



Application Form for a Resource Consent

50 The Octagon, PO Box 5045, Moray Place
Dunedin 9058, New Zealand
Ph 03 477 4000
www.dunedin.govt.nz

PLEASE FILL IN ALL THE FIELDS

Application Details

I/We Peter Ronald Graham (must be the FULL name(s) of an individual or an entity registered with the New Zealand Companies Office. Family Trust names and unofficial trading names are not acceptable: in those situations, use the trustee(s) and director(s) names instead) hereby apply for:

☒ Land Use Consent ☐ Subdivision Consent

Brief description of the proposed activity: _____

Tourism Activity within Dunedin City Council managed land immediately south of the Vauxhall Yacht Club as described in attached Assessment of Effects Report.

Have you applied for a Building Consent? ☐ Yes, Building Consent Number ABA _____ ☒ No

Site location/description

I am/We are the: (owner, occupier, lessee, prospective purchaser etc) of the site

Street Address of Site: 139 Portobello Road, Vauxhall, Dunedin 9013

Legal Description: Section 1, 5 SO 394230

Certificate of Title: CFR 403802

Address for correspondence (this will be the first point of contact for all communications for this application)

Name: James Taylor-Cyphers (applicant/agent (delete one))

Address: PO Box 5005, Dunedin 9058. Postcode: 9013

Phone (daytime): 03 474 5341 Email: peter@trafficmanagementltd.co.nz

Address for invoices or refunds (if different from above)

Name: Peter Graham

Address: 149 Portobello Road, Vauxhall

Bank details for refunds

Bank Account Name Traffic Management and Control Ltd

Account Number:

0	3
---	---

0	9	0	5
---	---	---	---

0	2	6	7	2	4	4
---	---	---	---	---	---	---

0	0
---	---

Bank Branch

Account Number

Suffix

Ownership of the site

Who is the current owner of the site? Dunedin City Council

If the applicant is not the site owner, please provide the site owner's contact details:

Address: _____ Postcode: _____

Phone (daytime): _____ Email: _____

Monitoring of your Resource Consent

To assist with setting a date for monitoring, please estimate the date of completion of the work for which Resource Consent is required. Your Resource Consent may be monitored for compliance with any conditions at the completion of the work. (If you do not specify an estimated time for completion, your Resource Consent, if granted, may be monitored three years from the decision date).

Three months following granting of consent _____ (month and year)

Monitoring is an additional cost over and above consent processing. You may be charged at the time of the consent being issued or at the time monitoring occurs. Please refer to City Planning's Schedule of Fees for the current monitoring fee.

Detailed description of proposed activity

Please describe the proposed activity for the site, giving as much detail as possible. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please provide proposed site plans and elevations.

Refer attached Assessment of Effects Report.

Description of site and existing activity

Please describe the existing site, its size, location, orientation and slope. Describe the current usage and type of activity being carried out on the site. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please also provide plans of the existing site and buildings. Photographs may help.

Refer Attached Assessment of Effects Report

_____. (Attach separate sheets if necessary)

District plan zoning

Residential 1

What is the District Plan zoning of the site? _____

Are there any overlaying District Plan requirements that apply to the site e.g. in a Landscape Management Area, in a Townscape or Heritage Precinct, Scheduled Buildings on-site etc? If unsure, please check with City Planning staff.

Yes, B642 Otago Harbour Walls are located on the site boundary.

Breaches of district plan rules

Please detail the rules that will be breached by the proposed activity on the site (if any). Also detail the degree of those breaches. In most circumstances, the only rules you need to consider are the rules from the zone in which your proposal is located. However, you need to remember to consider not just the Zone rules but also the Special Provisions rules that apply to the activity. If unsure, please check with City Planning staff or the Council website.

Refer Attached Assessment of Environmental Effects Report

I/We have obtained the written approval of the following people/organisations and they have signed the plans of the proposal:

Address: 139 Portobello Road, Vauvalli

Address: **137 Portobello Road, Vauxhall**

Assessment of Effects on Environment (AEE)

You can refer to the Council's relevant checklist and brochure on preparing this assessment. If needed there is the Ministry for the Environment's publication "A Guide to Preparing a Basic Assessment of Environmental Effects" available on www.mfe.govt.nz. Schedule 4 of the Resource Management Act 1991(RMA) provides some guidance as to what to include.

_____ (Attach separate sheets if necessary)

☐ Water Permit ☐ Discharge Permit ☒ Coastal Permit ☐ Land Use Consent for certain uses of lake beds and rivers ☐ Not applicable

I certify that, to the best of my knowledge and belief, the information given in this application is true and correct.

I accept that I have a legal obligation to comply with any conditions imposed on the Resource Consent should this application be approved.

Subject to my/our rights under section 357B and 358 of the RMA to object to any costs, I agree to pay all the fees and charges levied by the Dunedin City Council for processing this application, including a further account if the cost of processing the application exceeds the deposit paid.

Date: 10/8/11

You should be aware that this document becomes a public record once submitted. Under the above Act, anyone can request to see copies of applications lodged with the Council. The Council is obliged to make available the information requested unless there are grounds under the above Act that justify withholding it. While you may request that it be withheld, the Council will make a decision following consultation with you. If the Council decides to withhold an application, or part of it, that decision can be reviewed by the Office of the Ombudsmen.

☐ Avoid unreasonably prejudicing your commercial position

☐ Protect information you have supplied to Council in confidence

☐ Avoid serious offence to tikanga Maori or disclosing location of waahi tapu

What happens when further information is required?

If an application is not in the required form, or does not include adequate information, the Council may reject the application, pursuant to section 88 of the RMA. In addition (section 92 RMA) the Council can request further information from an applicant at any stage through the process where it may help to a better understanding of the nature of the activity, the effects it may have on the environment, or the ways in which adverse effects may be mitigated. The more complete the information provided with the application, the less costly and more quickly a decision will be reached.

Fees

Council recovers all actual and reasonable costs of processing your application. Most applications require a deposit and costs above this deposit will be recovered. A current fees schedule is available on www.dunedin.govt.nz or from Planning staff. Planning staff also have information on the actual cost of applications that have been processed. This can also be viewed on the Council website.

Further assistance

Please discuss your proposal with us if you require any further help with preparing your application. The Council does provide pre-application meetings without charge to assist in understanding the issues associated with your proposal and completing your application. This service is there to help you.

Please note that we are able to provide you with planning information but we cannot prepare the application for you. You may need to discuss your application with an independent planning consultant if you need further planning advice.

City Planning Staff can be contacted as follows:

In Writing: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

In Person: Customer Services Centre, Ground Floor, Civic Centre, 50 The Octagon

By Phone: (03) 477 4000, Fax: (03) 474 3451

By Email: planning@dcc.govt.nz

There is also information on our website at www.dunedin.govt.nz.

Information requirements (two copies required)

- ☒ Completed and Signed Application Form
- ☒ Description of Activity and Assessment of Effects
- ☐ Site Plan, Floor Plan and Elevations (where relevant)
- ☒ Certificate of Title (less than 3 months old) including any relevant restrictions (such as consent notices, covenants, encumbrances, building line restrictions)
- ☒ Written Approvals
- ☐ Forms and plans and any other relevant documentation signed and dated by Affected Persons
- ☒ Application Fee (cash, cheque or EFTPOS only; no Credit Cards accepted)
- ☒ Bank account details for refunds

In addition, subdivision applications also need the following information

- ☐ Number of existing lots.
- ☐ Number of proposed lots.
- ☐ Total area of subdivision.
- ☐ The position of all new boundaries.

In order to ensure your application is not rejected or delayed through requests for further information, please make sure you have included all of the necessary information. A full list of the information required for resource consent applications is in the Information Requirements Section of the District Plan.

OFFICE USE ONLY

Has the application been completed appropriately (including necessary information and adequate assessment of effects)?

☐ Yes ☐ No

Application: ☐ Received ☐ Rejected

Received by: ☐ Counter ☐ Post ☐ Courier ☐ Other: _____

Comments: _____

(Include reasons for rejection and/or notes to handling officer)

Planning Officer: _____ Date: _____



Level 5, Crombie Lockwood House, 229 Moray Place
P.O.Box 5005, DUNEDIN 9058, New Zealand
T: +64-3-477 4202 // F: 0800 578 967
E: info@beca.com // www.beca.com

Dunedin City Council
PO Box 5045,
Moray Place,
Dunedin 9058

15 August 2017

Attention: Consents Team

Dear Sir/Madam

Otago Harbour Golf Challenge Resource Consent Application

Please find enclosed a Consent Application for Regional and Land Use Consent which is being lodged concurrently with Otago Regional Council and Dunedin City Council. The proposal is to establish a tourism business at 139 Portobello Road on the south side of Vauxhall Yacht Club. The tourism business will be comprised of:

- A golf hole in one challenge where people are able to hit a golf ball from a tee at the edge of the harbour and aim for a pontoon located approximately 95 metres off shore in the Otago Harbour;
- A water sports and bike hire drop off point; and
- A coffee/food van.

The applicant requests that pursuant to s95(2)(b) of the Resource Management Act, the notification of the application and that this notification be coordinated between Dunedin City Council and Otago Regional Council.

Please do not hesitate to contact the undersigned should you have any queries in relation to this application.

Yours sincerely

James Taylor-Cyphers
Associate - Planning

on behalf of

Beca Limited

Direct Dial: +64-3-300 9213
Email: james.taylor-cyphers@beca.com

Copy

Perter Graham, 149 Portobello Road.

Draft Report

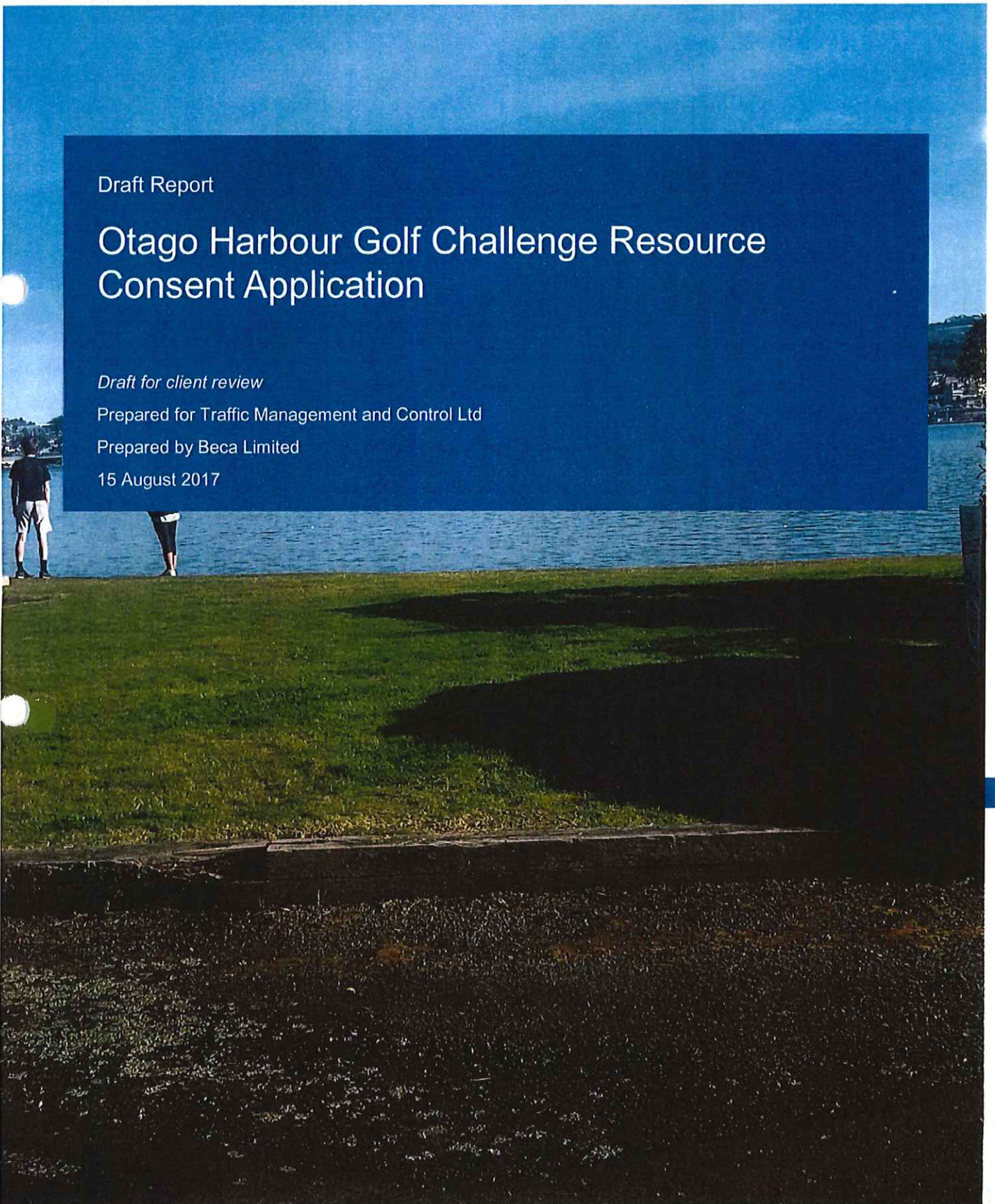
Otago Harbour Golf Challenge Resource Consent Application

Draft for client review

Prepared for Traffic Management and Control Ltd

Prepared by Beca Limited

15 August 2017



Revision History

Revision N°	Prepared By	Description	Date
1	Corinne Marti	Draft for client review	26 July 2017
2	James Taylor-Cyphers	Final for lodgement	15 August 2017
3			
4			
5			

Document Acceptance

Action	Name	Signed	Date
Prepared by	Corinne Marti		26/06/2017
Reviewed by	James Taylor-Cyphers		15/08/2017
Approved by	Andrew Henderson		15/08/2017
on behalf of	Beca Limited		

© Beca 2017 (unless Beca has expressly agreed otherwise with the Client in writing).

