



DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104

RESOURCE MANAGEMENT ACT 1991

Applicant:	B Shears
RM reference:	RM140617
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for a land use consent to establish and operate a commercial boat charter from Jetty 147 on Lake Wanaka
Location:	Jetty 147, Lake Wanaka Jetty at the end of McKay Street, Lake Wanaka Lake Wanaka
Legal Description:	N/A
Zoning:	Rural General
Activity Status:	Discretionary
Decision Date	13 November 2014

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **non-notified** basis given the findings of Section 6.0 of this report. This decision is made by Adonica Giborees, Senior Planner, on 13 November 2014 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Adonica Giborees Senior Planner, as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

Consent is sought to establish and operate a commercial boating charter on Lake Wanaka which would provide for a 33 person (including staff) charter cruise, that would operate all year round, from 8:00am to 10:30pm. The *Mata Au* is a 12.3m long tri-hull vessel. The vessel would be moored off the end of McKay Street, near Eely Point, while departure and drop-off would be from Jetty 147 (see Figures 1 and 2 below). Note this departure and drop-off point differ to that outlined in the Figure 3.

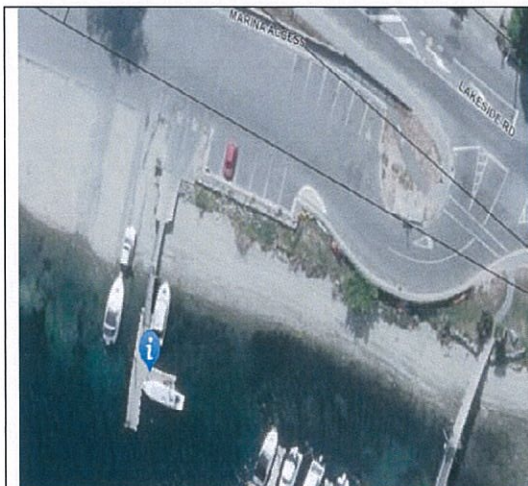


Figure 1: Location of point of departure and drop off at Jetty 147



Figure 2: Red arrow indicating location of Jetty 147 in relation to the Wanaka township (blue arrow)

There would be a maximum of four charter cruises per day which would be undertaken in general accordance with the plan shown in Figure 3 below. Bookings will be made through phone and emails, as well as through established outlets including the i-site and hotels. The applicant does not seek any type of booking area for the charters as part of the subject application. In addition, consent is also sought for the provision of a 'taxi' service for the likes of transporting kayakers/bikes to various landing spots, or to take people to wedding venues or school trips that would occur on unspecified customised routes, operating as an on-demand basis. As such, the applicant is seeking consent for landing spots in Department of Conservation land. There would be up to four 'taxi' charters per day, in addition to the four charter cruises per day. The vessel would be fuelled from Wanaka marina fuel pumps, in close proximity to Jetty 147.

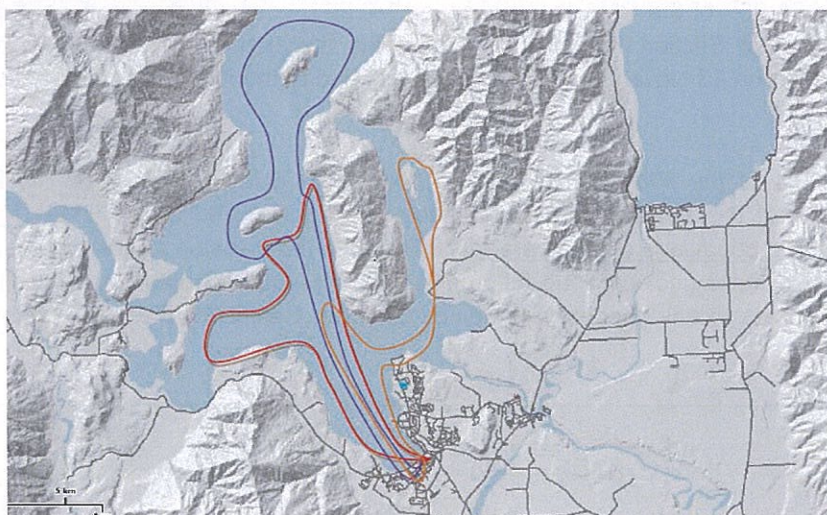


Figure 3: Aerial view of proposed charter routes.

Route 1 – Bishops Bay – Mou Tapu

Route 2 – Mou Tapu – Mou Wahou – Roy Bay

Route 3 – Stevensons Island

Figure 3 Proposed routes of charters

The application includes a Marine Transport Operator Plan (MTO), a safety operation plan, which has been sighted and approved by the Queenstown Lakes District Council's Harbourmaster, Mr Marty Black.

Site Description

Jetty 147 is located in Roy's Bay recreation reserve, off Lakeside Road, north west of the Wanaka township (see Figures 1 and 2 above). There are several car parks, a public toilet, boat fuelling facilities, and waste water pump station within close proximity of each other at this location.



