

1 October 2018

Otago Golf Club Trading As Otago Hospitality Ltd
C/O Hovell Environmental Planning
PO Box 5068
Moray Place
Dunedin 9058

Via email: keith@hovell.co.nz

RESOURCE CONSENT APPLICATION:

LUC-2018-315
125 BALMACEWEN ROAD
DUNEDIN

INTRODUCTION

- [1] Your application to authorise the existing commercial hire of a licensed premises at Balmacewan Golf Course was processed on a notified basis in accordance with Sections 95A to 95G of the Resource Management Act 1991 (the Act). No submitters wished to be heard in respect of the application and therefore, pursuant to Section 100 of the Resource Management Act 1991, the application was considered by the Resource Consents Manager, under delegated authority, on 1 October 2018.
- [2] I advise that the Council has **granted** consent to the application. The decision is outlined below, and the decision certificate is attached to this letter.

DESCRIPTION OF PROPOSAL

- [3] The proposal for the commercial hire of the upper level of the existing club rooms (generally) is largely retrospective. The clubroom includes, the Club two lounge areas, one to the north with bar facilities, and one to the south with a counter for food sales and an adjoining kitchen for functions. The application is also to operate an on-licence (licensed premises) to provide for the sale of alcohol alongside any events held. It is noted that the application states 'generally it is the upper level' that will be used for such events.
- [4] Functions currently include: conferences, Rotary and Lions Club functions, commercial business promotions, weddings and other social events. Many events will include live music. The functions will be located within the three main rooms in the complex with all three capable of use at the same time, and on multiple occurrences during any given day.
- [5] Records provided by the applicant indicate that the recorded number of events/functions where over 100+ people will attend is between 3 and 12 times per month with March/April and September/October being the busiest months.

- [6] Between the two lounges is a connecting area also with access to the bar that can be used separately or as part of either lounge area. For some events all three areas are used as one.
- [7] The applicant seek to continue the hours provided for under the current liquor licence which is for events providing alcohol to take place between 6.00am and 1.00am the following day. Staff will remain on the site undertaking associated cleaning and tidying until approximately 3.00am.
- [8] General golfing activities on the 18 hole golf course itself are unaltered by the function activities. However, as golfers must have sufficient light to enable balls hit by players to be seen, during June play before 7.30am and after 5.30pm is uncommon. During December, the applicant advises that play has been known to commence by 6.30am and continue until after 10pm.
- [9] The functions/events being held at the premises will continue to operate alongside normal golfing activities with a capacity of up to 180 persons permitted under the fire rating for the premises (including catering staff, proshop staff and caretakers flat). The applicant has advised verbally that up to 10-20 staff could be on-site at one time. Green-keeping staff are additional to that figure, occupying a complex elsewhere on the site adjacent to Lynn Street. Currently, competitive golf is played on every Tuesday through to Saturday and some Sundays. Corporate events are held on a regular but not recurring basis. The applicant estimates that between 50 and 200 golfers would be playing on week days, and between 100 and 200 on weekends.
- [10] The Balmacewen Tennis Club activities will continue to operate alongside the proposed activities, typically occurring within the Tennis Clubrooms separate to the function/conference facilities which are the subject of this application. The Club utilise the five courts at the rear of the facilities which are not utilised after dark due to a lack of flood lighting. Club car parking is typically located within the upper terraced area adjacent to the courts. Club days according to their website are typically Tuesdays and Saturdays with Club Open Days and other events such as AGM meetings sometimes occurring on other days in the week and during the evening. The applicant has advised that the Tennis Club operate under a lease provided by the Golf Club.
- [11] The applicant has confirmed that during some corporate events and a few match day events provide food and refreshments on course (i.e. gazebo tents and BBQs). However, the applicant states that there will be generally be no temporary buildings, marquees, tents, generators, port-a-loos, TV vans, or camera equipment associated with the function/hire of the premises. Lighting is limited to motion-activated outdoor security lighting around the building and the car park. A loud speaker system is attached to the main building and used by the officials to call players to the tee as required. It is not used for any other purpose.
- [12] Access is via Balmacewen Road. Carpark capacity is up to 120 marked car parks with a circular route to the carparks. Additionally, some areas of non-marked parking are located in the main car park and adjoining to the tennis courts. Additional overflow parking is available within the grassed area beside the tennis courts.
- [13] Service vehicles make deliveries to the site six days a week which includes produce for catering and delivers to the pro-shop. The applicant indicates that during large events there is no noticeable change in the number or size of vehicles entering the site, just the volume of material to be dropped off.
- [14] No new signage or alterations to existing signage are proposed.

- [15] The relevant plans of the proposed function centre and on-licence, are contained in Appendix 1 of this report.

DESCRIPTION OF SITE AND LOCATION

- [16] The Golf Club is located across a composite site comprising three titles containing separate pieces of land: the north western area (CFR 151811), the north eastern area (OT 13A/689) and the southern area (CT OT10C/653). The north western area contains the main golf course buildings, the tennis club facilities and the central car park is approximately 29.1983 hectares in area. The north eastern area is located on the other side of the Council's main supply and truck mains which run north to south between Ross Creek and Balmacewen Road and is approximately 12.5 ha in area. And, finally the third area is located south of Balmacewen Road is approximately 9.5 hectares in area.
- [17] The existing site is expansive with undulating and interspersed with substantial mature trees in between manicured golf course greens (see the Photo in Figure 1 below). Existing built facilities are centrally located on the site approximately 240m from the nearest residential boundary.



Figure 1: Golf Course terrain (Photo Source Otago Balmacewan Golf Course Website)

- [18] Access is via Balmacewen Road in between two residential properties 131 and 123 Balmacewen Road.
- [19] Most of the southern frontage adjoins Residential 1 zoned land with the exception of a 100m section of the site which abuts Balmacewen Road.
- [20] The subject site is legally described as Lot 8 Deposited Plan 325872 and Lot 2, 4 Deposited Plan 5056 and Part Lot 3 Deposited Plan 5056 and Part Section 18 Block II Upper Kaikorai Survey District and Section 1 Survey Office Plan 313870 and is 29.193 hectares in area.
- [21] A consent notice (5883134.7) is registered on the title which specifies the following:

Lots 1, 2, 7 and 8

The condition of this consent is as follows:

"That the area set aside for bush protection as defined by the Concept Plan of the subdivision (the Concept Plan as originally defined by Appendix 8.1. of the Proposed Dunedin City District Plan 1999) shall remain as a Bush Protection Zone within which no construction or building of any type is to occur and the bush is to be retained and maintained".

- [22] The proposal is for activity within the existing buildings on the site therefore the requirements of the CN are not affected.

HISTORY OF THE SITE

[23] Some consents have been granted over the years for pruning and/or the removal of stands of trees:

- RMA-1996-359337 – remove trees
- RMA-1999-362906 – removal of 20 Douglas Fir Trees
- RMA-2001-365257 – remove and prune significant trees
- RMA-2002-365797 – removal of radiata trees
- LUC-2010-191 – removal of a stand of trees containing a significant tree (T169) – notified – issued 3/8/10
- LUC-2009-127 - removal of bush in an ULCA

[24] Some buildings and new activities have also been approved over the years:

- RMA-1969-353931 – new clubhouse – issued 20/10/1969
- RMA-1998-354577 – erect and use a dwelling house on open space between Pilkington Street and the Ross Creek reserves.
- RMA-1980-354109 – use existing kitchen for private functions – issued 23/4/1980 – *the existing kitchen facilities at the Balmacewan Golf course were approved for use as a kitchen for a commercial catering business (catering for off-site private functions) with the dominant function of the kitchen continuing to be for the preparation of food for consumption within the Clubroom facilities. The diversification of use was considered by the reporting officer to be so small in size as to not upset the pattern of development laid down by the scheme at that time.*
- RMA-2000-363802 – erection of a storage shed for recreational activity greater than 25m² in an urban landscape conservation area.
- RMA-2002-365836 - subdivision
- LUC-2007-507 – golf coaching centre located on the southwest corner of the practice fairway – issued 27/9/2007 resource consent to construct a golf-coaching centre on the golf course at 125 Balmacewen Road, Dunedin. The building will be used for all levels of golf tuition from beginner to advanced player. The building will be of a 'straightforward' construction and will be a lock-up building with an alarm and no lighting at night. Coaching will be conducted during daylight hours only and only two people together with the club professional will occupy the building at any one time. The proposed building will be 54m², which is greater than the 25m² maximum for a permitted activity.
- LUC-2009-127/A – removal of condition 5 of LUC-2010-127
- HAZ-2006-2 – records an underground tank removal from the property. Location unknown in ECM.

