

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

IN THE MATTER	of the Resource Management Act 1991
AND	of an appeal under section 120 of the Act
BETWEEN	OTAGO HARBOUR PRESERVATION UNINCORPORATED GROUP (ENV-2018-CHC-154) Appellant
AND	OTAGO REGIONAL COUNCIL AND DUNEDIN CITY COUNCIL Respondents
AND	PETER GRAHAM Applicant

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 6 March 2019

CONSENT ORDER

- A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that the appeal is allowed subject to conditions as set out in Annexures A, B and C attached to and forming part of this order.
- B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.



REASONS

Introduction

[1] Otago Harbour Preservation Unincorporated Group lodged an appeal under section 120 of the Resource Management Act 1991 ("the RMA" or "the Act") against a decision of the Otago Regional Council and Dunedin City Council granting consents to establish a hole in one golf activity at Vauxhall, Dunedin.

[2] The court has now read and considered the consent memorandum of the parties dated 28 February 2019 which proposes to resolve the appeal.

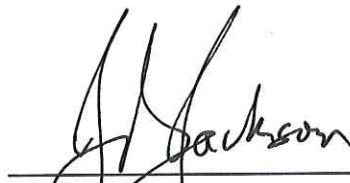
Other relevant matters

[3] No person has given notice of an intention to become a party under section 274 of the Act.

Orders

[4] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the purpose and principles of the Act including, in particular, Part 2.


J R Jackson
Environment Judge



Annexure A – Coastal Permits RM17.229.01, RM17.229.02 and RM17.229.03



COASTAL PERMIT

Pursuant to Section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Peter Ronald Graham

Address: 149 Portobello Road Vauxhall Dunedin 9013 NZ

To place a pontoon structure ("pontoon") within the Coastal Marine Area
For the purpose of operating a commercial golfing activity (the "Golf Activity")

For a term expiring 5 years from the commencement of this consent

Location of consent activity: Vauxhall, approximately 400 metres south west of
the intersection of Doon Street and Portobello Road

Legal description of consent location: Common Marine and Coastal Area

Map Reference: NZTM 2000: E1407812 N4915682

Conditions

Specific

1. Except as expressly provided for by the conditions of this Coastal Permit or of Coastal Permit RM17.229.02, the placement of the pontoon and mooring system must be as described in the application lodged on 16 August 2017, and further information received 15 September 2017 and illustrated in Appendix 1, drawings 1-3.
2. The pontoon must not exceed 8 metres in width, 8 metres in length and 1.5 metres in height.
3. The Consent Holder must:
 - (a) consult with the Otago Harbour Preservation Society Inc. about the colours of the pontoon and its signage; and
 - (b) select colours which minimise the visual effects of the pontoon on residential amenity.before exercising this Coastal Permit.
4. The Consent Holder must:
 - (a) Obtain from a suitably qualified and experienced person written independent advice containing a range of recommended effective bird deterrence devices for the pontoon; and
 - (b) Consult with the owners of 137 Portobello Road, 134 Portobello Road and 44 Glengyle Street, Dunedin, to ascertain their views on the bird deterrence devices recommended in the written independent advice obtained under paragraph (a), and to ascertain whether they have any preferences; and
 - (c) Install on the pontoon one of the recommended effective bird deterrence devices before placing the pontoon in the coastal marine area; and
 - (d) Provide a copy of the written independent advice obtained under paragraph (a), and of any feedback received under



paragraph (b), and give written notice of the device installed under paragraph (c) to the consent authority before placing the pontoon in the coastal marine area.

5. After consultation with Otago Regional Council Harbourmaster, the Consent Holder must install navigational lighting on the pontoon to ensure the pontoon is visible at all times. No other forms of lighting are permitted on the pontoon.

Reporting

6. The Consent Holder must notify the Otago Regional Council Harbourmaster in writing:
 - (a) at least five working days prior to the exercise of this consent of the intention to exercise the consent; and
 - (b) of the date when the pontoon is placed in the Coastal Marine Area (date of placement in this and the associated Coastal Permits); notice must be given within 24 hours of the placement; and
 - (c) of the removal of the pontoon from the Coastal Marine Area; notice must be given within 24 hours of removal.

General

7. The only signage to be displayed on the pontoon must read "Otago Harbour Golf Challenge" in blue lettering no more than 300 millimetres in height and 8 metres total in width.

