



## **INTRODUCTION**

- 1 My full name is James Douglas Taylor. I hold the qualification of a Bachelor of Planning with first class honours from Auckland University. I am a Full Member of the New Zealand Planning Institute and a Full member of the Planning Institute of Australia. I have practised in the field of town planning/resource management planning since 2004, primarily working for planning consultants and construction contractors in Auckland, Brisbane and Dunedin. Currently I am a Senior Planner (Associate) in the Dunedin office of Beca Ltd.
- 2 I am appearing in support of the application by Peter Graham to establish a tourism business, the Otago Harbour Golf Challenge at 139 Portobello Road, Vauxhall. The site is legally described as Section 1, 5 Survey Office Plan 394230 and in compromises 2492 square meters.
- 3 I confirm that I have read the 'Code of Conduct' for expert witnesses contained in the Environment Court Practice Note 2014. My evidence has been prepared in compliance with that Code. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 4 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.

## **SCOPE OF EVIDENCE**

- 5 My evidence covers the following matters:
  - Description of Proposal;
  - Statutory framework;
  - Actual and potential effects;
  - Relevant provisions of statutory documents;
  - Alternative sites;
  - Part 2 of the Act;
  - Submissions
  - Proposed Conditions; and
  - Conclusion.

- 6 I have read the Section 42A reports and comment on them in my evidence where appropriate.
- 7 I have also attached to my evidence as **Appendix 2** a proposed amendments to the recommendations within each of the s42A reports which I consider are suitable if resource consent is granted.

## **DESCRIPTION OF PROPOSAL**

- 8 The proposal is set out in the application and the s42A reports, however I provide the following clarifying points.
- 9 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, and bike and water sport hire from 6:30am daily and a hole in one golf challenge from 9am daily. The golf challenge concept is similar to the golf challenge on Lake Taupo which is owned by Ngati Tuwharetoa and has operated successfully since 1993.
- 10 The café/refreshment and water sports hire area will accommodate an 8m by 5.5m area within the existing unmarked car park south of the Vauxhall Yacht Club. This will reduce the capacity of the car park from 15 unmarked spaces to 13 marked spaces.
- 11 The proposal requires the permanent occupation of the coastal marine area for an 8 by 12m pontoon approximately 95m offshore and the temporary occupation of an approximately 1ha sized golf ball strike zone around the pontoon. The sides of the pontoon will extend approximately 1.2-1.5m above sea level. The term of the coastal permits sought is 25 years.
- 12 The sides of the pontoon are proposed to be painted white to satisfy the Harbourmaster's request for light colour painted sides. The name of the venture "Otago Harbour Golf Challenge" is proposed to be written in blue in the centre of the side facing the shore and facing north and south so as to be visible to traffic on Portobello Road. The lettering will cover an area of 300mm by 8m which is designed to be visible at distances of 120m. The top of the pontoon will contain 3 holes, each with a golf flag to identify the location of the holes. Navigational lighting will be supplied to the Harbourmasters satisfaction on the harbour side of the pontoon.
- 13 As outlined in the application documentation, the tee off area will measure approximately 8m by 2.5m and accommodate three tee off locations.

