetlands are particularly susceptible to the impacts of development. While tourism is seen to benefit from the protection of these areas, it can also be the cause of degradation if not managed appropriately. The RPS identifies consideration for conditions on resource consents as necessary to protect Otago's significant indigenous vegetation and significant habitat of indigenous fauna (10.6.17).

- [254] **Chapter 11 Natural Hazards** identifies that the most desirable locations for development can occur in the most hazard prone places. While the proposed venue lies outside of the hazard prone land on the site, the sole access is over flood prone land that may flood with more intensity and frequency as a result of the effects of climate change. The applicant accepts all risk of potential adverse effects on the new land use and development, however, there may be

pressure to further modify the access road along the edge of the wetland in the future to protect the viability of the business. Objectives and policies that relevant to a consideration of these issues are Objectives 11.4.1, 11.4.2, 11.5.2, Policies 11.5.3, 11.5.4 and 11.5.6. The emphasis is on avoidance or mitigation of natural hazards to 'acceptable levels'.

Proposed Regional Policy Statement

- [255] Under the Proposed Regional Policy Statement, Part B: Chapter 1 seeks to recognise and provide for the integrated management of natural and physical resources to support the well-being of people and communities in Otago which includes economic wellbeing. Part B: Chapter 3 is considered to be relevant in that it seeks to recognise and provide for natural resources and processes that support indigenous biological diversity (Policy 3.1.9(e)). Policy 3.1.10 seeks to recognise the values of natural features and landscapes are derived from biophysical sensory and associative attributes. The proposal does not involve any new structures and the proposal does not result in the removal of any areas of vegetation therefore the proposal is considered to be consistent with this policy. Policy 3.1.12 seeks to encourage, facilitate and support activities which contribute to enhancing the natural environment. The proposal is considered to be inconsistent with this policy, however, the applicant's property is larger than the application site (venue) and the Panel may wish to consider the public access and areas of protected bush within the property holistically when considering the application. Protection of the existing ACBV can achieve this policy however there appears to be no intention to increase the area of bush from what already exists on the property. The proposal is considered to be consistent with policies within this chapter subject to conditions of consent.
- [256] **Chapter 15 Cross Boundary Issues** is relevant to a consideration of this application as the effects of an activity are not always constrained to the area in which they originate, namely the effects of land use activities on the adjacent coastal marine environment. Objectives 15.4 and policies 15.5.1 and 15.5.2 seek to ensure that effective communication between authorities occurs and any adverse effects associated with an activity which crosses the boundary line are avoided, remedied or mitigated. The applicant has consulted with DOC and written approval has been obtained. ORC have also refrained from identifying any areas of concern albeit they consider some separate applications may be necessary from ORC.

Proposed Regional Policy Statement (Incorporating Council Decisions 1 October 2016)

- [257] **Part B: Chapter 1 Objective 1.1** seeks to recognise and provide for the integrated management of natural and physical resources to support the well-being of people and communities in Otago which includes economic wellbeing.
- [258] **Part B: Chapter 2 Objectives 2.1 and 2.2** seeks to recognise Kai Tahu values and interests.
- [259] **Part B: Chapter 3 Objective 3.1** is considered to be relevant in that it seeks to recognise and provide for the protection of wetlands and their margins (Policy 3.1.2), as well as natural resources and processes that support ecosystems and indigenous biological diversity (Policy 3.1.9), natural features and landscapes (Policy 3.1.10) and natural character in the coastal environment (Policy 3.1.11). Importantly, and of relevance to an assessment of the effects on the landscape is the recognition afforded by Policy 3.1.10 seeks to recognise that the values of natural features and landscapes are derived from biophysical sensory and associative attributes. Policy 3.1.12

seeks to encourage, facilitate and support activities which contribute to enhancing the natural environment.