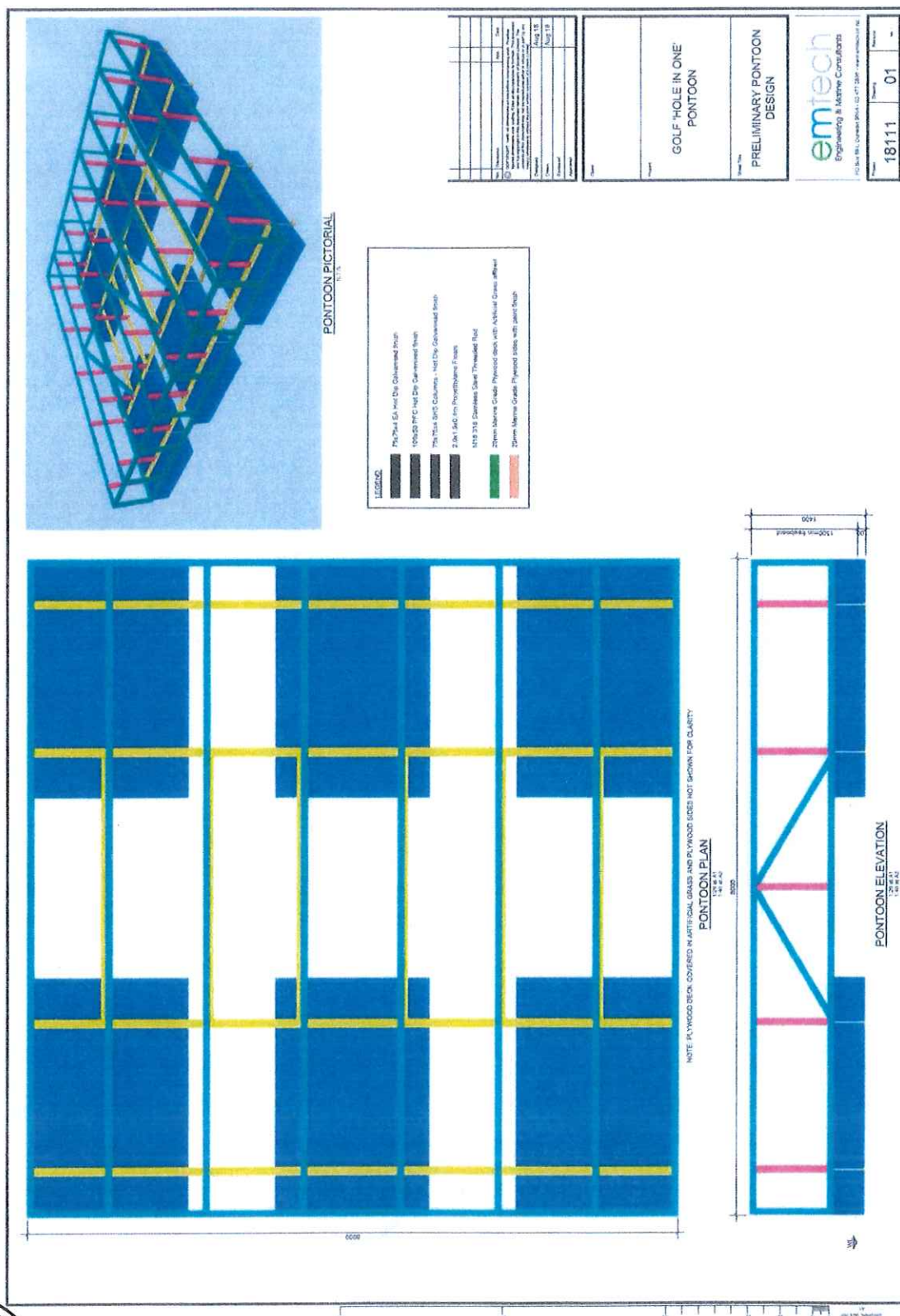
Notes to Consent Holder

1. *The Consent Authority may in accordance with Sections 128 and 129 of the Resource Management Act 1991 serve notice on the Consent Holder of its intention to review the Conditions of a Coastal Permit for purposes of ensuring the Conditions are consistent with any National Environmental Standard, National Planning Standard or Regional Plan.*

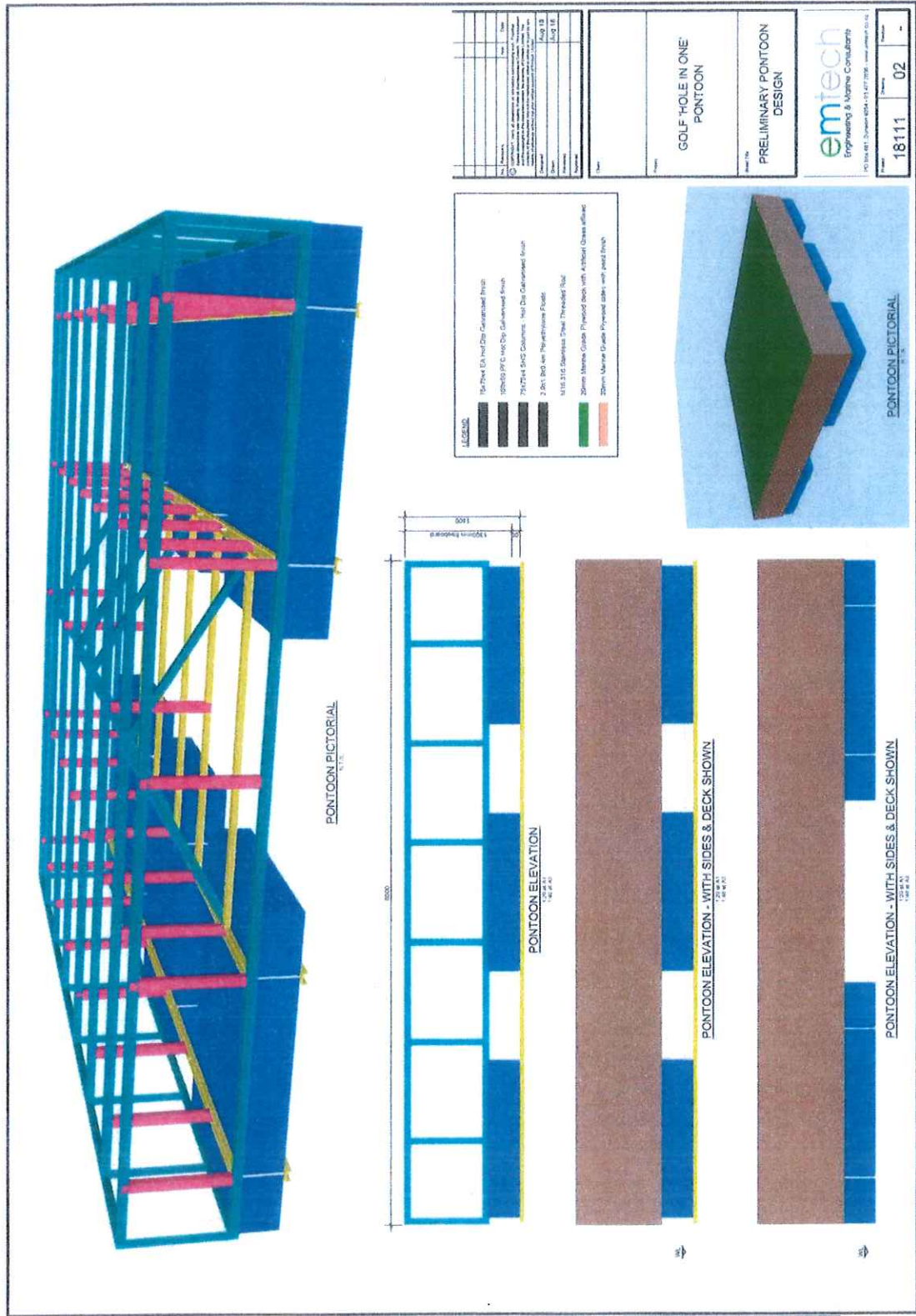


Appendix 1.