- 14 In terms of the intensity of the tourism activity, it is expected that during peak periods there would be an average of 2-3 staff and 10 persons per hour using the hole in one golf challenge aspect of the activity, each with a bucket of 20 balls. In other words, a peak period average of 200 golf balls being hit per hour. In the event demand exceeds the three places available, bookings for a bucket of 20 balls in a 15 minute period will be made available to enable patrons to continue exploring the harbour with certainty of timing for their golf challenge experience. The maximum hours of the golf activity will be from 9am until sundown. A condition is proposed to limit noise emissions from the activity to  $L_{Aeq(15\text{ min})}$  46dB when measured at the boundary of 137 Portobello Road, being the closest residential property to the proposed activity.
- 15 A 1m high removable safety barrier will be placed around the perimeter of the tee off area as shown in the site plan located in **Appendix 1**. The safety barrier will also divide the three tee off positions. The detail of this safety barrier is proposed to be submitted to Dunedin City Council for approval prior to commencement of the activity.
- 16 A spotter will control the golf challenge operation to ensure the safety and priority of other users of the Coastal Marine Area (CMA). The specific process and procedure for the spotter will be outlined in an Operations Management Plan proposed to be furnished to the ORC for approval prior to commencement of the activity.
- 17 The golf balls will be retrieved by hand on a weekly basis by a person appropriately qualified to work in the CMA. This will utilise diving equipment by a qualified diver where the water level requires, and by wading through the water in the shallows as a portion of the temporary occupation area is less than 1.2m deep. The golf ball collection process shall be outlined in an Operations Management Plan proposed to be furnished to the ORC for approval prior to commencement of the activity.
- 18 In response to the assessment provided by Dunedin City Council in the s42A report, the signage is to be reduced from the three 2m high signs originally proposed to one 1.7m by 0.8m sign at the location proposed by Councils Landscape Architect. Additionally, it is noted that the coffee/food van is also proposed to have the name "Otago Harbour Golf Challenge and Café" in blue lettering across the top of the van together with price and product lists on the front and side of the van.
- 19 In order to avoid the need for a generator and its associated noise emissions on site, it is proposed to install a below ground power connection to the coffee/refreshments van site. No external lighting is proposed in the reserve as part of the activity.

## STATUTORY FRAMEWORK

20 The site is subject to the following zoning and planning notations:

20.1 Operative Dunedin City District Plan

- (a) Residential Zone; and
- (b) B642 Otago Harbour Walls (heritage item)

20.2 Proposed Dunedin City District Plan (2GP)

- (a) Recreation Zone;
- (b) Archaeological Alert Layer;
- (c) Hazard 3 Coastal; and
- (d) Wahi Tupuna site – Otakou Harbour

20.3 Otago Regional Plan: Coast (Regional Plan)

- (a) Coastal Recreational Area 9

21 The Dunedin City Council Section 42A report identifies that resource consents are required under Rule 8.7.6(iii) (**Non-Complying**, not otherwise provided for as a Permitted, Controlled or Discretionary Activity) and Rule 8.7.4(i) (**Restricted Discretionary**, loading and access). I agree that the application overall requires consent for a Non-Complying Activity.

22 The Otago Regional Council 42A report identifies that resource consents are required for disturbance to the Coastal Marine Area (CMA) (9.5.3.3, occupation of the CMA for both the pontoon and the temporary ball striking and retrieval activities and placement of a structure in the CMA. Additionally, the report also outlines how on account of the temporary nature the placement of balls and the small scale of the potential number of lost balls in the CMA, the striking of golf balls into the CMA does not meet the definition of 'litter' and is therefore not a prohibited activity pursuant to Rule 10.5.1.1 of the Regional Plan. I concur with this assessment.

### Consideration of statutory matters

23 Given the assessment matters under section 104 of the RMA I have had regard to the following matters in considering the project:

- Actual and potential effects

- Relevant provisions of statutory documents
- Part 2 matters

## **ACTUAL AND POTENTIAL EFFECTS**

- 24 There are a number of potential and actual effects associated with the proposal which are outlined in the Section 42A reports.