- [260] **Part B: Objective 3.2** and Policies 3.2.1, 3.2.2, 3.2.4, 3.2.6, 3.2.7, 3.2.9 and 3.2.10, seeks to ensure Otago's significant highly valued natural resources are protected or enhanced. Policy 3.2.16 in particular requires that the values of wetlands are protected by avoiding significant adverse effects on the significant values of the wetlands; avoiding remedying or mitigating other adverse effects; controlling the adverse effects of pest species, preventing their introduction and reducing their spread, and encouraging enhancement which contribute to the values of the wetland.
- [261] **Part B: Objective 4.1** and policies 4.1.3, 4.1.5, 4.1.6 and 4.1.7 seek to ensure that risk to natural hazards are minimised through consideration for impacts on individual and community health and safety; by having particular regard to the sensitivity of activities to risk, by avoiding activities that increase risk in areas potentially affected by coastal hazards over at least the next 100 years (Policy 4.1.6). Policy 4.1.7 encourages consideration for the use of exit strategies for areas of significant risk to people and communities as a way of reducing hazard risk.
- [262] **Part B: Objective 5.3 and Policy 5.3.1** requires sufficient land to be managed and protected for economic production. Policy 5.3.1 seeks to restrict activities from being established in rural areas which may lead to reverse sensitivity effects but also enables the provision of other activities including tourism and recreation activities that are of a nature and scale compatible with rural activities.
- [263] **Part B: Objective 5.4** and Policy 5.4.2 seeks to ensure any adverse effects of using and enjoying Otago's natural and physical resources are minimised. Policy 5.4.2 requires an adaptive management approach to avoid, remedy or mitigate actual and potential adverse effects that might arise and can be remedied before they become irreversible. DOC has not identified any adverse effects that may need to be monitored or reconsidered after a period of time. Any resource consents obtained from the ORC may consider such requirements under renewal timeframes for any discharges that are permitted or other works near the lagoon edge that necessitate consent from ORC.
- [264] Overall, the proposal is considered to be **consistent** with the relevant objectives and policies of both the operative and proposed regional policy statements subject to conditions which ensure the scale of the activity does not result in any adverse effects on the residential areas adjoining, or on the sensitive ecosystems within the wetland adjacent to the activity.

Assessment of Kāi Tahu Ki Otago Natural Resource Management plan 2005 (Section 104(1)(c))

- [265] The Natural Resource Management Plan 2005 has iwi management plan status and is a planning document that is recognised by the iwi authority (Te Rūnanga o Ngāi Tahu) and local authorities.
- [266] Part 5 of the document identifies the more general issues, objectives and policies of the Otago Region including the Coastal Environment. The overall objectives and policies seek to recognise the cultural importance of water to iwi and the need to promote the objective of protecting all wetlands (Policy 5.3.4.56). The importance of preserving Mahika kai, its productivity and diversity of species is reflected in policies which seek to protect and enhance existing wetlands (Policy 5.5.4.12)

- [267] The importance of cultural landscapes objectives seek to encourage the establishment of maximum visitor numbers for tourist operations in sensitive areas (Policy 5.6.4.37).
- [268] Coastal environment objectives require better monitoring and consent condition compliance for septic tank systems in the coastal environmental Policy 5.8.4.9) and to ensure the marine environment is managed in a holistic way by promoting an integrated catchment management and inter agency cooperative approach to managing the coastal environment (Policy 5.8.12).
- [269] Part 8 of the document identifies the issues, objectives and policies of the Otago Harbour Catchment in particular. Mahika Kai and Biodiversity Policies reflect the need to restore and enhance biodiversity with particular attention being given to the issue of the loss of important wetlands. The provisions seek to promote the use of locally sourced genetic plants for landscaping, regeneration and restoration.
- [270] Overall, the proposal is considered to be consistent with the Natural Resource Management Plan 2005 subject to conditions requested by Aukaha which seek to give effect to the policy objectives set out in this document being implemented.