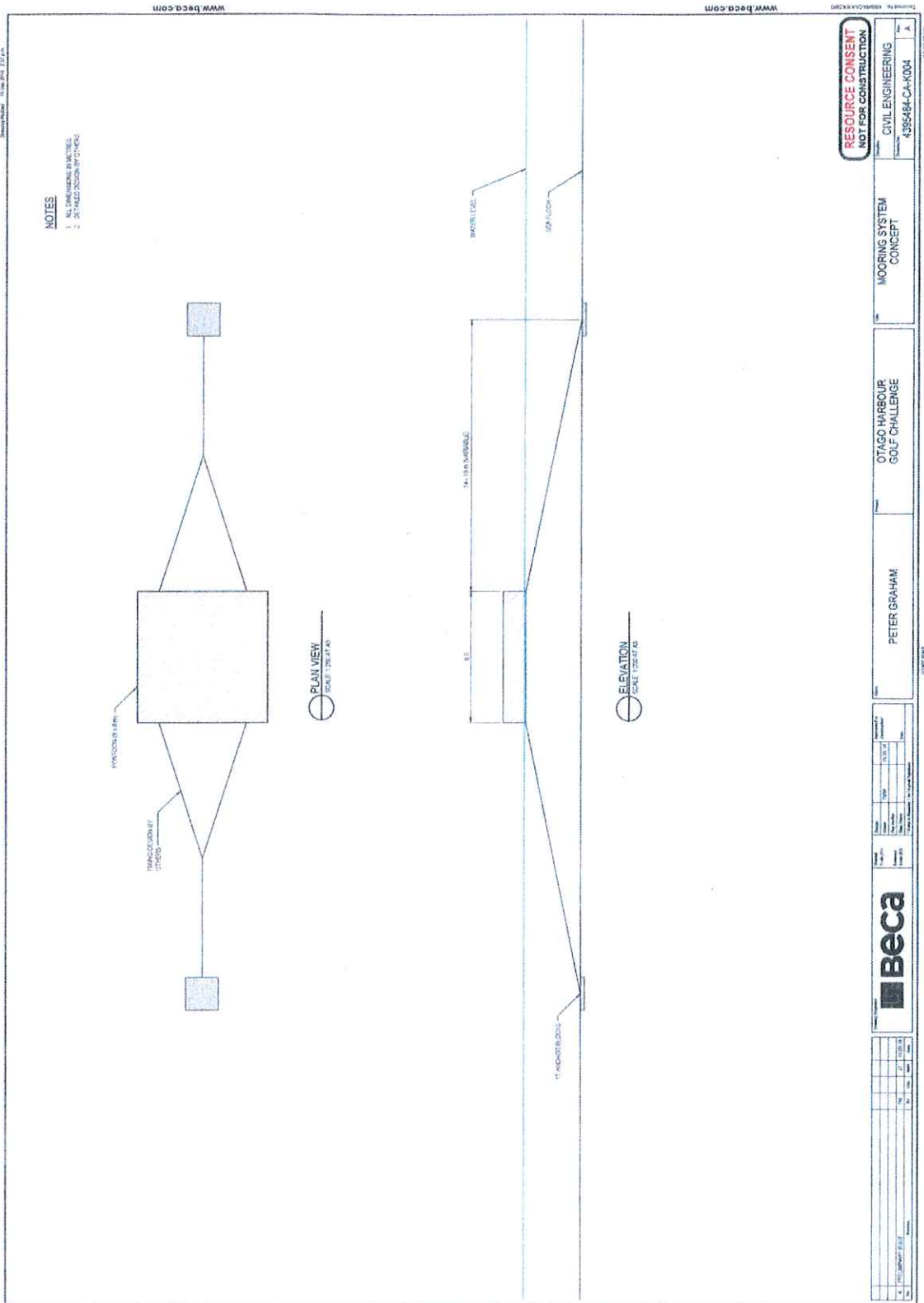
Drawing 1.



Drawing 2.



Drawing 3.



COASTAL PERMIT

Pursuant to Section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Peter Ronald Graham

Address: 149 Portobello Road Vauxhall Dunedin 9013 NZ

To occupy the Common Marine and Coastal Area with a floating pontoon
For the purpose of operating a commercial golfing activity (the "Golf Activity").

For a term expiring 25 years from the commencement of this consent

Location of consent activity: Vauxhall, approximately 400 metres south west of the
intersection of Doon Street and Portobello Road

Legal description of consent location: Common Marine and Coastal Area

Map Reference: NZTM 2000: E1407812 N4915682

Conditions

Specific

1. This Coastal Permit must be exercised in conjunction with Coastal Permits RM17.229.01 and RM17.229.03 and in general accordance with the application lodged on 16 August 2017 and further information received on 15 September 2017 except as expressly provided for by the conditions of this Coastal Permit.
2. The Consent Holder must clearly display the assigned permit number RM17.229.02 on the pontoon.
3. The pontoon must be secured at all times with a mooring system as shown in Appendix 1 to this permit. Each mooring block must be at least one tonne air weight concrete blocks or steel equivalent.
4. If Coastal Permit RM17.229.03 is not exercised for a one-year period the Consent Holder must remove the pontoon from the Common Marine and Coastal Area.

Monitoring and Maintenance

5. (a) The mooring system must be visually inspected and maintained by a person suitably qualified and experienced in the inspection and maintenance of swing moorings at least once every 24 months. Each inspection must include:
 - (i) a check of all chains for kinks and remove such kinks;
 - (ii) a check of all chains for deterioration and replace any components if there are signs of significant deterioration; and
 - (iii) a check of all ropes for fraying and replace any frayed ropes
- (b) In addition, once every 3 years from the date of placement, the mooring must be lifted out of the water and the mooring block and associated equipment must be inspected and maintained and all parts



- showing wear replaced.
- (c) The Consent Holder must obtain a written report from the person who carries out the inspections required by Conditions 7(a) and 7(b) and provide a copy of every report to the Consent Authority within 10 working days of the inspection.
6. The pontoon must be maintained in a structurally sound, tidy and sanitary state.