### **Occupation of the CMA**

- 25 With respect to the ORC s42A report, I agree with its assessment of effects associated with occupation of the CMA. In particular, I agree that the size of the pontoon is comparable to that of a moored vessel and is very small in comparison with the harbour overall. Additionally, given the speed restrictions in the harbour at this location, other users, including rowing crews, will be able to navigate either side of the pontoon, especially given the 5 knot speed restriction applicable to this area of the harbour. The pontoon has been designed with flattened edges and white colouring on the side will also become a navigational feature including navigational lighting to be installed to the satisfaction of the Harbourmaster. With respect to the submissions by the rowing clubs, I note that the training route they nominate, being parallel to the shore, also passes through moorings to the north as shown in ORC s42A report at page 8 of the agenda documentation. While these moorings do not currently have vessels attached to them they could at any stage. A swing mooring at these locations would present a greater potential hazard to a rowing alignment than the fixed pontoon proposed. Therefore, the potential hazard to the rowing crews is lesser than what currently exists within the rowing alignment advised.
- 26 The proposed Operations Management Plan is also subject to the requirements of the Health and Safety at Work Act 2015. It will include the spotter procedure including details and mechanisms to manage effects on other users of the CMA caused by the temporary occupation. I accept that as this is a marine environment and there is no other activity of this nature in a marine environment resulting on this type of restriction of public access to the CMA that we are aware of. Therefore I agree that there could be a need to review the Operations Management Plan in the future to better manage potential effects on other CMA users that would not be otherwise necessary under other New Zealand Legislation.
- 27 With respect to s128(1)(a) of the RMA I agree with Mr Horrell in his assessment in section 5.1.2 of the ORC s42A report,(page 27 of the agenda) that the potential effect requiring a review is restriction of public access to the CMA associated with the temporary occupation permit. To address this issue, I suggest that conditions 6 and 10 should be amended as follows:

- (a) An additional advice note is added to the Coastal Permit RM17.229.03 to confirm that the overall purpose of the Operations Management Plan required by condition 6 is to manage potential effects on other users of the CMA and to satisfy other New Zealand regulations including those under the Health and Safety at Work Act 2015.; and
- (b) That the review clause is changed to managing potential effects on other users of the CMA as detailed in **Appendix 2** of my evidence.

28 Overall however, in the context of the existing environment, I conclude that the potential effects resulting from the proposed occupation of the CMA on other CMA users within this speed limited area can be effectively managed by conditions and therefore will be minor.

### **Term of Occupation of the CMA**

29 The ORC s42A report at section 8.2 states that although a 25 year term was applied for, a term of 15 years is recommended as ORC cannot stop the activity or take into account changes to the environment.

30 The potential effects that a reduced term could be seeking to address are:

- (a) Reclamation for road and cycle way;
- (b) Expansion of the Mooring area north of the Vauxhall Yacht Club into the Temporary Occupation Area; or
- (c) Reclamation of the harbour for a private development purpose.

31 Given that the area has already been recently reclaimed and the cycleway is already constructed in this area reclamation for a road or cycleway is not likely. While the Mooring area currently has three moorings, no boats are currently moored here, as other mooring areas around the harbour seem to be preferred by vessel owners. Filling up Mooring area 7 does not seem a likely scenario. In addition, I note that the ORC have tended not to expand popular mooring areas, instead requiring moorings to be placed in other mooring areas until a space becomes available. With respect to reclamation of the harbour for a private purpose, this is contrary to many objectives and policies of the Regional Plan: Coast, and while this may be a possibility in areas immediately adjoining the City, it is fanciful to assume this would occur in the subject location.

32 The other possible reason to restrict the term to 15 years is because of the uncertainty surrounding the potential effects on other users of the CMA on account that an activity with this kind of temporary occupation of the CMA is unprecedented. However, this potential effect is addressed by the review condition which allows the Operations and Management Plan requirements to be

amended to address any potential effects on other users of the CMA that have been previously unforeseen.

33 Additionally, this tourism venture is a commercial activity and the design life of the pontoon will be 25 years. A 15 year term will require artificial depreciation rates which will present challenges to the viability of the operation.

34 Overall, in the context of the current site and with an analysis of other potential future uses of the proposed temporary occupation of an area within the CMA I consider there are no additional adverse effects on potential future users that requires the term be limited to less than 25 years.

#### **Visual Amenity Values, Natural, Character and Cumulative Effects associated with the Pontoon**

35 In respect of effects on visual amenity values, natural, character and cumulative effects created by the pontoon, Mr Horrell relies on the assessment of Mr Knox, a Senior Landscape Architect who required the signage to be smaller than that originally proposed. Mr Horrell accurately describes the revised proposal to reduce the size of the business name across the front of the pontoon, however then requires the font colour be limited to white also. This assessment does not take account of the Harbourmasters request for a light colour on the pontoon sides. Responding to this the applicant proposes the pontoon sides to be white. Even if this was modified to another light colour, this becomes a problem for the proposed condition for the font of the name to be white – against a white or light colour it would not be visible at all. The applicant proposed blue text to enable it visible against a white or light background.