DECISION MAKING FRAMEWORK

Part 2 Matters

- [271] It is considered that there is no invalidity, incomplete coverage or uncertainty within either the operative Dunedin City District Plan or the Proposed 2GP. As a result, there is no need for an assessment in terms of Part 2 of the Resource Management Act 1991.

Section 104A

- [272] Section 104A of the Act specifies that a resource consent for a controlled activity must be granted unless it has insufficient information to determine whether or not the activity is a controlled activity; and may impose conditions on the consent under Section 108 only for those matters over which control is reserved in national environmental standards or other regulations or over which it has reserved its control in its plan or proposed plan.
- [273] 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 adverse effects on the environment arising from the proposal are minor subject to conditions of consent controlling variable factors associated with the proposed activity.
- [274] In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Operative District Plan and the Proposed 2GP were taken into account when assessing the application.

Section 104

- [275] Section 104(1)(a) states that the Council must have regard to any actual and potential effects on the environment of allowing the activity. This report assessed the environmental effects of the proposal and concluded that the likely adverse effects of the proposed development overall will be minor and can be adequately avoided remedied or mitigated provided recommended conditions of consent were adhered to.

- [276] Section 104(1)(ab) requires the Council to have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects. No offsetting or compensation measures have been proposed or agreed to by the applicant.
- [277] Section 104(1)(b)(vi) requires the Council to have regard to any relevant objectives and policies of a plan or proposed plan. This report concluded that the application would be **inconsistent** with the key objectives and policies of the Dunedin City District Plan and **contrary to** the Proposed 2GP.
- [278] Section 104(1)(b)(v) requires the Council to have regard to any relevant regional policy statement. In this report it was concluded that the application is consistent with the relevant objectives and policies of the Operative Regional Policy Statement and the Proposed Regional Policy Statement for Otago.

Other Matters

- [279] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. Having regard to section 104(1)(c) of the Resource Management Act 1991, no other matters are considered relevant.

CONCLUSION

- [280] Having regard to the above assessment, I recommend that the application be granted in a reduced format subject to appropriate conditions. A suite of conditions are collated further below for the Panel to consider in light of submitter and applicant evidence.

REASONS FOR RECOMMENDATION

- [281] Provided that the recommended conditions of consent are implemented, I consider that the likely adverse effects of the proposed activity can be adequately mitigated and will be minor.
- [282] The proposal is considered to be inconsistent with the key relevant objectives and policies of the Dunedin City District Plan and contrary to the Proposed 2GP. Most weight has been given to the Dunedin City District Plan.
- [283] The proposal is considered to be consistent with the objectives and policies of the New Zealand Coastal Policy Statement, the Operative and Proposed Regional Policy Statement for Otago and the Natural Resource Management Plan 2005 subject to appropriate conditions of consent being implemented to safeguard the coastal environment that the site is part of and adjoins.
- [284] Overall, the proposed development has been assessed as not being likely to give rise to adverse effects on those elements of the Rural Zone and the Peninsula Landscape Character and values that the Dunedin City District Plan seeks to protect. However, there is potential for adverse effects on the residential areas which all vehicle movements will need to pass by. The potential for effects associated with such a high traffic generating activity on neighbours and on the sensitive coastal environment of the Tomahawk Lagoon which contains threatened plant species and habitat (within its margins) necessitate conditions of consent to mitigate those potential effects to minor.

