APPLICATION AS NOTIFIED

D Weastell
RM230327

File Number RM230327

QUEENSTOWN LAKES DISTRICT COUNCIL

SERVICE OF NOTICE / LIMITED NOTIFICATION

Service of Notice for Limited Notification of a Resource Consent application under Section 95B of the Resource Management Act 1991.

The Queenstown Lakes District Council has received an application for a resource consent from:

Deane Weastell

What is proposed:

To remove an existing swing mooring from the bed of Lake Wānaka, and to re-establish this mooring in a different location south of Eely Point, 87m west of the existing mooring location, requiring land use consents from the Otago Regional Council and the Queenstown Lakes District Council

The location in respect of which this application relates is situated at:

Bed and surface of Lake Wānaka in a location to the south of Eely Point, at the following GPS coordinates:

Latitude -44.68576 / 44° 41' 08.74" S
Longitude 169.124879 / 169° 07' 29.56" E

A full copy of this Limited Notified package is available for you to download on the following link:

https://www.qldc.govt.nz/services/resource-consents/notified-resource-consents#limited-not-rc or via our edocs website using RM230327 as the reference https://edocs.qldc.govt.nz/Account/Login

This file can also be viewed at our public computers at these Council offices:

- **Gorge Road, Queenstown;**
- **and 47 Ardmore Street, Wanaka during normal office hours (8.30am to 5.00pm).**

The Council planner processing this application on behalf of the Council is Rebecca Holden, who may be contacted by phone at 021 170 1496 or e-mail at rebecca.holden@qldc.govt.nz

Any person who is notified of this application, but a person who is a trade competitor of the applicant may do so only if that person is directly affected by an effect of the activity to which the application relates that –

a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

If you wish to make a submission on this application, you may do so by sending a written submission to the consent authority no later than:

6 November 2026

The submission must be dated, signed by you and must include the following information:

a) Your name and postal address and phone number/fax number.
b) Details of the application in respect of which you are making the submission including location.
c) Whether you support or oppose the application.
d) Your submission, with reasons.
e) The decision you wish the consent authority to make.
f) Whether you wish to be heard in support of your submission.

You may make a submission by sending a written or electronic submission to Council (details below). The submission should be in the format of Form 13. Copies of this form are available Council website:

https://www.qldc.govt.nz/services/resource-consents/notified-consents/current-notified-resource-consents/

You must serve a copy of your submission to the applicant (Deane Weastell, willowfield@xtra.co.nz) as soon as reasonably practicable after serving your submission to Council:

C/- Phil Greeks
philgreeks@yahoo.com

QUEENSTOWN LAKES DISTRICT COUNCIL

(Signed by Jane Sinclair pursuant to a delegation given under Section 34A of the Resource Management Act 1991)

Date of Notification: 8 October 2026

Address for Service for Consent Authority:

Queenstown Lakes District Council	**Phone**	**03 441 0499**
Private Bag 50072, Queenstown 9348	**Email**	**rcsubmission@qldc.govt.nz**
Gorge Road, Queenstown 9300	**Website**	**www.qldc.govt.nz**

QUEENSTOWN LAKES DISTRICT COUNCIL

www.qldc.govt.nz

NOTIFICATION ASSESSMENT UNDER s95A AND s95B OF THE RESOURCE MANAGEMENT ACT 1991 (RMA)

NOTIFICATION DECISION UNDER s95A AND s95B RMA OF BOTH THE QUEENSTOWN LAKES DISTRICT COUNCIL and

THE OTAGO REGIONAL COUNCIL

Applicant:	D Weastell
RM reference:	RM230327
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consents from the Otago Regional Council and the Queenstown Lakes District Council to remove an existing swing mooring from the bed of Lake Wānaka, and to re-establish this mooring approximately 87m to the west.
Location:	Bed and surface of Lake Wānaka, in the area to the south of Eely Point.
Legal Description:	N/A (Lake Bed)
QLDC Zoning:	**ODP:** Rural General **PDP:** Rural (Water)
QLDC District Plan Notations:	Wāhi Tūpuna Site 34 (Wānaka (Lake Wānaka)) Outstanding Natural Landscape (ONL) (Landscape Priority Area 21.22.20)
ORC ORP:W Notations:	MA3 (Waahi tapu and/or Waiwhakaheke)
Activity Status:	**Non-complying**
Decision Date	**8 October 2026**

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95E of the RMA, the application seeking consent for a structure or mooring that passes across or through the surface of any lake or river, will be processed under the Queenstown Lakes District Plan on a limited notified basis given the findings of Sections 4.1 and 4.3 of this report. Notice of the application will be served on those parties identified in Section 4.3.3 of this report in accordance with section 2AA of the RMA.