This report has been prepared by Beca on the specific instructions of our Client. It is solely for our Client's use for the purpose for which it is intended in accordance with the agreed scope of work. Any use or reliance by any person contrary to the above, to which Beca has not given its prior written consent, is at that person's own risk.

Contents

1	Introduction.....	1
1.1	Background.....	1
1.2	Structure of Report.....	1
2	Description of Proposal.....	2
2.1	The Concept.....	2
2.2	Relevant Zoning and Planning Notations.....	7
2.3	Operative Dunedin District Plan.....	9
2.4	Proposed Dunedin City District Plan.....	10
2.5	Reserve Management Plan.....	10
2.6	Heritage New Zealand List.....	11
3	Description of the Existing Environment.....	12
3.1	The site.....	12
3.2	Natural environment.....	13
3.3	Current use.....	13
3.4	Surrounding land uses.....	14
4	Reasons for consent.....	15
4.1	Otago Regional Plan Coast.....	15
4.2	Operative Dunedin City District Plan.....	15
4.3	Proposed Dunedin City District Plan.....	16
5	Assessment of Environmental Effects.....	19
5.1	Overview.....	19
5.2	Potential Regional Effects.....	19
5.3	Potential District Effects.....	21
6	Consultation.....	24
6.1	Vauxhall Yacht Club.....	24
6.2	Nearby Residents.....	24
6.3	Kai Tahu ki Otago Ltd.....	24
6.4	Dunedin City Council.....	24
6.5	Otago Regional Council.....	25
6.6	Deputy Harbourmaster.....	25
7	Opinion on Legislation and Planning Documents.....	27
7.1	The Resource Management Act.....	27
8	Conclusion.....	35

Appendices

Appendix 1

Certificate of Title

Appendix 2

Health and Safety Guidelines

Appendix 3

Golf ball Retrieval Methodology

Appendix 4

Affected Party Approvals

Appendix 5

Correspondence with KTKO

Please note that information in this report has been derived from available public records (including the Regional and District Plans and Policy Statements as they were provided, either in hard copy or on the respective local authority websites), at the time of preparation of this document. These records are continually changing and are frequently incomplete and therefore Beca Limited cannot be held responsible for any misrepresentation, incompleteness, or inaccuracies provided within that information, or for updating or revising this report in respect of any changes that may occur after the date of this document, or for notifying Traffic Management and Control Ltd of such changes. Should any other information become available, then this report should be reviewed accordingly by Traffic Management and Control Ltd.

1 Introduction.

1.1 Background

This Assessment of Effects on the Environment (AEE) has been prepared in support of an application for resource consent relating to the proposal by Peter Graham to establish a tourism business at 139 Portobello Road on the south side of Vauxhall Yacht Club. The tourism business will be comprised of:

- A golf hole in one challenge where people are able to hit a golf ball from a tee at the edge of the harbour and aim for a pontoon located approximately 95 metres off shore in the Otago Harbour;
- A water sports and bike hire drop off point; and
- A coffee/food van.

The Applicant has developed this tourism venture in consultation with many stakeholders who have directly influenced the proposed on site management plan taking into consideration the existing environment and health and safety requirements to ensure that the operation of the business is successful. The tourism venture has been designed to encourage greater use of the Otago Harbour and Peninsula and complements the newly developed cycle path that extends from St Leonards through to Vauxhall. It is envisaged that this new tourism facility will provide additional activities for both local residents and tourists on the currently underutilised reserve space and attract more tourists to the area.

1.2 Structure of Report

This report addresses the consent requirements under the:

- Otago Regional Plan: Coast;
- Operative Dunedin City Plan; and
- Proposed Dunedin City Plan.

This Assessment of Effects on the Environment has been prepared in accordance with the requirements of section 88 and the Fourth Schedule of the Resource Management Act 1991 ("the Act"). It is intended to provide all relevant information regarding the proposal, and any effects on the environment.

The report contains the following information:

- A description of the proposal;
- A description of the existing environment;
- An assessment of effects of the proposal on the environment; and
- An analysis of the provisions of the RMA and the relevant statutory planning document.

This assessment of environmental effects has been prepared in respect of, and forms an integral part of:

- A **Non-Complying activity consent application** in accordance with the Operative Dunedin City District Plan; and
- A **Discretionary activity consent application** in accordance with the Otago Regional Plan: Coast.

2 Description of Proposal.

2.1 The Concept

It is proposed to establish 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, bike and water sport hire and a hole in one golf challenge. The golf challenge concept is similar to the golf challenge on Lake Taupo which has operated successfully since 1993.

The Applicant requires a number of approvals to implement the tourism activity, being:

- Resource consents from Otago Regional Council and Dunedin City Council; and
- A licence from DCC to use the land to undertake the tourism activity. It is understood that DCC has obtained a concession agreement from the Department of Conservation.

2.1.1 The Location

The proposed tourism business will occupy Area 1, 2 and 3 shown below on Figure 1. Areas 1 and 2 are on the recreation reserve which is owned, maintained and currently operated by Dunedin City Council. Area 3 is in the Otago Harbour (the Harbour).



Figure 1 Proposed Location of the three areas required for the tourism venture

The dimensions of the areas to be occupied are:

- **Area 1:** 5.5 by 8 metres (44 square metres, approximately 3 parks in the carpark's southwest corner)
- **Area 2:** 2.5 by 8 metres, (20 square metres, 8 metres along the shoreline)
- **Area 3:** 8 by 12 metres, (96 square metres in the harbour)

The proposed business activity will occupy an area of approximately 64 square metres compared to the total reserve area of 2,492 m² (approximately 2.5% of the total area of the reserve).

2.1.2 Proposed Activity in Area 1 – paddleboat/bike hire and coffee van

In **Area 1** the following activities are described below.

- Kayaks, canoes and bikes will be available for hire. The bikes which will be hired out are metro bikes and are designed for easy and comfortable riding. This particular location was chosen due to the connection to the existing DCC cycle path and future development where there is proposed to also be a connection to Port Chalmers through the city
- A coffee van will be placed (in the southwest corner of the carpark). It will serve coffee, snacks, food and chilled non-alcohol drinks and heated food. The purpose of this is to provide refreshment for users of the golf challenge and boat hire as well as for existing DCC cycle path users, runners, commuters and for the existing Vauxhall Yacht Club.
- The coffee van will also be the central office for the site. It will provide power to the site, shelter for employees and will have the golf pontoon monitoring equipment.
- A mobile van has been intentionally chosen to minimise the impact on the site as all fixtures will be removed at the end of every business day.

The entire operation is mobile apart from the teeing ground.

2.1.3 Proposed Activity in Area 2

In Area 2, there will be a teeing off zone which is approximately 20m² and will occupy approximately 8 metres of shore line (out of approximately 85 metres of shoreline for the whole site). This allows for 3 tee off areas to be established and allows for both left and right handed golfers to participate at the same time.

The area will be constructed by removing the existing surface grass which is currently grass and clover. The teeing ground will have a concrete base and when in use will be matted with three synthetic mats. The material and colour of the mats will be chosen to complement the existing environment. Temporary lighting will be set up in this area to enable the operation to run at night. The lighting will be directed towards the golf pontoon offshore and away from the residential houses alongside the Portobello Road. See Figure 2 below for the approximate location of the Area 2.



Figure 2: Location of Area 2

The stone wall near to the proposed teeing off zone will not be affected by the proposed construction of the teeing off zone. There will be a distance of at least 1 metre between the edge of the teeing off zone and the stone wall.

The proposed recreational activity involves a player teeing off a golf ball from the teeing off zone towards a floating platform (pontoon) with golf holes on it in the harbour. The aim is to get the ball in the hole in one shot. While the activity is in operation a temporary portable 1m safety fence will be placed to prevent persons walking in front of the teeing area. The fence will be removed at the end of every day. There will also be a spotter supervising the tee off zone.

2.1.4 Proposed Activity in Area 3

A mooring will be established in Area 3 which is approximately 95 metres off-shore. The floating pontoon (which will occupy an area of approximately 8 by 12 metres) will be permanently placed in the harbour via a new mooring. The platform will have sufficient room to swing unhindered and safety reflectors will be installed on the corners of the pontoon to make it visible at night for boats in the harbour.

The golf pontoon will be positioned so that there is a straight line between it and the centre tee line. This is to avoid the potential of golf balls being hit and landing on Portobello Road. Other fixtures on the pontoon include a solar powered camera and lighting. The lighting will be for the purposes of maritime safety if required by the Harbourmaster as part of the mooring application and lighting the pontoon surface area during golf harbour challenge operation. It is unlikely that light will spill onto Portobello Road.

A spotter will be monitoring golf ball teeing on site. Players will only be allowed to tee off golf balls when there is a clear and open space in the Harbour and priority will be given to any other activities on the water. Through such proactive management measures, the potential risk of the golf balls striking any other water user in the harbour is very small. Compared to a golf tour where a lot of spectators are watching right by the side of the fairway, the proposed golf activity is comparably very safe. There will be a direct line of site from the teeing zone to the floating pontoon which minimises the risk of people being hit by golf balls. It is understood that most incidents where people are hit by golf balls are when the golfer cannot see the area they are hitting.

Figures 3 and 4 below provide an illustration of the set-up of the golf platform. Three coloured flats will be set up on the platform, indicating the three golf holes on it for players to aim at. There will be signage on the south, north and east side advertising the golf challenge.



Figure 3 Proposed design of the pontoon that will be moored in the Harbour

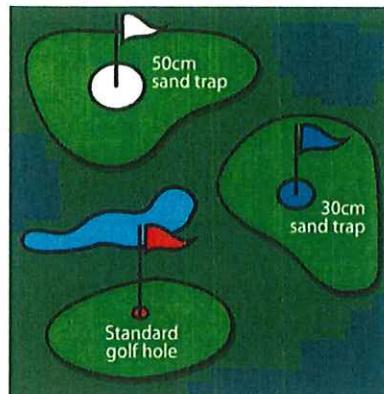


Figure 4 Illustration of the proposed layout on the pontoon

A scuba diver who holds a current Occupational Diving Certificate of Competence will be hired to do weekly collection of golf balls from the seabed. The "Guidelines for Occupational Diving 2004" will be complied with during this process. The site is approximately 1-2 metres deep, and situated in a natural cove, sheltered against major wind and waves from the ocean. Tests have been undertaken by the Applicant which have shown that the golf balls are unaffected by tidal movement and are easily retrieved. A dinghy will also be required to retrieve the golf balls. The dinghy will have a current Certificate of Survey from Maritime New Zealand.



Figure 5 Approximate location of the teeing off zone (photo taken from car park). The pontoon will be located approximately 95 metres off-shore from this point.

2.1.5 Access and Parking Provision

Access to the site is provided by the existing road and parking infrastructure. Customers can use Portobello Road and the existing carpark on the south side of the Vauxhall Yacht Club to access the site where there are currently approximately 15 car parks within an approximate 533m² car park measuring approximately 13m by 41m.

It is likely that most traffic will be coming from the south entrance through Portobello Road north bound. Therefore, an advance warning sign will be erected at 60 metres before the south entrance on the left side of the Portobello Road, to remind drivers of the activities on site (this is outlined in more detail in the section below).

It is proposed that the existing southern entrance will be utilised for entry and the northern for exit. The Applicant owns a traffic management company and proposes to demarcate parking spaces within the existing car park in accordance with the manoeuvring and queuing requirements in Transportation Section of the Operative Dunedin City Plan.

Small to medium size shuttles / buses can be accommodated in the southern car park. For large coach buses, coach operators will be briefed about the site traffic planning and will use the carpark north of the Vauxhall Yacht Club. Passengers can walk over to the site through the footpath in front of the Yacht Club. It is envisaged that most clientele will drive their own private vehicles to site and only a small number will come via shuttle/bus.

2.1.6 Signs

The Applicant has carefully considered the size, location and placement of signs on the reserve land to advertise the activity. Advance warning signs will be erected approximately 60 metres before the southern entrance on the left side of Portobello Road to remind drivers of the activity on site. See figure 6 below for the approximate location and style of the sign.



Figure 6 approximate location and size of the sign near to the southern entrance to the site

In addition, two signs will be erected on the entrance of the carpark. Similar to the sign in Figure 6, the sign contains simple wording and silhouettes so that motorists are able to easily read the signs. The two additional signs will be positioned as shown in Figure 7 at the entrance of the carpark. All three signs (in Figures 6 and 7) are approximately 2 metres in height and have a width of 0.8 metres and will be located on the reserve land.



Figure 7 Location of the two signs at the entrance to the site

2.1.7 Additional Operational Requirements

2.1.7.1 Hours of operation:

The following hours of operation are proposed for the golf activity:

- Maximum hours are 10am to 10pm.
- 7 days a week

For other activities:

- 6:30am to 10pm or sunset in summer (November to April); and
- 6:30am to 8pm in winter (May to October);
- 7 days a week

2.1.7.2 Number of people on site and estimated number of visitors

Staff numbers will be adjusted depending on the time of year. In a slow season, one worker on site will be responsible for all the operations, including cash receipts, coffee van operation, boat and bike hire, and golf teeing monitoring. More workers will be on site in busy season (approximately up to 3 workers on site)

The estimated number of visitors per hour in the peak season is 10 per hour and in the off peak season is 1-2 per hour. It is expected that the overall business will attract vehicle, foot and cycle traffic. Therefore, not all customers will arrive in cars. In the case of golf activity conflicting with the yacht club activities or events, priority would be given to the yacht club.