Draft Recommended Conditions:

1. *The proposal must be established and operated generally in accordance with the plans and relevant details submitted with the resource consent application received by Council on 20 July 2018 and additional information received on 20/7/18 (DOC approval), on 3/8/18 (further information response and amended application) and on 8/9/18 - 9/8/18 (Fulton Hogan Sealing/Passing Lane Detail) and 27/8/18 (additional lighting detail) and on 27/9/18 (final written approval occupier #269 Tomahawk Road) except where modified by the following conditions.*

Scale and Intensity of the Activity

2. *The maximum number of guests permitted on the property must not exceed 150 during the hours of 9am to 9pm. Outside of those hours, the maximum number of guests must not exceed 75.*
3. *No more than 8 events per month is allowed on the site.*
4. *No events [over 75 guests] are permitted to occur on consecutive days of the week (Monday to Sunday).*
5. *Events exceeding 75 guests must not occur more than once on any day.*
6. *No event is permitted to exceed 7 hours on any day.*

Noise Management

7. *The consent holder must ensure noise from activity taking place on the site will not exceed the performance standard set out in District Plan.*
8. *Hours of operation must be limited to the following hours:*
9.00am – 1am (Monday to Saturday) Possible exclusion from Sunday operation?
9. *No outdoor marquees or other temporary structures are to be erected within the property in association with the events.*
10. *No outdoor music is permitted outside after 9pm and all music must be turned off by 12am (midnight).*
11. *All guests are required to leave the site by 12.30am. Staff must leave the premises by 1.00am.*
12. *No stereo and/or other speakers are permitted outside the building venue. No sub drivers (which amplify bass) are to be used and sound technicians must ensure that music is not bass heavy.*
13. *Speaker systems must be located and positioned so as to direct sound away from neighbouring residences.*
14. *Exterior windows and doors within the venue must be closed after 10pm at night.*
15. *Any guests collected from the site must be collected from the venue.*
16. *No fireworks are permitted on the property.*

17. *The noise level from the consented activities on the site measured at or within the boundary of a receiving property or the notional boundary of noise sensitive activities in a rural zone must comply with the following noise limits:*

Rural:

<i>7.00am to 7.00pm</i>	<i>55 dB LAeq (15 min)</i>
<i>7.00pm to 10.00pm</i>	<i>50 dB LAeq (15 min)</i>
<i>10.00pm to 7.00am</i>	<i>40 dB LAeq (15 min); and 70 dB LAFmax</i>

Residential:

<i>7.00am to 7.00pm</i>	<i>50 dB LAeq (15 min)</i>
<i>7.00pm to 10.00pm</i>	<i>45 dB LAeq (15 min)</i>
<i>10.00pm to 7.00am</i>	<i>40 dB LAeq (15 min); and 70 dB LAFmax</i>

Noise must be measured in accordance with NZS 6801:2008 - Acoustics - Measurement of environmental sound, and assessed in accordance with NZS 6802:2008 Acoustics - Environmental noise.

18. *Lighting limits at the windows of any other site used for residential purposes must not exceed 3 lux during night-time hours. All exterior lighting must be downward facing and shrouded/shielded to prevent overspill and glare.*
19. *All construction work on the site must be designed and conducted to ensure that construction noise from the site does not exceed the noise limits in the following table. Noise levels will be measured and assessed in accordance with the provisions of NZS 6803:1999 Acoustics Construction noise as defined in table 2- Recommended upper limits for construction noise received in residential zones and dwellings in rural areas.*
20. *The period of construction applied for by the applicant is expected to be of 'Typical duration'. The New Zealand Standard Acoustics - Construction Noise (NZS 6803:1999) states that "Typical duration" of construction, means construction work at any one location for more than 14 calendar days but less than 20 weeks. If the applicant is proposing that construction times are not of 'typical duration' the applicant is advised to contact this department for clarification on the noise limits that apply.*

Access and Car Parking

21. *Detailed drawings of the proposed passing lanes within the private access road must be provided to the Resource Consents manager via email to rcmonitoring.govt.nz (for Transport's approval) sufficient to determine the level of disturbance to the edge of the Tomahawk Lagoon and to determine adequate provision for two way traffic.*
22. *Detailed drawings of the proposed coach parking must be provided to the Resource Consents manager via email to rcmonitoring.govt.nz (for Transport's approval) sufficient to determine acceptable gradient and manoeuvrability for coaches.*
23. *A minimum of 40 car parks must be provided within the main car parking area.*