[25] Currently, the Otago Golf Club obtains a special licence for any non-club event.

ACTIVITY STATUS

- [26] 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.
- [27] 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, it is the provisions of both district plans in force at the time of the decision that must be had regard to when assessing the application.

Dunedin City District Plan

- [28] The subject site is zoned **Rural** in the Dunedin City District Plan. Egress and ingress is via Balmacewan Road which is a **District Road**. The site is located within a Urban Land Conservation Area (ULCA) and contains two scheduled trees **T168 Douglas Fir and T170 Golden Monterey Pine** (Schedule 25.3).
- [29] As the applicant does not seek to limit the type of function, a non-complying activity status for commercial activity (not related to the recreational use of the site) is considered more generally applicable in this instance, and allows for a wider range of activities to be undertaken on the site that are not 'complementary to' the predominant use of the club and ground for golf/recreation.
- [30] Overall, the application is considered to be a **non-complying activity** pursuant to Rule 6.5.7(ii) of the District Plan.

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

The site is zoned **Rural Hill Slopes** under the Proposed 2GP. Balmacewan Road is now classified as a **Collector Road**. The site is identified in an **Urban Conservation Area ULCA16** and parts of the site are located within **High Class Soils Area** (central northern areas of the site). The south western extent of the site is located within the **General Residential Transition Zone (North West GR1TZ Catchment)**. Several trees within the property are protected: **T168 Douglas Fir and T170 Golden Monterey Pine and an additional tree is now protected T169 Monterey Pine,**

- [31] In this instance, there are no relevant 2GP rules to consider.
- [32] Overall, application is considered as a **non-complying activity** in accordance with the operative district plan.

WRITTEN APPROVALS, NOTIFICATION AND SUBMISSIONS

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

Person	Owner	Occupier	Address	Obtained
James John Reid	✓	✓	123 Balmacewan Road	Yes

- [34] 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.

- [35] 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 activities that can be carried out on the site, the level of separation from the surrounding residential environment and the retrospective nature of the activities (years of operation) and the lack of complaints since the activities have been carried out.
- [36] The applicant advises that the Balmacewen Tennis Club has a long standing lease arrangement with the Balmacewen Golf Club. Any adverse effects on them are considered to be less than minor as they utilise separate facilities to the Golf Club, including utilisation of a separate car parking area, although not exclusively, since open access is maintained. The Tennis Club activities are largely limited by the provision of lighting. While some club meetings into the evening are likely, the retrospective nature of the activity means that they will be familiar with the new activities occurring on site where these happen to coincide.
- [37] It was therefore determined that the effects of the proposal would be restricted to the owner and occupier of the property at: 131 Balmacewen Road. That party was deemed affected due to their proximity to the only ingress/egress point for the Club and the unrestricted nature of the late night movements of vehicles that would be permitted with the operation of the function centre. The application was, therefore, notified on a limited basis on 2 August 2018.
- [38] Copies of the application were sent to the following parties with submissions closing on **31 August 2018**:
- R V and S R Vohora, 131 Balmacewan Road, Dunedin 9010 (identified on the aerial photo below).



Figure 2: Aerial Photo Identifying the Limited Notified Party – 131 Balmacewen Road.

Requirement for hearing

- [39] As it is recommended in the assessment below that resource consent be granted to the activity, no submissions were received in respect of the application and the applicant does not wish to be heard, it is considered that there is no need for a hearing of the application (pursuant to Section 100 of the Act). Accordingly, the Manager Resource Consents, in consultation with the Chairperson of the Consents Hearings Committee, determined that a

hearing is not necessary and that the decision can be made under delegated authority.

ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

[40] 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.*

[41] 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.

[42] The site lies within a rural zone however, no typical rural activities have been undertaken across the site since 1981 when the Balmacewen Golf Club commenced operations from the site. The Balmacewan Tennis Club has also operated from the site for similar recreational activities.

[43] Recreational activity is also a permitted activity under the Rural Zone provisions (Rule 6.5.2(iv)). There are no constraints over the number of people that can be involved in the recreation, nor over the number of vehicle movements. The creation of a car park for the recreational activity only triggers the requirement for a consent where a structure is required in the urban landscape conservation area.

[44] The facilities established in association with these activities have been established on the site for some time and existing use rights apply.

[45] Given the long historical use of the site for sporting and recreational activities, the permitted baseline in terms of what rural activities are permitted in the rural zone is not considered to be of key relevance to a consideration of this application. However, the baseline in terms of permitted recreational activity (i.e. the sporting and recreational use of the site) is acknowledged and applied to an assessment of the effects of the activity is relevant. The key difference is the application for a licensed premises which raises potential amenity issues separate to the strict recreational use of the land.

[46] While not forming part of the permitted baseline, it is relevant to consider that 'rural tourist activities' are considered to be controlled activities in the rural zone where they meet the requirements of its definition under the District Plan. The definition of 'rural tourist activity' allows for the use of the land and buildings for the purpose of attracting visitors. A function centre can be used to attract visitors and is likely to satisfy this test. The activity is also complementary to a permitted activity in the Rural Zone (i.e. the setting of a permitted recreational activity, a golf course). The activity is also considered

complementary to a natural feature of the rural area. The existing natural feature is considered to be the golf course setting which is a characteristic feature of the landscape on this site. While there is provision to consider the scale and intensity of any rural tourist activity, the activities are anticipated by the Plan. While the proposed activity could similarly be considered a 'Rural Tourist Activity' the application for 'licensed premises' means the activity does not fall under the controlled activity status.

- [47] It is noted that the site has been re-zoned for Rural Hill Slopes under the Proposed 2GP, which although not operative, indicates that there is still the possibility of reverting back to rural activities as a permitted activity. Despite this, the likelihood of this occurring is considered low.
- [48] The consented baseline includes the existing commercial use of the kitchen facilities within the club for the preparation of food for external functions. This includes the comings and goings of staff and delivery vehicles additional to the golfing and tennis activities occurring on the site. The applicant has not sought to relinquish this consent.
- [49] The assessment of effects is guided by the assessment matters in Sections 6.7 (Rural) and 20.6 (Transportation) of the Dunedin City District Plan considered relevant to the proposed activity. The provisions of the Townscape Section are have not been assessed because while the site lies across an urban landscape conservation area, there are no new structures proposed within the urban landscape conservation area as part of this application. The buildings to be utilised and the car park are existing. Accordingly, assessment is made of the following effects of the proposal:
- Effects on Sustainability;
 - Effects on Amenity Values and Visual Impact;
 - Effects on the Natural Landscape Qualities and Character of the Setting;
 - Effects on the Transportation Network;
 - Noise Effects;
 - Effects on Council Infrastructure;
 - Positive Effects; and
 - Cumulative Effects.