Review

7. The Consent Authority may, in accordance with sections 128 and 129 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this Coastal Permit within three months of each anniversary of the commencement of this consent, for the purpose of:
- (a) Determining whether the conditions of this Coastal Permit are adequate to deal with any adverse effect on the environment which may arise from the exercise of the Coastal Permit and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the consent.

Notes to Consent Holder

1. *The Consent Authority may in accordance with Sections 128 and 129 of the Resource Management Act 1991 serve notice on the Consent Holder of its intention to review the Conditions of a Coastal Permit for purposes of ensuring the Conditions are consistent with any National Environmental Standard, National Planning Standard or Regional Plan.*



The seal of the Environment Court of New Zealand is a circular emblem. It features a central shield with a crown on top, flanked by two figures. The shield is divided into four quadrants, each containing a different symbol. The text "THE SEAL OF THE" is arched across the top, and "ENVIRONMENT COURT OF NEW ZEALAND" is arched across the bottom. A date stamp "2008-06-09" is visible in the bottom right corner.

LEGEND

- 7x12x4 EA Hot Dip Galvanized Steel
- 100x50 PFC Hot Dip Galvanized Iron
- 75x75x4 SHS Columns Hot Dip Galvanized Iron
- 2.0x1 Bolt in Polyethylene Plastic
- 4x12 216 Stainless Steel Threaded Rod
- 20mm Marine Grade Plywood Deck with Artificial Grass Matting
- 20mm Marine Grade Plywood Sides with Paint Finish

PONTON PICTORIAL

PONTON ELEVATION

PONTON ELEVATION - WITH SIDES & DECK SHOWN

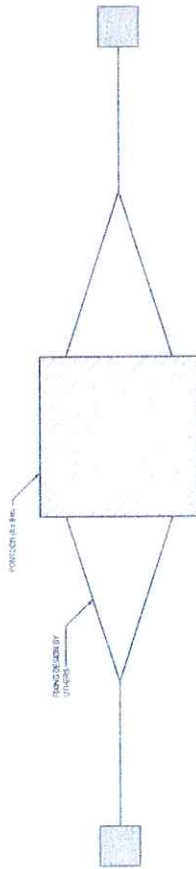
PONTON ELEVATION - WITH SIDES & DECK SHOWN



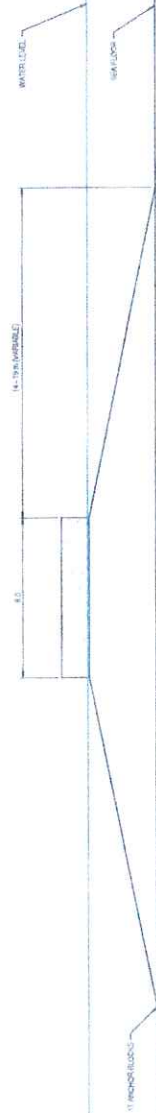


NOTES

1. ALL DIMENSIONS IN METRES
2. DIMENSIONS GIVEN BY CHARTS



PLAN VIEW
SCALE: 1:100 (AS SHOWN)



ELEVATION
SCALE: 1:100 (AS SHOWN)

RESOURCE CONSENT
NOT FOR CONSTRUCTION

CIVIL ENGINEERING
4395484-CA-1004

MOORING SYSTEM
CONCEPT

OTAGO HARBOUR
GOLF CHALLENGE

PETER GRAHAM

Project Name		Project Number	
Project Location		Project Date	
Project Status		Project Manager	
Project Engineer		Project Designer	
Project Checker		Project Approver	

Project Name		Project Number	
Project Location		Project Date	
Project Status		Project Manager	
Project Engineer		Project Designer	
Project Checker		Project Approver	

Project Name		Project Number	
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Project Checker		Project Approver	

Project Name		Project Number	
Project Location		Project Date	
Project Status		Project Manager	
Project Engineer		Project Designer	
Project Checker		Project Approver	

Our Reference: A1083297

Consent No. RM17.229.03

COASTAL PERMIT

Pursuant to Section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Peter Ronald Graham

Address: 149 Portobello Road Vauxhall Dunedin 9013 NZ

To occupy the Common Marine and Coastal Area for the purpose of operating a commercial golfing activity (the Golf Activity) and to disturb the foreshore and seabed in the Coastal Marine Area by depositing and recovering golf balls in carrying out the Golf Activity.

For a term expiring 25 years from the commencement of this consent

Location of consent activity: Midpoint location: Vauxhall, approximately 380 metres south west of the intersection of Doon Street and Portobello Road

Legal description of consent location: Common Marine and Coastal Area

Map Reference: Midpoint location: NZTM 2000: E1407834 N4915683

Conditions

Specific

1. This Coastal Permit must be exercised in conjunction with Coastal Permits RM17.229.01 and RM17.229.02 and in general accordance with the application lodged on 16 August 2017 and further information received on 15 September 2017 except as expressly provided for by the conditions of this consent.
2. The area of disturbance and occupation is restricted to the Strike Zone shown in Appendix 1 of this Coastal Permit (the "Strike Zone").
3. A suitably qualified and trained person must accompany and supervise all persons engaged in the Golf Activity at all times.
4. The Consent Holder must cease exercise of this Coastal Permit at any time that a person, bird or marine mammal enters the Strike Zone shown in Appendix 1 of this Coastal Permit.
5. Golf balls that enter the Coastal Marine Area must be of low toxicity and free from cracks and abrasions.
6. All golf balls collected from the Coastal Marine Area must be collected:
 - (a) If within 5 metres of the shore, by wading, snorkelling or diving methods;
 - (b) If more than 5 metres from the shore, by scuba diving or snorkelling by a certified diver or divers; in this area, standing or walking on the seabed must be minimised;

Golf balls must only be collected by hand.

Golf balls must be collected:



- (a) On a weekly basis whenever more than 1,000 golf balls are recorded as being present on the foreshore and seabed as a result of the exercise of this Coastal Permit, provided that sea conditions are safe and suitable for the recovery of golf balls; and
- (b) If more than 9,999 golf balls are recorded as present on the foreshore and seabed as a result of the exercise of this Coastal Permit, before the activity continues; and
- (c) By a comprehensive collection effort if the Golf Activity is to cease for more than one month.