2. Pursuant to sections 95A-95E of the RMA, the application seeking consent under the Otago Regional Plan: Water to remove a structure from the bed of Lake Wānaka, and to replace this with a structure, fixed in, on, under or over the bed of a lake, will be processed by the QLDC in accordance with the deed dated 23 March 1994 on a limited notified basis, given the findings of Sections 4.1 and 4.3 of this report. Notice of the application will be served on those parties identified in Section 4.3.3 of this report in accordance with section 2AA of the RMA.

3. This decision is made by Jane Sinclair, Independent Commissioner as delegate for the QLDC pursuant to Section 34A of the RMA.

1.0 SUMMARY OF PROPOSAL AND SITE DESCRIPTION

1.1 Background

Many of the moorings and jetties in the District's lakes have been in place for quite some time. Any mooring or jetty established prior to 1991 likely required a licence under the Harbours Act 1950. Where a Harbours Act licence was obtained, the mooring or jetty was able to continue to rely upon the Harbours Act licence under section 418(3A) of the Resource Management Act 1991 (RMA) until the expiry of the licence. As Harbours Act licences had 14-year-terms, all licences would have expired by 2005 (14 years following the repeal of the Harbours Act), after which authorisation under the RMA is required for a mooring or jetty to be lawful under this legislation.

In 2021, the QLDC undertook a survey of the District's lakes and become aware that a number of moorings and jetties may not be legally authorised under the RMA (because of the transition from the Harbours Act to the RMA). Communication was sent to all mooring and jetty owners, advising them about their responsibilities and requirements under the RMA.

As a result, QLDC have received a number of applications to lawfully establish under the RMA existing moorings and jetties within the District's lakes. These structures need consents under both the QLDC District Plan and the Otago Regional Council (ORC), Otago Regional Water Plan (ORP:W).

Of relevance to the processing of this application under the ORP:W, on 23 March 1994, a deed was made to transfer the power to determine applications for land use consent for activities / structures affecting lakes from the ORC to the QLDC pursuant to Section 13(1)(a) of the RMA. In accordance with this deed, in emails dated 17.7.23 and 20.8.26, the ORC confirmed that QLDC could process this application seeking consent under the ORP:W on its behalf.

1.2 Summary of Proposal

The Applicant has provided a description of the site and surrounds at Section 2.0, and a description of the proposal at Section 4.0 of the report entitled "*Assessment of Effects on the Environment Resource Consent for an Existing Mooring Roys Bay, Lake Wanaka For Deane Weastell, May 2023*", prepared by John Edmonds & Associates, and submitted as part of the application (hereon referred to as the Applicant's AEE and attached as *Appendix 1*). This description is considered adequate and is adopted for the purpose of this report with the following exceptions and additions:

The application originally submitted to QLDC sought consent to lawfully establish an existing swing mooring for a single vessel on the bed and surface of Lake Wānaka, in a location to the south of Eely Point, Roys Bay. This proposal related to an existing mooring, currently located at the following GPS coordinates, as shown in Figure 1 below (indicated by an orange dot as indicated):

-44.685813 S, 169.125991 E (WGS84 Decimal Degree Format)

The proposal was amended during the processing of this application to address navigational safety concerns raised by the QLDC Harbourmaster in relation to an identified swing radius overlaps with surrounding moorings (some of which are consented under the RMA). Therefore Sections 2 and 4 of the AEE are only adopted in part, as the details no longer accurately describe the proposal. The new proposal is to remove the existing swing mooring system from the lake, and shift it to a new location, approximately 87m to the west from where it is currently located (detailed further in Section 3.3.3 below). The proposed GPS coordinates for the mooring are now as follows, as shown in Figure 1 (represented by a blue dot as indicated):