24. *All car parking must be demarcated prior to commencing operation of the venue.*
25. *All car parking must be located within the designated car parking areas within the property. No parking is permitted alongside the lagoon or along the access road to the site [This condition can only be included if it is volunteered by the applicant].*
26. *The surface of the main car park must be gravelled.*
27. *Guests and staff are not permitted to exceed a speed of 25km per hour within the property to reduce disturbance of wildlife and/or residential neighbours.*
28. *A signage scheme must be submitted to the Recourse Consents Manager via email to rcmonitoring.govt.nz (for approval by Council's Urban Design) prior to commencement of any operations on the site. The scheme must identify suitable locations to achieve the following:*
 - (a) Provide the location and detail of signage designed to alert visitors to the need to be aware of wildlife along the edges of the wetland.*
 - (b) Alert visitors to the need to drive slowly along the access at all times.*
29. *The consent holder must advise the Council, in writing, of the start date of the activity. The written advice must be provided to Council at rcmonitoring@dcc.govt.nz at least five (5) working days before the works are to commence.*

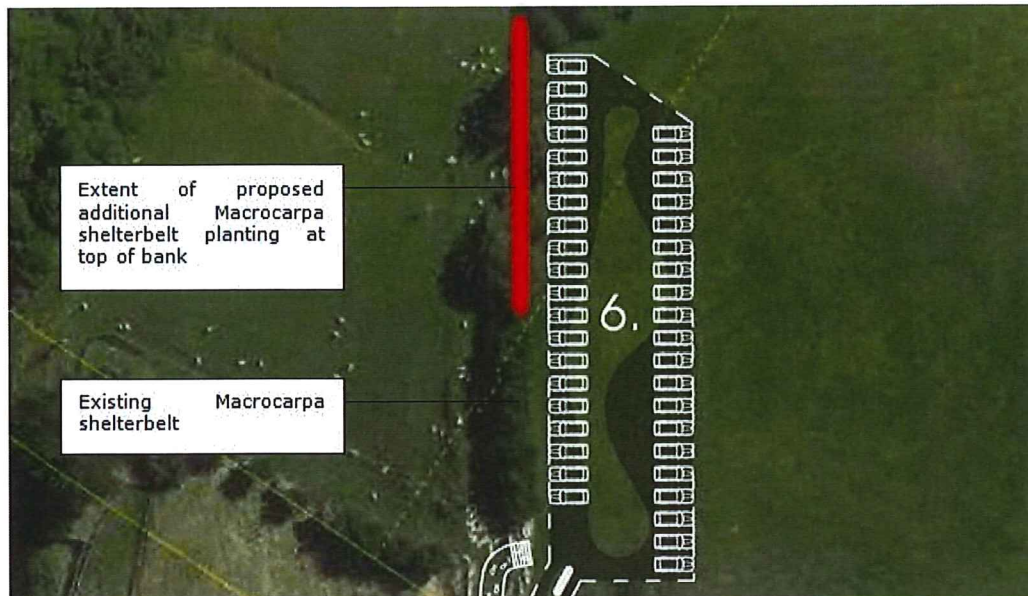
Wetland Proximity:

30. *No vegetation on the wetland fringes is to be removed or compromised by the activities undertaken on the site.*
31. *Any excess material used in the widening of access to the site must be clean and placed carefully in proximity of the lagoon edge.*
32. *Any machinery and equipment utilised within the area of the access to the site must be clean and well maintained before entering the work site.*
33. *All practical measures must be undertaken to minimise the risk of contamination to the Lagoon i.e. fuel from machinery, discharge of materials etc.*
34. *All excavated areas must be cordoned off during works and grassed over following completion of works.*
35. *Any fill material to be introduced to the site must comprise clean fill only.*
36. *The earthworks must be undertaken with the principles of industry best practice applied at all stages of site development including site stability, stormwater management, traffic management, along with dust and noise controls at the sites.*
37. *To ensure effective management of erosion and sedimentation on the site during earthworks and as the site is developed, measures are to be taken and devices are to be installed, where necessary, to:*
 - a) divert clean runoff away from disturbed ground;*
 - b) control and contain stormwater run-off;*