Management Plan

9. Before the first exercise of this Coastal Permit, the Consent Holder must prepare and submit to the Consent Authority for certification an Operations and Management Plan.
10. The Operations and Management Plan must include, as a minimum:
 - (a) A detailed description of the activity authorised by this consent and how it will be carried out;
 - (b) A detailed description of how Conditions 2, 3, 4, 5, 6, 7 and 8 of this Coastal Permit will be met;
 - (c) A detailed description of the procedures to be used to collect golf balls from the foreshore and seabed;
 - (d) The measures to be used to ensure that no more than 10,000 balls are on the foreshore and seabed as a result of the exercise of this Coastal Permit at any one time;
 - (e) The procedure for a comprehensive collection of golf balls if the Golf Activity is to cease for more than 1 month;
 - (f) For the purposes of paragraph (b), the matters to be covered in the Operations and Management Plan must include:
 - (i) The steps to ensure that any customer who has a golf club is directly supervised by a suitably qualified and trained person;
 - (ii) The measures to ensure there is no conflict between the Golf Activity and yachts from the Vauxhall Yacht Club entering the Strike Zone;
 - (iii) The measures to ensure management of the Golf Activity during yachting regattas;
 - (iv) The safeguards to ensure there is adequate visibility at all times when the Golf Activity is undertaken;
 - (v) The means by which the Consent Holder will monitor the hitting of golf balls into the Coastal Marine Area to ensure compliance with conditions of consent.
11. The Manager Consents of the Consent Authority must certify the Operations and Management Plan if it covers all the matters set out in Condition 10 and demonstrates how the Consent Holder will comply with Conditions 2-8 inclusive of this Coastal Permit.
12. The Operations and Management Plan may be revised by the Consent Holder at any time. The revised plan must be submitted to the Manager Consents of the Consent Authority for certification in accordance with Condition 11.

The Consent Holder must implement and comply with the most recently certified Operations and Management Plan.



Monitoring

14.1 The Consent Holder must monitor and record:

- (a) The number of golf balls hit during the operation of the Golf Activity;
- (b) Compliance with Conditions 2 to 8 inclusive of this Coastal Permit;
- (c) All complaints received in relation to the Golf Activity;
- (d) The number of unrecovered golf balls;
- (e) The number of golf balls landing outside the Strike Zone; and
- (f) Measures undertaken to keep balls within the Strike Zone.

14.2 The Consent Holder must, at 12 monthly intervals, take at least 12 representative photos of the foreshore and seabed in the Strike Zone.

15. The Consent Holder must provide copies of all records to the Consent Authority on request.

Reporting

16. The Consent Holder must submit a written report to the Consent Authority by 1 July each year after the commencement of this consent. The report must include:

- (a) Written evidence of compliance with the Conditions of this Coastal Permit;
- (b) An assessment of the effects of ball deposition and retrieval on the foreshore and seabed, using the information gathered under Conditions 14.1 and 14.2;
- (c) A copy of the record of complaints received in relation to the Golf Activity;
- (d) The number of unrecovered golf balls;
- (e) The number of golf balls landing outside the Strike Zone; and
- (f) Measures to keep balls within the Strike Zone.

General

17. The consent holder must maintain a permanent record of any complaints received as a result of the exercise of this consent. The record must include

- (a) The name and address of complainant;
- (b) The date and time of the event which is the subject of the complaint occurred;
- (c) The results of investigation into the complaint;
- (d) Any action taken by the Consent Holder to avoid, remedy or mitigate further incidents of the same kind.

Review

18. The Consent Authority may, in accordance with sections 128 and 129 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this Coastal Permit within three months of each anniversary of the commencement of this consent, for the purpose of:

- (a) Determining whether the conditions of this Coastal Permit are adequate to deal with any adverse effect on other users of the Coastal Marine Area which may arise from the exercise of the Coastal Permit and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the consent.

Notes to Consent Holder

If this Coastal Permit is not given effect to within a period of two years from the date of commencement of this consent, this Coastal Permit shall lapse under Section 125 of the Resource Management Act 1991.



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- The seal of the Environment Court of New Zealand is a circular emblem. It features the text "THE SEAL OF THE" at the top and "ENVIRONMENT COURT OF NEW ZEALAND" at the bottom. In the center is the Royal Coat of Arms of New Zealand, which includes a shield with three anchors, a crown on top, and two figures (a woman on the left and a man on the right) holding a shield and a staff. A scroll at the bottom of the coat of arms contains the motto "EUREKA".





January 25, 2018



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Otago Regional Council

Area bound by: NZTM 2000: E1407896 N4915638, E1407908 N4915699, E1407815 N4915743, E1407771 N4915691, E1407798 N4915632

AJL-266090-962-66-V1

Annexure B – Land Use Consent LUC 2017-408



Consent Type: Land Use Consent

Consent Number: LUC-2017-408

That pursuant to section 34A(1) and 104B and after having regard to sections 104 and 104D of the Resource Management Act 1991 and where relevant Part 2 matters, and to the provisions of the Operative Dunedin City District Plan and the Proposed Second Generation Dunedin City District Plan, the Hearing Panel **grants** consent to a **non-complying** activity being the establishment and operation of a recreational tourism activity, subject to the conditions below, imposed under Section 108 of the Act:

Location of Activity: 139 Portobello Road, Dunedin

Legal Description: Section 1, 5 Survey Office Plan 394230 (Computer Interest Register 403802) being a Local Purpose (Recreation) Reserve owned by the Department of Conservation but managed and maintained by the Dunedin City Council.

Lapse Date: 25 May 2023, unless the consent has been given effect to before this date.

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 16 August 2017 the additional information received on 15 September 2017 and 18 January 2018 (Noise Report), and statement of evidence dated 2/2/18, except where modified by the following conditions.*

2. *Hours of operation must be limited to the following hours:*

Golf Activity: 9.00am – the earlier of either 9pm or sunset as published by the MetService 10pm (subject to visibility and suitable weather conditions) 7 days a week.

All other activities: 6.30am to 10pm during November to April 7 days a week

6.30am to 8pm during May to October 7 days a week.