-44.68576 S, 169.124879 E (WGS84 Decimal Degree Format)

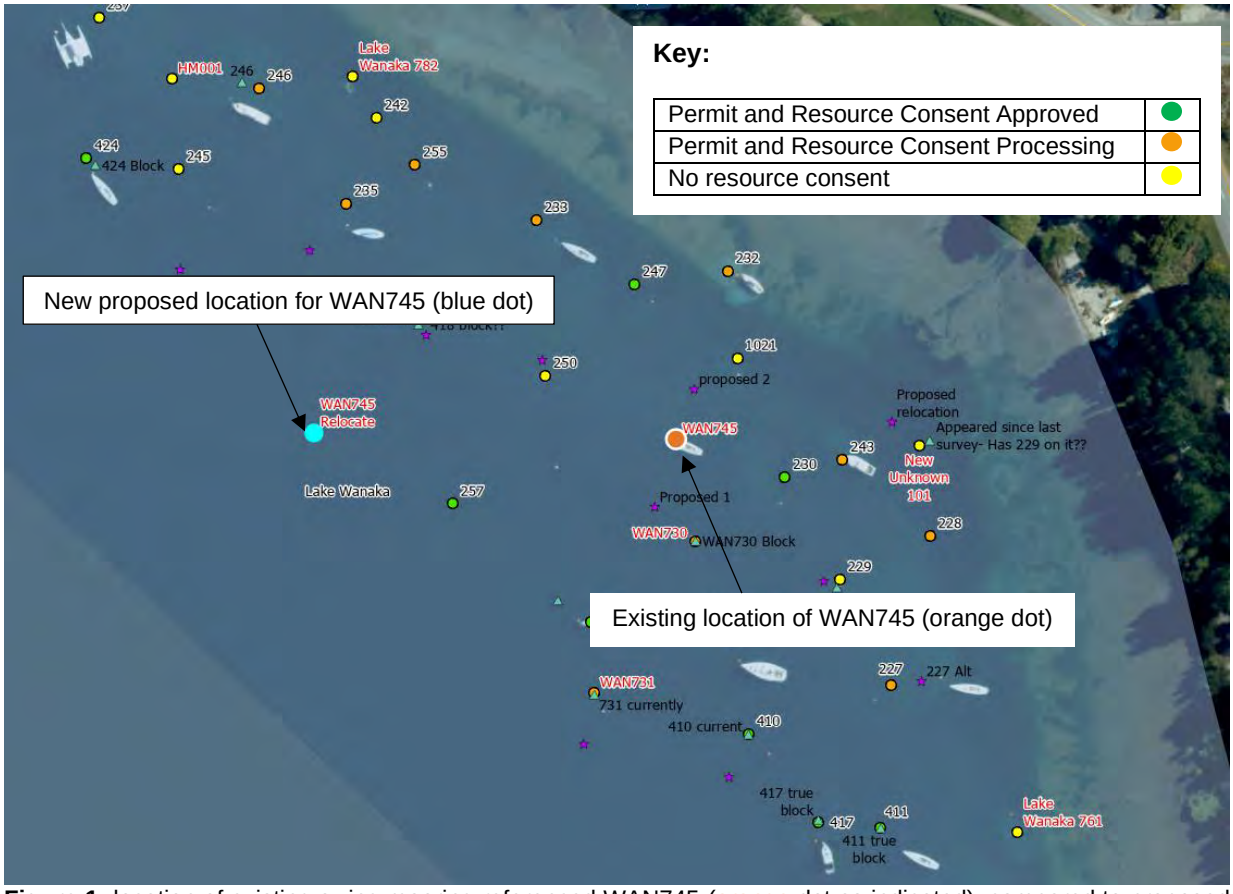


Figure 1: location of existing swing mooring referenced WAN745 (orange dot as indicated), compared to proposed location (blue dot as indicated), in relation to surrounding moorings and features.

The GPS coordinates that have been used within the application documents use the Degrees, Minutes, Seconds ("DMS") format (such as in the mooring inspection report and AEE). In accordance with the standard (and preferred) QLDC mooring inspection form, all coordinates have been converted to the WGS84 Decimal Degree ("DD") format for the purposes of this report, noting both formats have been cited by the Harbourmaster in the navigational safety report. Whether the DMS or DD format are used, the proposed and existing locations for WAN745 are as shown in Figure 1 above.