Site History

Several consents have been granted for activities on Lake Wanaka. The consents that are considered to have possible relevance to this application are as follows:

- RM000655 T Cruickshank - Operation of a 6m launch for up to 7 persons for chartered fishing trips and sightseeing.
- RM020104 – Lake Wanaka Yacht Charters – 7.5m yacht Commercial yacht activity and boat used for accommodation
- RM030046 and RM080523 Blue Water Cruises Ltd – 8m vessel 'Adventure Wanaka' for sightseeing and fishing charters maximum of eight return trips per day, up to 15 persons
- RM030397 and RM050428 Lake Wanaka Cruises Limited – commercial boating for sightseeing, fishing, for up to 48 persons, and overnight excursions for up to 9 people and crew
- RM030585 Wanaka Houseboats Limited – 'Lady Pembroke' hire of house boat for overnight accommodation
- RM070064 Eco Wanaka Adventures Ltd – Included guided fishing trip on Lake Wanaka, boat cruises to Mou Waho Island and around Lake Wanaka, drift fishing and jet boating, on vessels appropriate for the activity, each with different capacities for passengers. The largest vessel can hold up to 10 passengers.

- RM010178 and RM090053 Lakeland Adventures Limited – various vessels and associated activities
- RM130827 T & S Cruickshank – 7.8m launch for chartered fishing and sightseeing for up to 14 people

2. ACTIVITY STATUS

2.1 THE DISTRICT PLAN

The subject sites, being the mooring, the departure and drop-off point, and Lake Wanaka are zoned Rural General and the proposed activity requires resource consent for the following reason:

- A **discretionary** activity resource consent pursuant to Rule 5.3.3.3(iv)(b) for the proposed commercial boating activities on the surface of a lake.

3. SECTION 95A NOTIFICATION

The applicant has not requested public notification of the application (s95A(2)(b)).

No rule or national environmental standard requires or precludes public notification of the application (s95A(2)(c)).

The consent authority is not deciding to publicly notify the application using its discretion under s95A(1) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

A consent authority must publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)).

An assessment in this respect follows.

4. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

4.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95D)

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: *Trade competition and the effects of trade competition (s95D(d)).*
- C: *The following persons have provided their **written approval** and as such adverse effects on these parties have been disregarded (s95D(e)).*

Person (owner/occupier)	Address (location in respect of subject site)
Phillippa Lynch on behalf of Te Runanaga o Ngai Tahu	-
Chris Rosenbrock on behalf of Kai Tahu ki Otago	-
Peter Wilson on behalf of Otago Fish and Game Council	-
Marty Black - Harbour Master	-
Brain Shaw	Mooring lease off end of McKay Street
Jo Conroy - APL Property on behalf of Queenstown Lakes District Council	Owner of Jetty 147

It should be noted that Maritime New Zealand has been served with a copy of the application as per section 89A of the Resource Management Act 1991. No concerns have been made known from Maritime New Zealand with regard to the proposed activity.

4.2 PERMITTED BASELINE (s95D(b))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case non-commercial boating is a permitted activity on Lake Wanaka.

4.3 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Taking into account sections 4.1 and 4.2 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor. The Council's Harbourmaster, Mr Marty Black has also assessed the application and provided a report. The Harbourmaster's comments are provided in the relevant sections below.

The relevant assessment matters are found in Section 5.4.2.3(xv) *Surface of Lakes and Rivers* of the District Plan and have been taken into considered in the assessment below.

Key assessment matters require Council to consider any adverse effects arising as a result of the water-based activity on the range and quality of recreational opportunities available in the District; the extent the activity would reduce opportunities for passive recreation, enjoyment of peace and tranquillity, and opportunities for remote experience recreation; the extent the activity would compromise public safety; have adverse noise, vibration, and lighting effects; a loss of privacy or sense of remoteness; adverse levels of congestions or reduction in levels of lake safety; cumulative effects from the activity in conjunction with other activities; and compatibility with nature conservation values or wildlife habitat.

The applicant has provided a report entitled "*Brent Shears Commercial Boat Cruise Lake Wanaka Resource Consent Application*", prepared by Karen Page of John Edmonds and Associates, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 2). The Assessment of Effects provided at section 4.0 of the applicant's AEE, is comprehensive and is considered accurate. It is therefore partly adopted for the purposes of this report.

The points of difference and additional points are discussed in the sections below.

Land, Flora and Fauna:

Adverse Effects to Consider	Effects on the Environment
Aquatic Flora & Fauna	Less than minor
Waterbodies	No more than minor

The proposed charter would be on Lake Wanaka only, and no fishing is proposed as part of this application. The application includes an MTOP which has been approved by the Harbourmaster, which includes sections regarding environmental protection policy and procedure; fuelling procedure with contingency for spillage; pollution control protocol; and a general garbage discharge plan.

The MTOP states that all garbage would be collected on board the boat and disposed of on shore. Passengers and crew will be instructed before, or upon boarding the vessel, that garbage is not to be disposed of overboard, and that bins are provided throughout the craft. All rubbish will be taken ashore in sealed bags for disposal or recycling. Toilet facilities, including a 20 litre holding tank, have been fitted to the vessel, and will be disposed of at a public pump out facility near the Wanaka Yacht Club (Figure 5 above). The MTOP also states that no dangerous goods or hazardous materials are to be carried on the vessel. While the charters would only be on Lake Wanaka, Kai Tahu ki Otago recommend a condition of consent that standard practice for boat cleaning be adhered to, which includes, but not limited to undertaking all possible measures to ensure *Didymo* and other lake weeds are not spread.

