

**Wanaka Community Board  
14 September 2016**

**Report for Agenda Item: 5**

**Department: Property and Infrastructure**

**Affected Person's Approval– Cruise Lake Wanaka Ltd**

**Purpose**

The purpose of this report is to consider the affected person's approval (APA) over temporary use of the Council owned Jetty 147 by Cruise Lake Wanaka Ltd and long term use of the new commercial pontoon jetty adjacent to Wanaka Marina.

**Recommendation**

That the Wanaka Community Board:

1. **Note** the contents of this report;
2. **Approve** an affected person's approval to Cruise Lake Wanaka Ltd dated 31st August 2016 for the purpose of loading and disembarking passengers from Jetty 147 and the new commercial pontoon jetty adjacent to Wanaka Marina.
3. **Delegate** execution of the affected person's approval to the QLDC Property Manager.

Prepared by:



Dan Cruickshank  
Property Advisor  
APL Property Limited

1/09/2016

Reviewed and  
Authorised by:



Aaron Burt  
Parks & Reserves:  
Planner

2/09/2016

## **Background**

- 1 Council owns a number of jetties around the district, used by a mixture of commercial and private users. These jetties are maintained by Council using repair and maintenance funds and annual capex renewals.
- 2 Cruise Lake Wanaka Ltd wish to establish and operate a commercial passenger vessel on Lake Wanaka for the purpose of providing scenic cruises. The vessel may accommodate up to 44 passengers and crew. As the applicant wishes to operate from Council jetties, and adjacent to the Roy's Bay Marina Recreation Reserve, the applicant has requested affected person's approval. This approval is sought in support of their proposal for resource consent.
- 3 Cruise Lake Wanaka Ltd wish to ultimately operate from the proposed new commercial jetty located at the Roy's Bay boat ramp in the Wanaka Marina Reserve. However, in the interim, until this facility is completed they wish to use Jetty 147 to pick up and drop off passengers. Attachments C and D show the location of Jetty 147 and the proposed pontoon jetty.
- 4 In early 2015, Council approved a similar request for commercial access too Jetty 147 to operator Brent Shears. A condition of Mr Shears approval was that he was not to berth his boat at the jetty for extended periods, and that during the peak summer period Council through the Harbourmasters office could restrict use of the jetty for the benefit of other users.

## **Comment**

- 5 The applicant has requested permission to allow up to five dockings per day on Council Jetty 147, between the hours of 8:00am and 10:00pm. The vessel may hold 44 passengers plus crew.
- 6 Resource consent is required for this activity, and the applicant seeks affected persons approval from Council as jetty owner, and owner of the adjoining Roy's Bay Marina reserve to support the proposed application.
- 7 Discussions between the applicant, the Harbourmaster and APL Property have confirmed Jetty 147 is a more preferable pick up and drop off location than the Ardmore Street facing foreshore, primarily due to the existing commercial activity over at the Marina, and the frequent occurrence of swimmers near to the Main Town Pier. It is noted that resource consent would also first be required to operate from that location. It is also consistent with Council's decision to locate the new pontoon jetty in the Marina area and not in the vicinity of the Pier.
- 8 Jetty 147 is generally in a good condition and requires only minor regular maintenance to keep the pontoon tanks level. A recent Jetty Inspection by Structural Engineers confirmed it to be in good structural condition.
- 9 Council is currently in the process of setting a new licence process and fee schedule for commercial users of Council jetties. It should be noted that this request can be considered on a standalone basis as the applicant is seeking consent to both structures, and a separate licensing process will enable Council to control the type and frequency of use of each structure.

- 10 The operation will be similar in scale and practise to Brent Shears under RM140617, a 12.3m vessel operating four charters per day from jetty 147 for up to 33 people.
- 11 The proposed vessel is a 12m catamaran, this is a relatively large vessel for Lake Wanaka, but still somewhat smaller than Dual Image, a 15.8m catamaran which currently operates out of Roy's Bay.
- 12 Cruise Lake Wanaka is owned and operated by Tim Cuthbertson and Peter Marshal. Tim's experience in tourism includes charter fishing, whale and dolphin watching in Australia. Tim is an experienced seafarer and has amassed over 25,000 nautical miles of blue water sailing. As managing director Tim Cuthbertson will ensure the safe operation of the vessel and provide a link between the owners and those on board.
- 13 It is noted that the Roy's Bay Marina Recreation Reserve experiences significant congestion over the summer months, and the proposal may not reasonably address the potential cumulative effects of an additional commercial activity on the shore area. By granting affected persons approval and thereby facilitating the resource consent proposal, it could be that on shore congestion is exacerbated. Should APA be provided, the processing planner would not be able to consider any potential adverse cumulative effects on Council as the landowner of the Roy's Bay Marina Recreation Reserve.
- 14 The application for resource consent has not been submitted, and a processing planner has therefore not undertaken an assessment to determine what persons might be adversely affected to a minor, or more than minor degree. As such, the potential for affected party approval from other persons/entities remains open.