2.2 Relevant Zoning and Planning Notations

2.2.1 The Otago Regional Plan: Coast

The site has the following zoning and planning notations:

- Coastal Recreation Area 9 (CRA 9); and
- Mooring Area 7 Vauxhall

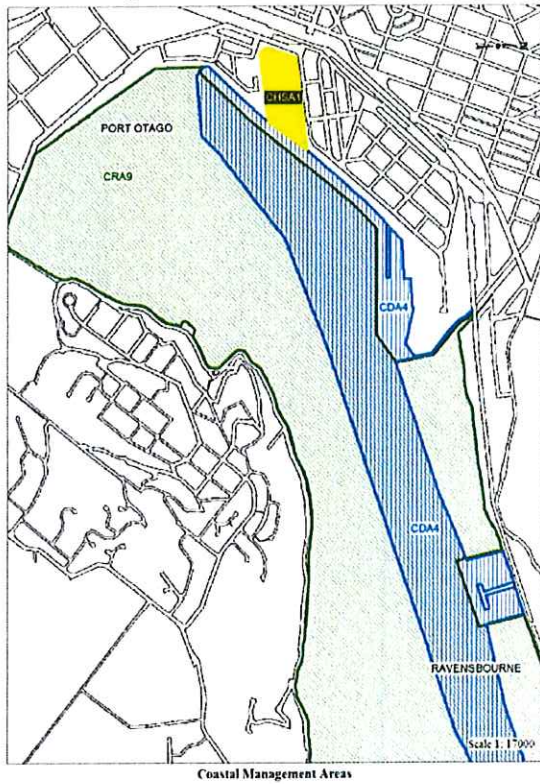
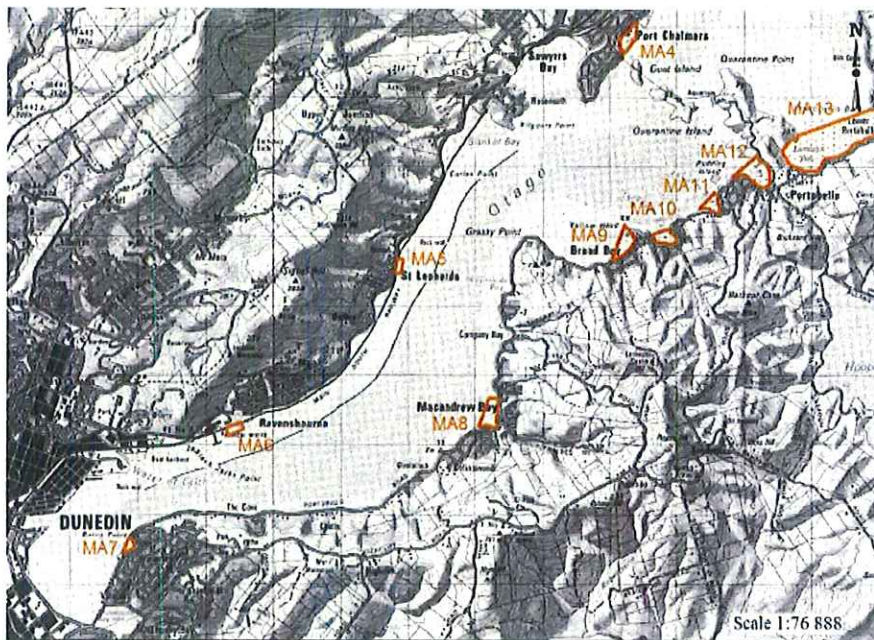


Figure 2 Coastal Recreation Area 9 in the Otago Regional Plan: Coast



Mooring Areas within Otago Harbour

Figure 3 The proposed pontoon will be located within Mooring Area 7

2.3 Operative Dunedin District Plan

The site has the following zoning and planning notations:

- Residential 1 Zoning
- B642 Otago Harbour Walls – entire stone structure within 19.4 km on the east side of the Harbour



Figure 4 The site is in the Residential 1 Zone in the Operative Dunedin City District Plan

2.4 Proposed Dunedin City District Plan

The site has the following zoning and planning notations:

- Recreation Zone
- Archaeological Alert Layer
- Hazard 3 Coastal
- Wahi Tupuna site – Otakou Harbour

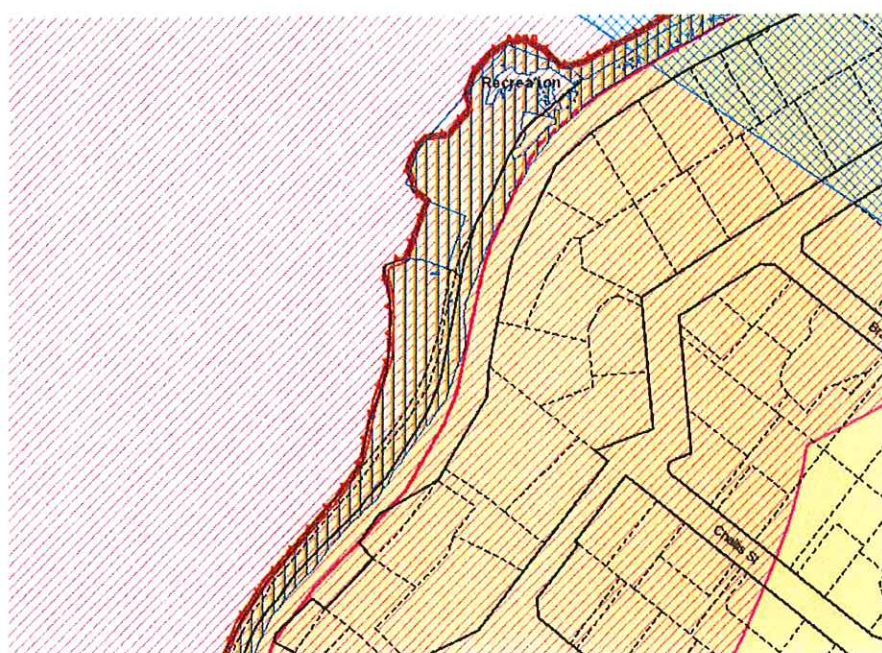


Figure 5 Zoning and overlays in the Proposed Dunedin District Plan

2.5 Reserve Management Plan

Vauxhall Reserve is to the north of the site and includes the Yacht Club. The site which the proposed tourism activity is located is not part of the Vauxhall Reserve.

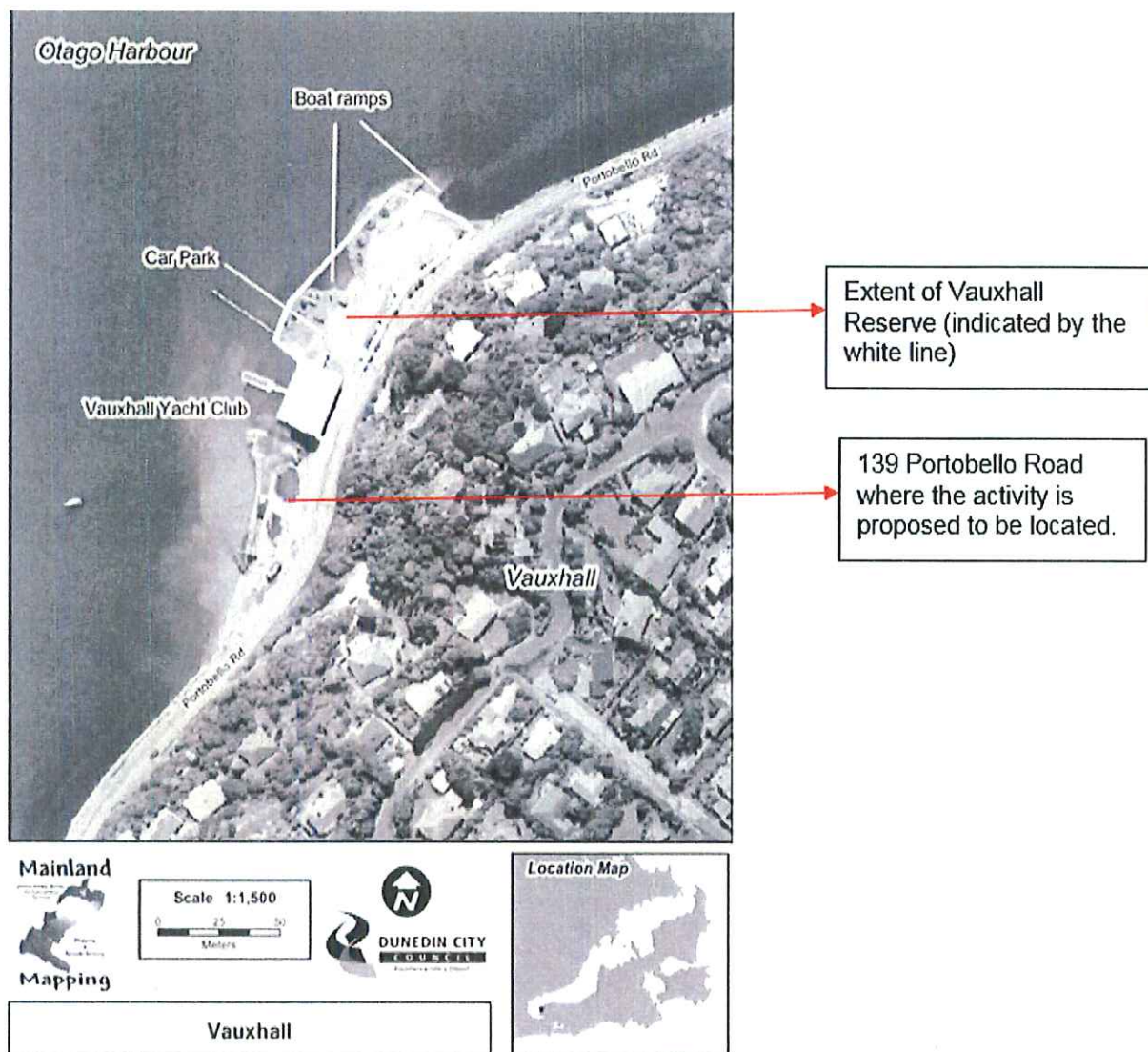


Figure 6 Excerpt from the Otago Harbour Reserves Management Plan showing that the site is south of the Vauxhall Reserve

2.6 Heritage New Zealand List

The Otago Harbour Walls on the perimeter of the site are listed on the Heritage New Zealand Pouhere Taonga List as a Historic Place Category 1 (List number 4726).

3 Description of the Existing Environment

3.1 The site

The proposed site is at 139 Portobello Road in Dunedin on the south side of the Vauxhall Yacht Club. The legal description of the land is Section 1 SO394230 and a Certificate of Title is provided in Appendix 1. The land adjoins a recreational reserve management by DCC (see Figure 7 above). The site is slightly elevated approximately 1-2 metres above sea level and is relatively flat. An aerial photograph of the extent of the site is provided below.

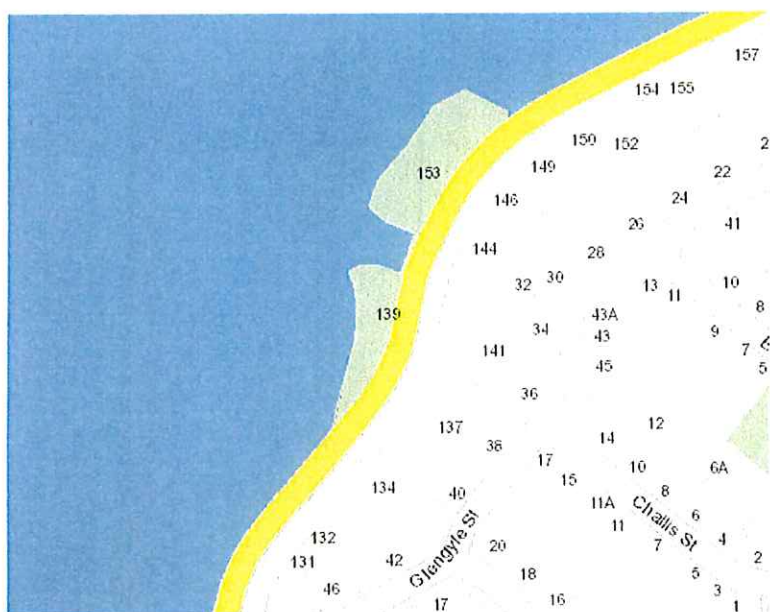


Figure 7 The extent of the reserve land is both 139 and 153 Portobello Road but the proposed activity will primarily take place on 139 Portobello Road



Figure 8 Aerial photograph of both 139 and 153 Portobello Road which both form part of the reserve land

3.2 Natural environment

The site consists of the south carpark (to the Vauxhall Yacht Club) and a narrow strip of unpaved land between the ocean and the car park. It is flat and irregular in shape.

There are four small patches of vegetation on site, as shown in the circled areas in the picture below. They are a mixture of Hebe, Pohutukawa, and Ngaio, and the rest of the site is covered by hard wearing green grass and clover. There are no significant trees or habitats on site.

3.3 Current use

Currently, the Vauxhall Yacht Club is the primary user of the site. The club rooms are located in-between the northern and southern parts of the reserve space. A wharf extends out from the Vauxhall Yacht Club into the Otago Harbour (as shown by Figure 10 below). There are two boat ramps on the northern reserve space.