A condition of consent is also recommended by Kai Tahu ki Otago that all rubbish and effluent be disposed of in an appropriate manner using Council approved facilities, and this is accepted. An additional condition of consent is recommended that no waste, rubbish, oil, fuel or other dangerous pollutants be disposed of into the lake or surrounds.

The nature, scale and frequency of the proposed activity is considered to be compatible with activities anticipated on the lake, and would be undertaken under a regime that would avoid, remedy or mitigate any potential adverse effects on the environment in terms of nature conservation values or wildlife habitats.

Overall, it is considered that given the provisions of the MTOP, and subject to the recommended conditions of consent, any adverse effects on flora and fauna, as well as on Lake Wanaka itself, would be avoided, remedied or mitigated so that those effects would not likely be more than minor.

People and Built Form:

Adverse Effects to consider	Effects on the Environment
Character	No more than minor
Amenity	No more than minor
Cumulative	No more than minor
Safety	No more than minor

The character of Roy's Bay is defined by the lake and the water based activities that occur on it. There are some consented activities that utilise the bay to pick up and drop off customers, much in the same way as the applicant proposes. It is considered therefore that the proposed activity would be consistent with the activity currently occurring in the same area. While these commercial operations also currently operate on Lake Wanaka, it is considered that Lake Wanaka has capacity to absorb additional charter operations as proposed in this case.

As discussed above, boating activities are anticipated to occur on the lake, and the nature, scale and frequency of the proposed activity is considered to be compatible with permitted activities that occur there. The vessel would be moored off the end of McKay Street near Eely Point, and can pick up and drop off clients from Jetty 147, located off Lakeside Road. There are predetermined routes as indicated in Figure 3 above, as well as an on-demand 'taxi' service. A condition of consent is recommended that the maximum number of return trips per day is set at eight (inclusive of the general charter and 'taxi' service). In terms of the 'taxi' service, a condition of consent is recommended requiring that the applicant would obtain the relevant concessions and permissions for landings.

It is considered that the relative size of the vessel itself would be reasonably difficult to distinguish from those associated with non-commercial activities. Furthermore, it is considered that given the expanse of the lake, the proposed activity would not likely interfere with other recreational activities that occur on the lake, and the nature, scale, and frequency of the activity would not likely detract from the quality of experience of people undertaking those recreational activities.

It should be noted that there will be on-board commentary throughout the proposed charter which will be done through a speaker system. It is anticipated that the noise levels would not likely breach the Zone Standard of 77dB L_{ASmax} in the day time (0800 – 2000 hrs), and 67dB L_{ASmax} at night time (2000 – 0800 hrs). A condition of consent is recommended that the PA system not be used after 8:00pm from the entrance of Stevensons Arm, in line with Maungawera Road, and Roy's Bay where there are residential areas. Subject to this condition, it is considered that the amplified noise would be such that could be absorbed into the environment, and combined with the nature, scale and frequency of the activity, would not likely detract from the enjoyment of peace and tranquillity, or the opportunities for remote experience recreation.

Given the relative size of the lake and the level of activity that occurs on the lake, it is considered that congestion would not likely be problematic and Council's Harbourmaster, Mr Marty Black, is satisfied that the MTOP is sufficient and that the operation would be able to be undertaken safely. Mr Black also notes that the vessel will be subject to a Certificate of Survey from Maritime New Zealand and both the company and vessel must also pass an audit by Maritime New Zealand. A condition of consent is recommended that the operation of the charter not commence until such time that the vessel be fully compliant to all Maritime New Zealand rules.

In terms of cumulative effects of the activity in conjunction with other activities, and with the potential effects outlined above, it is considered that the proposed activity would be of a scale, and would be operated at a frequency that would be readily absorbed into the vicinity.

Overall, it is considered that the proposed activity would have no more than minor effects on people and built form.

Infrastructure:

Adverse Effects to consider	Effects on the Environment
Effluent Disposal	No more than minor

As discussed above, the vessel has been fitted with an on-board toilet, including a 20 litre holding tank. The effluent will be disposed of at a public pump out facility at the public pump out facility near the Wanaka Yacht Club.

As discussed above, the MTOP states that all garbage will be collected on board the boat and disposed of on shore. A condition of consent is recommend that adequate provision be made for the storage and collection of recyclables, litter and refuse which are to be disposed of in an appropriate manner to a Council approved refuse disposal treatment service and recycling facility.

Overall, in terms of infrastructure, it is considered that subject to the recommended conditions of consent, any potential adverse effects on the environment would likely be no more than minor.

Traffic Generation and Vehicle Movements:

Adverse Effects to consider	Effects on the Environment
On-site / On street parking	No more than minor
Public Safety	No more than minor
Vehicle Movements & Noise	No more than minor

Jetty 147 is located within walking distance of the town centre, and there is considered to be sufficient carparking space located at the marina on Lakeside Road. There are no car parking requirements for this activity in the Transport section (Part 14) of the District Plan. For these reasons, it is considered that the any traffic generated as a result of the proposed activity would likely have no more than a minor effect on the environment.

The Harbourmaster is satisfied with the proposed operation and safety of the passengers. The Harbourmaster recommends a condition of consent that the consent holder complies with all Council Waterways Bylaws and that any incidents be reported to the Harbourmaster office immediately. Operation in accordance with these conditions forms part of the application.