- c) *avoid sediment laden run-off from the site'; and*
 - d) *protect existing drainage infrastructure sumps and drains from sediment run-off.*
38. *No soil disturbance or soil shifting, unloading, loading will take place if wind speed is higher than 14 metres per second if the soil is dry and prone to becoming airborne, unless a dust suppressant is applied.*
 39. *All loading and unloading of trucks with excavation or fill material is to be carried out within the subject site.*
 40. *Surplus of unsuitable material is to be disposed of away from the site to a Council approved destination.*

Landscape Character

41. *No guests are permitted to along the wetland fringes or within the conservation areas (CO96) within the property.*
42. *All lighting must be in accordance with the lighting plan submitted with the application (except no outdoor floodlighting structures are permitted) and comply with the following:*
 - (i) *All outdoor lighting must be down lighting only and must be shielded from above in such a manner that the edge of the shield shall be below the whole of the light source and;*
 - (ii) *All outdoor lighting must be of low luminance to reduce the potential for night glow.*
43. *All existing Macrocarpa trees within 50m of the existing woolshed and approved car parking areas must be retained. The Macrocarpa shelterbelt trees between the existing farm dwelling (identified as Item 2 in the legend of the site plan, dated 20/06/2018) and the proposed 40 space car park (identified as Item 6 in the legend of the site plan, dated 20/06/2018), which are not within the unformed local road are to be retained.*
44. *Within 6 months of commencing operation of the new facility, new Macrocarpa trees must be planted in accordance with the Council's Landscape Architect's Recommended Mitigation Planting Plan to ensure adequate screening of the new car park in the event that existing Macrocarpa trees are ever removed (to formalise access along the unformed legal road which traverses the property). New trees must be spaced in a similar manner to the existing macrocarpa trees.*



Council Landscape Architect Mitigation Planting Plan

45. *No macrocarpa trees are to be removed unless it is confirmed by a qualified tree risk assessor that the trees pose a health and safety risk. An accompanying arborist's risk assessment report must be submitted to the DCC planning manager, prior to the proposed removal of any of these trees. Replacement planting with the same species must occur immediately following removal if approval is granted to remove any tree from this shelterbelt.*
46. *New Macrocarpa shelterbelt planting must be undertaken along the western boundary of the proposed carpark to the corner of the paddock, as shown in the marked-up plan attached as Appendix 2.*
47. *The approved main car parking area must not exceed the extent illustrated in the attached site plan, dated 20/06/2018. The aisle widths and manoeuvring widths must be the minimum required by the transport department.*
48. *External/outdoor lighting must be in accordance with amended proposal supplied by the applicant and consist of low-level bollard and building mounted down lighting only. No pole-mounted lighting is permitted.*
49. *Any additional landscaping implemented in and around the venue by the applicant must be undertaken using native plants.*

Cultural Values

50. If the consent holder:
 - a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder must without delay:
 - i) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.
 - ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:

i) stop work within the immediate vicinity of the discovery or disturbance; and

ii) advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to the Heritage New Zealand Pouhere Taonga Act 2014; and

iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work must recommence following consultation with the Consent Authority.