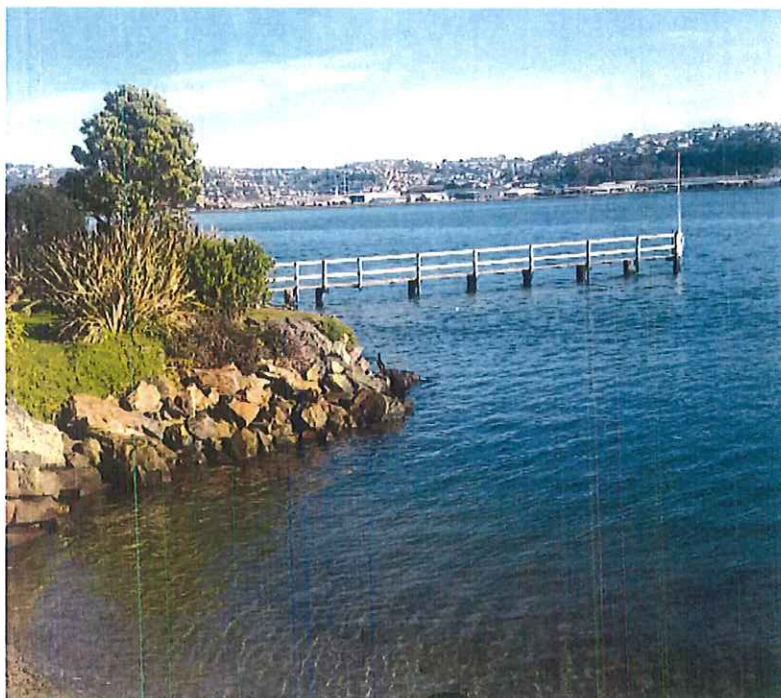


Figure 9 Photo from the northern car park looking out into the Harbour.

Pedestrians are presently unable to get around the harbour side of the Yacht Club to get from the northern to the southern car park. Instead, pedestrians are required to go around the back of the Yacht Club.

The public are able to park up relatively close to the water's edge and enjoy the harbour views in both car parks. There is a buffer of grass between both car parks and the water's edge. A rock wall acts as the perimeter of the site on the harbour side and there are a number of small trees lining this boundary.

On the southern side, there are a number of picnic benches and an additional access point to the harbour (as shown by Figure 11 below). Apart from people using the Yacht Club, the reserve space is utilised for passive recreational activities. On the northern side there is an existing block of toilets.

Anderson's Bay Sea Scouts are located approximately 600 metres to the south along Portobello Road.



Figure 10 Picture from near the proposed tee location towards the wharf and Yacht club

A footpath and cycle path are adjacent to the Portobello Road boundary on both the northern and southern side of the Yacht Club. The site is primarily used for parking for the yacht club, and it appears that demand for use of the site for other purposes is low and infrequent.

3.4 Surrounding land uses

Across Portobello Road and elevated above the site on the hill are a number of residential properties that look out over the Otago Harbour. These properties are primarily accessed from Glengyle Road and Portobello Road (although there are no driveways opposite the frontage of the reserve). The distance from the proposed golf tee to the three closest residential houses is approximately:

- 67 metres to 144 Portobello Rd;
- 74 metres to 32 Glengyle St; and
- 82 metres to 137 Portobello Rd.

As mentioned above, the site is adjacent to Portobello Road, and there is a footpath and cycleway between the road and the reserve space.

4 Reasons for consent

Based on the proposed works described in section 2 of this report, this section sets out the reasons for consent for these works under the Operative Dunedin City Council District Plan, the Proposed Dunedin City Council District Plan and the Regional Plan: Coast.

4.1 Otago Regional Plan Coast

Plan Reference	Rule Summary	Reason for consent
7 Chapter Public Access and Occupation of Space		
Rule 7.5.1.5	Except as provided by rules 7.5.1.1, 7.5.1.2, 7.5.1.3 or 7.5.1.4 any activity involving occupation of land of the Crown within the coastal marine area is a discretionary activity.	The occupation of the seafloor to hold the floating pontoon in place and the temporary occupation of the golf balls in place is considered to be a discretionary activity requiring resource consent.
8 Structures and Signs		
Rule 8.5.1.9	Except as provided by Rules 8.5.1.1 to 8.5.1.6, 8.5.1.8 and 8.5.1.10, any activity involving the erection or places of a structure or structures in, on, under, or over any foreshore or seabed is a discretionary activity.	The floating platform (pontoon) with the golf holes and flags on it in the harbour will require a discretionary consent pursuant to Rule 8.5.1.8. The pontoon will be anchored by a round concrete block that weighs approximately 1000-1250kg.
9 Alteration of the Foreshore and Seabed		
Rule 9.5.3.6	Except as provided for by Rules 9.5.3.1 to 9.5.3.5 any disturbance of foreshore and seabed is a discretionary activity.	The disturbance with the seafloor associated with the mooring for the pontoon and the golf balls is considered to be a discretionary activity requiring resource consent.

4.1.1 Overall Consent Status

The overall activity status for the proposed activities in the harbour, which includes the establishment of a floating pontoon which is anchored to the seabed is a **Discretionary Activity** under the Otago Regional Plan: Coast.

4.2 Operative Dunedin City District Plan

Plan Reference	Rule Summary	Reason for consent
Rule 8.7.4	Structures for recreational activities with a floor area greater than 25m ² require consent. The definition of structure is any building, equipment, device, or other facility made by people which is fixed to land and includes any raft.	The combined floor area of Area 1 and 2 which are required for the operational of the recreational facilities on the site (the Otago Harbour Gold Challenge and associated additional recreational activities) is approximately 56 metres squared. Therefore a discretionary consent is required pursuant to Rule

Plan Reference	Rule Summary	Reason for consent
		8.7.5(ii) as the structures are greater than 25m ² .
Rule 8.7.2 (viii) Loading and Access	Access requirements shall comply with the performance standards in Section 20 Transportation	Portobello Road is a District Road and only 1 vehicle crossing is permitted for a frontage that is 18-60 metres length. There are two crossing on the frontage with Portobello Road so a Restricted Discretionary Activity is required pursuant to Rule 8.7.4(i).
Rule 8.7.6 (iii)	Any activity not specifically identified as permitted, controlled or discretionary by the rules in the residential 1 zone is a non-complying activity.	The commercial aspect of the venture (bike and boat hire, golf challenge and coffee cart) is considered to be a non-complying activity and requires consent pursuant to Rule 8.7.6(iii).
Rule 19.5.4 (i)	In the residential 1 zone, signs which do not exceed 0.5m ² are permitted as long as they promote a permitted activity. Any permitted activity which does not comply with the conditions of Rule 19.5.1-19.5.9 is a Restricted Dictionary activity.	There will be two signs erected at the entrance to the carpark. The two signs are approximately 1.6m ² which is greater than the permitted activity standard of 0.5m ² . Therefore, the activity is considered to be a restricted discretionary activity and consent is required pursuant to Rule 19.5.11(i).
Permitted Activities		
Rule 8.7.2 (vii) Minimum Car Parking	On site car parking must comply with the performance standards in section 20 (Transportation). For recreational activity 1 car park per 750m ² of site area is required.	More than 1 car park is being provided on site so the activity complies with this performance standard.

4.3 Proposed Dunedin City District Plan

Plan Reference	Rule Summary	Reason for consent/Demonstration of compliance
----------------	--------------	--

Activity Status Table – land use activities

20.3.3. 8 Activity status table – land use activities	Sport and recreation is considered to be a community activity in the recreational zone as long as performance standards (hours of operation and minimum car parking) are complied with. If the performance standards are not complied with the activity is a restricted discretionary activity .	The operation of the Otago Harbour Golf Challenge (which includes bike hire and boat hire/water facilities) is considered to be a sport and recreation activity.
20.3.2.11 Performance Standards		It is proposed that the recreational facility is operational in the summer from 6.30am-10pm. Since this is outside of the hours of operational specified in Table 20.5.3.1(a) and the coffee cart is considered ancillary to the recreational activities, a restricted discretionary activity is required. It is anticipated that in the peak season (summer) there will be approximately 10 visitors per hour. The performance standard in table 20.5.5 2 requires 1 parking spaces for every 5 persons the facility can accommodate. There are sufficient parking spaces on site (currently approximately 15) to comply with this standard.

Activity status table – development activities 20.3.4

20.3.4 Activity status table – development activities	Site development which includes new or additions and alterations to vehicle accesses, driveway, parking areas, manoeuvring areas, and loading area is a permitted activity if parking, loading and access standards and location and screening of car parking is complied with.	The 13m by 41m dimension of the existing car parking area is sufficient to mark car parking spaces with compliant turning and manoeuvring areas and queuing lengths. However, the site has two existing access points to Portobello Road, and therefore restricted discretionary consent is required.
20 Parking loading and access		

Permitted Activities

20.3.4.16 Earthworks small scale Earthworks Standards	Earthworks less than or equal to 12 degrees must be less than or equal to 30m ² per 100m ² of site in a Recreation Zone for it to be a permitted activity.	The establishment of the tee in Area 2 will involve removing the surface grass of an area of approximately 12 m ² . The area will be paved and have three synthetic mats. Therefore, consent is not required as the small scale thresholds for earthworks in a recreation zone are complied with. The proposed earthworks are less than 600mm in height or depth so
--	--	--

		development control 20.6.1.4 is not applicable.
20.3.3.13 Activity status table – land use activities	Retail activities (the sale or hire of goods) ancillary to sport and recreation and recreation is a permitted activity in the recreational zone with no associated performance standards.	The operation of the coffee cart/refreshment car is ancillary to the main attraction which is the hole in one challenge/bike hire/boat hire/water sports hire. Therefore, consent is not required as ancillary retail activities are permitted in a recreation zone.

4.3.1 Overall consent status

The overall activity status for the proposed activities at the Otago Harbour Golf Challenge site is a **Non-Complying Activity** in accordance with the Operative Dunedin City District Plan.

5 Assessment of Environmental Effects

5.1 Overview

In accordance with Section 104(1) (a) of the RMA, when considering an application for resource consent, the consent authority must, subject to Part 2, have regard to any actual and potential effects on the environment of allowing the activity. This section identifies and discusses the actual and potential effects arising from the development of the southern side of the reserve at 139 Portobello Road into the Otago Golf Challenge recreational facility. This AEE considers effects managed by both the Otago Regional Plan: Coast and Operative District Plan and has been structured accordingly.

5.2 Potential Regional Effects

5.2.1 Positive Effects

The pontoon in the Otago Harbour is an integral component to the Otago Golf Challenge Hole in One Activity. The activity provides a new recreational activity in Dunedin and the opportunity for the public to enjoy the Otago Harbour whilst still being on the land. The proposed activity is innovative and is one of the few recreational activities in Dunedin that utilises the interface between reserve and the Otago Harbour. As the pontoon will be located in Mooring Area 7, the use is considered to be consistent with the Regional Plan's vision for the Harbour Area adjacent to the reserve space.

Overall, it is considered that the pontoon structure is an integral feature of the tourism venture and will positively contribute to the use and enjoyment of the Harbour Area by both tourists to the area and residents of Dunedin.

5.2.2 Potential impact on other users of the Harbour

Currently there are very few moorings in located in Mooring Area 7. It is understood other users of the Harbour such as swimmers, yachters and windsurfers use other parts of the harbour. From correspondence with the Yacht Club Board, the southern side of the Yacht Club (where the pontoon is proposed to be located) is used less than the northern side. The majority of the time, boats and canoes use the northern side where the two boat ramps and wharf are located. If a regatta is occurring, Yacht Club members will have priority over the Harbour space.

The appointment of a spotter on site to monitor the golf ball tee and only allow users to 'tee off' when the area is clear will substantially reduce the risk of Harbour users being hit by golf balls. The Applicant will ensure that if there are other Harbour users utilising areas near to the pontoon, then no one will be able to tee off.

The 'Taupo Golf Hole In One Challenge' has been operating since 1993. It is understood that in over 20 years of operation, there have been no incidents of other water users being injured from golf balls.

The only exclusive zone in the Harbour will be where the pontoon is located. This is small compared to the rest of Harbour. If other recreational users of the Harbour wish to use 'golf ball striking zone' the Applicant will give priority to any other activities in this zone. As the Applicant has not been able to test the golf ball striking zone the exact area has not yet been determined. However, if consent is granted and the pontoon is installed, a formal area will be determined through trials and the spotters will be trained to use safety

procedures to determine when the area is considered to be clear. Formal testing will be undertaken prior to opening the tourism venture for the public.

The Applicant has consulted with the Otago Harbour Master who recommended that lighting be installed on the pontoon to make it visible to boats at night. As outlined in section 2.1 this has been incorporated into the proposal. The Harbour Master also requested the Applicant to implement a Health and Safety Plan which will include how the operation will safely operate and methods of ball retrieval. A draft version of the safety guidelines is attached as Appendix 2 to this application. This Health and Safety Plan will be implemented as part of the operation of the site and will be maintained throughout the life of the activity.

Overall, it is considered the proposal will have a less than minor effect on the health and safety and enjoyment of existing Harbour users due to the use of a spotter, the testing of the proposed striking zone before the opening of the business and the willingness of the Applicant to give other Harbour users priority if they wish to use the Harbour space.

5.2.3 Potential effects from the golf balls

As described in section 2, golf balls which do not end up on the pontoon will fall into the Harbour. Divers will be sent to retrieve the golf balls on a weekly basis, subject to the Health and Safety Plan. The harbour is approximately 1-2 metres deep at the location of the pontoon, and is situated in a natural cove. It is sheltered against major wind and waves from the ocean, and the golf balls on the harbour will not move around significantly and will be easily retrievable.