Golf activity must cease immediately in the event of high winds and/or poor visibility to ensure the safety of reserve users and vehicles on Portobello Road as well as prevent any damage to the Vauxhall Yacht Club building.

3. *A Management Plan for the operation of the proposed on-shore activity must be submitted to the Council for approval prior to commencement of the activity. This Management Plan may be developed in conjunction with or incorporated as part of the Operations and Management Plan required by the conditions of Coastal Permit RM17.229.03. The Management Plan must include the methodology for managing the measures to be taken to address behaviour of patrons, availability of the land area to be occupied, and safety of other users of the reserve. The measures shall include the following:*



(a) Patrons exhibiting signs of intoxication will not be provided service by any part of the operation.

(b) The activity cannot establish anywhere on site except the approved footprint nominated in Drawing 4395484-CA-K001 dated 2 February 2018.

(c) No operational queuing or storage of any equipment is to occur outside of the approved footprint nominated in Drawing 4395484-CA-K001 dated 2 February 2018.

(d) All measures proposed for management of the on shore operations shall be consistent with the Operations and Management Plan required by Coastal Permit RM17.229.03.

(e) Provide a phone number and email address that will reach the Activity Manager to provide the local community the ability to register complaints of customer behaviour.

(d)(f) Staff training requirements including dealing with difficult customers and understanding of the duty to minimise noise effects on adjoining residential properties, including those from music..

4. The consent holder must ensure noise from activity taking place on the site will not exceed LAeq (15min) 46dB when measured at the boundary of ~~137 Portobello Road~~ any residential property.

5. With the exception of the coffee/refreshment van, all equipment and vehicles must be removed from the site each day.

6. The concrete platform tee-off area must be flush with the grass on the reserve land so as not to provide a trip hazard outside of operational hours.

7. No storage activity may occur on the reserve outside of the designated operational area (Area 1).

8. No vegetation on the reserve shall be removed or compromised by the activities.

9. No lighting, other than internal lighting of the coffee/refreshment van is permitted.

9-10. A 1m high temporary safety barrier of muted colour must be erected at all times during any golf activity and removed following cessation of the activity each day. The following detail must be submitted to the Planning Manager for approval prior to commencement of any activity on the site:

(a) Barrier material/permeability.

(b) The colour of the barrier.

(c) The exact location.

~~10-11.~~ Signage shall be limited to the following:

(a) A 1.7m high and 0.8m wide sign shall be installed at the location nominated in Drawing 4395484-CA-K001 dated 2 February 2018.

(b) A toilet way finding sign shall be installed to the satisfaction of the Resource Consents Manager.

(c) The name of the business "Otago Harbour Golf Challenge and Café" installed across the top of the coffee cart/van. This coffee cart/van will also have



products and services and their prices listed on the front and side of the coffee cart/van.

(d) The name "Water Sports and Bike Hire" on the trailers associated with these items.

- | ~~11.12.~~ No signage is permitted on the concrete pad or any signage elsewhere on the site in the form of banners, flags, balloons or other form of temporary signage.
- | ~~12.13.~~ No advertising signage unrelated to the business is permitted on the site.
- | ~~13.14.~~ All hire operation and food/drink service related activity must occur within the designated Area 1 location.
- | ~~14.15.~~ The operator must remove any rubbish and or waste in the perimeter of the business activity at the close of each business day and preferably during the day as well.
- | ~~15.16.~~ All excavated areas shall be appropriately cordoned off during works and where not covered by the proposed concrete pad, grassed over, following completion of works. There must be no deposition of excavated soils on the reserve.
- | ~~16.17.~~ A total of 13 car parks shall be permanently marked within the reserve to clearly illustrate the parking layout on the site better facilitate the new through access only.
- | ~~17.18.~~ Area 1 (which occupies three of carparks at the southernmost end of the carpark) shall be identified on site and physically defined, if practical, so as to dissuade the use of this designated car parking area by other visitors to the reserve (NB Refer Advice Note 6 below).
- | ~~18.19.~~ The consent holder must advise the Council, in writing, of the start date of the works. 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.
- | ~~19.20.~~ 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 potential adverse traffic effects which may arise from the exercise of the consent and which is appropriate to deal with at a later stage.

Advice Notes:

1. In addition to the conditions of 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.
2. Resource consents are not personal property. This consent attaches to the land to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
3. The lapse period specified above may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.
4. It is the responsibility of any party exercising this consent to comply with any conditions imposed on their resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in Section 339 of the Resource Management Act 1991.

5. This is resource consent. Please contact the Building Control Office, Development Services, about the need for building consent for any structures and fixtures proposed as part of the activity.



6. A concession (occupation agreement) under the Conservation Act 1987 is required prior to commencing any activity on the site. This includes any works on the reserve to achieve compliance with the conditions of consent. Please contact the Leasing and Land Advisor, in the Council Projects and Asset Management Department.
7. 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.
8. 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.
9. 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.

10. It is recommended that the operation of the proposed business activity be undertaken in a manner consistent with the event management plans of the Vauxhall Yacht Club (as proposed in the applicant's evidence). This is to ensure the operation of the business during events does not contribute to any conflict over the use of the reserve. While it is noted that the applicant did offer to make this matter a condition of consent, it is not considered that the content of and compliance with the Club's event management plans is within the scope and jurisdiction of the Section 108 of the Resource Management Act 1991.



[illegible]

Annexure C – Management Plan



Otago Harbour Golf Challenge Operations Management Plan

This management plan relates to the operation and management of the Otago Harbour Golf Challenge located at 139 Portobello Road, Vauxhall. It has been prepared in accordance with Condition 6 of Coastal Permit RM17.229.03 and Condition 3 of Land Use Consent LUC2017- 408.

This Management Plan describes the Otago Harbour Golf Challenge Activity and the addresses the requirements of the Coastal Permit and Land Use Consent.

1 Description of Activity

The Otago Harbour Golf Challenge is a low impact tourism activity that leverages Dunedin City's existing infrastructure and provides a new destination activity for Dunedin's residents and visitors. It involves a mobile coffee and refreshment cart, and bike and water sport hire from 6:30am – 9pm daily and a hole in one golf challenge from 9am-9pm or sundown (whichever is earlier). The activity is described in further detail below.