The vessel that currently uses this mooring is a 9m yacht, therefore consent is sought to use this mooring in its new location for a vessel up to 9m in overall length.

Of note, the mooring has the reference number "WAN745", which is not a QLDC permit number[1], rather a survey identification tag. The QLDC Property Team have confirmed the Applicant has not been issued a permit for the mooring. As outlined in Section 4.0 of the AEE, the Applicant acquired the mooring from a previous owner in the early 2000's; however is of the understanding that the mooring has been in position since the early 1980's.

1.3 Site and Surrounds Description

In addition to the Applicant's description of the site and surrounding environment, it is noted that the proposed mooring is located within Roys Bay, which is identified as being within Landscape Priority Area 21.22.20. Lake Wānaka is also contained within Wāhi Tūpuna Site 34 (Wānaka (Lake Wānaka)) and is also a Statutory Acknowledgment Area therefore the lake holds cultural and spiritual significance to Manawhenua[2] of this District. This decision will address these matters further below.

[1] Issued under the QLDC Mooring Permit system which is administered by Councils Property team and is not an authorisation under the RMA.

[2] The spelling of "Manawhenua" used throughout this report is consistent with the QLDC PDP, unless cited otherwise.

2.0 ACTIVITY STATUS

2.1 QLDC DISTRICT PLANS

The 2007 QLDC Operative District Plan is being reviewed through a series of plan changes commenced in August 2015 known as the Proposed District Plan (PDP). As set out in Chapter 1 of the PDP, the district plan can now be summarised as comprising:

A. Provisions reviewed since 2015 referred to as the PDP that apply in areas mapped in the PDP ePlan maps; and

B. Provisions reviewed since 2007 referred to as the Operative District Plan (ODP) that apply in areas mapped in the ODP ePlan maps, which appear as white in the PDP ePlan maps.

Strategic Chapters 3-6 of the PDP as well as Designations, Heritage and Wāhi Tūpuna apply to all areas.

Where decisions on the PDP have been appealed, the corresponding ODP rules continue to apply. As appeals are resolved, more PDP rules are treated as operative and the equivalent ODP rules are treated as inoperative (s.86F RMA). Currently, resource consent may be required under either, or both the ODP and PDP provisions listed below.

2.1 OPERATIVE DISTRICT PLAN

The subject site is zoned Rural General in the ODP. However, there are no relevant rules under the ODP given the relevant rules under the PDP are treated as operative pursuant to section 86F.

2.2 PROPOSED DISTRICT PLAN

The proposed mooring is located within Wāhi Tūpuna Site 34 (Wānaka (Lake Wānaka)) and within an Outstanding Natural Landscape (ONL) (Landscape Priority Area 21.22.20). Lake Wānaka is also a Statutory Acknowledgement Area under the Ngāi Tahu Claims Settlement Act 1998, as recognised within the PDP. While these provisions do not contain rules that might trigger the need for a resource consent, they are particularly relevant for the assessment of this application and for providing guidance on actual and potential effects.

The subject site is zoned Rural (water) in the PDP. The proposed activity requires resource consent under the PDP for the following reason[3]:

- A **non-complying** activity resource consent pursuant to Rule 21.15.9 for any structure or mooring that passes across or through the surface of any lake or river in locations on the District Plan web mapping application where moorings are shown as being non-complying. It is proposed to establish a swing mooring that passes through the surface of Lake Wānaka and is attached (anchored) to the bed of the lake in an area shown as being non-complying on the District Plan web mapping application.

Overall, the application is considered to be a **non-complying** activity under the PDP.

2.2 THE REGIONAL PLAN: WATER FOR OTAGO

Lake Wānaka is a Statutory Acknowledgement Area under the Ngāi Tahu Claims Settlement Act 1998, which is also recognised within the ORP:W and is a relevant consideration for the assessment of this application under the ORP:W, and for providing guidance on actual and potential effects.

In accordance with the deed signed between the ORC and QLDC and the confirmation from ORC delegating its decision making (as outlined in Section 1.1 above), the application has been considered by QLDC under the relevant provisions of the ORP:W.