Overall, subject to conditions of consent, it is considered that any adverse effects on public safety would be adequately avoided, remedied or mitigated by the operational procedures outlined in the application documents, and are not likely to be more than minor.

Nuisance:

Adverse Effects to consider	Effects on the Environment
Noise	No more than minor
Hours of Operation	No more than minor

The proposed hours of operation would be limited to between 8:00am and 10:30pm, and are considered to be appropriate for the scale of the charter proposed. It is considered likely that there would be seasonal variations in the operations, where during summer it would be more likely to operate until 10:30pm. However, the operation could run after dark in some cases.

As discussed above, a commentary would be provided on the cruises through a PA system. The noise levels would be restricted to those permitted under the District Plan, being 77dB L_{ASmax} in the day time (0800 – 2000 hrs), and 67dB L_{ASmax} at night time (2000 – 0800 hrs). In addition, that the nature of the cruises are for sightseeing purposes, the operating speed of the vessel will not be excessive, and as such, would reduce any potential for a nuisance effects, such as noise to occur.

A condition of consent is recommended that these noise levels be adhered to, and that the PA system not be used after 8:00pm from the entrance of Stevensons Arm, in line with Maungawera Road, and Roy's Bay where there are residential areas.

Subject to the recommended conditions of consent, it is considered that any adverse noise nuisance effects would likely be no more than minor.

Culture:

Adverse Effects to consider	Effects on the Environment
Takata Whenua	No more than minor

Kai Tahu ki Otago, on behalf of Kati Huirapa Runanga ki Puketeraki and Te Rununga o Otakou, and Te Runanga o Ngai Tahu have both provided written approval to the application. Kai Tahu ki Otago recommends that the consent holder and its staff first consult the local Papatipu Runanga about any historical, spiritual or cultural matters relating to Tangata Whenua, and obtaining their agreement that the information to be provided is both appropriate and accurate. Subject to the conditions of consent, it is considered that any adverse effects of the proposal in regard to Takata Whenua and culture are considered to be less than minor.

4.4 DECISION: EFFECTS ON THE ENVIRONMENT (s95A(2))

Overall the proposed activity is not likely to have adverse effects on the environment that are more than minor.

5.0 EFFECTS ON PERSONS

Section 95B(1) requires a decision whether there are any affected persons (under s95E) in relation to the activity. Section 95E requires that a person is an affected person if the adverse effects of the activity on the person are minor or more than minor (but not less than minor).

5.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95E)

A: *The persons outlined in section 4.1 above have provided their **written approval** and as such these persons are not affected parties (s95E(3)(a)).*

5.2 PERMITTED BASELINE (s95E(2)(a))

The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect. In this case the permitted baseline is found within section 4.2 above.

5.3 ASSESSMENT: EFFECTS ON PERSONS

Taking into account sections 5.1 and 5.2 above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

Adverse Effects:	Effects on Persons
Amenity	Less than minor
Safety	Less than minor
Noise	Less than minor

It is considered that the nature of the proposed activity would be such that is anticipated to occur on the lake. The scale of the activity, being up to four charters per day for up to 33 people, including crew, would not be uncharacteristic of similar activities that occur on the lake either for similar commercial activities, or for private recreational activities.

For the reasons above and for the reasons outlined in the 'Assessment of Effects on the Environment' above, it is considered that any potential adverse effects on persons would likely be less than minor.

5.4 **DECISION: EFFECTS ON PERSONS (s95B(1))**

In terms of Section 95E of the RMA, no person is considered to be adversely affected.

6.0 OVERALL NOTIFICATION DETERMINATION

Given the decisions made above in sections 4.4 and 5.4 the application is to be processed on a non-notified basis.

7.0 S104 ASSESSMENT

7.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 4 of this report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

7.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

The relevant objectives and policies are contained within Part 4 – *District Wide Issues – Takata Whenua* and *Surface of Lakes and Rivers*, and Part 5 *Rural Areas*, of the District Plan.

Takata Whenua

Objective 2 of Takata Whenua is in relation to the use and interpretation of tribal history, and the related policy seeks to ensure that consultation is undertaken with the relevant Kai Tahu authority. In this case, approval from Kai Tahu ki Otago has been provided, on condition that consultation be undertaken with Papatipu Runanga to ensure any commentary on the cruise relating to historical, spiritual or cultural matters of Takata Whenua. Subject to a condition of consent, it is considered that the proposed activity would be consistent with this policy.

Objective 9 is with regard to the protection of water resources, which aims to ensure that the collection, treatment and storage of disposal of waste minimises the adverse effects on natural resources of the District. In this case, all waste will be disposed of on land in an appropriate manner. As such, the proposed activity is consistent with this objective.