36 However, this revised proposal was made prior to the receipt of the DCC s42A report which has assessed the on shore signage as creating visual clutter, accordingly the proposal is further amended to provide the name of the business on the west, north and south sides of the pontoon in font being maximum of 300mm in height. This will enable traffic including pedestrians and cyclists to be advised of the activity without the need for additional onshore signage that would create on shore visual clutter.

37 This solution provides an amended solution as requested by Mr Knox's assessment. A revised condition 6 to Coast Permit RM17.229.01 is offered at **Appendix 2.**

#### **Other Regional Effects**

38 I agree with Mr Horrell's assessment with respect to disturbance of the CMA, cultural and historic values and positive effects.

#### **Noise Effects**

- 39 In response to the submissions from submitters on noise concerns, the applicant now proposes to install an underground power connection to the site to avoid the need for noise emissions from a generator.
- 40 The closest two residential properties to the proposed activity have provided affected party approval to the proposal, and accordingly any adverse effects on these parties must be disregarded.
- 41 As discussed in Ms Shipman's noise effects assessment in the DCC s42A report, the L10 noise measurement of the Operative Plan is not appropriate for use in measurement of the potential effects of the golf activity, as this noise measurement standard discounts the top 10% of noise in the measurement period. Therefore, if we were to assume a full second for the noise emissions for each ball struck and from the maximum number of golf balls that could be struck in a 15 minute period, which would be 60 assuming a bucket of 20 balls for three customers. This would equate to 60 out of 900 seconds of noise, as this is less than 10% of the time, meaning noise emissions associated with hitting the golf balls would be discounted entirely.
- 42 The applicants noise expert, Marshall Day Acoustics, has used the  $L_{Aeq}$  measure (15 minute) which is the method required by the Proposed Plan and agreed to be more suitable for measurement of this activity by Councils Environmental Health Officer.
- 43 Additionally, while not required by the Proposed Plan standards, the applicant's assessment has gone further by imposing a 5dB special audible characteristic penalty on the noise assessment on account of the golf ball striking sound being static rather than a continuous sound. Even with this penalty the Marshall Day Acoustic report concludes that the noise effects are acceptable.
- 44 The conditions of consent recommended by Ms Shipman to ensure the potential noise effects are minor require compliance with the Operative Plan. However, as discussed above this measure is ineffective in managing noise effects for an activity of this nature and compliance with the Operative Plan would not manage noise effects. Further, it is expected that the Proposed Plan rules will be in effect prior to the commencement of the activity. Accordingly, it is recommended that a specific noise condition utilising the Marshall Day Acoustic Report that sets a maximum measurement of  $L_{Aeq (15 \text{ min})}$  46dB when measured at the boundary of 137 Portobello Road (without a special audible characteristic penalty), being the closest residential property to the proposed activity. While I acknowledge that this party has provided affected party approval, I note that the Proposed Plan Rule is effective at the closest residential boundary regardless of affected party approval status. This proposed condition is provided in full in **Appendix 2** and provides a scientifically assessed and measurable and enforceable limit that will better manage noise effects than compliance with the Operative Plan.

45 Additionally I acknowledge the potential noise effects could be exacerbated by intoxicated patrons. We note however that the Health and Safety at Work Act 2015 would prevent allowing intoxicated customers to use the golf activity.