The proposed activity requires resource consent under the ORP:W for the following reasons:

[3] Rules that are treated as operative under s86F.

- A **restricted discretionary** activity pursuant to Rule 13.4.2.1 as the proposal involves the removal of a structure that is fixed in, on, under, or over the bed of any lake or river and does not meet the requirements of a permitted activity in Rule 13.4.1.1, specifically standard 13.4.1.1(c). The Applicant now proposes to remove the existing swing mooring from Lake Wānaka, which is identified in Schedule 1D of the ORP:W as MA3 (Waahi tapu). Council's discretion is restricted to the following matters:

  a) Any adverse effects of the activity on:
     (i) Any natural and human use value identified in Schedule 1 for any affected water body;
     (ii) The natural character of any affected water body;
     (iii) Any amenity value supported by any affected water body; and
     (iv) Any heritage value associated with any affected water body; and
  b) Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and
  c) Flow and sediment processes; and
  d) Any adverse effect on a defence against water; and
  e) Any adverse effect on existing public access; and
  f) The method of demolition or removal; and
  g) The duration of the resource consent; and
  h) The information and monitoring requirements; and
  i) Any existing lawful activity associated with any affected water body; and
  j) Any bond; and
  k) The review of conditions of the resource consent; and
  l) Any financial contribution for regionally significant wetland values or Regionally Significant Wetlands that are adversely affected.

  Advice Note: As the proposal has been amended since the application was first lodged, this rule is not triggered within the AEE.

- A **discretionary activity** pursuant to Rule 13.2.3.1 as the proposal involves the placement of a structure, fixed in, on, under or over the bed of a lake. It is proposed to lawfully establish an existing mooring that passes through the surface of Lake Wānaka and is attached (anchored) to the bed of the lake.

Overall, the application is considered to be a **discretionary activity** under the ORP:W.

2.3 ACTIVITY STATUS SUMMARY

Overall, the application is considered to be:

- a **non-complying activity** under the PDP; and
- a **discretionary activity** under the ORP:W.

The application as a whole will be considered as a **non-complying** activity.

NOTIFICATION ASSESSMENT AND DETERMINATION DECISION UNDER SECTIONS 95A AND 95B OF THE RESOURCE MANAGEMENT ACT

The below covers both the QLDC and ORC resource consent applications.

3.0 SECTION 95A – PUBLIC NOTIFICATION

Section 95A of the RMA requires a decision on whether or not to publicly notify an application. The following steps set out in this section, in the order given, are used to determine whether to publicly notify an application for a resource consent.

3.1 Step 1 – Mandatory public notification

The Applicant has not requested public notification of the application (s95A(3)(a)).

Public notification is not required as a result of a refusal by the Applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).

The application does not involve an exchange of recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Therefore, public notification is not required by Step 1.

3.2 Step 2 – Public notification precluded

Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)).

The proposal is not:

- a controlled activity; or
- a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying;

Therefore, public notification is not precluded under Step 2.

3.3 Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).

A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

An assessment in this respect is therefore undertaken, and decision made in sections 3.3.1 - 3.3.4 below:

3.3.1 Effects that must / may be disregarded (s95D(a)-(e))

Effects that must be disregarded:

- *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*

- *Trade competition and the effects of trade competition (s95D(d)).*

- *Effects on a person who has given written approval to the relevant application. 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)
Land Information New Zealand (LINZ)	N/A

Written correspondence/evidence of consultation has also been provided as part of the application from the Guardians of Lake Wanaka. However, this is not considered to be written approval under s95D(e) of the RMA as it was not accompanied by the required Form 8A.

The QLDC processing planner has consulted with Maritime New Zealand as per requirements of s.89A. In an email dated 25.7.23, Maritime NZ confirmed they had no comment on the application.

Effects that may be disregarded:

- *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) – referred to as the "permitted baseline". The relevance of a permitted baseline to this application is provided in section 3.3.2 below.*

3.3.2 Permitted Activities (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, all permanent structures and moorings within a lake require resource consent under the PDP, and the ORP:W. As such, there is no permitted baseline relevant to the placement of a structure on the lake bed. This conclusion aligns with the Applicant's assessment of the permitted baseline at Section 8.0 of the AEE, which appears to relate to an assessment under the PDP only.