Surface of Lakes and Rivers

The relevant objectives in this case are with regard to recreational activities, and that they be undertaken in a way that avoids, remedies or mitigates any potential adverse effects on

- *Natural conservation values and wildlife habitats,*
- *Other recreational values,*
- *Public health and safety,*
- *Takata whenua values, and*
- *General amenity values.*

Policies:

- 2 *To enable people to have access to a wide range of recreation experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.*
- 3 *On each lake and river, to provide for the range of recreational experiences and activities which are most suited to and benefit from the particular natural characteristics.*
- 4 *To avoid or mitigate the adverse effects of frequent, large-scale or intrusive activities such as those with high levels of noise, vibration, speed and wash.*

- 5 *To avoid the adverse effects of motorised craft in areas of high passive recreational use, significant nature conservation values and wildlife habitat.*
- 7 *To avoid and protect the environment from the adverse noise effects of motorised watercraft.*
- 12 *To avoid adverse effects on the public availability and enjoyment of the margins of the lakes and rivers.*

The proposed activity would enable people to have access to and experience recreational activities, while ensuring that the experience of other users on the lake would not be adversely affected, and that the lake be used in such a way so that the lake itself will not be adversely impacted by the proposed activity.

Rural Areas

Objective 1 and related policies are related to the protection of character and landscape values of rural areas from inappropriate activities, while Objective 3 and related policies are concerned with avoiding, remedying or mitigating adverse effects of activities on rural amenity, and finally, Objective 4 and related policies seek to safeguard the life supporting capacity of water.

It is considered that subject to the recommended conditions of consent, that the proposed activity would be consistent with the relevant objectives and policies in Part 5 of the District Plan.

Overall, it is considered that the proposed activity would be consistent with the relevant objectives and policies of the District Plan.

7.3 PART 2 OF THE RMA

It is considered that the proposed activity would avoid or mitigate any potential adverse effects on the environment, would recognise and provide for the relevant matters of national importance, would have regard while providing for sustainable management of resources and is therefore in keeping with the Purpose and Principles of the RMA.

7.4 DECISION ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

8.0 OTHER MATTERS

Local Government Act 2002: Development Contributions

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

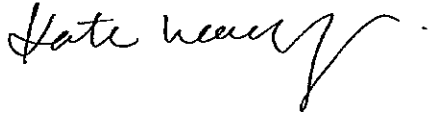
The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.

If you have any enquiries please contact Kate Wasley on phone (03) 441 0499 or email kate.wasley@qldc.govt.nz.

Report prepared by



Kate Wasley
PLANNER

APPENDIX 1 - Consent Conditions
APPENDIX 2 - Applicant's AEE

Decision made by



Adonica Giborees
SENIOR PLANNER

APPENDIX 1 – CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in general accordance with the plans:

- 'RM140617 Proposed Charter Routes'

stamped as approved on 11 November 2014

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100. This initial fee has been set under section 36(1) of the Act.
3. The commercial operation approved under RM140617 shall not commence until such time as the vessel be fully compliant to all Maritime New Zealand (MNZ) rules. Written confirmation of compliance as granted by MNZ shall be provided to Queenstown Lakes District Council's Resource Consent Manager prior to the commencement of the commercial operation.
4. Adequate provision shall be made for the storage and collection of recyclables, litter and refuse. These are to be disposed of in an appropriate manner to a Council approved refuse disposal treatment service and recycling facility.
5. That all liquid waste products (waste water, effluent and bilge water) be disposed of to the Council's sewer reticulation in an appropriate manner.
6. The standard of practice for boat cleaning is adhered to including but not limited to undertaking all possible measures to prevent the spread of both *Lagarosiphon* and *Didymo*.
7. The consent holder and its staff will not provide information to its clients about any historical, spiritual or cultural matters relating to Takata Whenua of the area without first consulting with the local Papatipu Runanga and obtaining their agreement that the information to be provided is both appropriate and accurate.
8. The consent holder shall ensure that any incidents or accidents are reported to the Queenstown Lakes District Council's Harbourmaster as practically possible.
9. No more than 33 passengers (inclusive of both clients and crew) shall be aboard the craft at any one time.
10. No more than eight return trips are to be undertaken in per day.
11. The hours of operation shall be:
 - 8.00am to 10:30pm.

Noise (Surface of Lakes and Rivers)

12. Motorised craft on the surface of lakes and rivers shall be operated and conducted such that a maximum sound level of:

- Day time (0800 – 2000 hrs) 77dB L_{ASmax}
- Night time (2000 – 0800 hrs) 67dB L_{ASmax}

is not exceeded, when measured and assessed in accordance with Appendix 2 of the District Plan.

14. The PA system shall not be used after 8:00pm and before 8:00am from the entrance of Stevensons Arm, in line with Maungawera Road, and the drop off point at Roy's Bay.

Review

14. Within ten working days of each anniversary of the date of this decision the Council may, in accordance with Sections 128 and 129 of the Resource Management Act (RMA) 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:

- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage;
- (b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered;
- (c) There has been a change in circumstances that the conditions of consent are no longer appropriate in terms of the RMA 1991;
- (d) Monitoring of the activity granted in the consent has revealed that there is, or likely to be an adverse effect on the environment;
- (e) With respect to the following conditions:
 - (i) Condition 4 relating to rubbish disposal
 - (ii) Condition 5 relating to wastewater disposal
 - (iii) Condition 6 relating to boat cleaning
 - (iv) Condition 9 relating to the number of passengers
 - (v) Condition 10 relating to the maximum number of trips per day
 - (vi) Condition 11 relating to the hours of operation
 - (vii) Condition 12 relating to maximum noise levels

Advice Notes

- The consent holder is advised that Department of Conservation concessions should be obtained prior to landing on Department of conservation land, and approval from any other land owners obtained prior to landing at any privately owned land.
- No signage has been proposed as part of this proposal. Should signage be required in the future, resource consent should be sought and granted prior to signage being erected.
- All operations must comply with the Queenstown Lakes District Council waterways Bylaws (titled "Queenstown Lakes District Council Navigation Safety Bylaw 2014).