46 Overall, I agree that the proposed noise will ensure noise effects will be minor.

#### **Visual Effects: Signage**

47 The applicant has accepted DCC's s42A assessment with respect to the proposed onshore signs creating visual clutter and has changed the proposal to align with the recommendation of a single onshore sign measuring 0.8m wide by 1.7m tall immediately north of the southern vehicular crossing to the site (refer on shore site layout at **Appendix 3**). This reduction however is on the basis that the pontoon itself will have the name "Otago harbour Golf Challenge" written on the north, south and eastern sides. This change in signage proposal will reduce on shore visual clutter, yet still identify the business with a greater reliance on the pontoon. Accordingly, a condition requiring compliance with the revised proposal rather than necessity of a signage plan is at **Appendix 2**

#### **Visual Effects: Operational Area within car park**

48 With respect to the operational area within the current car park, the exact food cart/refreshment vehicle has not yet been purchased. However, with respect to potential visual clutter effects, these can be managed by a condition restricting operational Area 1 signage to the words "Otago Harbour Golf Challenge and Café" written across the top of the refreshment cart/van and service and product lists and prices being written on the front and side of the van. Similarly, the watersports/bike hire trailer has not yet been obtained however, to manage potential visual clutter effects, these can be managed by limiting writing on the trailer to "Watersports and Bike Hire" and by prohibiting hire gear to be stored outside of the approved footprint.

49 From a visual amenity perspective, a food cart/refreshment vehicle and watersports and bike hire trailer and their associated signage are a common and expected part of a reserve environment. Given the existing vegetation immediately to the south of the area further limiting the visibility of the activity, and the new proposed conditions addressing the limitation of signage located at **Appendix 2** and the fact that the proposed site is an existing car park the visual effects associated with the activity are considered minor.

#### **Visual Effects: Tee-Off Area**

50 The tee off area is contained between vegetation to its north and south. The 8m by 2.5m tee off pad will be flush to the ground with the concrete tinted to satisfy the requirements of Dunedin City Council's Recreation Officer. During operation of the golf activity a temporary and movable 1m high safety fence will be erected around the perimeter of the golf activity and between the three tee off locations

as shown on the Site Plan in **Appendix 3**. I agree that the best way to manage potential visual effects associated with this temporary barrier is by way of condition that DCC approve the temporary barrier solution ahead of commencement of the activity.

- 51 Therefore given the location of adjoining vegetation and conditions of consent requiring a flush concrete pad and the temporary barrier fence to be approved by DCC prior to commencement of the activity, potential visual effects associated with the tee off area will be minor.

### **Recreation Amenity Effects**

- 52 The proposal is for exclusive occupation of a small portion of a reserves car park including painting the words "No Parking" within the approved area, and for temporary occupation of the tee off area between 8:30am (to allow set up ahead of 9am commencement) and sun down.
- 53 The potential effects associated with commercial use of a public reserve are that recreation use is restricted or impaired by the activity. The potential impact on the CMA is addressed above through the spotter methodology.
- 54 The proposed café/refreshment van and watersports/bike hire activities will remove 2 car parking spaces from the reserve, however will enhance the recreation reserve experience by providing additional recreational opportunities through the hire facility and provide refreshments for users of the space and the existing cycleway infrastructure.
- 55 The tee off area restricts a small portion of the reserve from the use of other activities after 8:30am each day. However, this is a very small area with respect to this reserve, and even smaller when considering the coastal reserve strip of the harbour as a whole.
- 56 The coffee refreshment and van will be permanently located in the car park operational area. As the operation will be operating from 6:30am until sundown, there will be no reduction in potential effects on other users of the reserve by requiring the vans removal at night. However all other aspects of the proposal are proposed to be removed at the end of each day.
- 57 In order to avoid unanticipated effects on other recreational users of the reserve, it is also proposed to require as a condition of consent that measures must be taken to ensure no watersports/bike hire gear or people cueing for the van/golf activity spill outside of the approved footprint within the existing car park.
- 58 Conditions associated with removing rubbish, golf operational items (including safety fence) and water sports hire equipment will ensure the scale of these aspects of the activity are sufficiently nimble to allow efficient pack down and reassembly. Revised conditions relating to this matter are provided at **Appendix 2**.