Services/Infrastructure

51. *Prior to operation, the applicant must demonstrate that the property is self sufficient in terms of provision of adequate water and fire fighting water supplies to support the activity.*
52. *The effluent disposal system must be designed and installed by a suitably qualified professional sufficient to cater for the proposed use and method of water supply and soil conditions and to ensure that no discharge occurs to the Tomahawk Lagoon.*
53. *The approved effluent disposal system must be serviced regularly recording the time, date and any maintenance undertaken and submitted to the Resource Consnes manager at rcmonitoring.govt.nz for approval.*

Review Clause:

54. *The Council may once per year, on the last five working days of November, serve notice of its intention to review the conditions of this consent for the purpose of:*
 - (a) *Dealing with any adverse effect on the environment which may arise from the exercise of the consent (such as noise, traffic, dust nuisance, impacts on wildlife and/or habitat for wildlife within the lagoon and/or its water quality) and which it is appropriate to deal with at a later stage.*

Advice Notes:

1. ***As no detail of the works required to create passing lanes within the access to the site and within DOC concession areas has been assessed as part of this application it is possible that the need for additional resource consents is triggered where the volume and or area exceeds 1m³ or 25m² within 20m of a wetland listed in Schedule 25.4 of the Regional Plan – Tomahawk Lagoon in a Rural Zone (Rule 17.7.3(iii)(a) and/or the volume of earthworks permitted within 100m of a coastal habitat (Rule 16.6.2(ii)(b)).***

Additionally, where the total cumulative volume of earthworks exceeds 200m³ across the site during any consecutive 12 month period, additional resource consent from the Dunedin City Council will also be required under Rule 17.7.3(ii) Scale Thresholds. This includes the volume of earthworks that has already been undertaken on the site to construct the level area outside the woolshed, to upgrade the access up to the dwelling as well as any levelling works required for the new coach and car parking areas.

2. *It is recommended that the consent holder review the provision under the Otago Regional Council Water Plan which to determine whether any of the works to the access road alongside the wetland would necessary addition consenting requirements. For example, stormwater (particularly from the car park) and sewage management may have potential for discharges. It is possible that a venue of the proposed capacity will be likely to exceed the 2000 litre/day permitted activity rule volume, therefore the Otago Regional Council should be contact to ensure compliance with the provisions of the Water Plan.*
3. *It is recommended that the drinking water storage tank be designed with at least 2 days storage for domestic use. Water storage facilities must also comply with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509).*
4. *Stormwater collected from roof surfaces may be used for domestic water supply and stored in suitably sized tank(s), with a minimum of 25,000L storage per lot.*
5. *In the event of reliance on a self-sufficient water supply, drinking water will need to be brought up to meet the necessary standards to meet the NZ Drinking Water Standards. This is likely to require the additional effort of installing a water treatment system and of testing the water supply on a regular basis in accordance with the standard. It is recommended that the consent holder contact Public Health South for further information from a suitably qualified Drinking Water Assessor regarding a Water Risk Management Plan, water treatment and sampling requirements. The water supply will also need to be registered as a community water supply with the Ministry of Health.*
6. *The consent holder should contact the Dunedin city Council Trade Waste Department for further information on waste water disposal options to ensure that their system is designed to meet the requirements of the combined commercial and domestic use (depending on the final method of water supply).*

Duty to avoid unreasonable noise

7. *Under Section 16(1) of the Resource Management Act 1991 (1) Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from the land or water does not exceed a reasonable level.*

Demolition of Existing Buildings

8. *Buildings built before 1900 or sites which were in use before that time are considered archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014. Before disturbing an archaeological site, or to check*

whether a site is an archaeological site, the consent holder is advised to discuss their proposal with Heritage New Zealand.

9. *Any works within the concession area may require further approval from the Department of Conservation.*
10. *The consent does not authorise the sale of food and drinks to visitors as part of the business activity. It is noted that if any food is offered for sale, or supplied in conjunction with an entry fee to a function, the site would be deemed to be a food premises. All food would need to meet the requirements of the Food Act 2014 and Food regulations 2015. For exemptions, an application for a detailed Scope of Operations form can be completed (refer to Council's Regulatory Services Team). Refer to the Council's Environmental Health Department for all license enquires.*

Report prepared by:

Report checked by:



Melissa Shipman
Planner

John Sule
Senior Planner

21 November 2018

21 November 2018

Melissa Shipman

From: Warren Hanley <warren.hanley@orc.govt.nz>
Sent: Friday, 24 August 2018 05:16 p.m.
To: Melissa Shipman
Cc: Charles Horrell; Anita Dawe
Subject: Tomahawk lagoon - ORC comment on affected party status to application to DCC

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Melissa,

First up, thanks, it's really appreciated you've identified ORC's interest due to the significance of the Tomahawk wetland and come to us for discussion. Protection of wetlands are recognised as matter of national importance under s6 of the RMA, and in Otago's water plan.