### ***Options***

- 15 Option 1 – Grant affected person's approval to the application by Cruise Lake Wanaka Ltd, dated 31 August 2016.

#### Advantages.

- a. It might enable a tourist operator to commence operations in the Wanaka tourism market this summer.
- b. Commercial activity will be concentrated in the vicinity of the Marina.

#### Disadvantages.

- a. The approval will provide preferential use over a portion of a Council asset, used frequently by the public. The Jetty may become congested due to multiple commercial operators using it for the same purpose.
- b. The boat proposed is large by comparison to other existing operators using Jetty 147 and might not be appropriate for Jetty 147 of the new commercial pontoon jetty.
- c. The proposal could further exacerbate onshore congestion over the summer months, and the information provided may not be sufficient to enable a reasoned consideration of potential adverse cumulative effects. The community might be concerned that Council is endorsing an activity

without proper consideration of potential issues associated with congestion.

- 16 Option 2 – Decline affected person’s approval to the application by Cruise Lake Wanaka Ltd, dated 31<sup>st</sup> August 2016.

Advantages.

- a. Consideration of the potential resource consent application would include an assessment of potential adverse cumulative effects on Council as a landowner, particularly associated with congestion Roy’s Bay Marina Recreation Reserve.

Disadvantages.

- c. It might not enable a tourist operator to commence operations in the Wanaka tourism market this summer.
- d. The operator may seek approval for the activity in another location less suitable than in the vicinity of Wanaka Marina. However, it is noted that APA might also be necessary and there is never an obligation to provide such approvals.

- 17 Should the Wanaka Community Board be satisfied that the effects of the activity on Council as landowner are such that they can be disregarded, then this report recommends Option 1. It is noted that any written approval will be from Council as a landowner only, and that effects on the public as users of the reserve must still be considered under any resource consent process.

## **Significance and Engagement**

- 18 This matter is of medium significance, as determined by reference to the Council’s Significance and Engagement Policy because it does not involve a Council strategic asset but involves a Council structure used by a considerable number of rate payers and tourists during peak summer periods of the year.

## **Risk**

- 19 This matter related to the operational risk OR027 ‘Delivering levels of service’, as documented in the Council’s risk register. The risk is classed as moderate. This matter relates to this risk because it requires a decision from Council relating to a commercial activity.
- 20 The risk is tolerated as it is considered a relatively minor decision and is consistent with prior resolutions around commercial jetties and usage in Roy’s Bay and Jetty 147.

## **Financial Implications**

- 21 Waterways fees for use of the Council owned jetties will not be charged to the applicant until such point as Council has set commercial licence fees for use of these structures and the applicant has entered a licence with the Council.
- 22 Actual maintenance costs are hard to estimate at this time, as jetties are generally hard wearing structures with intermittent maintenance.

## **Council Policies, Strategies and Bylaws**

23 The following Council policies, strategies and bylaws were considered:

- Wanaka Lakefront Reserves Management Plan 2014. Conforms to the objectives under section 5.2.2.1 point 4.
- Navigation Safety Bylaw 2016 and Waterways and Ramp Fees Bylaw 2014 (currently under review).
- Significance and Engagement Policy 2014.

24 The recommended option is consistent with the principles set out in the named policy/policies.

25 This matter is included in the 10-Year Plan/Annual Plan

- Administration associated with overseeing this approval will be covered in existing property budget provisions.

## **Local Government Act 2002 Purpose Provisions**

26 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing opportunity for increased income to Council and making a decision in a timely manner;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

## **Consultation: Community Views and Preferences**

27 Consultation has been conducted with the Harbourmasters office for this application. They have advised that so long as Council retains the ability to suspend the use of the Council jetties by commercial operators during the peak summer periods, that they are in support of the proposal.