APPENDIX 2 - Applicant's AEE

Brent Shears

**Commercial Boat Cruise
Lake Wanaka**

Resource Consent Application

August 2014

John Edmonds
& Associates Ltd
PLANNING ■ ENVIRONMENT

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Appendix B	Safe Operations Plan

COMMON ABBREVIATIONS

QLDC	Queenstown Lakes District Council
QLDP	Queenstown Lakes District Plan
RMA	Resource Management Act 1991

DOCUMENT STATUS

Version	Purpose of Document	Prepared By	Reviewer	Review Date
Draft A	Draft to client	KP	RD	6/08/2014
Final	Lodgement		-	-

APPLICATION FOR RESOURCE CONSENT PURSUANT TO SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To:

Planning and Development
Queenstown lakes District Council
PO Box 50072, Queenstown 9300
Attention: Manager, Resource Consents

Applicant:

B Shears applies for consent to establish and operate a commercial boat charter on Lake Wanaka.

Address for Service:

John Edmonds & Associates
PO Box 95, Queenstown 9300
Attention: Karen.page@jea.co.nz
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1.0 INTRODUCTION

1.1 Overview

Consent is sought to establish and operate a commercial boat charter on Lake Wanaka. The vessel would have a total length of 12.3m and would have a maximum passenger number of 33 people, including all staff.

1.2 Consultation

Written approvals from the following parties have been obtained and are attached in Appendix H:

- Ngai Tahu
- KTKO Ltd
- Fish and Game NZ

Any effects on these persons must, therefore, be disregarded in accordance with Section 95D (e) of the RMA.

2.0 DESCRIPTION OF THE PROPOSAL

2.1 Site Description and Location

Lake Wanaka is a large, deep, glacial lake with a surface area of 180km², running generally northwards from the township of Wanaka at Roys Bay. It is an extremely popular holiday area and is of growing popularity for permanent residence and retirement. All forms of recreational boating are undertaken on the lake. Commercial use of the lake includes jetboat operations; launches for lake cruises and guided fishing; hire of jet-skis and small boats; and paragliding; mostly concentrated on and near the main jetty in Roys Bay.

The Applicant proposes to provide scenic cruises on Lake Wanaka. It is proposed to operate three standard cruises, their routes illustrated below in Figure 1:

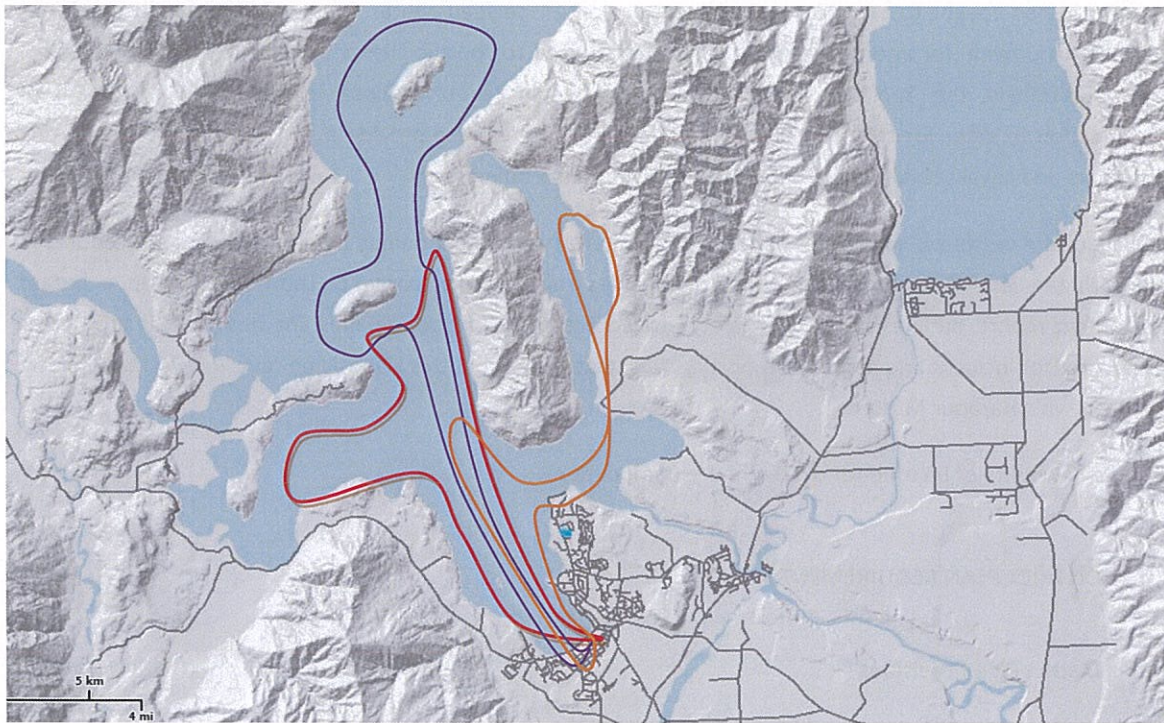


Figure 1: Aerial view of proposed charter routes.