The activity must comply with this Management Plan at all times.

1.1 Reserve Occupation

The café/refreshment and water sports hire area will accommodate an 8m by 5.5m area within the existing unmarked car park south of the Vauxhall Yacht Club and an 8m by 2.5m tee off zone closer to the shore (refer location in drawing at **Appendix 1**).

A single 1.7m by 0.8m sign is located at the carpark entrance.

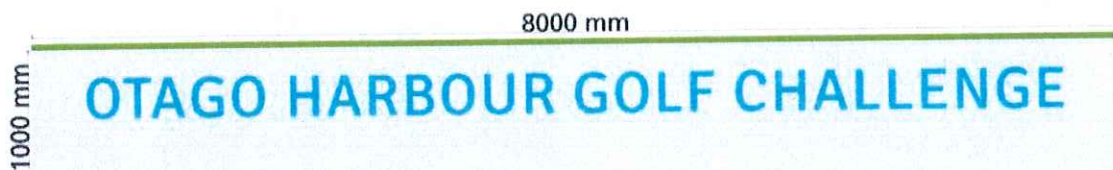
The coffee/food van has the name "Otago Harbour Golf Challenge and Café" in blue lettering across the top of the van together with price and product lists on the front and side of the van.

In order to avoid the need for a generator and its associated noise emissions on site, a below ground power connection to the coffee/refreshments van site is to be established. No external lighting is included in the reserve as part of the activity.

1.2 Coastal occupation

The activity permanently occupies the coastal marine area for an 8 by 8m pontoon approximately 95m offshore. The sides of the pontoon will extend approximately 1.2-1.5m above sea level. Temporary occupation also occurs while customers are striking golf balls in an approximate 1ha area in the golf ball strike zone around the pontoon.

1.3 Pontoon Design



The sides of the pontoon will be painted off white to satisfy the Harbourmaster's request for light colour painted sides (Avery 961 Pearl Grey or similar). The name of the venture "Otago Harbour Golf Challenge" is written in blue (Avery 942 Light Blue or similar) in the centre of the side facing the shore and facing north and south so as to be visible to traffic on Portobello Road. The lettering will cover an area of 300mm by 8m which is designed to be visible at distances of 120m. The top of the pontoon will contain 3 holes, each with a golf flag to identify the location of the holes. Navigational lighting will be supplied to the Harbourmasters satisfaction on the harbour side of the pontoon.

1.4 Tee Off Zone

The tee off area measures approximately 8m by 2.5m and accommodates three tee off locations.

A 1m high removable safety barrier will be placed around the perimeter of the tee off area as shown in the site plan located in **Appendix 1**. The safety barrier will also divide the three tee off positions.

1.5 Intensity of Activity

In terms of the intensity of the tourism activity during peak periods, we expect there will be an average of 2-3 staff and 10 persons per hour using the hole in one golf challenge aspect of the activity, each with a bucket of 20 balls. In other words, a peak period average of 200 golf balls being hit per hour. In the event demand exceeds the three places available, bookings for a bucket of 20 balls in a 15 minute period will be made available to enable patrons to continue exploring the harbour with certainty of timing for their golf challenge experience.

2 Otago Regional Council Management Plan Requirements

Condition 6 of Coastal Permit RM17.229.03 is recorded as follows:

Prior to the first exercise of this Coastal Permit, the Consent Holder shall prepare and submit to the Consent Authority an Operations Management Plan. The plan shall include as a minimum:

- a) *A description of the activity;*
- b) *A detailed description of the spotter procedure and how condition 3 of this Coastal Permit will be met including taking into account visibility; and*
- c) *Outline the procedure to collect golf balls from the CMA. Subject to suitable and safe coastal conditions, collection of golf balls is required weekly when there are more than 1000 balls in the CMA.*
- d) *Measures to ensure no more than 10,000 balls are within the CMA at any one time; (in addition to the amendment to condition 4 of this consent limiting balls to 10,000 as per the Beca letter of 23 July 2018).*
- e) *The procedure for a comprehensive dive and collective effort in the event the activity is to temporarily cease for longer than 1 month;*
- f) *Measures to ensure that no customer has a golf club unless the spotter is with them undertaking spotter activities. For clarity this would require that if the spotter returns to the coffee cart, the golf clubs must be taken from the customers.*
- g) *Measures to ensure there is no conflict between the golf activity and yachts from the Vauxhall Yacht Club entering the strike zone.*

These requirements are addressed below:



2.1 Spotter Procedure

- A spotter must be present in the tee off area when patrons have golf clubs at all times.
- Prior to issuance of golf challenge equipment (balls and clubs), patrons must be presented with, and sign a terms and conditions form in accordance with the Health and Safety at Work at Act 2015.
- The form must state the following
 - That the player must abide by spotter instructions, including to cease and return clubs if requested;
 - That the player must stop teeing if there is another water user or animal in the strike zone, or if instructed by the spotter.
 - That a player must not aim or intentionally target any water user within or outside the striking area;
 - That the player must all times aim for the pontoon.
 - That the player must not leave or attempt to walk away from the striking area with clubs or balls.
 - That the player may not use their own balls, only OHGC supplied balls
- Golf clubs must be removed from customers prior to the Spotter returning to the coffee van or otherwise leaving the tee off zone.
- The spotter must check for birds, marine mammals and persons entering the strike zone prior to allowing patrons to tee off.
- When the spotter is unable to see 50m beyond the pontoon due to poor light or visibility the golf challenge activity must cease and remain closed until visibility has improved to ensure the activity can be undertaken in a safe manner. This is to be at the discretion of the activity manager.
- In order to comply with obligations under the Health and Safety at Work at Act 2015, the activity shall cease in the event of high winds that could cause the balls to land outside the strike zone.
- It is the responsibility of the spotter to monitor yachts from the Vauxhall Yacht Club entering the strike zone and subsequently control tee off only when the strike zone is clear. The Activity Manager will also liaise with the Vauxhall Yacht Club regarding their programme of regattas and how the Golf Activity will be managed during those events.