## **Attachments**

- A Scenic Lake Cruise Resource Consent Application 31/08/2016
- B Cruise Lake Wanaka Ltd- Proposed Cruising Routes
- C Jetties and Reserve Areas
- D Proposed Jetty Location Plan



# **SCENIC LAKE CRUISE – RESOURCE CONSENT APPLICATION**

**Cruise Lake Wanaka Ltd**

Lake Wanaka

August 2016

## **CONTENTS**

### **1.0 THE APPLICANT AND PROPERTY DETAILS**

### **2.0 SITE DESCRIPTION AND RECEIVING ENVIRONMENT**

### **3.0 RESOURCE MANAGEMENT BACKGROUND**

### **4.0 THE PROPOSED DEVELOPMENT**

### **5.0 DESCRIPTION OF PERMITTED ACTIVITIES**

### **6.0 STATUTORY CONSIDERATIONS**

- 6.1 Queenstown Lakes District Plan
- 6.2 National Environmental Standard

### **7.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS**

- 7.1 Alternative locations or methods
- 7.2 Assessment of the actual and potential effects
- 7.3 Hazardous substances
- 7.4 Discharge of contaminants
- 7.5 Mitigation measures
- 7.6 Identification of interested or affected persons
- 7.7 Monitoring

### **8.0 SECTION 95 NOTIFICATION**

### **8.0 SECTION 104 (1)(b) ASSESSMENT**

### **10.0 AN ASSESSMENT OF THE ACTIVITY AGAINST MATTERS IN PART 2**

### **11.0 CONCLUSION**

## 1.0 THE APPLICANT AND PROPERTY DETAILS

<b>Site Address:</b>	Lake Wanaka
<b>Applicants Name:</b>	Cruise Lake Wanaka Ltd
<b>Address for Service</b>	Cruise Lake Wanaka Ltd  C/- Southern Planning Group <a href="mailto:ian@southernplanning.co.nz">ian@southernplanning.co.nz</a>  Attention: Ian Greaves
<b>Site Legal Description:</b>	N/A
<b>Site Area:</b>	N/A
<b>District Plan Zoning:</b>	Rural General
<b>Brief Description of Proposal:</b>	To establish and operate a commercial passenger boat on Lake Wanaka for scenic cruises
<b>Summary of Reasons for Consent:</b>	Discretionary Activity

The following is an assessment of environmental effects that has been prepared in accordance with Schedule 4 of the Resource Management Act 1991. The assessment of effects corresponds with the scale and significance of the effects that the proposed activity may have on the environment.



**List of Information Attached:**

Appendix [A]	Route Plan
Appendix [B]	Maritime Transport Operators Plan (MTOP)
Appendix [C]	Written Approvals



.....  
**Ian Greaves**

31 August 2016

## 2.0 SITE DESCRIPTION AND RECEIVING ENVIRONMENT

The proposed operation is to depart from Jetty 147 and when available from the new Wanaka Commercial Jetty located at the Roy's Bay Boat Ramp, Lake Wanaka. The boat ramp is accessed from the Wanaka Marina Reserve which is located on Lakeside Road 500m north of the Wanaka town centre. As the name suggests the reserve provides access to the Wanaka Marina. The reserve is relatively flat and includes boat launching ramps, a jetty, public toilets and a large gravel car parking area. The northern end of the reserve also accommodates the Wanaka Yacht Club building. The Wanaka Yacht Club holds a commercial lease for the existing building footprint, an area surrounding the building for car parking and the groyne in front of the building for boat rigging and parking.

Lake Wanaka is a large, deep, glacial lake with a surface area of 180 km<sup>2</sup>, running generally northwards from the township of Wanaka at Roys Bay. It is a popular holiday area for both domestic and international tourists. All forms of recreational boating are undertaken on the lake. Commercial use of the lake includes jet boat operations, lake cruises, guided fishing and hiring of small boats, kayaks and stand up paddle boards concentrated on and near the Wanaka Township in Roys Bay.

## 3.0 RESOURCE MANAGEMENT BACKGROUND

The following consents relating to commercial activities on Lake Wanaka are listed on Council's electronic records:

- 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 persons

- RM140617 B Shears – 12.3m long tri-hull vessel operating four charters per day from jetty 147 for up to 33 persons

## 4.0 DESCRIPTION OF THE PROPOSED ACTIVITY

Resource consent is sought to establish and operate a commercial passenger boat on Lake Wanaka for scenic cruises.