Dunedin City District Plan

Effects on Sustainability

- [50] The site is located within a Rural Zone, however, the site is almost surrounded by residential land use and has been modified somewhat by its use as a golf course (i.e. manicured greens/fairways) therefore, the protection of productive land is not considered relevant to this application. Albeit, the future use for productive farmland is not further diminished/removed by the current proposal.
- [51] I agree with the applicant's assessment that the proposal provides for the continuation of the activities which have provided for the social, economic and cultural well-being of people and communities. The proposal also enables utilisation of an existing physical resource (buildings and car parks) which promotes sustainability principles.
- [52] In summary, the proposal is of a scale whereby any adverse effects of the proposal are able to be mitigated, thereby meeting the principle of sustainable management under the Act (Section 5(1) and 5(2)(c)).

Effects on Amenity Values and Visual Impact

[53] The site is located in a Rural Zone within the urban landscape conservation area but the existing character of the site is not that of a typical rural landscape. The site which extends across both sides of Balmacewen Road, is recognised more as a high quality golf course providing parklike grounds and manicured greens across an undulating landscape. However, the concentration of structures within a central location on the extensive site, ensures uninterrupted views of vegetation and greens with a general lack of domestication. These factors combined, provide a high level of amenity.

[54] While no new structures are proposed and the proposed activities are to occur within the existing buildings and utilising existing car parking facilities on the site, the activity has the potential to intensify activities within the site, therefore the application was forwarded to the Council's Landscape Planner for an assessed of the proposal against the existing visual and landscape amenity values, accepting that the proposal is already operational but could intensify further under the authorisation of any resource consent.

[55] The Council's Landscape planner has reviewed the proposal and has assessed the proposal as having no impact on the landscape qualities and/or setting:

"Due to the central location of club house within the golf course there is considerable separation to the nearest residential neighbours (greater than 225m). In addition, planting around the periphery of the site and lining the fairways provides useful visual screening. Given that no additional structures, lighting or modifications to existing buildings are proposed with this application it is considered that there will be no more than minor effects on landscape values associated with the ULCA or wider amenity values. In addition, given the retrospective nature of this proposal, it is noted that during the many years that these types of activities have taken place there have been no complaints regarding adverse effects on visual or landscape amenity.

[56] The Officer has not identified any conditions as being necessary given the generous separation being maintained from the closest residential boundaries.

[57] As the relatively quiet serene like setting forms part of the existing amenity values, any intensification of the activity or change in the character of activities may result in effects beyond the boundary. The activities that the applicant proclaims to have carried out over the years within the existing facilities have not raised complaint with the Council. These activities (according to the unofficial records of the Balmacewen Golf Club) indicate a variety of scale of events and a variety of hours. Key to the records, are that the facility can cater for events of up to 100 people on a regular basis. The size of the facilities of the club are somewhat limiting in the maximum scale of any event that can occur on the site (180 fire capacity) however, the facilities themselves do not dictate the upper maximum number of persons that could be on the site at one time. Applied loosely, it could be presumed an upper **maximum of 480** could be expected, if the Club allowed the following to occur:

- (i) General golfers on the course of up to 100; plus
- (ii) A function of up to 180 within the facilities; plus
- (iii) A Tennis Event within the clubrooms (5 courts of players and spectators = 20-30 people) OR a Club event in the clubrooms accounting for all Club members = approximately 60.

- [58] The tennis events must be considered conjunctively alongside Golf Club activities since they rely on the same car parking resource to operate and can occur at the same time.
- [59] The application was referred to the Council's Environmental Health Officer for comment. The Officer acknowledges the existing operation of a function centre at the Club and the provision for service of alcohol enabled by individual applications for a special licence. The Officer acknowledges that the application states on page 3 of the AEE that "*It is anticipated that a similar range of activities will take place in the future*". Based on a similar range of activities occurring, the Officer raises no concerns because of the lack of health nuisance complaints associated with any event previously hosted by the Club. The Officer states that while it is unlikely that further activity of this nature will create noise issues, consideration for the hours of operation and/or the number of events that may be hosted in a calendar year may be required to provide some protection for neighbouring residences. Failing that, the Officer notes that the applicant must comply with the provisions under the Resource Management Act 1991 which deal with avoidance of unreasonable noise and section 326 excessive noise. An advice note is included in the decision certificate to alert the consent holder to their continued obligations under these provisions.
- [60] For reasons outlined, above, and given that no marquees or other temporary structures are proposed as part of this activity outside of the function facilities, the capacity of any event appears to be relatively constrained. This can also be said for any golfing activities since bottle necking of golfers at each hole somewhat constrains the capacity of golfers on any given day. While golfing events can attract spectators, the Club is likely to manage the scale of any independent function/wedding on the site relative to any major golfing event to maintain the quality of either event.
- [61] For these reasons, a condition limiting the number of events is not considered necessary. With regard to the hours of operation, the separation from the closest residential boundary as well as the provision for events within the building is considered satisfactory to negate dictation of when events must conclude. The written approval of one of the neighbours at the entrance to the activity has been provided (with no limitation on hours) therefore no further consideration for the effects of late night operations on that property can be considered. The only other property deemed affected has been notified with no submission received. The entrance to the Golf Course is a two way formed and sealed vehicles access which has been well utilised for late night operations with no complaint known to Council resulting from existing operations. The licensing application will limit the serving of alcohol to certain timeframes and any activities continuing after that are likely to be staff cleaning and closing up the premises.
- [62] A review clause is included so that the hours of operation and/or the frequency of events can be reviewed in the future, should traffic and/or the character of events/functions exhibit a level of intensity not anticipated under this proposal. Presently, the applicant has not sought to limit the type of commercial function other than to indicate that it could include meetings, educational seminars, conferences, weddings and similar social gatherings.
- [63] In summary, any adverse effects on the amenity values within the site are considered to be no more than minor subject to a review clause condition. The important values and characteristics of the existing landform and natural features within the site which contribute significantly to the urban setting in this area are considered to be protected.

Effects on the Natural Landscape Qualities and Character of the Setting

- [64] Most of the buildings and ancillary buildings which comprise the Golf Club and the Tennis Club as well as the tennis courts and the car parking areas, are located within a central area on the site with the formed and sealed access via Balmacewen Road. As no modifications are proposed to the existing buildings and or car parking areas, there is no physical change to the character of the setting. The intensity of activity may increase given the multi-use nature of the facility, however, this is not considered to adversely alter the character of the setting given the scale of the buildings within which the activities can be undertaken. No outdoor functions are proposed as part of the activity, although there may be some congregation of wedding guests at the entrance to the golf club and within the immediate surrounds of the facilities both before and after a wedding. Due to the lack of temporary facilities being promoted, no catering or major aspects of the functions/events will occur outside the premises. Potentially, guests may wander to scenic spots for photographs, however, this is likely to be subject to the health and safety limitations of a working golf course.
- [65] The scale of built form is not being modified by the activities outlined in this application. Nor, is the character of the setting by increasing the variety of users. Essentially, the predominant use will remain recreational, being a golf course and tennis club.
- [66] In summary, any adverse effects on the natural landscape qualities of the golf course landscape and on the character of the setting are no more than minor.

Effects on the Transportation Network

- [67] The venue offers a high quality function centre within close proximity of the city centre, with significant existing provision for car parking (120 car parks plus provision for an additional 35 car parks to service the Tennis Club) accessed by a two way formed and hard sealed access way onto a District Road.
- [68] The Council's Transportation Officer has assessed the facilities in terms of any adverse effects on the transportation network.

Access:

- [69] The Officer considers the existing access is acceptable. The Officer acknowledges that Balmacewen is a District Road which serves to provide connections between the regional roads and to connect major rural, suburban, commercial and industrial areas; and are designed to accommodate high traffic volumes.

Parking/Manoeuvring:

- [70] The Officer considers the retrospective nature of the application means there will not be any immediate increase in the intensity on the site. The Officer also acknowledges that the clubroom capacity is 180 persons. Overall, the officer considers there is ample car parking on-site for the proposed activity and raises no concerns about the layout/dimensions of the existing car parking and/or vehicle access. However, the Officer does consider that a review clause is necessary given the applicant's preference not to cap the total number of people using the site at one time. The Officer considers such a condition would enable the parking requirements to be reviewed by Council to ensure that any adverse effects on the transportation network are sufficiently managed.