The Applicant undertook a test retrieval of golf balls on April 29th 2017. Golf balls were dropped at 6 different sites around the location of the proposed pontoon randomly within a 10 metre radius (the exact location is provided and full report from the test retrieval is provided in Appendix 3 to this application). A diver was sent to search the seabed within a radius of 20 metres to the anchor. From this test retrieval the following was concluded:

- There was a 100% retrieval rate in all 6 locations (both on a same day retrieval and when the balls were retrieved 12 days later)
- The harbour floor where the proposed pontoon is proposed to be located is predominantly firm sand and rocks
- The visibility is approximately 2 metres underwater (on a calm and sunny day, which will be a typical day for retrieving a golf ball). White colour balls have the best visibility under water and will be the balls primarily used for the business.
- Overall, it was considered to be practical and safe to retrieve the golf balls.

There is a body of research in academia on the potential effects of the toxicity of golf balls. Zinc, is the only element that is found in the synthetic rubber filling used in solid core golf balls that could present risk to water quality. The consensus however, is that there is no evidence to suggest that when golf balls are submerged in water there are environmental effects on sediment, flora or fauna. In particular we refer to evidence from Robert Weiss, a professor of polymer of engineering at the University of Akron who has conducted extensive research of multipart products like golf balls. He stated that zinc in a golf ball would not be displaced in water as it was not acidic enough to do so. Professor Weiss can be contacted to provide additional details on the potential environmental effects of lost golf balls if needed.

In addition, the 'Lake Taupo Hole in 1 Challenge' is under very stringent environmental monitoring due to golf balls being in the Lake. However, there has been no indication that the golf balls have had an adverse effect on water quality in Lake Taupo in the 20 years the venture has been operational.

Overall, it is considered the golf balls being hit into the Harbour will have a less than minor effect on the environment. The golf balls will be retrieved on a regular basis and there is no evidence to suggest that there will be a negative environmental effect resulting from golf balls being located on the sea bed before they are retrieved.

5.2.4 Potential cultural effects

Consultation has been undertaken with Kai Tahu ki Otago who have raised concerns about the potential toxicity of golf balls and have requested a condition that new golf balls are utilised every time. As demonstrated above, there is very little evidence to suggest leakage of any toxins from the golf balls when they are on the seabed. The proposed retrieval methodology will ensure that golf balls are removed weekly from the sea floor and the Applicant has demonstrated the success of this retrieval methodology. Therefore, it is considered that there is a less than minor effect on cultural values.

5.2.5 Potential visual effects

The pontoon is proposed to be located in Mooring Area 7 and contains the three holes, the flags identifying them and signs (as shown in Figure xx). The total area of the pontoon takes up a very small proportion of the Harbour and the proposed lighting is to ensure that boats are able to see the pontoon during the night time. The pontoon will not detract from the overall amenity of the harbour and the reserve as the area already provides for recreational use of the harbour. For example, the northern end of the reserve has two boat ramps and a wharf.

5.2.6 Overall, it is considered that the pontoon will have a less than minor effect on the visual amenity of the Otago Harbour due to the size of the pontoon and existing recreational uses which are relatively close to the location of the proposed activity. Potential effects from the disturbance to the seabed

The pontoon will be anchored by a round concrete block that weighs approximately 1000-1250kg. When installed there is the potential for a small amount of temporary localised sedimentation from the weight impacting on the seabed. However, this is only likely to last for a short duration. The potential disturbance from the golf balls impacting on the seabed is likely to be negligible. Therefore, it is considered that the only potential effect on the seabed is a minor temporary disturbance from the installation of the concrete block. Specified on the Coast Permit Application Form included in this application is the proposed length of the chain to the concrete block and overall length of the vessel. The proposal is in accordance with Otago Regional Council's specifications and is therefore considered to have a less than minor effect on the navigation and safety of other vessels and moorings in the harbour.

Overall, it is considered that the pontoon will have a less than minor effect on the seabed. Any temporary effects arising from the installation of the concrete block will be negligible. Any effects arising from the golf balls entering the water and settling on the sea bed will be de minimis, particularly given the short duration they will lie in place for, and the fact that studies have shown that they do not release contaminants into the surrounding waters.

5.3 Potential District Effects

5.3.1 Potential Positive Effects

As mentioned above in section 5.2, the proposed activity is innovative and is one of the few recreational activities in Dunedin that utilises the interface between reserve, Otago Harbour and cycleway. The proposed

bike, boat and kayak hire also provides additional opportunities for people to enjoy the Harbour. The proximity of the bike hire facilities to the existing cycleway provides a unique opportunity for those who do not own bikes to be able to enjoy the Peninsula.

Co-locating the hire facilities in one area means it is more likely that patrons will spend longer enjoying the Peninsula and interacting with the coastal environment.

Overall, it is considered proposal will positively contribute to the use and enjoyment of the Harbour Area by both tourists to the area and residents of Dunedin.

5.3.2 Amenity effects

Currently the reserve space is underutilised as there are only passive recreational activities available on the southern end of the reserve. Although the site is currently zoned residential 1, recreational activities are provided for in the residential zone and in the Proposed Dunedin City District Plan the site is zone recreation.

The proposed activities provide a greater number of recreational activities for the public to enjoy on the reserve space and make the area more vibrant compared to the existing environment. There is still enough reserve space for people to use and enjoy on the northern side of the reserve, in the Yacht club and on the edge to the north of Area 1 if they do not wish to participate in the Otago Harbour Gold Challenge.

Overall, it is considered that the reserve space is enhanced by the proposed recreational and commercial activity and proposal does not detract from the existing amenity values of the site.

5.3.3 Visual effects

The proposed activity has been specifically designed so that the only permanent feature is the tee off spot in Area 2. The entire operation is intended to be mobile apart from the teeing ground, and will be packed up at the end of each day. The teeing ground will be paved with coloured concrete and matted. The colour of the concrete and matting will be chosen to match the surrounding area. This material selection avoids potential visual effects resulting from conflicting colour or material schemes.

The three signs located on the site before and at the southern entrance have been designed to warn drivers that the site is near and advertise the site.

All signs will be professionally designed and produced by a qualified sign writer. The colours and design have been specifically chosen to not be intrusive and detract from the natural environment (the design of the signs is shown in section 2). The design and location of the signs does not detract from the environment and is required from a health and safety perspective so that cars know when to slow down to turn into the site.

The subject site is zoned Residential 1 Zone, and there is no restriction on the colours or materials that may be utilised in this zone proposed tee structure will result in far less visual obstruction or conflict to the coast than other residential activities that may otherwise be permitted on site. Moreover, the area the 'tee off area' is at ground level and would not be visible from the road or surface of the water. It would only be visible within the site and potentially from the houses above (depending on their view). As mentioned above, the colour of the concrete and matting will be chosen to match the surrounding area which is likely to mitigate this potential effect.

Overall, it is considered that the visual impact of the proposed activities will have a less than minor visual effect on the reserve space.

5.3.4 Cultural Effects

The proposed activity has been specifically established a significant distance from the Wahi Tupuna site – Otakou Harbour which is located to the south of the Yacht Club on the reserve. Consultation has been undertaken with Kai Tahu ki Otago who provided feedback in relation to the proximity of commercial activity to the wahi tupuna site which has been taken into consideration in the proposal. Kai Tahu ki Otago specified an area that should not be used for commercial activity or storage which is directly adjacent to the site. The location of the commercial activity has taken this into consideration is located at the other end of the reserve space. Therefore, the effects on cultural values are considered to be less than minor and sufficiently managed due to the placement of the proposed activity compared to the wahi tupuna site.

5.3.5 Traffic and parking effects

The site has both south and north entrances which are currently utilised for both entry and exit. In order to improve traffic safety and to better manage increased traffic brought by the business, it is planned to change the car park access to limit the south entrance for entry only, and north entrance for exit only. This will result in improved and safer access onto Portobello Road. This will be achieved by compliant parking signposting to direct traffic flow.

The south entry has approximately 150 metres and 110 metres of good visibility south and north respectively. The north exit has 100 metres and 90 metres of good visibility south and north respectively.

As mentioned in section 2, the Applicant is proposing to mark up the car park area to outline the car parking spaces in a manner compliant with the carparking standards of the Operative Plan (with the exception of the dual access arrangement proposed).

The Applicant has provided a number of measures to manage the effects associated with an increase in vehicle traffic to the site. Overall, it is considered that as a result of the proposed minor changes to the car park, the increase in traffic will have a less than minor effect on the existing environment

5.3.6 Noise

The Applicant undertook noise testing at nearby properties and the bus stop. The noise levels of the golf ball being hit were negligible compared to the noise of the traffic on Portobello Road. Moreover, noise is already generated by Harbour users, those who walk and cycle along Portobello Road and the Yacht club (particularly on the weekend). Therefore, compared to the existing environment, the noise from the proposed activity is likely to have a less than minor effect on the environment.

6 Consultation

6.1 Vauxhall Yacht Club

Vauxhall Yacht Club has been consulted with and has provided Affected Party Approval (Appendix 4).

6.2 Nearby Residents

Residents who live in addresses listed below have been consulted with. No residents have provided any objections to the proposal. Additionally, the owners of 137 Portobello Road have provided Affected Party Approval (Appendix 4).

- 131 Portobello Road
- 132 Portobello Road
- 134 Portobello Road
- 137 Portobello Road
- 32 Glengyle St, Vauxhall
- 144 Portobello Road
- 146 Portobello Road

6.3 Kai Tahu ki Otago Ltd

Kai Tahu ki Otago Ltd (KTKO) has been consulted. Their response was positive with the exception of potential effects arising from the golf hole in one operation. Their concern was that the lost golf balls would not be retrievable and would have negative environmental effects on the seabed. As a result, the applicant has provided a financial analysis of the operation (ie demonstrating that it is essential that the balls are recovered for the viability of the operation) as well as scientific research on the contamination potential of the golf balls (as outlined in section 5.2.3). A test retrieval report is also provided in Appendix 2 to show that it is practical and safe to retrieve the golf balls in the proposed area in the harbour. Attached as Appendix 5 is the correspondence to date from KTKO.

KTKO has also requested new golf balls be used in the operation. The applicant has considered this request and in response proposes a condition that no damaged balls are used in the operation.

6.4 Dunedin City Council

The applicant had a pre-application meeting with the following DCC officers on 20 June 2016

- Campbell Thomson
- Grant Fisher
- Maria Sleeman
- Angus Robertson
- Carlo Bell

As a result of the matters raised by Council officers the proposal was amended to include non-obtrusive materials for the construction of the tee in order to avoid potential visual effects. Confirmation was also provided that all equipment on the site would be removed at the end of each day.

DCC have also confirmed that they have received a concession agreement from the Department of Conservation which means that DCC are able to provide a licence to the Applicant as long as it is controlled

and managed in accordance with the status of the land of which the applicant wishes to occupy. It is understood that the licence is a separate process under the Conservation Act 1987 but it is likely to be heard in conjunction with this resource consent application.

6.5 Otago Regional Council

The applicant met with Charles Horrell and Peter Christophers on 27 June 2017. As a result of the comments received, the applicant has considered alternative locations and included this in this assessment, and provided more details around the safety and operation management of the activity to ensure other harbour users have priority and are safe.

6.6 Harbourmaster

The Applicant has met with Deputy Harbourmaster in March and May where the following matters were discussed:

- The Harbourmasters are keen to encourage activities such as this which makes use of the opportunities that the Otago Harbour affords. However as part of that, it is expected that there is a safety plan which will include details on safe ball retrieval and where the water sport clients can safely operate, and methods of communicating with clients and effecting rescue as needed.
- There are operational requirements under the MNZ maritime rules Part 91 which requires all vessels (including kayaks) to keep clear of shipping in the channel as some larger ships are not able to alter their course or stop.
- The wash from ships, tugs, pilot boats, and other commercial vessels may tip kayakers out of their craft.
- Commercial port areas have higher risks for kayakers due to activities such as vessel movements, life boat drills, logs falling overboard and the like.
- Some parts of the harbour are highly exposed under certain wind directions and conditions can change quickly.
- Some parts of the harbour are dangerous for kayaks, including the harbour entrance and the culverts under embankments to the embayments. In both cases, there is a danger of the high currents leading to kayaks being overturned and clients drowning.
- There are occasionally special events on the harbour which may require exclusion of kayaks and other vessels for safety reasons (e.g. IRB racing).

Additionally on the 7th August the Harbourmaster provided the following comments:

Pontoon Location:

- Since our meeting the harbourmaster has viewed the proposed location at night on several occasions in different moonlighting conditions to determine the level of ambient light at night.
- The ambient light level is assessed as low.
- The proposed location of the pontoon is not on a recognised navigational route.
- Our assessment is that the proposed pontoon poses a navigational hazard at night. We assess the boat traffic in the area to be very low. The overall risk is assessed as low.
- Accordingly we have no objection in principle to the placement of such a pontoon provided that is adequately moored and marked so as to be visible to vessels in the area at night.

Minimum marking requirements

We advise that the harbourmaster will require as a minimum the following to enable occasional vessels traversing this area at night to see and avoid the pontoon:

- Fabricate the pontoon from light coloured materials or paint the sides of the pontoon in light colours so that it is more visible to vessels.
- Apply yellow reflectors or strips of yellow reflective tape 50mm in width on the seaward face and alongshore sides of the pontoon.
- The pontoon is free of sharp corners or protruding items that would be likely to puncture the hull of a vessel or person accidentally coming into contact with it.