59 The occupation of this reserve space is therefore considered to have a minor adverse effect on recreational amenity.

### **Transportation**

60 The proposal will reduce the capacity of the existing carpark south of the Vauxhall Yacht Club from 15 unmarked spaces across a 41m length to 13 marked spaces along a 33m length. 13 spaces meets the District Plan requirement for the proposed activity (ie 1 car park per 750m<sup>2</sup> of recreational site area).

61 For those customers arriving by car, the golf activity will generate demand for car parking for short periods (ie assume 15 minutes for a bucket of 20 balls) and therefore would utilise approximately 2-3 spaces for the golf activity at any given time. The water sports or bike hire patrons may park for longer where they commence their bike ride or water sports activity from the reserve, however these are existing reserve activities, now proposed to be facilitated by this operation with greater ease. The café/refreshments van will support the existing use of the recreation space and persons stopping for refreshment are also expected to be short term visitors to the reserve.

62 Given the site's status as a recreational reserve I agree with Ms Shipman's assessment that a review clause to address potential traffic effects that may present is appropriate for this application.

63 However, despite clarifying this change to 13 spaces (from the 15 assumed in Council's transportation assessment), given the current demand for car parking at this location I do not consider this to materially affect the assessment provided by the DCC Traffic Engineer. Accordingly I conclude that the potential effects associated with reduction of 2 car parking spaces within the reserve and additional demand for spaces associated with the activity will be minor.

### **64 Other effects**

65 I agree with Ms Shipman's conclusions in relation to stormwater, water and sewerage, hazards and safety, heritage and cultural effects, residential amenity, cumulative effects and earthworks effects.

66 I am of the opinion that the additional information and proposed conditions provided as part of this evidence now provide greater certainty in terms of managing potential land use effects than considered at the time of preparation of DCC s42 report. I have included a set of new and amended conditions in **Appendix 2**. The current recommended condition 3 of the land use consent requires an Operational Management Plan to address the following:

- (a) Unruly behaviour
- (b) Alternative site if occupation area blocked;

(c) Queue management; and

(d) Operational Safety.

67 These matters have now been clarified further in this evidence – specifically that:

- > intoxicated patrons will not be served in order to maintain compliance with the Health and Safety at Work Act 2015;
- > that no alternative location is to be used if someone parks in the approved area;
- > no queuing is to occur outside of the approved operational area in the car park, clarified by the proposed new condition on the area the activity may operate within
- > safety issues will be addressed by the Health and Safety at Work Act 2015 and the Operations and Management Plan associated with the safety of the CMA to be provided to ORC for approval ahead of commencement of the golf challenge activity.

68 These matters have specifically been offered as amendments to the recommended conditions in **Appendix 2**.

69 With respect to the proposed review condition, it is my opinion that a review in relation to noise effects is not necessary as the new noise condition provides a scientifically based and measureable condition. Council can simply enforce compliance with this condition rather than require a review of noise effects.

#### **RELEVANT PROVISIONS OF STATUTORY DOCUMENTS**

70 In accordance with section 104 of the RMA the most relevant documents are the Dunedin City District Plan, the Proposed 2GP, the Otago Regional Plan: Coast for Otago Regional Policy Statement for Otago

71 I do not disagree with the assessments provided by Ms Shipman and Mr Horrell in the respective s42A reports. I note that the revised signage proposal is consistent with the DCC officer's recommendation, and accordingly the noted exception with relation to compliance with the Objectives and Policies is now addressed. I also note the apparent error in the section 42A report's assessment of the noise objectives and policies. I agree with the logic of Ms Shipman, but note her conclusion that the proposal is inconsistent with these objectives and policies. I therefore assume this is an error.

#### **ALTERNATIVE SITES**

72 The Fourth Schedule of the RMA requires an assessment of alternative locations in relation to the coastal permits where it is likely an activity will have any

significant effect on the environment. In this instance, as I have identified in my consideration of the effects of the proposal, the effects are not significant. However, it is appropriate to refer to alternative sites given the some of the submitter's comments and the policy framework of the Otago Regional Plan: Coast for Otago.