Generated Traffic:

- [71] The Officer acknowledges the lack of formal complaints despite the retrospective nature of the application and considers that given the site already gains access from Balmacewen Road which is designed to accommodate high volumes of traffic, any adverse effects on the transportation network will be no more than minor.
- [72] Relying on the Officer's assessment any adverse effects of the activity on the transportation network are no more than minor.

Effects on Council Infrastructure (i.e. Provision for Stormwater, Water and Sewerage)

- [73] The proposal does not require any new infrastructure to support the continuation of the existing activities. The application is supported by the existing facilities on the site. In an additional information response, the applicant stated that no additional temporary buildings would be required to support events (i.e. port-a-loos), with the exception of a shelter for outdoor barbeques on the course (15th hole). The Council's Three Waters Consents and Compliance Officer has identified that the Trade Waste consent for the site is current and the site is fully and adequately serviced.

Licensed Premises

- [74] The Council's Licensing Officer was consulted on the proposal and identified that there is a Club Licence in effect at the Otago Golf Club which restricts the sale of alcohol to:

Sunday to Thursday: 10am to 10pm (extended to 11pm during the period of daylight saving);

Friday, Saturday and Public Holidays: 10am to 1.000am the following day.

- [75] The Officer states that the licence enables the sale of alcohol to members, guests of members and members of clubs with reciprocal visiting rights. Historically, special licenses have been issued to the club for events that are not related to the club's objectives (see Figure 3 below) are outlined below and when non-members are to be served:

2) OBJECTS

2.1 The Objects of the Club are:

- (a) To promote the game of golf and other athletic sports and pastimes.
- (b) To provide a golf course for the members and other associated facilities for sporting and recreational purposes.
- (c) To provide premises for associated coaching facilities to assist with the promotion of golf and other sporting or recreational facilities in the community.
- (d) To provide a Clubhouse for Members and to afford them all privileges advantages services and facilities normally associated with a Clubhouse.
- (e) To conduct tournament and other activities for the benefit of Members and for the provision of golfing and other recreational activities within the wider community.
- (f) To do all things associated with or incidental to the above objects.

Figure 3: The Otago Golf Club Objects

- [76] It is considered that these objectives have been instrumental in the successful sale of alcohol at the club to date. The Officer advises that the hours for Special Licenses have not exceeded 1.00am in the morning. If no restriction is applied to the sale of alcohol under the resource consent, then the separate

application under the Sale of Alcohol Policy will be the mechanism by which hours are constrained.

- [77] The Officer advises that Dunedin's 2006 Alcohol Policy and the proposed Local Alcohol Policy restrict the licensed hours according to location. Below (see **Figure 3**) is the on-licence premises maximum trading hours under the LAP:

On-licence Premises: Maximum Trading Hours	
On-licence in or adjacent to metropolitan residential areas (listed in Schedule 1)	Sunday to Thursday 9am to 11pm Fridays and Saturdays 9am to 12 midnight
On-licence in non-residential areas – hotels and taverns/pubs	Monday to Sunday 8am to 3am the following day • 2.30 am one-way door
On-licence in non-residential areas – restaurants/cafes	Monday to Sunday 8am to 1am the following day
On-licence in non-residential areas – entertainment premises	Monday to Sunday 5pm to 4am the following day Premises will be required to have: • Live entertainment • Door charge • 2.30am one-way door.
On-licence in remote areas (listed in Schedule 2)	Monday to Sunday 8am to 2am the following day

Figure 4: Dunedin 2006 Alcohol Policy – Including Maximum Trading Hours for the Metropolitan Residential Area

- [78] The Officer has highlighted that Sale and Supply of Alcohol Act 2012 prevents Otago Golf Club Incorporated from applying for an On Licence because it is a club whose object is not one of gain. Given this, there are limitations of on-licenses and off-licenses by clubs under the Act. Therefore, the club would need to form a trading arm (limited company, for example) that could apply for an on-licence.
- [79] The Officer advises that the proposed Local Alcohol Policy will potentially limit the licensed hours beyond any constraint over hours of operation under this consent.

Noise Effects

- [80] The Environmental Health Officer has assessed the proposal and notes that there have been no complaints arising from the range of activities that have been carried out on the property to date. The Officer recommends that some constraint be applied to the hours of operation of the business and the number of events that may be hosted in a calendar year to provide some protection from the effects of noise for neighbouring residences, however, the Officer recognises that given the distance for the clubhouse to surrounding residential properties that it is unlikely that further activity will create noise issues. The Officer notes that there are provisions under the Resource Management Act which can address unreasonable and excessive noise (Section 16 and Section 326 RMA 1991).

- [81] While the Officer raises valid concerns for a late night commercial operation and potentially into the early hours of the morning, there does not appear to be valid justification for constraining the number of events or the hours of operation given the characteristics of the site. While the applicant has outlined in their application that no outdoor music is proposed as part of any of their activities, to prevent nuisance and disruption beyond the boundaries of the site, a condition is included to remind the applicant of the noise limits applying to activities carried out at the site. An additional condition is considered necessary for the prevention of firework noise in this urban conservation landscape which can be more frequently related to special celebratory events which the facilities are likely to be utilised for, such as weddings or 21st parties.
- [82] Relying on the Officer's assessment, any subject to compliance with conditions of consent any adverse noise effects are considered to be no more than minor.

Positive Effects

- [83] The application supports the continued multi-use of existing facilities alongside the predominant recreational use of the site that has historically occurred on the site. The proposal supports a facility which is well suited for its purpose, being located close to the city while taking advantage of an idyllic setting.

Cumulative Effects

- [84] 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".

- [85] 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'.
- [86] The potential for cumulative adverse effects is an important consideration for the activities on this site. At current levels of intensity, there are not considered to be any adverse cumulative effects given the isolated nature of the activities and the potential for conflict between the different land uses (noise nuisance, parking congestion) within the site is managed by the size of the facilities and the need to maintain a functional golf course (i.e. maintaining operational days). The lack of complaints may also support this assessment.
- [87] However, while the site is isolated, the grounds are largely surrounded by residential, and the increase in the number of overlapping land uses within the site, if incrementally intensified, (i.e. tennis club members increase due to flood light installation), golf membership increases, additional services being promoted on the site (golf lessons, training), more conferences could raise future cumulative effects. Any future application for additional activities, and/or expansion of the facilities within the grounds will be assessed on a case by case basis.
- [88] Given the potential for cumulative adverse effects resulting from the number of alternative land uses within the site, a review clause is considered appropriate to ensure that any cumulative increase in intensity is able to be

considered and appropriate additional measures promoted to manage any adverse effects.

Effects Assessment Conclusion

- [89] After considering the likely effects of this proposal above, overall, I consider the effects of the proposal can be appropriately mitigated by conditions of consent so as to be no more than minor.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

- [90] Section 104(1)(ab) of the Act 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.
- [91] In this case, no offsetting or compensation measures have been proposed or agreed to by the applicant.