Route 1 – Bishops Bay – Mou Tapu

Route 2 – Mou Tapu – Mou Wahou – Roy Bay

Route 3 – Stevensons Island

The Applicant also proposes to undertake additional charter work in the form of taxi work, such as transporting kayaks and bikes around the lake. This general charter work may also include charter work for weddings/ school groups etc.

The Applicant has 23 years experience as a commercial boat operator, mainly working in small boat tourism. This has included owner/ operator of a glacial boat operation in Mt Cook National Park for 16 years, and

various other roles for boat operations in Abel Tasman National Park and the Queenstown Lakes District. To date the Applicant has a perfect safety record.

2.2 Description of the Proposed Development

As outlined above, the Applicant seeks consent to establish and operate a boat charter business on Lake Wanaka. The vessel, Mata Au, is a white Tri Hull vessel at 12.3m long. It runs twin inboard diesel engines and has a draft of .5m. It has previously been surveyed for 33 passengers and operated on both Lake Wakatipu and Lower Clutha River.

The Applicant anticipates that the above routes identified in Figure 1 would be the three main sight-seeing routes. This would include departure from an approved mooring in Roys Bay and then one of three alternative routes around Bishops Bay, Mou Tapu or Stevensons Island, see Figure 1 above. A maximum of four cruises is proposed per day between the hours of 8:00 am and 10:30 pm. A commentary would be provided on the cruises.

Consent is also sought to allow for general charters on unspecified routes. This would allow the Applicant flexibility to provide for alternative charter trips customised to specific clients such as weddings and school trips. Accordingly, the Applicant is seeking as many landing spots as possible from the Department of Conservation to cater for this flexibility. In addition, it is intended to provide a taxi service for transporting customers and kayaks/ bikes etc. around the lake to various landing spots.

Fuelling of the vessel would be undertaken at the Wanaka Marina fuel pumps following fuelling procedures in line with the Safe Operations Plan that accompanies this resource consent. This SOP includes a hazard assessment report, outlines health and safety procedures and all responsibilities and authorities, and details procedures for incident and accidents reporting. It is understood that this SOP will be reviewed by Marty Black, Queenstown's Harbour Master.

The vessel would not be used for overnight accommodation.

3.0 DISTRICT PLAN REQUIREMENTS

3.1 District Plan Provisions

All waterways in the QLD are zoned Rural General under the Queenstown Lakes District Plan (QLDP).

3.2 Purpose of the Zone

The Plan states that the purpose of the Rural General Zone is to

"manage activities so they can be carried out in a way that:

- protects and enhances nature conservation and landscape values;*
- sustains the life supporting capacity of the soil and vegetation;*
- maintains acceptable living and working conditions and amenity for residents of and visitors to the Zone; and*

- ensures a wide range of outdoor recreational opportunities remain viable within the Zone.

The zone is characterised by farming activities and a diversification to activities such as horticulture and viticulture. The zone includes the majority of the rural lands, the districts waterways, alpine areas and national parks."

3.3 Consents Required and Status of the Activity

Under the QLDP the proposal requires resource consent for the following:

- A **discretionary** activity pursuant to Rule 5.3.3.3(iv) (b) for commercial boating activities on the surface of lakes and rivers.

4.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Activities on the surface of lakes can have adverse effects on the amenity of the surrounding environment and on the quality and enjoyment of other recreational activities. In assessing the potential adverse effects of this proposal, consideration must be given to the following;

- (a) *The extent to which the proposed boat charter would adversely affect the range of recreational opportunities available or the quality of experience of the people partaking of those opportunities;*

The proposed boat charter would not compromise the range of recreational opportunities available on Lake Wanaka. Given the size of the lake, this environment could easily absorb the scale of activity proposed while continuing to provide for other high quality recreational opportunities.

- (b) *The extent to which the water-based activity is suited to and benefits from the identified natural characteristics of the particular lake;*

The proposed scenic boat charter operation would complement the existing range of recreational opportunities on Lake Wanaka. It would be the largest charter boat currently operating on the lake and would provide for public access to areas of the lake only accessible by boat. The primary focus of the operation would be scenic tours and hence the proposed operation would benefit from the identified natural characteristics of the lake.

- (c) *The extent to which the water-based activity will reduce opportunities for passive recreation, enjoyment of peace and tranquillity and, particularly, opportunities for remote experience recreation;*

The proposed vessel and charter operation would have the capacity to accommodate 33 people. It is understood that this would be the largest scenic boat operation currently existing on Lake Wanaka. Any potential adverse effects on other lake users, however, would be negligible as the operation would comply with QLDP noise levels, and due to the size of the lake would not compromise opportunities for a remote experience for other recreational users.

- (d) The extent to which the water-based activity will compromise levels of public safety, particularly where conflict between operators may make a reasonable level of public safety impossible or difficult to achieve.*

The proposed activity would not result in any congestion on the lake or any conflict with other water based activities. Furthermore, the Applicant has 23 years experience as a commercial boat operator with the majority of this spent in small boat tourism. He has a perfect safety record and would adhere to the Safe Operations Plan at all times.