### 4.1 Introduction

Market research by the Applicant has determined that there is a large unsatisfied demand from visiting tourists for a scenic cruise on Lake Wanaka. Several existing smaller operators offer charters when available and subject to minimum numbers of passengers.

Forecasts by Tourism NZ now predict a large increase in tourist numbers (see Figure 1 below). It is in the economic interest of the Wanaka region to cater for the needs of those visitors through market driven activities, especially those that allow visitors to experience the regions outstanding natural landscapes.

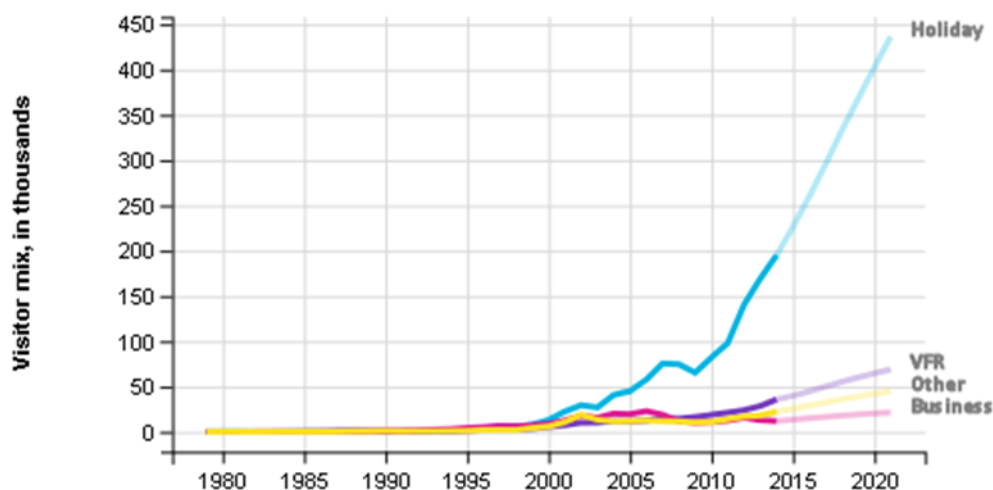


Figure 1 – Visitor arrivals by visit type

### 4.2 Description of the Proposed Boat

The proposed vessel is a modern catamaran of 12 m in length. It is powered by twin inboard diesel engines and has a draft of 0.7 m. It has operated as a full time commercial passenger vessel on Lake Taupo fulfilling an identical purpose and has a current Maritime NZ survey for 44 passengers plus crew.



Figure 2: Photo of the proposed boat.

#### 4.3 Description of the Proposed Route/s

All routes are proposed to depart from Roy's Bay. Initially the boat will depart from Jetty 147 at the Roy's Bay Boat Ramp. This is proposed to be an interim or short term solution up until the new commercial jetty opposite jetty 147 is established and the associated licencing system from QLDC is in place. Once this jetty is established and an appropriate licence is in place the boat will depart from this jetty.

A plan of the proposed scenic routes are attached **Appendix [C]**. Route A is the main anticipated route this would include departure from Roys Bay at 4 knots until clear of the 5 knot limit. The vessel will proceed at 10 knots via Ruby Island to Glendhu Bay where speed will be reduced to 6 knots, past Parkins Bay, and 4 knots around Emerald Cove, and then return via Bishops Bay to Roys Bay at 10 knots.

Route options B – E are alternative scenic cruises that may be added to the operation subject to market demand. Consent is sought for all five route options.

The Applicant also proposes to undertake occasional charter work for special interest groups & school groups that may vary from these specified routes. This would allow the Applicant flexibility to provide for alternative scenic trips or charters customised to specific client requirements.

The vessel will be moored on an approved mooring in Roys Bay.

#### 4.4 Operational Details

A maximum of five cruises are proposed per day between the hours of 8:00 am and 10:00 pm. A commentary outlining the major points of interest and pre and post European history of the lake will be provided on the cruise.

The Applicant will employ a Master/Engineer with SRL qualifications (per Maritime NZ rules) to run the vessel on a full time basis. The vessel will also have up to one other crew member aboard.

The crew will undertake on board maintenance and cleaning between scheduled sailing times. At certain times the vessel will 'stand to' against the shoreline to the North of the Wanaka marina boat ramp. This will allow the crew access to and from the carpark via the bow access ladder.