OBJECTIVES AND POLICIES ASSESSMENT

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

- [92] Section 104(1)(b)(vi) of the Act requires the Council to have regard to any relevant provisions of the Dunedin City District Plan and the proposed 2GP.
- [93] The following objectives and policies of the Dunedin City District Plan were considered to be relevant to this application:

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.	While the activity does not enhance the amenity values of the City, the policy which gives effect to this objective includes the word maintain. The activity maintains the existing amenity values that residents and the community enjoy when overlooking the golf course grounds and/or using the facilities within the grounds. Therefore, the activity is considered to be consistent with the overall objective and policy outcome.
Policy 4.3.1 Maintain and enhance amenity values.	
Objective 4.2.3 Sustainably manage infrastructure	In terms of their scale and intensity, the activities are considered to be compatible and complementary to the continued use of the grounds as a golf course and function venue and able to maintain the ongoing landscape values that the grounds are valued for within this community/area. The activity utilises existing infrastructure established in this landscape and provides for a greater utilisation of an existing resource achieving sustainability objectives. For these reasons, the activity is considered to be consistent with these objectives and policy outcomes.
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 4.3.10 Adopt an holistic approach in assessing the effects of the use and development of natural and physical resources.	
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Rural Section

Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 6.2.1 Maintain the ability of the land resource to meet the needs of future generations.	While the application promotes an increase in the variety of activities being undertaken on the golf course, the activities do not extend outside of the existing footprint of development within the site. The recreational use of the site (golf course) has already modified the rural character of the site and the activities being promoted in the application do not make any further modifications beyond what has already occurred. The introduction of full commercial use of the facilities does not detract from the recreation and landscape value that the golf course provides for future generations. The activities are consistent with these objectives and policies. Existing amenity values will be retained and maintained.
Policy 4.3.1 Maintain and enhance amenity values.	
Policy 6.3.1 Provide for activities based on the productive use of rural land.	The commercial activities being carried out within the building are not based on the productive use of rural land therefore, it must be stated that the proposal is contrary to this policy, however, the productive use of the rural land within this site has already been removed by its historical recreational use as a golf course/tennis courts. The introduction of commercial activities will not detract further from the inability to meet this policy.
Policy 6.3.2 Sustain the productive capacity of the Rural Zone by controlling the adverse effects of activities.	For similar reasons to that outlined above, the activities are contrary to this policy.
Policy 6.3.3 To discourage land fragmentation and the establishment of non-productive uses of rural land and to avoid potential conflict between incompatible and sensitive land uses by limiting the density of residential development in the Rural Zone.	While the latter part of this policy relates to residential development and is therefore irrelevant to an assessment of this application, the earlier part of this policy promotes the discouragement of non-productive uses of rural land. For similar reasons to that outlined above, the activities are contrary to this policy, further promoting non-productive uses of the underlying rural zoned land.
Policy 6.3.10 Protect areas that contain high class soils as shown on District Plan Maps 75, 76 and 77 in a way which sustains the productive capacity of the land.	The site contains high class soils which are no further diminished by the new activities, than by the golf course activities and other recreational pursuits (tennis) which are carried out over the top of it. As set out above, the continued use of the golf course across the rural zoned land effectively removes it from productive use, but depending on how modified the greens are with historical use, the long term productive use may be protected. The proposal is contrary to this policy.
Objective 6.2.2	As set out above, the character of the

Maintain and enhance the amenity values associated with the character of the rural area.	landscape is no longer strictly rural, being a modified landscape for active recreational activity albeit retaining an open character and a low density of development relative to the surrounding residential areas. There is a high ratio of open space relative to the built environment with many areas which are densely planted in native vegetation interspersed across the course. Having regard to the existing character, the proposal is considered to be consistent with the rural objectives and policies. While the proposal introduces additional commercial activity the predominant character of this rural zoned area will remain recreational in appearance.
Policy 6.3.6 Avoid, remedy or mitigate the adverse effect of buildings, structures and vegetation on the amenity of adjoining properties.	
Policy 6.3.11 Provide for the establishment of activities that are appropriate in the Rural Zone if their adverse effects can be avoided, remedied or mitigated.	The increased utilisation of the club facilities for commercial reasons is considered appropriate because they are seemingly part of the existing character of the site (i.e. golf club functions and events are held within the premises). The proposal is consistent with this policy as adverse effects can be mitigated.
Policy 6.3.12 Avoid or minimise conflict between differing land uses which may adversely affect rural amenity, the ability of rural land to be used for productive purposes or the viability of productive rural activities.	This policy reflects the underlying rural zoning of the site and surrounds to the north. The proposal is unlikely to cause conflict for rural land users to the north of the site given the separation distances involved. The proposal is considered to be consistent with this policy.
Policy 6.3.14land use activities should not occur where this may result in cumulative adverse effects in relation to: (a) amenity values, (b) rural character... (e) landscape Management Areas or Areas of Significant Conservation Values Irrespective of the ability of a site to mitigate adverse effects on the immediately surrounding environment.	The rural character of the site is already modified and no physical change is proposed in this conservation landscape. The activities will potentially intensify the activities on the site, however, functions and events are able to occur on the site within the permitted activity status of a golf course therefore, a commensurate level of activity may occur without consent. The potential for cumulative adverse effects is avoided by the scale of the facilities, but also by the constraints of operating a golf course alongside the new activities. A review clause ensures that where the nature of the uses changes in a manner not anticipated by this consent that any adverse effects on the surrounding environment can be further mitigated.
Objective 6.2.5 Avoid or minimise conflict between different land use activities in rural areas.	No changes to the continued predominant use of the grounds and facilities of the golf course are proposed. The commercial activities are located within a centralised area of the site removed from adjoining rural land to the north and north west. With the exception of a few golf balls going astray, the golf club has operated alongside other rural land use and residential properties for a considerable period of time. The activities are therefore considered to be consistent with this objective and policy outcome.
Policy 6.3.3 To discourage land fragmentation and the establishment of non-productive uses of rural land and to avoid potential conflict between incompatible and sensitive land uses by limiting the density of residential development in the Rural Zone.	
Objective 6.2.6 Maintain and enhance the life supporting capacity of land and water resources.	

Townscape Section (Urban Landscape)

Objective / Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
Objective 13.2.1 Ensure that the important values and characteristics of the natural features and areas which provide the setting for the urban area are protected.	This objective and policy seek to protect the important values and characteristics of natural features and areas which provide the setting for urban area. The application is located within this setting due to the complementary nature of the functions/conventions with a golf course setting. Utilisation of existing built resources will raise no conflict with the ongoing protection of the landscape which serene and open remains an active golf course. The proposal is considered to be consistent with the urban landscape objectives and policies. The activities are well located within a residential neighbourhood within close proximity of the central city. The built environment already caters for a high volume of pedestrians associated with the recreational activities undertaken on the site and the functions that are being held on the premises. The proposal is considered to be consistent with the public safety objectives and policies outlined here.
Policy 13.3.1 Protect and enhance the natural character of those areas identified as Urban Landscape Conservation Areas in the District Plan Maps through protection of natural landforms and waterways; protection of trees and areas of bush; control over the erection of buildings and other development.	
Objective 13.2.7 Create and promote a safe environment.	
Policy 13.3.12 Enhance safety in public areas for people.	

Transportation Section

Objective / Policy	Is the proposal Consistent with or Contrary to the 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 existing vehicle access and car parking layout and capacity has been assessed as adequate by the Council's Transportation Department to support the traffic generation that might result from the club operations if run at capacity and conjunctively with other activities occurring on the site (golf/tennis etc). The proposal is considered to be consistent with the objectives and policies outlined in this section of the Plan.
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.	