Possible Lighting Requirement

- You have indicated that you are open to a requirement for lighting.
- When we receive the mooring application and can fully assess the application, we can decide if lighting is also required. If so it will be a lower powered yellow solar-powered light on the pontoon.
- Recognising that night time lighting may give rise to resource consent issues, we advise that any such light may be installed so that is visible only from the seaward and alongshore directions. Usually such lights would be visible all round but we assess that the likelihood of a vessel coming from landward on a collision course with the pontoon at night is very low. Accordingly it would be satisfactory from a maritime safety viewpoint if the landward sector was obscured.
- A single light mounted on the seaward side of the pontoon below deck level, so that the body of the pontoon obscures the light from the landward direction, would achieve this.
- If you require certainty at this stage, then we can advise that it would be acceptable from a harbourmaster perspective for your proposal to have a steady yellow solar-powered marine light with a visual range of approximately 0.5 nautical miles.
- Note that, once installed, mariners come to rely on such lights, so it is important that any light is reliable, monitored from time to time, and serviced if faulty.

7 Opinion on Legislation and Planning Documents

The purpose of the statutory planning assessment is to provide an analysis of the project against the relevant policy framework within which the resource consents are sought. This Assessment of Effects has been prepared within the statutory framework provided by the following relevant legislation and plans:

- The Resource Management Act;
- The Otago Regional Plan: Coast;
- The Operative Dunedin City District Plan;
- The Proposed Dunedin City District Plan; and
- The Operative Otago Regional Policy Statement.

The relevant matters of these statutory documents are discussed below.

7.1 The Resource Management Act

7.1.1 RMA Part 2 Purpose and Principles (Section 5)

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management is defined in Section 5(2) as:

...managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

- a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment*

The proposed development at 139 Portobello Road is consistent with the purpose of the RMA as the proposal represents the sustainable management of a physical resource. The tourism venture provides a unique opportunity for people to undertake a recreational activity (in the form of golf, biking or boating) near to or on the Otago Harbour. The Applicant has demonstrated a number of management plans and measures that they are willing to implement to mitigate adverse effects on the environment (in particular the retrieval of the golf balls from the sea floor and safety plan for water sport activities). The location and temporary occupation of most of the components of the activity have been specifically designed to complement and enhance the existing environment. It is envisaged that the proposal will increase the use of the reserve space and attract more people to the Otago Peninsula.

7.1.2 RMA Part 2 Matters of National Importance (Section 6)

Section 6 of the RMA sets out 'Matters of National Importance' that are to be recognised and provided for in managing the use, development and protection of natural and physical resources. Section 6(a) provides for the preservation of the natural character of the coastal environment (including the coastal marine area).

The proposed activity does not detract from the natural character of the Otago Harbour coastal environment as the reserve area already provides for uses which encourage the use of the Otago Harbour (the boat ramps, position of the Yacht club and grassed areas near to the water's edge). The additional structures in the coastal marine area and on the reserve land are consistent with the already modified coastal

environment. Most importantly, the structure, design and management regimes have been designed to ensure that the preservation of the coastal environment is not compromised by providing recreational opportunities.

Section 6(d) provides for the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers. The proposal enhances access and use of the coastal marine environment and provides a unique opportunity to increase public use and access to the Otago Harbour through recreational activities.

Section 6(e) provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites and waahi tapu, and other taonga. The proposed activity has taken into consideration and location of the waahi tupuna site and the potential effects on the Harbour from a cultural perspective. Through consultation with KTKO and taking cultural matters into consideration, the proposal is consistent with section 6(e).

7.1.3 RMA Part 2 Other Matters (Section 7)

Section 7 of the RMA lists the matters to which particular regard must be had in making resource management decisions.

Section 7(b) provides for decision makers to have regard for the efficient use and development of natural and physical resources. The proposal is a unique opportunity to develop the currently underutilised reserve area. The additional of a recreation activity to the car parking area enhances people's capacity to enjoy the coastal environment of the Otago Harbour. The proposal will encourage more people to undertake walking, cycling and boating activities that are in close proximity to the rest of the Otago Peninsula.

Section 7(d) provides for the intrinsic values of ecosystems. The disturbance of the seabed is considered to be less than minor and ecosystems are unlikely to be affected by the proposal due to this minor disturbance and gold balls being retrieved once a week. Therefore, the proposal is considered to be consistent with section 7(d).

Part 2 Treaty of Waitangi (Section 8)

Section 8 of the RMA requires that persons exercising function, powers and duties under the Act to take into account the principles of the Treaty of Waitangi.

KTKO have been consulted with and it is considered that the proposal is consistent with section 8.

7.1.4 Section 104 - Consideration of Applications

Section 104 of the Act sets out those matters that the consent authority shall have regard to when considering an application for resource consent. All of those matters are to be considered to be subject to Part 2 of the Act. In particular, Section 104 requires the consent authority to have regard to the following:

- a. any actual and potential effects on the environment of allowing the activity; and
- b. and relevant objectives, policies, rules or other provisions of a plan or proposed plan; and
- c. any other matters the consent authority considers relevant and reasonably necessary to determine the application.

7.1.4.2 Section 104(1)(a) Assessment

Section 104(1) (a) relates to any and potential effects of allowing the activity and these have been considered in Section 5 of this report. This assessment concludes that any adverse effects will be less than minor.

7.1.4.3 Section 104(1) (b) Assessment

1. The Operative Otago Regional Policy Statement (OORPS)

Chapter 8 of the OORPS outlines the issues, objectives and policies associated with the use, protection and management of the coastal area of Otago. The objectives and policies considered to be applicable to this application are as follows:

Objective 8.4.1 *To promote the sustainable management of Otago's coastal resources in order to meet the present and reasonably foreseeable needs of Otago's people and communities.*

Policy 8.5.2 *To recognise uses within the coastal environment through*

- (a) *Accepting the continuation of lawfully existing uses;*
- (b) *Allowing for the maintenance and where practicable enhancement of existing infrastructure; and*
- (c) *Allowing for activities requiring a coastal location (subject to avoiding, remedying or mitigating the adverse effects of any activity).*

Comment

This proposal is considered to be consistent with the provisions. The Applicant has demonstrated that the proposed golf activity will promote the sustainable management of coastal resources as potential adverse effects (in terms of navigation and safety and the disturbance to the sea floor) are adequately managed.

Objective 8.4.6 *To maintain and enhance public access to and along Otago's coastal marine area.*

Comment

The coastal edge of the reserve where the tees are located are still available to the public and the Applicant has stated that if other users wish to use the teeing zone (in the Harbour) priority will be given to these users. Therefore, the proposal maintains the public access to and along the Otago's coastal marine area.

2. The Operative Dunedin City District Plan

Chapter 8 Residential

Objective 8.2.1 *Ensure that the adverse effects of activities on amenity values and the character of residential areas are avoided, remedied or mitigated.*

Objective 8.2.6 *Recognise the positive effects of recreational activities while ensuring that their adverse effects are avoided, remedied or mitigated.*

- **Policy 8.3.10** *Provide for recreational activities within the Residential zone while managing their adverse effects.*

Comment

The proposed recreational activity is considered to be consistent with these provisions. The tourism business is consistent with existing recreational uses at 139 Portobello Road and has been specifically designed so that most of the components required to operate the business are temporary and can be removed. Neighbouring properties on the hill above the reserve space will not experience adverse from the recreational activities, as the only potentially negative effect is the noise from the people hitting the golf balls which is not considered to be louder from the traffic on Portobello Road which is closer to the residential properties. The increased amount of traffic is unlikely to affect neighbouring residents as most of them do not access their properties from Portobello Road. Overall, the potential adverse effects from the proposed recreational activity are considered to be less than minor and adequately managed.

Chapter 20 Transportation

Objective 20.2.1 *Ensure that land use activities are undertaken in a manner which avoids, remedies or mitigates adverse effects on the transportation network.*

- **Policy 20.3.1** *Avoid, remedy or mitigate the adverse effects on the environment of establishing, maintaining or using transport infrastructure.*

Objective 20.2.4 *Maintain and enhance a safe, efficient and effective transportation network.*

- **Policy 20.3.5** *Ensure safe standards for vehicle access.*
- **Policy 20.3.8** *Provide for the safe interaction of pedestrians and vehicles.*

Comment

The proposed traffic management regime will increase the safety for road users and pedestrians. The increased amount of vehicles accessing the site is unlikely to have an effect on the transportation network and coupled with the management on site and signage the proposal is considered to be consistent with the objectives and policies in Chapter 20.

Chapter 19 Signs

Objective 19.2.1 *Avoid, remedy or mitigate the adverse effects of signs on amenity values*

- **Policy 19.3.1** *Ensure that signs do not detract from the amenity values of the area in which they are located and the amenity values of the area from where they are visible.*

Objective 19.2.2 *Ensure that signs do not adversely affect the safe and efficient functioning of the road network*

- **Policy 19.3.2** *Control the design, size and number of signs erected at any given location to avoid, remedy or mitigate any adverse effects.*

Comment

The purpose of the signs on site are to advertise the recreational activity and give an indication to drivers that they are approaching the site. As mentioned above in section 5, the signs will be designed and printed by a professional sign maker and will be of high quality. The simple design will not detract from the amenity values of the coastal/residential environment.

3. The Proposed Dunedin City District Plan

Chapter 20 Recreation Zone

Objective 20.2.1 *The Recreation Zone provides opportunities for a wide range of recreational, sporting, community, and cultural activities.*

- **Policy 20.2.1.1** *Enable sport and recreation, community and leisure activities, and restaurant and retail ancillary to sport and recreation.*

Comment

The proposal is consistent with the aspirations of the Recreation Zone as it provides a number of recreational opportunities for the public as well as ancillary retail activities.

4. The Otago Regional Plan: Coast

Chapter 7 Public Access and Occupation of Space

Objective 7.3.1 *To maintain and as far as practical enhance public access to Otago's coastal marine area*

- **Policy 7.4.4** *Public access to or along the margins of the coastal marine area may be restricted to provide for recreational and cultural activities which require a degree of occupation for short periods.*

Comments

The coastal edge of the reserve where the tees are located are still available to the public and the Applicant has stated that if other users wish to use the teeing zone (in the Harbour) priority will be given to these users. Therefore, the proposal maintains the public access to and along the Otago's coastal marine area.

Chapter 8 Structures and Signs

Objective 8.3.2 *To preserve the natural character of Otago's coastal marine area as far as practicable from the adverse effects associated with structures.*

- **Policy 8.4.1** *In order that any proposed activity, involving a structure within the coastal marine area that will, or is likely to, have an adverse effect on cultural values, can be identified by kaitiaki runanga, Kai Tahu will be:*

- (a) *Treated as an affected party for non-notified resource consent applications involving a structure within areas, or adjacent to such areas, identified in Schedules 2 and 3 of this Plan as having cultural or spiritual values to Kai Tahu; and be*
- (b) *Notified about notified resource consent application involving a structure within the coastal marine area.*

Objective 8.3.4 *To take into account the effects of natural physical coastal processes when considering structures in the coastal marine area.*

- **Policy 8.4.5** *New and existing structures will be required to be maintained in a structurally sound and tidy state, and should blend as far as is practicable with the adjoining landscape to minimise the visual impact of that structure on the character of the area.*
- **Policy 8.4.9** *Structures should only be allowed to locate in the coastal marine area where there are no practicable alternatives elsewhere*
- **Policy 8.4.10** *Signs within the coastal harbourside areas are to be located and designed in a manner that is consistent with development in the area, while having regard to public access, visual amenity, safety and navigation.*

Comment

Kati Tahu ki Otago has been consulted as part of the preparation of this proposal. Alternative locations were considered and the current location was chosen because considering the Otago Harbour in its entirety, the specific location proposed is assessed as the most optimal location for the following reasons:

- It is located in a shallow Mooring Area with physical and environmental conditions conducive to retrieving the golf balls;
- It is located in close proximity to Dunedin City and the cycleway;
- It is located near an existing public carparking area; and
- It is collocated with the Vauxhall Yacht Club which has provided affected party approval.

Moreover, the location of the pontoon is considered to be appropriate as it is located in a Mooring Area where coastal structures are provided for. The signs on the side of the pontoon do not detract from the visual amenity of the Harbour Area and complement the pontoon and provide the public with information about the activity which happens near to the pontoon.

No other locations on Otago Harbour have been identified that have this combination of attributes making the proposal possible.

Chapter 9 Alteration of the Foreshore and Seabed

Objective 9.3.2 *To preserve the natural character of Otago's coastal marine area as far as practicable from the adverse effects associated with any alteration of the foreshore or seabed.*

- *Policy 9.4.1 In order that any proposed alteration of the foreshore or seabed that will, or is likely to, have an adverse effect on cultural values, can be identified by kaitiaki runanga, Kai Tahu will be:*

(c) Treated as an affected party for non-notified resource consent applications involving a structure within areas, or adjacent to such areas, identified in Schedules 2 and 3 of this Plan as having cultural or spiritual values to Kai Tahu; and be

(d) Notified about notified resource consent application involving a structure within the coastal marine area.

Objective 9.3.3 *To restrict the disturbance of the foreshore and seabed to those activities which require a coastal location*

- *Policy 9.4.5 The area to be disturbed during any operation altering the foreshore or seabed will be limited as far as practicable to the area necessary to carry out that operation.*

Comment

Kati Tahu has been consulted as part of the preparation of this proposal. The alteration of the sea bed is limited to the surface area of the weight holding the pontoon in place and the golf balls which do not land on the pontoon (which are subsequently retrieved). Therefore, the disturbance of the foreshore and seabed is restricted to what is necessary to undertake the proposed recreational activity.