From what I understand of the application, it will involve a commercial operation on the property, with visitors coming in by car or coach. Water supply will be reticulated with sewage to be disposed on-site. The application/further information doesn't appear to address stormwater. No actual activity related to the applicant's venture appears to be located immediately adjacent or within the wetland.

The water plan rules cover a wide range of activities such as takes, damming, diversion, in relation to wetlands, but only if carried out on or in a wetland. So given the proposal isn't planning to have any activities directly occur within the wetland, I can't see any issue there.

The issues where we may have some interest/concerns are would be stormwater (particularly from car park) and sewage management - therefore potential for discharges. Given the potential sewage discharge volume from a full capacity venue (150 people) will most likely exceed the 2000 litre/day permitted activity rule volume in the water plan, the applicant will need to discuss consenting requirements with ORC's consent team.

Likewise for stormwater, there are rules controlling the discharge of stormwater to water (or land where it may enter water). The applicant may like to discuss its management of stormwater from the site with the consents team to ensure compliance with the water plan rules.

So in short, I don't believe ORC is an affected party to the application before DCC. The issues we may be concerned about in relation to the wetland are able to be controlled by ORC as a regulatory authority under the rules of the water plan.

I hope this is of help, but if you have any further questions, please feel welcome to contact me at the office. Likewise Charles, if you need to correct/add to anything I've covered, please do.

Regards

Warren.



Warren Hanley
Senior Resource Planner
Liaison

Otago Regional Council
70 Stafford St, Private Bag 1954,
Dunedin 9054
Phone (03) 470 7443 or 0800 474 082

Melissa Shipman

Heritage

From: Dan Windwood
Sent: Friday, 4 May 2018 11:27 a.m.
To: Melissa Shipman
Subject: RE: LUC-2018-219 Activity Status Clarification - 261 Tomahawk Road, Ocean Grove -

Hi Melissa,

No heritage issues triggered by the DP or 2GP formally. I suspect that the barn is a bit more recent than 1860s (although happy to be proved wrong) but the farmhouse is definitely an 1860s cottage, not an early century villa as described by the real estate agent. A general note about an Archaeological Authority might well be useful for any related earthworks/construction activity though.

Dan Windwood
Policy Planner (Heritage)
City Development
Dunedin City Council

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dan.windwood@dcc.govt.nz

From: Melissa Shipman
Sent: Friday, 4 May 2018 10:08 a.m.
To: Urban Design; Grant Fisher; Carlo Bell
Subject: LUC-2018-219 Activity Status Clarification - 261 Tomahawk Road, Ocean Grove -
Importance: High

Officers, please note that while the wedding venue activity could be captured as a Controlled Activity by the definition of 'Rural Tourist Activity' – I'm not yet 100% convinced that the conference activity aspect of the consent falls under that category but instead must be considered as a non-complying activity status due to it not being specifically provided for within the zone.

From: Melissa Shipman
Sent: Thursday, 3 May 2018 2:46 p.m.
To: Urban Design; Grant Fisher; Carlo Bell
Subject: LUC-2018-219 261 Tomahawk Road, Ocean Grove

Officers, memo request attached – thanks. Please indicate if you'd like to come along on a **joint site visit next week**.

Crystal - Landscape assessment is required, as opposed to Urban Design.

Regards,

Melissa Shipman
Planner, City Planning
Dunedin City Council

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