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 characteristics of the site are key to mitigating the effects of the activities carried out on the site. The surrounding land use is predominantly residential and maintains adequate separation from the new activities. The predominant activity remains the golf course and the use of the built form on the site for alternative purposes is likely to be commensurate in scale with some of the activities that have occurred within the building in association
Policy 21.3.3 Protect people and communities from noise and glare which could impact upon health, safety and amenity.	

	with the golf club use by its members and visitors. The proposal is considered to be consistent with this objective and policy.
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Proposed 2GP

- [94] The objectives and policies of the 2GP must be considered alongside the objectives and policies of the current district plan. The proposal is considered to be consistent with the following 2GP objectives and policies:
- [95] **Objective 2.3.1 and Policies 2.3.1.2, and 2.3.1.2 (Strategic Directions)** seek to maintain or enhance the productivity of farming and other activities that support the rural economy through rules that enable and provide for rural activities and the rural industry and other activities that support the rural economy, rules that prevent the loss of high class soils and rules that restrict commercial and community activities in the rural zones to those activities that need a rural location and support rural activity. The commercial activities supported by the application enable the community to also utilise the existing facilities but they do not support any rural activity on the land, rather they support the ongoing viability of the Golf Club which is a recreational use. Under the 2GP, the definition of 'rural activities' no longer includes recreation as a permitted activity. Policy 2.3.1.2 reflects a desire to maintain or enhance the productivity of farming. The activities promoted in the application will utilise the existing building footprint and therefore are assessed as 'maintaining' the status quo. The proposal is considered to be **contrary** to the strategic objections for the rural zone.
- [96] **Objective 2.3.3 and Policy 2.3.3.1 (Strategic Directions)** support the range of accessible recreational sporting and social and cultural facilities and spaces within the city which provide for high levels of physical, social and cultural well-being across the community. The policies support the application of a recreation zone to important recreational and open space areas to enable the community activities that occur there and protect important reserve values. The subject site has not been re-zoned under the 2GP however, this objectives and policies allow recognition for the recreational value that the golf course and its facilities provide and support the proposal to open up the facilities to public use alongside club members so that those benefits can be utilised by a wider group of people.
- [97] While the activities promoted in the application are considered to be **contrary** to the strategic objectives for the rural zone, they are considered to be **consistent** with the sporting and recreational and now community and leisure activities which the application supports.
- [98] **Objective 2.4.6 and Policy 2.4.6.1 (Strategic Directions)** seeks to maintain or enhance the character and visual amenity of Dunedin's rural environment by identifying the important and visual amenity values of different rural environments that should be maintained. The activities promoted by the application are **consistent** with this strategic directive as no physical changes are proposed to the grounds of the property thereby maintained the existing open character and visual amenity values that the grounds provide to the community surrounding it.
- [99] **Objective 16.2.1 and Policy 16.2.1.10, 16.2.1.3 (Rural Zones Section)** which 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 rural communities where these activities are most appropriately located in a rural rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika. Policy 16.2.1.3 requires rural tourism ('tourism activity ancillary to a rural or

conservation activity on the site') to be at a scale that is ancillary to and supportive of productive rural activities or conservation activity on the same property.

The proposal promotes the commercial use of facilities within the site for non-rural activities which is seemingly contrary to the objective and policy outlined above. The proposal is not seeking to further restrain productive use than has already been prevented by the use as a golf course and is therefore only considered to be **inconsistent**.

- [100] **Objective 16.2.2 and Policies 16.2.2.1, 16.2.2.2, and 16.2.2.3 (Rural Zones Section)** seek to minimise the potential for conflict between activities within the rural zones and between activities within e and adjoining residential zones by minimising the potential for reverse sensitivity effects from more sensitive land uses (such as residential activities) on other permitted activities in the rural zones; by maintaining the residential character and amenity of adjoining residential zones and a reasonable level of amenity for residential activities in the rural zone. The policy outcomes that the 2GP seeks to achieve this objective is outlined in Policy 16.2.2.1, 16.2.2.2, 16.2.2.3 which seek to utilise setbacks as a key tool in minimising adverse effects. The existing buildings are well setback from residential boundaries and from any residential property in the rural zone. Policy 16.2.2.4 and 16.2.2.5 require rural tourism to operate in a way which mitigates noise or adverse effects on the amenity of sensitive activities on surrounding properties. The activities promoted in the application are considered to be **consistent** with this objective and policies.
- [101] **Objective 16.2.3 and Policies 16.2.3.8 and 16.2.3.9 (Rural Zones Section)** which seek to ensure that the rural character values and amenity of the rural zones are maintained or enhanced. Policy 16.2.3.9 requires activities to be designed and operated to ensure that adverse effects from light spill on rural character and amenity and the ability of people to view the night sky would be insignificant. The activities promoted in the application are considered to be **consistent** with this objective and policies. No new outdoor lighting is promoted as part of this application. All activities will occur within the confines of the existing buildings on the site.
- [102] **Objective 16.2.4 and Policy 16.2.4.3 (Rural Zones Section)** seek to ensure that the productivity of rural activities in the rural zones is maintained or enhanced. The proposal is **contrary** to this policy as it further promotes a move away from the permitted rural uses of the underlying zone. However, the commercial use is limited to the existing buildings and does not further diminish the future productive use of the underlying rural zoned land.
- [103] **Objective 6.2.3 and Policies 6.2.3.3, 6.2.3.4, 6.2.3.8 and 6.2.3.9 (Transportation Section)**, which seek to ensure that land use, development and subdivision activities maintain the safety and efficiency of the transport network for all travel methods. The Council's Transport Officer is satisfied that the activities being undertaken on the site already can rely on an adequate amount of car parking with no overspill parking effects or adverse effects on the safety and efficiency of the transport network. The proposal is **consistent** with this transport objective and policies.
- [104] **Objective 6.2.4 and Policies 6.2.4.1 and 6.2.4.2 (Transportation Section)** seek to ensure parking areas, loading areas, and vehicle accesses are designed and located to provide for the safe and efficient operation of the parking or loading area and the transport network and to facilitate the safe and efficient functioning of the transport network and connectivity for all travel methods. Despite the increased commercial use of the premises, the parking, loading and access within the property continues to be consistent with the outcomes sought by this objective and policies.

- [105] **Objective 9.2.2 and Policy 9.2.2.1, 9.2.2.4 (Public Health and Safety)** seek to ensure that land use maintains or enhances people's health and safety by requiring activities to be designed and operated to avoid adverse effects from noise on the health of people or, where avoidance is not possible, ensure any adverse effects would be insignificant. The activities being promoted are **consistent** with this objective and policy.
- [106] As the Proposed 2GP is not far through the submission and decision-making process, the objectives and policies of the Dunedin City District Plan have been given more consideration than those of the Proposed 2GP.
- [107] Having regard to the relevant objectives and policies individually, and considering these in an overall way, the above assessment indicates that the application is, on balance, **inconsistent** with the objectives and policies of these plans. Despite shifting further away from the productive use of land, the proposal does not diminish the productive use of the land more than is currently diminished by the recreational use. The activities do not impact on the continued retention of all open recreational land within the site which continues to promote the rural amenity values of openness and a general absence of development.

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

- [108] Section 104(1)(b)(v) of the Act requires that the Council take into account any relevant regional policy statements. The Regional Policy Statements (Operative and Proposed) for Otago are a relevant consideration in accordance with Section 104(1)(b)(iii) of the RMA. The Operative Regional Policy Statement was made operative on 1 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 land use consent elements of the proposed activity which are subject to the District Plan.
- [109] Chapter 5: 'Land' in the Operative Regional Policy Statement 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.
- [110] Chapter 9: 'Built Environment' is relevant as it seeks to provide for amenity values and to conserve and enhance environmental and landscape quality (Objective 9.4.1) alongside objectives of avoiding, remedying or mitigating the adverse effects of Otago's built environment on Otago's natural and physical resources under Objective 9.4.3 (utilisation of land on high class soils). The statement seeks to achieve this through policies like Policy 9.5.2 which seeks to promote and encourage efficiency in the development and use of Otago's infrastructure by encouraging development that maximises the use of existing infrastructure while recognising the need for more appropriate technology. This objective and policy direction supports the multi-use of the existing facilities of the golf course as they 'consolidate and improve the use of the existing infrastructure which will help to reduce the costs to the Club for providing and maintaining the infrastructure and promote its more efficient use in the long term. Policy 9.5.3 seeks to promote and encourage the sustainable management of Otago's transport network, which allows for some consideration for/of the traffic demands of land use activities which are not appropriate for the function of the road. In this instance, the activities which are potentially high traffic generating activities are supported by a District Road status. Policy 9.5.4 seeks to manage the built environment in a sustainable way by avoiding or lessening the adverse effects that arise through its existing use, or change in use in urban or rural settings. There are no significant irreversible effects on any values enjoyed by users of the golf

course and/or properties adjoining, nor does the proposal introduce any new visual intrusion or reduction in the landscaping qualities of the Urban Landscape Conservation Area within which it lies. The activities are further supported by the policy outcomes sought under Policy 9.5.5 which seek to maintain and where practicable enhance the quality of life for people and communities within the Otago's built environment. Any adverse effects on the surrounding residential area and/or on adjoining rural land to the north are likely to be indiscernible from the existing operations which have been carried out at the golf course in recent years subject to conditions being adhered to.