2.2 Golf Ball Collection

2.2.1 Golf ball recording

- Staff are required to keep an up to date golf ball log book to record the number of golf balls issued to patrons.
- Miss hits returned to the caravan shall be recorded.
- All retrieved balls shall be counted and recorded prior to them being reused.
- The number of balls hit into the strike zone shall be tallied at the end of each day. In the event more than 9000 balls are present the Activity Manager shall be notified and an additional ball retrieval sweep shall be arranged.
- In the event 10,000 balls have been hit to the strike zone and not yet been retrieved, the activity shall cease until the next golf ball retrieval has commenced.
- The golf ball recording log book shall be made available for inspection to ORC Compliance Officers on request.



2.2.2 Golf ball retrieval

- At the beginning and end of each day, and when otherwise safe during the operation, staff shall walk along the coastal edge and retrieve miss hits.
- When collecting balls, divers/snorkelers are to avoid standing and wading on the sea floor when further than 5m from shore.
- Golf Balls shall be collected by divers/snorkelers only when conditions are safe and no Met Service weather warnings are in place.
- When there are more than 1000 balls hit into the strike zone the balls are to be collected at a frequency of not less than weekly, subject to safe conditions.
- In the event conditions are unsafe on the day of a scheduled collection, collection shall occur the next possible safe day.
- Golf ball retrieval can occur while the activity is in operation, subject to suitable PPE being worn by retrieval staff.
- A buddy diver or alternatively a spotter/support person is to be with or observing the diver at all times when undertaking ball retrieval. While diving is in progress appropriate flags or warning buoys are to be deployed to alert other water users.
- Divers employed to undertake the ball retrieval will complete an Open Water Diver Training Course. Following completion of this course a Certificate of Competency from Work Safe NZ will be obtained.
- In the event the golf challenge operation is to temporarily cease for a period longer than one month a comprehensive golf ball collection dive will occur within one week of the temporary cessation of the golf challenge to collect as many balls as possible from the CMA.

2.3 Water Sports

- The activity manager is responsible for all staff and to abide by the relevant provisions of the Health and Safety at Work Act 2015;
- The water sports provision is a hire only service;
- Prior to the issuance of water sports equipment and bicycle hire to patrons staff must provide a safety briefing and identify hazards. Patrons must sign a terms and conditions form to confirm they understand and agree to the safety conditions and instructions including a requirement to wear a flotation device.
- Prior to issuance of water sports equipment to customers, staff must issue patrons with a flotation device.

2.4 General Requirements

- At least one staff member onsite will hold a Bronze Surf Life Saving Award to enable passive surveillance and as a contingency health and safety measure.
- At least one staff member onsite will hold first aid certificate.
- All staff will go through a pre-employment induction process which includes covering Work Place Health and Safety and this Management plan. All onsite incidents will be recorded by manager of OHGC and reviewed regularly as per in accordance with Work Place the Health and Safety at Work Act 2015.



3 Dunedin City Council Management Plan Requirements

Condition 3 of LUC 2017- 408 states:

"A management plan for the operation of the proposed on-shore activity must be submitted to the Council for approval prior to the commencement of the activity. This Management Plan maybe be developed in conjunction with or incorporated as part of the Operations and Management Plan required by the conditions of Coastal Permit RM17.229.03. The Management Plan must include methodology for managing the measures to be taken to address behaviour of patrons, availability of the land area to be occupied, and safety of other users of the reserve. The measures shall include the following:

- a) *Patrons exhibiting signs of intoxication will not be provided service by any part of the operation*
- b) *The activity cannot establish anywhere onsite except the approved footprint nominated in Drawing 4395484-CA-K001 dated 2 February 2018.*
- c) *No operational queuing or storage of any equipment is to occur outside of the approved footprint nominated in Drawing 4395484-CA-K001 dated 2 February 2018.*
- d) *All measures proposed for management of the on shore operations shall be consistent with the Operations and Management Plan required by Coastal Permit RM17.229.03.*
- e) *Provide a phone number that will reach the activity Manager to provide the local community the ability to register complaints of customer behaviour.*
- f) *Staff training requirements including dealing with difficult customers and understanding of the duty to minimise noise effects on adjoining residential properties.*

The following steps address the management and operational requirements of LUC2017-408.

3.1 Difficult Customers

- The Activity Manager has the duty of minimising noise effects as far a practical on the adjoining residents and satisfying the requirements of the *Health and Safety at Work Act 2015*.
- The Activity Manager shall provide the following training and support to employees at their company induction and on an ongoing basis:
 - All staff are to work to satisfying the Activity Managers duty to minimise noise effects;
 - All staff are to be shown how to request customers who are creating elevated levels of noise to please respect their fellow reserve users and neighbours;
 - All staff are to be required to refuse service to persons exhibiting signs of intoxication.
 - All staff are to be required to cease the activity and request customers to leave if they fail to comply with spotter instructions.
 - All staff are required to call the police in the event customers fail to return golf clubs when requested by the spotter.
- Staff shall be required to provide the phone number and an email address of the Activity Manager to the Otago Harbour Preservation Society Inc prior to the commencement of the Golf Activity pursuant to this consent and to any other person on request. local community.
- The Activity Manager shall be available to receive phone calls and/or emails from the local community on the provided phone number and/or email address. The Activity Manager shall investigate complaints about customer behaviour. Where requested by the local community person contacting the Activity Manager, the Activity Manager will report back to the local



community person on the results of the investigation and any steps taken to address the concerns raised.

3.2 Site Management

- The activity shall not establish anywhere onsite except the approved footprint nominated in Drawing 4395484-CA-K001 (**Appendix 1**)
- No operational queuing or storage of any equipment is to occur outside of the approved footprint nominated in Drawing 4395484-CA-K001 (**Appendix 1**)
- The Activity Manager is responsible for the removal of any rubbish and or waste within in the perimeter of the business throughout the day where practical and/or at the close of business each day.
- Music generated within the site shall be kept to a minimum and will not be played routinely by the consent holder. Music generated from within the site area shall not be played for a period of longer than 1 hour during any 3 hour period. This does not apply to 3rd party reserve users who are not associated with the Otago Harbour Golf Challenge and Cafe.