All waste would be collected on board the vessel and disposed of on shore. Modern toilet facilities are provided on the vessel and effluent (grey and black water) will be collected in the vessels tanks and pumped out on shore through the approved facility at Wanaka Marina. All other waste will be collected and sealed in rubbish bags, taken ashore and disposed of through an approved facility.

Bilge water will be pumped into drums and taken ashore for disposal through an approved facility. The vessel is a modern craft with alloy hulls and decks. It is not likely that any bilge water will accumulate.

Refuelling will be undertaken at the Wanaka Marina fuel pumps. Refuelling will follow the procedure detailed in the Marine Transport Operator Plan (MTOP) that accompanies this resource consent.

The vessel would not be used for overnight accommodation.

#### **4.5 Transport**

The applicant recognises that at peak times during the summer months the existing marina car park is often at capacity. To reduce any car parking demand as a result of the proposed boat the applicant will offer a pick up and drop off service from local accommodation for its passengers during peak periods.

#### **4.6 Safety Requirements**

Attached as **Appendix [C]** to this application is a Maritime Transport Operator Plan (MTOP). This MTOP includes a hazard assessment report, outlines health and safety procedures and all responsibilities and authorities, and details procedures for incident and accidents reporting. The MTOP will be reviewed by Maritime NZ and Marty Black, QLDC Harbour Master as part of the operating requirements for this vessel.

Ongoing maintenance of the vessel falls into two categories:

- The annual Maritime NZ survey will take place in-water annually. General maintenance will also take place in the water on an ongoing basis.
- Biennial hull maintenance. Every two years the vessel will be taken out of the water for below waterline maintenance. A hull survey will also be performed per Maritime NZ rules at this point. The vessel will have its own submersible road trailer and will be taken by road to a local industrial site for the work required. In accordance with agreed conditions (Guardians of Lake Wanaka) non-toxic antifoul paints will be used on the hulls.

## 4.7 Consultation

The applicant has consulted with the following parties who have all given their written approval to the application:

- Ngai Tahu
- KTKO Ltd
- Fish and Game NZ
- Guardians of the Lake (Wanaka)
- The Department of Conservation

Consultation is ongoing with Queenstown Lakes District Council.

## 5.0 DESCRIPTION OF PERMITTED ACTIVITIES

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 all commercial boating activities on lakes require resource consent and therefore there is no relevant permitted baseline.

## 6.0 STATUTORY CONSIDERATIONS

### 6.1 Queenstown Lakes District Plan

The land is contained within the Rural General Zone under the Queenstown Lakes District Plan. The following resource consents are sought to authorise the proposed development:

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

### 6.2 Proposed Queenstown Lakes District Plan

Lake Wanaka is contained within the Rural Zone under the Proposed Queenstown Lakes District Plan. Pursuant to Section 86(b)(3) of the RMA, the following rules within the Proposed District Plan that protect or relate to water have immediate legal effect:

- 21.4.24 and all rules in Table 9: Activities on the surface of lakes and rivers.
- 21.5.4: Setback of buildings from water bodies.
- 21.5.7: Dairy farming grazing within the bed or margin of a water body.
- 21.4.30 (b) and 21.4.32: Suction dredge and mining.

The following resource consents are therefore sought to authorise the proposed operation:

- A **discretionary** activity resource consent pursuant to Rule 21.5.43 (table 9) for commercial motorised boating activities on the surface of lakes and rivers.

Overall, the application is considered to be a **discretionary** activity.

### **6.3 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health**

The application does not propose any earthworks, subdivision or a change of use therefore the NES does not apply.

## **7.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS**

The matters that must be addressed pursuant to Clauses 6 and 7 of the Schedule 4 of the Resource Management Act 1991 are detailed below.

### **7.1 If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:**

The proposed activity will not result in any significant adverse effects on the environment. Any effects there are, will be adequately remedied and mitigated. Alternative locations are therefore not considered necessary.

### **7.2 An assessment of the actual or potential effect on the environment of the proposed activity.**

#### Introduction

Subject to Part 2 of the Resource Management Act 1991, the Council in considering this application pursuant to Section 104(1)(a) of the Act, shall have regard to any actual or potential effects on the environment of allowing the proposed development to proceed.

In assessing any actual or potential effects on the environment of allowing the proposal to proceed, Clause 7(1) of the Resource Management Act 1991 states that the following matters must be addressed.