- [111] As the Proposed Otago Regional Policy Statement is still subject to appeal, little weight is given to its provisions; however, the relevant provisions (Council Decisions Version 1 October 2016) are outlined below to indicate how the statement seeks to address the wider regional issues.
- [112] Part B: Chapter 1 is considered to be relevant as it seeks to provide for the integrated management of natural and physical resources and for social and cultural wellbeing and health and safety (Objective 1.1 and Policy 1.1.1) through enabling the use and development of both natural and physical resources if the adverse effects can be managed (Policy 1.1.2) and through recognising and providing for Kai Tahu values (Part B: Chapter 2). The activities occurring on the site utilise an existing physical resource without impacting adversely on the properties which surround the site or on Kai Tahu values and interests which may be associated with the conservation values of the land (i.e. Urban Landscape Conservation Area).
- [113] Part B: Chapter 4 is considered to be relevant as it seeks to ensure that urban development is well designed, reflects local character and more importantly to this application in particular, integrates effectively with adjoining urban and rural environments (Objective 4.5). Despite promoting a move further away from any return to the productive rural land use (as anticipated by the District Plan), the type of activity being carried out on the golf course is similar in nature and scale to what has historically occurred on the golf course and is currently well integrated with the adjoining urban and rural environments. A golf club function running into the evening might be indiscernible from a wedding event given the characteristics of the site. The proximity to the city centre means it maintains connectivity with adjoining urban areas despite its rural zoning. Policy 4.5.1 seeks to restrict the location of activities that may result in reverse sensitivity effects on existing activities. The current site minimises these types of effects given the physical characteristics (topography, separation from dwellings etc).
- [114] Part B: Chapter 5 is also relevant to a consideration of the proposed activity as it seeks to ensure people can use and enjoy the natural and built environment with objectives around maintaining and enhancing public access (Objective 5.1, Policy 5.1.1). The proposal does not promote direct public access, however, the land use consent opens the club up for a wider user group (than strictly club members and their guests) to enjoy the existing facilities and outlook to the natural environment that can be enjoyed with access to these facilities. While objective 5.3 seeks to protect rural land to enable primary production and productive use of the rural land which supports the regional economy, provision for other activities is anticipated but only where they have a functional need to locate in rural areas. Tourism and recreational activities are anticipated but only where they are of a nature and scale compatible with rural activities. Policy 5.3.3 seeks to manage the distribution of commercial activities to maintain the vibrancy of the central business district and town centres and support local commercial needs by avoiding unplanned extension of commercial activities that has significant adverse effects on these parts of the city. As the activity is already functioning in this manner for golf related activities, the widening of the users to the public is not considered to have a

significant adverse effect on those areas. Other policy directives encourage the adaptive reuse of existing buildings. While this is not strictly re-use, it does promote the multi-use of an existing resource by allowing for the introduction additional commercial activities from the site.

- [115] The explanation to this policy directs that the opportunities development creates to improve access to the natural environment should be utilised.
- [116] Access to the natural environment is highly valued by the community and contributes significantly to the tourism economy. Provision for commercial use of the site will increase the appreciation ability of the golf course landscape providing a greater level of access to an existing albeit somewhat modified landscape.
- [117] Overall, I consider the proposal is consistent with the objectives and policies within both of these statements. The proposal is considered to contribute to the recreational, cultural and economic wellbeing of the community.

DECISION MAKING FRAMEWORK

Part 2 Matters

- [118] The District Plan and the Proposed 2GP have a coherent set of policies designed to achieve clear environmental outcomes in the rural zone. As those policies are the result of a genuine process that had regard to those policies in accordance with Section 104(1), it is not considered necessary to have any further regard to Part 2 Matters. In these circumstances, giving further emphasis to Part 2 could not justify an outcome contrary to the thrust of the policies.
- [119] This approach is consistent with the approach outlined in recent case law Davidson Family Trust v Marlborough District Council which confirmed that the application of Part 2 is not prohibited in the context of resource consent applications. However, in this instance, as the District Plan has been prepared in a manner that appropriately reflects the provisions of Part 2, no further emphasis to Part 2 provisions has been given.

Section 104D

- [120] Section 104D of the Act specifies that a resource consent for a non-complying activity must not be granted unless the proposal can meet one of two limbs. The limbs of Section 104D require either that the adverse effects on the environment will be no more than minor, or that the application is for an activity which will not be contrary to the objectives and policies of either the relevant plan or the relevant proposed plan. As discussed above in the assessment of effects, it is considered that proposal meets both limbs as any adverse effects arising from this proposed activity will be no more than minor subject to consent conditions and the activity will not be contrary to the objectives and policies of both the Dunedin City District Plan and the proposed 2GP.
- [121] Overall, therefore the first and second 'gateway' tests of Section 104D are met. Only one of the two tests outlined by Section 104D need be met in order for Council to be able to assess the application under Section 104 of the Act.
- [122] In order for a proposal to fail the second test of Section 104D, it needs to be contrary to the objectives and policies of the Dunedin City District Plan and the Proposed 2GP. In order to be deemed contrary, an application needs to be repugnant to the intent of the relevant plan and relevant proposed plan and abhorrent to the values of the zone in which the activity was to be established.

It is noted that in this instance, the proposal is assessed overall as being only **inconsistent** with the relevant objectives and policies of the Sustainability, Rural Zone, Transportation, Townscape and Environmental Health sections of the Dunedin City District Plan and with the Strategic Directions, Rural Zones, Transportation and Public Health and Safety Sections of the Proposed 2GP. It is therefore considered to also satisfy the second 'gateway' test outlined by Section 104D.

- [123] In summary, the application passes both the threshold tests in Section 104D of the Act and therefore, in my opinion, it is appropriate to undertake a full assessment of the application in accordance with Section 104 of the Act. In turn, consideration can therefore be given to the granting of the consent.

Section 104

- [124] 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 no more than minor and can be adequately avoided remedied or mitigated provided recommended conditions of consent are adhered to.
- [125] 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.
- [126] 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 relating to the Rural Zones, Transportation and Environmental Issues Sections of the Dunedin City District Plan and the Proposed 2GP.
- [127] 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 Regional Policy Statement for Otago (see assessment earlier in this report).
- [128] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application.
- [129] Case law has suggested that for the Council to grant consent to a non-complying activity, the application needs to be a 'true exception', otherwise an undesirable precedent may be set and the integrity of the District Plan may be undermined.
- [130] In this regard, I do not consider that the proposed activity represents a challenge to the integrity of the Dunedin City District Plan or the Proposed 2GP. The underlying rural zoning of the land, the existing well established and sizeable club room facilities provided on the site and the physical setting of the buildings sets the site aside from any other recreational activities seeking to provide on-licensed non-recreational activities on the rural land they currently occupy.
- [131] As it is a relatively unique and confined proposal, I consider that its potential approval would be unlikely to undermine public confidence in the plan's provisions.

- [132] For the above reasons, I consider that approval of the proposal will not undermine the integrity of the Plan as the activity will produce only localised and minor effects, if any. I therefore do not consider that an undesirable precedent will result.