- 73 The key criteria for site selection were sites where:
- (a) The predominant users of the CMA were supportive of the operation;
  - (b) Sufficient car parking was available; and
  - (c) Connection to Dunedin City's harbour side cycleway infrastructure.
- 74 The proposed location was selected in consultation with a number of local groups including the nearby the Vauxhall Yacht Club, Andersons Bay Sea Scouts and Aukaha and meets the above criteria.
- 75 The applicant found no other sites where the primary adjoining users of the CMA were supportive, next to sufficient car parking and also located on the cycleway network.
- 76 Submitters suggested alternative sites immediately north of the Vauxhall Yacht Club. However, use of this site is not possible as it would require the golf ball strike zone to be inside Mooring Area 7 identified in the Regional Plan: Coast for Otago. This site is also contrary to the preference of the primary CMA users that were consulted.
- 77 Submitters also suggested the Molars location adjacent to Portsmouth Drive. However, this site has much less car parking and the windsurfing community appear to use this area extensively. Accordingly this site has also been discounted.

## **PART 2 OF THE ACT**

- 78 It is considered that the proposal satisfies section 5 of the RMA in that it will enable the development of resources in a manner that contributes to economic, social and cultural wellbeing of the community by providing a new tourism venture and actively encouraging the community's engagement with the Otago Harbour. Adverse effects relating to matters such as visual effects, effects on other users of the CMA and reserve areas noise and traffic can be avoided, remedied or adequately mitigated.
- 79 Section 6 of the RMA sets out matters of national importance which must be recognised and provided for. None of these matters are considered relevant to this application, in particular it is noted that the natural character of the coastal marine area in the subject site is significantly modified by reclamation.

80 Section 7 requires regard be had to the efficient use and development of natural and physical resources and maintenance and enhancement of amenity values. The application results in the efficient utilisation of a reclaimed area adjoining and relying on Portobello Road and the cycleway network. The application will however result in minor visual effects, but these have been mitigated by the revised signage and temporary safety fencing proposal.

81 Section 8 of the RMA requires all persons exercising functions and powers under the RMA to have regard to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Consultation has been undertaken with Aukaha and all conditions lawful and enforceable have been accepted as conditions of consent.

### **SUBMISSIONS**

82 The relevant potential effects raised in submissions have been responded to in the s42A reports and my evidence set out above. The matters raised by the submitters have contributed to a thorough assessment of the potential effects. However, in summary, all relevant adverse effects raised such as public safety, occupation of the CMA, noise, traffic and water quality have been assessed by the s42A reports and will be addressed through the proposed conditions of consent.

### **PROPOSED CONDITIONS**

83 I have suggested a number of amended and new conditions from those proposed by Mr Horrell and Ms Shipman as a means to appropriately manage the actual and potential environmental effects associated with the proposal. These are set out in Appendix 2.

### **CONCLUSION**

84 The Otago Harbour Golf Challenge will establish a new tourist attraction on a major tourist route in the city and encourage greater use of the Otago Harbour.

85 Both the s42A report writers agree that the potential effects associated with this application can be appropriately managed so they will be minor. In my evidence I have presented further information and alternative conditions suitable for addressing the identified actual and potential effects in relation to visual amenity, occupation of the CMA and DCC reserve, noise effects and transportation effects.

86 I acknowledged that this is the first known activity of its kind in the CMA and accordingly, a review condition in relation to the Operations Management Plan associated with the temporary coastal permit and obligations under the Health and Safety at Work Act 2015 is appropriate.

- 87 Additionally, given the nature of the reserve a review condition is also considered suitable for the management of traffic effects at a later date.
- 88 Overall, I am of the view that consent can be granted to the application in accordance with Section 104 of the RMA subject to the imposition of the suggested conditions as amended at **Appendix 2**.

A handwritten signature in black ink, appearing to read 'James Taylor', with a stylized flourish extending to the right.