- (e) Any adverse effects of the proposed activity in terms of:*

- (i) noise, vibration and lighting, which is incompatible with the levels acceptable in the particular lake or river environment;*

Any noise levels generated by the twin engines would be minor compared to other commercial jets currently operating on the lake. The Applicant has also advised that a PA system would be used to provide a commentary on the conservation and wildlife values of the area. Noise levels would be restricted to those levels permitted under Rule 5.3.5.2 (iv) (a) of the QLDP. This zone standard restricts noise generated by motorised craft to 77dB on the surface of the lake. As a result, noise levels generated by the proposed activity would be of a scale considered acceptable in this environment. Furthermore, it is not anticipated that there would be any adverse effects as a result of vibration or lighting.

- (ii) loss of privacy or a sense of remoteness or isolation;*

It is not anticipated that one additional vessel on this part of Lake Wanaka would compromise the remoteness or sense of isolation in these areas.

- (iii) levels of congestion or reduction in levels of lake or river safety, which are unacceptable for the nature of the lake;*

Given the size of the lake and the limited number of vessels operating in these areas, it is not anticipated that there would be any issues with congestion and lake safety as a result of this proposal.

- (iv) accumulation of litter and waste, and access to toilet facilities;*

All waste would be collected on board the vessel and disposed of on shore. Toilet facilities would be provided for on the vessel and effluent would then be emptied on shore at the campervan dumping spots provided by Queenstown Lakes District Council.

- (v) any cumulative effect from the activity in conjunction with other activities in the vicinity;*

While there are other smaller tour operations operating on this part of Lake Wanaka, given the size of the lake and the existing minor scale of these operations, is not anticipated that the proposed activity would result in any adverse cumulative effects.

- (f) The extent to which the water-based activity is compatible with, and will not adversely affect nature conservation values or wildlife habitat.*

The majority of the proposed operation would be scenic tours that would be pro-active in promoting environmental awareness. Furthermore, all operations and landing spots would be approved by the Department of Conservation. As a result it is not anticipated that the operation would adversely affect any conservation values or wildlife habitat.

5.0 SUMMARY

As outlined above, the Applicant seeks consent to operate a commercial boat charter on Lake Wanaka catering for a maximum of 33 people. The operation would primarily include scenic tours but would also cater for other groups such as weddings and school trips. Consent is also sought to operate a taxi service, as outlined above, to transport customers, kayaks and bikes etc around the lake. The operations would comply with noise limitations imposed under the QLDP and given the size of Lake Wanaka, would not conflict with other recreational users in this area. Furthermore, the existing conservation and intrinsic values of this part of Lake Wanaka would not be compromised as a result of this proposal. Overall it is considered that the proposed operation would meet a niche in the market for a high quality but affordable recreational scenic experience on the southern shores of Lake Wanaka. Given the proposed mitigating factors outlined above, it is considered that consent can be granted subject to the imposition of conditions of consent.

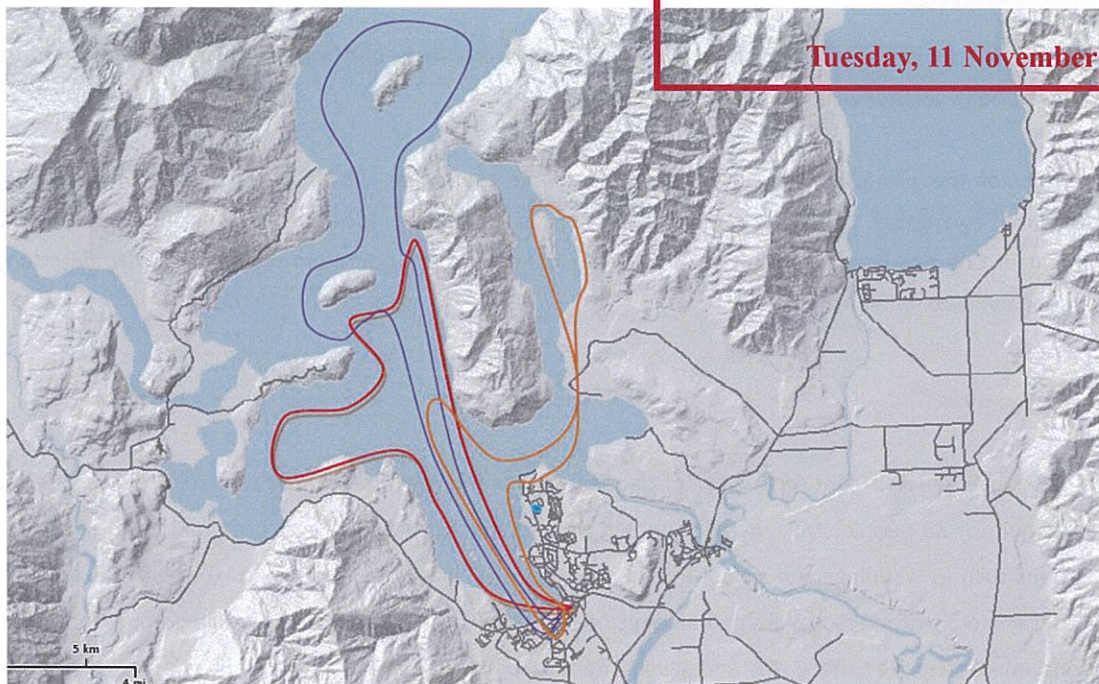


Figure 1: Aerial view of proposed charter routes.

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Route 3 – Stevensons Island