7.1.4.4 Section 104(1) (c) Assessment

1. Kai Tahu ki Otago Natural Resource Management Plan 2005

Otago Region / Te Rohe o Otago

Wai Māori and Wai Tai in the Otago Harbour Catchment

Wai Māori and Wai Tai Issues

- *Deterioration of inlet health and impacts on the mauri and life supporting capacity of the seas.*

Wai Māori and Wai Tai Policies

General

- *To promote best practice methods for waterway, river and harbour works that:*
 - *Provide for fish passage at all times*
 - *Minimise sedimentation during works*
 - *Minimise the risk of contaminants entering the waterway.*

Cultural Landscapes

Cultural Landscapes General Policies

- *To promote the control of visitor and recreational activities that impact on significant landscapes.*
- *To require that the interpretation of Kāi Tahu ki Otago histories for either public or commercial reasons undertaken by the appropriate Rūnaka and/or whanau.*

Tourist Operations

- *To require commercial operators to consult with Kā Papatipu Rūnaka and obtain agreement about an historical, spiritual or cultural information relating to the takata whenua and to ensure any information used is both appropriate and accurate.*
- *To encourage adequate provision is made for storage and collection of litter and refuse, and disposal is in an approved manner.*

Comment

The proposed activities have minimised the risk of contaminants entering the coastal environment by creating a retrieval management regime and undertaking research to analyse the risk of contaminants from the golf balls entering the water. Research has concluded that no increased risk of contaminants entering the water presents if an older golf ball is used. The proposed location of the activity avoids the wahi tupuna area on the site. Overall the proposal is considered to be consistent with the Kai Tahu ki Otago Natural Resource Management Plan 2005 (Otago Region) and comments from KTKO have been obtained.

As mentioned above, in response to KTKO comments the applicant offers the condition that damaged balls cannot be used in the operation.

2. Otago Harbour Reserves Management Plan

The proposed site for the activity is located on reserve land administered and managed by Dunedin City Council. Therefore an additional matter relevant to determining this application is the policies and objectives associated with the use, development and protection of Vauxhall Reserve.

3.3 Protection of Reserves

Objective 1 *To protect, maintain, and enhance the natural landscape, amenity, ecological, cultural, and historic values of all reserves for the enjoyment of future generations*

- *Policy 2 –Where sites of Wahi Tapu (burial places, archaeological sites) and umu-ti ovens existed, action will be taken to prevent damage to these sites during development on reserves.*
- *Policy 4 Any development that includes planting or earthworks shall be done in a way that maintains and/or enhances the values of the reserve.*

- *Policy 8 Adequate open space will be retained during development of reserves to allow passive recreation and provide green space.*

Comment

The wahi tapu site has been avoided as part of the proposed development. The earthworks for the tee are very minor and will not detract from the reserve values as the proposed material for the tee will complement the existing natural environment (in terms of the colour in particular). The proposed activity will only take up a very small portion of the open space of the reserve (as demonstrated by Figure 1). There is significant amounts of additional space that is retained for other passive recreational opportunities (for example the existing bench seats on the water's edge are maintained throughout the reserve).

3.4 Recreation objectives

Objective 1 *To provide for formal and informal recreational activities for the benefit and enjoyment of the public, taking into account the ecological sensitivity and natural values of the reserves, and their ability to sustain a particular activity or an increase in use.*

Objective 2 *To allow development of new recreational opportunities where they can be sustainably managed, and which are compatible with the principal and primary purpose of the reserve.*

- *Policy 5 Development and enhancement of reserves will consider current and potential recreation use.*

Comment

The proposed activity will provide a number of additional recreational opportunities for reserve users. Existing users of the reserve are still able to enjoy passive recreational activities and the Yacht Club has been consulted with to ensure that the proposed activities are complementary to their existing use. The proposal has been specifically designed for the benefit and enjoyment of the public and has taken into consideration the sensitivity of the natural values of the reserve space.

7.1.5 Determination of applications for non-complying and discretionary activities

Section 104B of the RMA states that after considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority

- (a) May grant or refuse the application; and
- (b) If it grants the application, may impose conditions under section 108.

Section 104D of the RMA states that in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the effects on the environment will be minor or the application will not be contrary to the objectives and policies of the relevant plan, proposed plan or both if they are both relevant in respect of the activity.

As demonstrated in section 5, the effects on the environment will be less than minor and the proposal is consistent with the objectives and policies of the Otago Regional Plan: Coast and Operative Dunedin City District Plan. It is therefore considered that the consents may be granted pursuant to section 104B.

8 Conclusion

The proposed Otago Harbour Golf Challenge is anticipated to become a popular attraction on the fringe of the Otago harbour. Conscious of its prominent position and interface with other harbour users, the detail of the proposed operation has been carefully developed in order to address stakeholder concerns.

The resulting proposal has been shown to avoid and manage potential adverse effects in Section 5, and be consistent with the objectives and policies of the relevant statutory documents in section 7. Accordingly, it is concluded that resource consents for the application as described in this report can be granted in accordance with s104B of the Resource Management Act 1991.

Appendix 1

Certificate of Title



**COMPUTER INTEREST REGISTER
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir
Registrar-General
of Land

Identifier 403802
Land Registration District Otago
Date Registered 24 January 2008 09:00 am

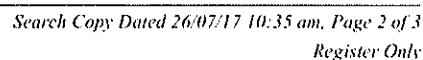
Prior References
GN7689701.1

Type	Fee Simple	Instrument	GN 7689701.1
Area	2492 square metres more or less		
Legal Description	Section 1, 5 Survey Office Plan 394230		
Purpose	Local Purpose (Recreation) Reserve		

Proprietors
Her Majesty The Queen

Interests

7689701.1 Gazette Notice (N.Z. Gazette 17.1.2008, NO.6.p.188) hereby appoints Dunedin City Council to control and manage the reserves - 24.1.2008 at 9:00 am
Subject to the Reserves Act 1977



Identifier

403802

Extract from *New Zealand Gazette*, 17/1/2008, No. 6, p. 188

Title Diagram 403802

Cpy - 01/01, Pgs - 001, 01/02/08, 11:42



DocID: 11212278

**Declaring Land to be Held for Conservation
Purposes, Declaration That the Area Become
a Reserve, and Appointment of the Dunedin City
Council to Control and Manage the Reserve**

Under the Conservation Act 1987, the Conservator for the Otago Conservancy of the Department of Conservation declares that the land described in the First and Second Schedules is held for conservation purposes and further declares that the conservation areas be set apart as reserve, subject to the Reserves Act 1977, and classifies the reserves described in the Schedules as local purpose reserves for the purposes specified at the end of the respective descriptions of the reserves, subject to the provisions of the latter Act, and appoints the Dunedin City Council to control and manage the reserves, subject to the provisions of the Act.

Otago Land District—Dunedin City

First Schedule

Area ha	Description
0.2492	Sections 1 and 5 SO 394230 (recreation).

Second Schedule

Area ha	Description
0.3280	Sections 2-4 SO 394230 (road).

Dated at Dunedin this 7th day of January 2008.

J. E. CONNELL.
(DOC SAR-05-81-04-04)

16217

CT 403815 - issued

CT 403802 - issued

NOTICE NO: 217

Appendix 2

Health and Safety Guidelines

Safety guidelines of the “golf hole in one challenge” operation

The safety of the “golf hole in one challenge” activity is ensured from the following aspects of the operation.

1. Angle of the pontoon

The golf hole pontoon is placed in the harbour so that the straight line between the centre tee area to the pontoon is perpendicular to the shoreline, therefore minimising the chance of golf ball being hit and land on the Portobello road. Given a vertical angle, aiming at the pontoon, the chance of golf ball land on the road is minimal.

2. Spotter

Prior to play, all player will go through safety briefing, and sign a terms and condition form. The form will state all players will follow the instruction of the spotter, any player will stop teeing when there is any other water users in the striking zone, or instructed to. If player cannot finish teeing the purchased golf balls due to other water users occupying the striking zone, a refund will be given for the un-played golf balls.

A spotter will be monitoring golf ball teeing on site, players will only be allowed to tee off golf balls when there is a clear and open space in the Harbour, priority is given to any other activities on the water. Through such proactive management measures, the potential effect of the golf balls striking any other water user in the harbour is close to none. Compared to a golf tour where a lot of spectators watching right by the side of the fairway, the proposed golf activity is very safe.

There is a very narrow space on shore in front of the teeing ground, as the teeing ground will be temporarily fenced, it is unlikely that a person will walk past directly through this space, and the walking track is behind the teeing ground, but if this does happen, the spotter will stop player from teeing off until the walker pass through.

3. Controlled environment in the harbour

With the spotter monitoring the area of striking distance off the golf tee, such area is a controlled environment, the spotter has a clear vision of any other water users in the area. The golf ball will only be teed off when the area is open and clear. When there is no golf ball teeing, the area is open to any other water surface users. Therefore, there is less than minor effect on the recreational and navigational value of the area.

4. Conflict with other activities in the harbour

When there are any other activities within the golf ball striking zone, golf balls will not be teed off, i.e. any other activities in the harbour will have priority over golf ball teeing in the striking zone.

As the teeing off activity is not continuously ongoing, the striking zone is clear for other water users, therefore, it will not discourage other water users from entering the vicinity of the striking zone. When the golf ball teeing is taking place, it could discourage other water user from entering the striking zone, this has the same effects as any other activity taking place in the harbour, i.e. anyone doing anything in the harbour is taking some space that

discourage other water users from coming close. Furthermore, the striking zone in the harbour is small compared to the size of the harbour, therefore such effect is less than minor.

The Vauxhall Yacht club, being the closest business to our business location that uses the harbour surface as their main venue, is the most directly affected person by our operation. The club has signed off their consent form to our business activity, which shows how minor of effects our activity would have on other water users in the vicinity.

In the unlikely case of other water users come into the striking zone and refused to leave, the golf activity will cease to operate until the water user leaves and the area is clear.

5. Comparison to other golf facilities

There are a lot of cases around golf courses in the world where golf balls hitting people on or close to a golf course, moving cars on the highway near a golf course, cars in carpark near a golf course, houses near a golf course, etc. However most of these accidents happened under the circumstances where the golfer cannot see the area he /she is hitting the golf ball to, i.e. the golfer cannot see the potential victim when he / she is striking the golf ball. Therefore, in our case where a golfer can see clearly the area he / she is hitting into is open and clear, the chance of the golf balling hitting anything is close to none.

6. Comparison to some other local activities

In the Chingford park reserve area of Dunedin, people practice shooting arrows, where they place targets in front of trees, as below pictures show, there is nothing keeps people from walking behind the trees.



In our case of the golf operation, we can see beyond our target, we only let player tee off when there is clear space. Our practice is safe.

7. Safety issue of golf as a sport

According to ACC, there is no record of serious or fatal injury claims for golf ball related injuries over the last 20 years in New Zealand.

Paddleboat hire operation safety guidelines

1. Operator provides canoes, kayaks or paddle boats for clients who are not supervised or monitored while on the water.
2. Only open deck / sit on kayaks / canoes are available for rental.
3. The client rent paddle craft and equipment for use in areas at the discretion of the client.
4. Operator will establish whether the client's skill level is consistent with the anticipated activity and the type of paddle craft provided is suitable for the client's intended plans.
5. Operators should screen all clients to assess whether they will be able to cope with the responsibilities, challenges and risks they may encounter. Evaluating clients' suitability for independent paddling should include:
 - previous paddling experience
 - swimming abilities
 - physical coordination for paddling
 - general health and fitness.
6. If an operator considers that a person is not suitable for rental activities, he should not allow the person to rent the equipment.
7. Every paddler in a group should be provided with the following:
 - a well-maintained canoe or kayak with operator identification and a unique identification number
 - equipment that is properly adjusted for the user.
8. The canoes or kayaks should be equipped as follows:
 - for open-deck canoes, either permanent flotation foam or airbags fitted in the bow and stern
 - for small recreational kayaks with large cockpits and no fore and aft bulkheads, either permanent flotation foam or fitted airbags
 - for touring or sea kayaks, fore and aft bulkheads, but kayaks with only an aft bulkhead should have bow flotation of either permanent foam or a fitted airbag
 - fitted bow and stern grab loops, deck lines or similar arrangements
 - at least one paddle per person
 - a well-maintained and correctly fitting personal flotation device (PFD) suitable for paddling for each person, which should be worn properly when the paddle craft is on the water²
 - a whistle per person
 - a bailing device unless the cockpit is of a self-draining design
 - emergency and/or evacuation instructions

² PFD for paddle craft must meet: New Zealand Standard 5823: 2005 Type 406 or Maritime Rule Part 91 Amendment No. 2 2007, or an equivalent national or international standard acceptable to the Director of MNZ.

9. Operator will keep a written and signed trip plan (intentions form) recording the following:
 - the names and addresses of rental participants
 - details of the canoes or kayaks and equipment provided, including operator identification, and a unique identification number on the paddle craft to enable the craft to be easily recognised
 - the intended paddling area and time and date of return
 - a documented emergency plan for what happens if the hirer does not return at the agreed time or place.
10. Operator does not provide hirers with a lesson on how to paddle the boat, the hirers are responsible for their own safety.
11. At least one of the marine communication devices should be carried on the hirer (such as a distress beacon, waterproof VHF hand-held radio, satellite phone, flares and/or whistle).