- (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:*
- (b) any physical effect on the locality, including any landscape and visual effects:*
- (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:*
- (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:*
- (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:*
- (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.*

The relevant assessment matters are found in Sections 5.4.2.3 (xv) of the District Plan and are addressed in the following assessment.

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

The proposal is not likely to affect recreational opportunities available on Lake Wanaka or the enjoyment persons gain when undertaking these activities. Given the size of the lake, the lake can easily absorb the proposed scenic cruise boat without affecting any other recreational opportunities the lake provides.

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

The applicant has determined that there is an unsatisfied and growing demand from members of the visiting public that do not have access to the lake. Such demand has been identified but is not provided for by other commercial operators. The Applicant's vessel would operate daily and would provide public access to areas of the lake only accessible by boat. The identified natural characteristics of the lake will be the core focus of the proposed scenic cruises. It is therefore assessed that the proposed activity is both suited to and benefits from the natural characteristics of Lake Wanaka.

***(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;***

Given the use of the Lake Wanaka by both private and a small number of commercial boats it is unlikely that lake users would have an expectation that the lake would be void of other people including commercial operators. The proposed cruise locations are widely used by a large range of boats particularly during summer periods. The addition of the proposed boat is unlikely to compromise the remote experience for other lake users. Lake Wanaka is of size to ensure such an experience will always be available at a range of locations.

***(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 applicant has submitted a MTOP plan with the application. This outlines the safety procedures used by Cruise Lake Wanaka Ltd to ensure the safety of clients and other lake users. It is anticipated that the Harbour Master will provide formal comments as part of the assessment of the resource consent application.

The vessel will proceed at 10 knots via Ruby Island to Glendhu Bay where speed will be reduced to 6 knots, past Parkins Bay, and 4 knots around Emerald cove, and then return via Bishops Bay to Roys Bay at 10 knots. Furthermore, the Applicant has experience as a commercial boat operator with the majority of this spent in commercial boat tourism.

Overall, any safety effects arising from the proposal can be comfortably managed such that any effects will be less than minor.

***(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;***

The proposed operation will comply with the 77dB noise limit for motorised craft under Rule 5.3.5.2 (iv)(a). To achieve the planned cruising speed the vessels engines will be operating at only a fraction of their rated power. An internal PA system will be used on board the boat which will be at a suitable volume for passengers to listen to commentary without being heard immediately beyond the boat. Any adverse effects as a result of vibration or lighting will be negligible. All operations will be during daylight hours.

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

As outlined above one additional vessel on this part of Lake Wanaka would not compromise the remoteness or sense of isolation experienced by other lake users.

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

The effects of safety are addressed in detail above.

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

As outlined in the proposal section all waste would be collected on board the vessel and disposed of on shore at authorised disposal locations. This will ensure no effects are created by the accumulation of litter and waste.

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

The cumulative effects of the proposal must consider all users of the lake. It is assessed that the proposal will not result in cumulative effects that would impede or result in a significant adverse effect on the experience of other users of the lake. Given the size of the lake it has the ability to comfortably accommodate the proposed scale of the activity in addition to the existing usage of both commercial and recreational users. Any cumulative effects from the proposal will be no more than minor.

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

The proposed operation on the surface of Lake Wanaka is not likely to impact any aquatic flora or fauna. The boat operates at slow cruising speeds avoiding the creation of any substantial wake. The spread of lagarosiphon can be a potential consequence of frequent boat movement within a lake system. In order to mitigate any effects in regards to the spread of these noxious weeds Cruise Lake Ltd frequently clean all boating equipment in order to eliminate the spread of these weeds. Kai Tahu ki Otago has also recommended that the standard of practice for boat cleaning is adhered to. Any effects in terms of conservation values or wildlife habitat will be less than minor.

***(i) Levels of traffic congestion or reduction in levels of traffic safety, which are inconsistent with the classification of the adjoining road.***

The proposed drop off and pick up location is located in the heart of central Wanaka where the proposed activity is unlikely to have any significant effect on traffic congestion or the levels of traffic safety given this is a busy hub. The marina car park and town centre areas contain areas of public car parking. Given the jetty's proximity to the town centre it is expected that many tourist's will walk the short distance to the proposed boat's departure point from either their accommodation or public car parking areas. The applicant recognises that a peak times during the summer months the existing marina car park is often at capacity. To reduce any car parking demand as a result of the proposed boat the applicant will offer a pick up and drop off service from local accommodation for its passengers during peak periods.