CONCLUSION

- [133] Having regard to the above assessment, I recommend that the application be granted subject to appropriate conditions.

REASONS FOR DECISION

- [134] 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 no more than minor.
- [135] The proposal is considered to be inconsistent with the key relevant objectives and policies of the Dunedin City District Plan and the Proposed 2GP. While the proposal is contrary to some rural objectives and policies within both the operative and proposed plans, the objectives and policies are reflective of the underlying rural zoning and the desire to protect productive farmland, which does not reflect the existing distinct recreational character of the site (golf/tennis) together with the ancillary supporting activities which occur alongside.
- [136] The proposal is considered to be consistent with the objectives and policies of the Regional Policy Statement for Otago.
- [137] As the proposal is considered likely to give rise to adverse effects that will be no more than minor, and will not be contrary with the objectives and policies of the District Plan, the proposal is considered to meet both 'limbs' of the Section 104D 'gateway test'. Consideration can therefore be given to the granting of consent to the proposal.
- [138] The proposal is considered to be a true exception for the following reasons: The existing character is not rural but recreational with some commercial uses having historically operated alongside those recreational activities carried out on the site. I concur with the applicant's assessment that the activities are suitable given the combination of the following characteristics of the site: the siting of the buildings to be utilised, the site topography and the considerable separation from the clubrooms to the nearest dwellings.
- [139] Overall, the proposed development has been assessed as not being likely to give rise to adverse effects beyond what has already occurred at the site on those elements of the Rural Zone that the Dunedin City District Plan seeks to protect. The event/function based use of the Otago Golf Club facilities for golfing related activities and now for un-related non-recreational events, is considered to be compatible and complementary to the existing uses of the site. The format of licensing for the premises will require some changes (i.e. club licence to on licence and potentially some form of club ownership/management changes as discussed earlier), however, is likely to be indiscernible outside of the site.

RIGHTS OF OBJECTION

- [140] Pursuant to Sections 357A(1)(f) and 357A(2) of the Resource Management Act 1991, the consent holder may object to this decision or any condition if:

- (i) The application was notified, and

- (ii) Either no submissions were received or any submissions received were withdrawn.

And

- (a) The application was for a controlled activity, or
- (b) The application was for a restricted discretionary, discretionary or non-complying activity that was not declined by the Hearings Committee, or
- (c) The application was declined by an officer under delegated authority.

[141] Any objection must be made within 15 working days of the decision being received, by applying in writing to the Dunedin City Council at the following address:

Senior Planner - Enquiries
Dunedin City Council
PO Box 5045
Moray Place
Dunedin 9058

[142] In accordance with Section 357AB of the Resource Management Act 1991, the consent holder may, when making the objection, request that the objection be considered by a hearings commissioner. The Council will then delegate its functions, powers and duties in relation to consider and decide the objection to an independent hearings commissioner. Please note that the applicant may be required to pay for the full costs of the independent hearings commissioner.

RIGHTS OF APPEAL

[143] Pursuant to Section 120(1A) of the Resource Management Act 1991, no right of appeal to the Environment Court against the whole or any part of this decision exists for the following:

- (a) *A boundary activity, unless the boundary activity is a non-complying activity;*
- (b) *A subdivision, unless the subdivision is a non-complying activity;*
- (c) *A residential activity, unless the residential activity is a non-complying activity.*

(Refer Section 87AAB of the Act for definition of "boundary activity", and refer to Section 95A(6) for definition of "residential activity".)

[144] For all other applications, in accordance with Section 120 of the Resource Management Act 1991, the applicant and/or any submitter may appeal to the Environment Court against the whole or any part of this decision within 15 working days of the notice of this decision being received.

[145] The address of the Environment Court is:

The Registrar
Environment Court
PO Box 2069
Christchurch Mail Centre
Christchurch 8013

[146] Any appeal must be served on the Dunedin City Council.

[147] Failure to follow the procedures prescribed in Sections 120 and 121 of the Resource Management Act 1991 may invalidate any appeal.

COMMENCEMENT OF CONSENT

[148] As stated in Section 116 of the Resource Management Act 1991, this consent will only commence once the time for lodging appeals against the grant of the consent expires and no appeals have been lodged, or the Environment Court determines the appeals or all appellants withdraw their appeals, unless a determination of the Environment Court states otherwise.

ENQUIRIES

[149] Please direct any enquiries you may have regarding this decision to Melissa Shipman whose address for service is City Planning, Dunedin City Council, PO Box 5045, Dunedin 9058.

Prepared by:



Melissa Shipman
Planner

1 October 2018

Date

Approved by:



John Sule
Acting Resource Consents Manager

1 October 2018

Date

Consent Type: Land Use Consent

Consent Number: LUC-2018-315

Purpose: Authorise the use of and existing Golf Club facility as a Licensed Premises for private functions, conferences and events.

Location of Activity: 125 Balmacewen Road, Dunedin.

Legal Description: Lot 8 Deposited Plan 325872 and Lot 2, 4 Deposited Plan 5056 and Part Lot 3 Deposited Plan 5056 and Part Section 18 Block II Upper Kaikorai Survey District and Section 1 Survey Office Plan 313870).

Lapse Date: 1 October 2023, unless the consent has been given effect to before this date.

Conditions

1. *The proposed activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix 1, and the information provided with the resource consent application received by the Council on 18 June, and further information received on 29/6/18 (s92 response), and additional information received on 30/7/18 (written approvals) except where modified by the following conditions.*

Noise

2. *The consented activities must take place within the existing facilities at the date of approval of this consent.*
3. *No outdoor music or fireworks displays are permitted in association with the consented activities.*
4. *All function activities undertaken on the site must not exceed the following noise limits within the boundary of any other property.*

<i>Monday to Saturday from 7am to 9pm</i>	<i>50dB(A)L10</i>
<i>At all other times including Sundays and Statutory Holidays</i>	<i>40dB(A)L10</i>
<i>Daily from 9pm to 7am the following day</i>	<i>75dB(A)Lmax</i>

Noise levels must be measured in accordance with the provisions of New Zealand Standard 6801:1991 Measurement of Sound and assessed in accordance with the provisions of New Zealand Standard 6802:1991 Assessment of Environmental Sound, except that the definition of "Notional Boundary" used in the Dunedin City District Plan shall apply.

5. *The activity authorised by this consent may not produce more than 8 lux of light onto any other site used for residential activity during nighttime hours pursuant to Rule 21.5.3 (i)(b) of the operative District Plan at the date of issue of this consent.*

Review Clause

6. *Pursuant to section 128 of the Resource Management Act, the parking requirements of this activity and the hours of operation may be reviewed by Council annually after the commencement of the activity, to ensure any adverse effects on the transportation network and adverse amenity effects are sufficiently managed.*

Advice Notes

1. Please check with the Council's Building Control Office, Development Services, to determine the building consent requirements for the work.
2. In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through Sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.
3. Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
4. It is the consent holder's responsibility to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in Section 339 of the Resource Management Act 1991.
5. This consent will lapse after a period of five years from the date of granting of this consent. This period may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.
6. Under Section 16 of the Resource Management Act 1991 the consent holder has a duty to avoid unreasonable noise and under section 326 Excessive Noise.

Issued at Dunedin on 1 October 2018



John Sule
Acting Resource Consent Manager

Appendix 1: Copy of Approved Plans for LUC-2018-315: (Scanned images, not to scale)



Figure A: Golf Course Extents



Figure B: Function Centre



Figure C: Existing On-site Car parking



Figure D: On-site Car parking



Figure E: Existing Two-Way Access to the Golf Course on Balmacewen Road



Figure F: Main Room Set out in Conference Meeting format.



Figure G: Main room set out in Wedding format.



Figure H: Upper level Main Function Room Extension Area / Ballroom.



Figure I: Upper level Kitchen and serving area.



Figure J: Lower level Small Meeting Room