Appendix 3

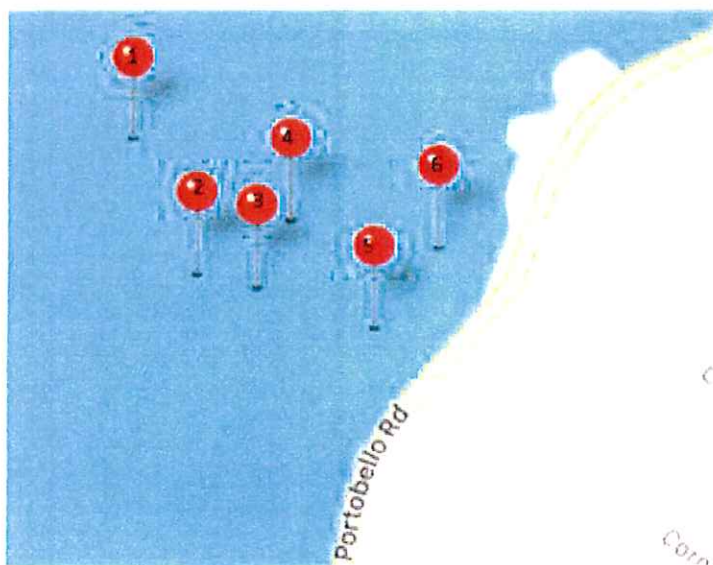
Golf ball Retrieval Methodology

Appendix 3: Golf ball test retrieval report

We performed a test retrieval of golf balls on April 29th. The results showed that we were able to retrieve golf balls very practically and safely.

We dropped golf balls on April 17th at six different sites around the location of the proposed pontoon, from the centre of each site, we spread balls randomly within a 10 metre radius. We planned to do test retrieval in the following week, but Cyclone Debbie hit the city and caused major flooding, therefore the test was postponed to April 29th, which is two weeks after the initial drop off and after a major flooding. This is challenging because the flooding caused much disturbance to the seabed.

The centres of the drop off locations were GPS marked, so they can be found with GPS when retrieving, on the day of test retrieval, we found the approximate centres (due to the tolerance of the GPS) of the drop off sites and anchored the centres with an anchor and a buoy, then the diver searched seabed within a radius of 20 metres to the anchor. Below picture shows the location of the six drop off sites:



Here are our findings:

1. The harbour floor in the proposed pontoon area is predominately firm sand and rocks, it is flat, and there are no holes. The depth of the area ranges from 0.8 to 2 metres at mid tide. One of the five sites has some kelp on the bottom. Overall, the area is firm, golf balls will not sink into the bottom and become invisible.
2. The visibility is averagely 2 metres underwater (on a calm and sunny day, which will be a typical day for us to retrieve golf balls.) White colour balls have great visibility in the water, which will be the major ones we use for the business.
3. We were able to retrieve all the balls we dropped, and found two new balls that were not ours, they may be hit into the area by golfers who may have used the harbour as a driving range. The two balls are in good condition, showing that golf balls are very stable in the salt water in this area of the harbour. Below chart shows the retrieval results:

site	drop off date	balls dropped	retrieval date	retrieval time	retrieval rate
1	17/04/2017	1 yellow, 1 white	29/04/2017	12 minutes	100%
2	17/04/2017	2 orange, 2 white	29/04/2017	20 minutes	100%
3	17/04/2017	3 white	29/04/2017	10 minutes	100%
4	17/04/2017	2 white	29/04/2017	5 minutes	100%
5	17/04/2017	2 white 1 yellow	29/04/2017	15 minutes	100%
6	17/04/2017	5 white	29/04/2017	16 minutes	100%

4. We dropped some more balls on the date of test retrieval, and were able to retrieve them all quickly. Below chart shows the retrieval results:

site	drop off date	balls dropped	retrieval date	retrieval time	retrieval rate
1	29/04/2017	2 yellow, 6 white	29/04/2017	10 minutes	100%
2	29/04/2017	2 orange, 2 white	29/04/2017	5 minutes	100%
3	29/04/2017	6 white	29/04/2017	7 minutes	100%
4	29/04/2017	4 white	29/04/2017	8 minutes	100%
5	29/04/2017	3 white, 2 yellow	29/04/2017	10 minutes	100%
6	29/04/2017	7 white	29/04/2017	12 minutes	100%

The conclusion of the test showed that it is practical and safe to retrieve golf balls in the proposed area of the Otago harbour.

Appendix 4

Affected Party Approvals

Affected Person(s) Written Approval Form

Important: Please read the back of this form to ensure you are aware of your rights.

Please be aware that these details are available to the public.

To: Resource Consents Team, City Planning, Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

I/We (full names): The Vauxhall Yacht Club

Being the: ☒ Owner and Occupier ☐ Owner ☐ Occupier

of the property situated at (address and/or legal description of your property):

Vauxhall Yacht Club, 153 Portobello Road, Dunedin 9013

have read and understand the information on the reverse side of this page and give written approval to the proposal by (name of applicant(s)): Peter Graham

to (description of proposed activity): The tourism business activities that include golf hole in one challenge, paddle boat and bike hire, and a coffee van.

on the following property (address of application site): 139 Portobello Road, Dunedin 9013

☒ I/we have read and understand the application as described above and have signed and dated the application and plans as attached.

If there are multiple owners or occupiers on a site, each party needs to individually sign the application documents and this form; or

Tick the declaration box below:

☒ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site.

Signed: Peter Graham Committee Alison Secretary

Date: 28.8.17 Telephone: _____

If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

Affected Person(s) Written Approval Form

Important: Please read the back of this form to ensure you are aware of your rights.

Please be aware that these details are available to the public.

To: Resource Consents Team, City Planning, Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

I/We (full names): RICHARD GRANT PATERSON

Being the: ☒ Owner and Occupier ☒ Owner ☐ Occupier

of the property situated at (address and/or legal description of your property): 137 4 139
PORTOBELLO ROAD DUNEDIN

have read and understand the information on the reverse side of this page and give written approval to the proposal by (name of applicant(s)): Peter Graham

to (description of proposed activity): The tourism business activities that include golf hole in one challenge, paddle boat and bike hire, coffee van to be established at 139 Portobello Road, details see the resource consent

on the following property (address of application site): 139 Portobello Road, Dunedin 9013

☒ I/we have read and understand the application as described above and have signed and dated the application and plans as attached.

If there are multiple owners or occupiers on a site, each party needs to individually sign the application documents and this form; or

Tick the declaration box below:

☒ I am authorised to give written approval on behalf of all owners and/or occupiers (delete one) of this site.

Signed: [Signature]

Date: 31/5/17 Telephone: 021 902 905

If you have any queries regarding the Resource Consent process and the role and rights of adversely affected person(s), please contact us before you complete and sign this form and the associated plans.

Appendix 5

Correspondence with KTKO

5 February 2016

Attn: Peter Graham

Resource Consent – Peter Graham

Proposal

Te Rūnanga o Ōtākou understands that Peter Graham is applying for:

- Applications associated with the operation of commercial activities – kayaking, biking, coffee van and golf, to be located at Vauxhall Yacht Club, Otago Harbour, Dunedin (as specified in the application provided)

Situation

Kāi Tahu ki Otago Ltd writes this report on behalf of Te Rūnanga o Ōtākou, the kaitiaki Rūnanga whose takiwa includes the site the application relates to.

Decision

It is considered that the proposal is not inconsistent with the Kāi Tahu ki Otago Natural Resource Management Plan 2005. (see appendices)

Rūnanga representatives have been informed and accept the proposal outlined in the application received 10 December 2015. Please be advised that Te Rūnanga o Ōtākou does not oppose kayaking, biking and coffee van proposal proceeding by non-notified resource consent procedure, subject to the following conditions:-

1. That the commercial activities or storage of any equipment required for the commercial activities, does not take place on/near the Memorial for the Māori Prisoners from Taranaki – see attached information.
2. That all due care and respect is given in and around the Memorial for the Māori Prisoners from Taranaki.

Te Rūnanga o Ōtākou have concerns with the proposed golfing and **oppose** applications associated with this activity, proceeding by non-notified resource consent procedure.

It is understood that there will be regular retrieval of the golf balls, but it is felt that there is potential for contamination to the Otago Harbour from the golf balls. The concern is the litter of an ordinary golf ball, which can be missed in the retrieval process. The golf ball can take years to decompose. While decomposing, they can release heavy metals such as zinc which can attach to the ground sediment and poison the surrounding flora and fauna.

The Otago Harbour is an important resource to Ōtākou people that has provided a thousand years of transport for generations of Kāi Tahu tupuna. It has also been our feed basket, providing a rich source of kaimoana including the noted tuaki, while the tides are a constant reminder of nature at work.

This reply is specific to the above proposal. Any changes to the application will require further consultation.

Kāi Tahu ki Otago Ltd request that the Council forward a copy of the recommending report, and if issued, a copy of the consent.

Nahaku noa
Na



Chris Rosenbrock
Manager

cc Te Rūnanga o Ōtākou

Otago Region / Te Rohe o Otago

Wai Māori and Wai Tai in the Otago Harbour Catchment

Wai Māori and Wai Tai Issues

- Deterioration of inlet health and impacts on the mauri and life supporting capacity of the seas.

Wai Māori and Wai Tai Policies

General

- To promote best practice methods for waterway, river and harbour works that:-
 - Provide for fish passage at all times
 - Minimise sedimentation during works
 - Minimise the risk of contaminants entering the waterway.

Cultural Landscapes

Cultural Landscapes General Policies

- To promote the control of visitor and recreational activities that impact on significant landscapes.
- To require that the interpretation of Kāi Tahu ki Otago histories for either public or commercial reasons is undertaken by the appropriate Rūnaka and/or whanau.

Tourist Operations

- To require commercial operators to consult with Kā Papatipu Rūnaka and obtain agreement about any historical, spiritual or cultural information relating to the takata whenua and to ensure any information used is both appropriate and accurate.
- To encourage adequate provision is made for storage and collection of litter and refuse, and disposal is in an approved manner.

29 May 2017

Traffic Management & Control Ltd
P O Box 5974
DUNEDIN 9058

Attn: Peter Graham

Resource Consent – Peter Graham

Proposal

Te Rūnanga o Ōtākou understands that Peter Graham is applying for:

- Commercial activity – hit golf balls to a platform located within the Otago Harbour, Dunedin (as specified in the application provided)

Situation

Kāi Tahu ki Otago Ltd writes this report on behalf of Te Rūnanga o Ōtākou, the kaitiaki Rūnanga whose takiwa includes the site the application relates to.

Decision

Please see attached relevant excerpts from the Kāi Tahu ki Otago Natural Resource Management Plan 2005.

Rūnanga representatives have been informed of the proposal outlined in the application received December 2015 and subsequent information provided March 2017. Please be advised that Te Rūnanga o Ōtākou reluctantly does not oppose the application proceeding by non-notified resource consent procedure, subject to the following conditions:-

1. That new low toxicity golf balls are used for the commercial activity at all times - no old recycled golf balls, or those golf balls retrieved from the Otago Harbour, are to be used.
2. That a Management Plan is prepared that includes how the golf balls are to be recovered and frequency.
3. That a review of the Resource Consent is undertaken every 2 years to allow review of, but not limited to – the Management Plan; any advances in the composition of golf balls; and the overall operation of the commercial activity.
4. That those conditions as stated in our letter dated 5 February 2016 are also adhered to.
5. That if any adverse effects are detected within the Otago Harbour, this commercial activity should cease immediately and appropriate mitigation measures be undertaken.

The Otago Harbour is an important area and resource to Ōtākou people that has provided a thousand years of transport for generations of Kāi Tahu tupuna. It has also been our feed basket providing a rich source of kaimoana including the noted tuaki, while the tides are a constant reminder of nature at work.

Te Rūnanga o Ōtākou have been involved over many years in restoring the quality of water within the Otago Harbour and feel that the water quality should not be taken for granted and would like to emphasise that if any adverse affects are detected within the Otago Harbour that this commercial activity should cease immediately.

This reply is specific to the above proposal. Any changes to the application will require further consultation.

Kāi Tahu ki Otago Ltd request that the Council forward a copy of the recommending report, and if issued, a copy of the consent.

Nahaku noa
Na


Chris Rosenbrock
Manager

cc Te Rūnanga o Ōtākou

G:\TKO\1. RMA\3. Resource Consents\1. Consents and Submissions\2017\Reply Letters\20170529 - 4144-Otago Harbour-Peter Graham-commercial.docx

Appendices

The following Issues/Objectives/Policies of the Kāi Tahu ki Otago Natural Resource Management Plan 2005 are seen as relevant to the above proposal. This relates to the holistic management of natural resources from the perspective of local iwi.

Kāi Tahu ki Otago Natural Resource Management Plan 2005

Otago Region / Te Rohe o Otago

Wai Māori and Wai Tai in the Otago Harbour Catchment

Wai Māori and Wai Tai Issues

- Deterioration of inlet health and impacts on the mauri and life supporting capacity of the seas

Wai Māori and Wai Tai Policies

General

- To promote best practice methods for waterway, river and harbour works that:-
 - Provide for fish passage at all times
 - Minimise sedimentation during works
 - Minimise the risk of contaminants entering the waterway.

Cultural Landscapes

Cultural Landscapes General Policies

- To promote the control of visitor and recreational activities that impact on significant landscapes.
- To require that the interpretation of Kāi Tahu ki Otago histories for either public or commercial reasons is undertaken by the appropriate Rūnaka and/or whanau.
- To require tourist operators and staff to attend a cultural wānaka, facilitated by KTKO Ltd.

Tourist Operations

- To require employees of tourist operations to attend a Kā Papatipu Rūnaka cultural awareness Wānaka.
- To require commercial operators to consult with Kā Papatipu Rūnaka and obtain agreement about any historical, spiritual or cultural information relating to the takata whenua and to ensure any information used is both appropriate and accurate.
- To encourage adequate provision is made for storage and collection of litter and refuse, and disposal is in an approved manner.