Any effects in terms of traffic congestion or car parking will be less than minor.

## **Conclusion**

Overall, any adverse effects on the environment will be less than minor.

### **7.3 If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use**

N/A

### **7.4 I the activity includes the discharge of any contaminant, a description of:**

1. **The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and**
2. **Any possible alternative methods of discharge, including discharge into any other receiving environment.**

N/A

### **7.5 A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce actual and potential effects:**

In addition to the resource consent conditions anticipated, no other mitigation measures are necessary in addition to those incorporated into this proposal.

### **7.6 Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:**

The following persons have provided their written approval to the application and, pursuant to Section 95D and 95E of the Act, adverse effects shall on them shall be disregarded in this assessment:

- Ngai Tahu

- KTKO
- Fish and Game
- The Department of Conservation

Given the nature of the proposed activity and the locality on Lake Wanaka separated from residential dwellings any nuisance effects on private properties in the vicinity of the lake are likely to be less than minor. Any adverse effects with regards to privacy, character and amenity will be contained to the wider environment which has been addressed in detail above.

In regards to safety and cumulative effects these have been addressed in detail above.

Overall no parties that have not provided their written approval are considered adversely affected by the proposed activity.

**7.7 If the scale or significance of the activities effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved.**

No monitoring is required other than standard conditions of consent.

**7.8 If the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).**

The proposed activity will have no effect on any customary rights.

## **8.0 SECTION 95 NOTIFICATION**

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)). In addition, Section 95B (1) requires a decision whether there are any affected persons (under s95E) in relation to the activity. As outlined above the proposed activity is not likely to have adverse effects on the environment that are more than minor and no persons are considered adversely affected.

Additionally, the applicant has not requested public notification of the application (s95A(2)(b)), no rule or national environmental standard requires public notification of the application (s95A(2)(c)) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

Given the foregoing the application should proceed on a non-notified basis.

## **9.0 SECTION 104 (1)(b) ASSESSMENT**

Clause 2(1)(g) of Schedule 4 of the Resource Management Act 1991 requires an assessment against any relevant planning documents that are referred to in Section 104(1)(b) of this legislation. Such documents include:

- A national environmental standard
- Other regulations
- A national policy statement
- A New Zealand coastal policy statement
- A regional policy statement or proposed regional policy statement
- A plan or proposed plan

#### Operative District Plan Provisions

The relevant Objectives and Policies are found in Part 4 *District Wide Issues* (4.6 *Surface of Rivers and Lakes*) and Part 5 *Rural Areas* of the District Plan.

#### *Part 4 – Surface of Rivers and Lakes*

Objective 4.6.3 seeks to ensure that recreational activities are undertaken in a manner which will avoid, remedy and mitigate potential adverse effects on the natural conservation values and wildlife habitats, other recreational values, public health and safety, takata whenua values, and general amenity values. The policies seek to enable people to have access to a wide range of recreation experiences by identifying characteristics and environmental limits.

Policy 3 seeks to provide for the range of recreational experiences and activities which are most suited to and benefit from the particular natural characteristics. It is assessed the proposal is comfortably suited with the natural characteristics of Lake Wanaka and aligns with this policy.

Policy 4 seeks to avoid or mitigate the adverse effects of frequent, large scale or intrusive activities with high levels of noise, vibration, speed and wash. The proposed activity is of a scale and nature which is not inconsistent with this policy.

Appropriate limits are imposed on the activity in accordance with Policy 6.

Policy 17 requires that the number of commercial boating operators and/or boats on waterbodies do not exceed levels where the safety of passengers cannot be assured. Safety has been addressed with the inclusion of a MTOP. The proposal is consistent with this policy.

#### *Part 5 – Rural Areas*

Objective 1 *Character and Landscape Value* seeks to protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities. Policy 1.4 seeks to ensure that activities are not located where the character of the rural area will not be adversely impacted. Although the commercial nature of the proposed activity will be seen on a more regular basis than that of recreational users, the nature and scale of the proposed activity and the size of Lake Wanaka will ensure the character of the rural area is not adversely impacted and will ensure the proposal is consistent with this objective.