**James Taylor**

**APPENDIX 1**

**Site Plan**

**LEGEND:**

- BUSINESS HUB, MOBILE FOOD VAN BIKE & WATER SPORT RENTALS
- TEE OFF AREA - x 3 TEES
- LOCATION FOR TEMPORARY SAFETY FENCE EXCLUSION ZONE (ONLY IN PLACE DURING GDF OPERATION).



**DRAFT ONLY**  
NOT FOR CONSTRUCTION

**PRELIMINARY**  
NOT FOR CONSTRUCTION

No.	Revision	By	Chk	Appd	Date
B	PRELIMINARY ISSUE - DRAWING UPDATED	JK		JT	02.02.18
A	PRELIMINARY ISSUE	JK		JT	13.11.17

Drawing Originator:  
**Beca**

Original Scale (A1)	Design	JK	10.10.17	Approved For Construction*
1:250	Drawn			Date
Reduced Scale (A3)	Dwg Verifier			
1:500	Dwg Check			
	* Refer to Revision 1 for Original Signature			

Client: **PETER GRAHAM**

Project: **OTAGO HARBOUR GOLF CHALLENGE**

Title: **PROPOSED LAYOUT PLAN**

Discipline: **CIVIL ENGINEERING**  
 Drawing No: **4395484-CA-K001** Rev: **B**

## APPENDIX 2

### Proposed Amendments to Conditions

#### Coastal Permit RM17.229.01 (Pontoon Placement) Recommended Conditions:

Amend term to 25 years

Amend condition 6 as follows:

*The only signage to be displayed on the pontoon shall read "Otago Harbour Golf Challenge" in blue lettering no more than 300mm in height and 8m in width.*

#### Coastal Permit RM17.229.03 (Temporary Occupation of Golf Ball Striking Area) Recommended Conditions:

Amend term to 25 years

Amend condition 10 as follows:

*...a) Determining whether the conditions of this Coastal Permit are adequate to deal with any adverse effect on other users of the Coastal Marine Area which may arise from the exercise of the Coastal Permit...*

*...c) Requiring the Consent Holder to adopt the best practicable option, in order to reduce any adverse effect on other users of the Coastal Marine Area arising as a result of the exercise of this Coastal Permit...*

Add the following additional Advise Note to Consent Holder:

*5. The purpose of the Operations Management Plan required by condition 6 is to manage potential effects on other users of the Coastal Marine Area and to satisfy other New Zealand regulations including those under the Health and Safety at Work Act 2015.*

#### Land Use Consent Recommended Conditions:

Delete condition 3 and replace with the following:

*3A Patrons exhibiting signs of intoxication will not be provided service by any part of the operation.*

*3B The activity cannot establish anywhere onsite except the approved footprint nominated in Drawing 4395484-CA-K001 dated 2 February 2018.*

*3C No operational queuing or storage of any equipment is to occur outside of the approved footprint nominated in Drawing 4395484-CA-K001 dated 2 February 2018.*

*3D The activity must be undertaken in accordance with Operational Management Plan required by Coastal Permit Coastal Permit RM17.229.03.*

Delete condition 4 and replace with the Following:

*The consent holder must ensure noise from activity taking place on the site will not exceed  $L_{Aeq}(15 min)$  46dB when measured at the boundary of 137 Portobello Road.*

Amend Condition 5 as follows:

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

Delete condition 10 and replace with the following:

*10. Signage shall be limited to the following:*

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

B) A toilet way finding sign shall be installed to the satisfaction of the Council Planning manager.

C) The name of the business "Otago Harbour Golf Challenge and Café" installed across the top of the coffee cart/van. This coffee cart/van will also have the products and services and their prices listed on the front and side of the coffee cart/van.

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

Amend condition 16 as follows:

*A total of 13 car parks shall be permanently marked within the reserve...*

Amend condition 18 as follows:

*18. No external lighting is permitted on site.*

Amend condition 20 as follows:

*... (a) Dealing with potential adverse traffic effects which may arise from the exercise of the consent and which is appropriate to deal with at a later stage.*