Policy 1.6 seeks to avoid, remedy and mitigate adverse effects of developments on the landscape values within the District. As outlined above the proposed activity will adequately avoid adverse effects on the landscape values of the area and is therefore consistent with this policy.

Objective 3 *Rural Amenity* seeks to avoid, remedy and mitigate adverse effects of activities on rural amenity. Given the location of the proposed activity and its nature and scale it will not adversely affect the rural amenity of the area and is consistent with this policy.

Objective 4 *Life Supporting Capacity of Water* seeks to safeguard the life supporting capacity of water through the integrated management of the effects of activities. Policy 4.1 in conjunction with the Otago Regional Council encourages activities which use water efficiently to conserve water quality, and to discourage activities which adversely affect the life supporting capacity of water and associated ecosystems. It is assessed that the proposal will not result in adverse effects on the life supporting capacity of water which is consistent with this policy.

Overall the proposal will meet the relevant objectives and policies of the Operative District Plan.

#### Proposed District Plan Objectives and Policies:

A new Rural chapter of the QLDC District Plan was notified on 26 August 15. Relevant objectives and policies are listed Chapter 21 (Rural). Whilst limited weight should be given to these provisions given the early stage of the District Plan notification process they can be considered at a broad level.

Objective 21.2.12 and associated policies promotes the protection, maintenance or enhancement of the surface of lakes and rivers and their margins. Relevant policies include:

*21.2.12.1 Have regard to statutory obligations, the spiritual beliefs, cultural traditions and practices of Tangata Whenua where activities are undertaken on the surface of lakes and rivers and their margins.*

*21.2.12.2 Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.*

*21.2.12.3 Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft in areas of high passive recreational use, significant nature conservation values and wildlife habitat.*

*21.2.12.5 Protect, maintain or enhance the natural character and nature conservation values of lakes, rivers and their margins, with particular regard to places with nesting and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.*

*21.2.12.9 Take into account the potential adverse effects on nature conservation values from the boat wake of commercial boating activities, having specific regard to the intensity and nature of commercial jet boat activities and the potential for turbidity and erosion.*

*21.2.12.10 Ensure that the nature, scale and number of commercial boating operators and/or commercial boats on waterbodies do not exceed levels where the safety of passengers and other users of the water body cannot be assured.*

Under these provisions the Rural Zone seeks to enable people to have access to a wide range of experiences on the Districts lakes and rivers whilst avoiding or mitigating potential adverse effects. As outlined in the preceding assessment the proposed activity is of nature and scale that will not affect recreation use, nature conservation values and wildlife habitats on Lake Wanaka. The proposed boat will operate at low cruising speeds reducing wake that could cause any adverse effects. Safety has been addressed through the submission of a MTOP. In addition consultation with Tangata Whenua has also taken place.

Overall, the proposed activity is consistent with the objectives and policies of the proposed District Plan.

### **Summary – Objectives and Policies**

The objectives and policies in terms of development within the Rural General Zone provide for the retention of rural character of the area while providing for activities to occur in areas where they can be absorbed without detrimental impacts on the rural amenities, rural character and landscape values.

Through the above assessment, it is concluded that the proposal is consistent with the relevant objectives and policies of the operative and proposed District Plan.

## **10.0 AN ASSESSMENT OF THE ACTIVITY AGAINST MATTERS IN PART 2**

The proposal is consistent with Part 2 of the Act, being the sustainable management of natural and physical resources, whilst also protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

## **11.0 CONCLUSION**

Resource consent is sought to establish and operate a commercial passenger boat on Lake Wanaka for scenic cruises.

The activity is assessed as a discretionary activity.

The actual and potential effects on the environment have been outlined in section 7 of this report where it is concluded that the proposed activity is not likely to have any adverse effects on the environment that are more than minor. In addition no persons are considered to be adversely affected.

The proposed development is consistent with the relevant objectives and policies of the District Plan and meets the purpose and principles of the Resource Management Act 1991.

Overall, and in accordance with the assessment contained in this report, it is requested that the proposed development is granted as proposed.

## Attachment B – Potential Future Cruise Routes on Lake Wanaka

### A. Glendhu Bay / Parkins Bay





B. Stevensons Island - 13.5 nautical mile route





C. Mou Tapu – 15 nautical mile route





D. Mou Waho – 17 nautical mile route





E. Short Cruise – Short 8 nautical mile cruise





Attachment C: Jetties and Reserve Areas





Attachment D: Proposed Jetty Location Plan