As for the effects of lake-bed disturbance associated with the removal and placement of a mooring under ORP:W Rule 13.5.1.1, it is a permitted activity to disturb the bed of a lake associated with the erection, placement, extension, alteration, replacement, reconstruction, repair, maintenance, demolition or removal of any structure that is fixed in, on, under or over the bed of any lake, provided standards are met. These include the following:

- the work is undertaken between 1 May and 30 September inclusive and Department of Conservation and Fish and Game are notified in advance;
- the lake bed disturbance is limited to the extent necessary to undertake the work;
- the work does not cause any flooding or erosion;
- the time taken to complete the works in the wetted bed of the lake does not exceed ten (10) hours in duration;
- reasonable steps are taken to minimise sediment release such that water clarity does not change within 200m downstream; and
- the site is left tidy.

In terms of the ongoing use of a structure, it is noted that through this consent, the proposed mooring will become lawfully established under the RMA, and therefore its ongoing use will be able to rely on permitted activity Rule 13.1.1.1 of the ORP:W, provided it is maintained in good repair. This is a relevant consideration in the assessment that follows. Similarly, if this consent is approved, the mooring will become authorised under the PDP and its ongoing use will essentially be "permitted" as a result.

It is considered that the permitted baseline as it relates to the disturbance of the lakebed associated with the installation of the mooring, and the ongoing use of this structure once lawfully established to be of some relevance to the proposal. In an email dated 6.10.26, the Applicant confirmed that the replacement of the mooring would comply with the permitted standards under the ORP:W[4]. As such this will be taken into consideration in the assessment that follows.

[4] Any historic or future non-compliance of the permitted standards under the ORP:W is an Otago Regional Council monitoring and enforcement matter.

3.3.3 Assessment: Effects On The Environment

Taking into account sections 3.3.1 and 3.3.2 above, the following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor that will require public notification (s95A(8)(b)).

The Applicant seeks resource consent under both the ORP:W and the PDP to lawfully establish a swing mooring system located in the area to the south of Eely Point, Lake Wānaka. An assessment relevant to each Council plan follows.

Expert reports

The following expert reports have been provided to assist the assessment of effects below:

- A navigational safety report prepared by QLDC's, Waterways Regulatory Services Manager, Mr Craig Fahey, QLDC attached as *Appendix 2*.

A] Assessment under the QLDC Proposed District Plan

The matters of discretion in Rule 21.15.7, which is a rule for the same activity within a different lake, being the Frankton Arm of Whakatipu-wai-maori, provides helpful guidance for matters to consider under the non-complying activity status. However, as a non-complying activity the assessment is not limited to these matters. Also of relevance to an assessment under the PDP are the potential threats listed in Schedule 39.6 of the PDP.

Under the PDP, the proposed mooring is considered to raise actual or potential effects on the environment relating to the following matters:

i. Landscape, visual and amenity effects;
ii. Navigation and water safety;
iii. Effects on recreation;
iv. Cumulative effects;
v. Cultural effects.

Relevant to the above, the Applicant has provided an assessment of effects at the following sections of the AEE which are relevant to an assessment of the proposal under the PDP (noting the assessment contained within Section 9.1.4 Effects on Lakebed and Water of the AEE is not relevant to an assessment of the proposal under the PDP and will be assessed as part of the ORP:W):

- Section 9.1.1 (Views, Landscape and Visual Amenity);
- Section 9.1.2 (Cumulative Effects)
- Section 9.1.3 (Recreational Use and Safety and Navigation)
- Section 9.1.5 (Wāhi Tūpuna)
- Section 9.1.6 (Landscape Schedules)

This assessment is considered adequate and is adopted for the purposes of this report, with the following additional assessment relating to navigation and water safety; and cultural effects.

i. Navigation and water safety

As outlined in the QLDC Swing Mooring Booklet 2026 and within the mooring permit, the safety and maintenance of a mooring is the responsibility of the registered mooring owner. The whole system must be inspected every two years to remove kinks and replace worn components. Inspection must be conducted by a suitably qualified professional. This requirement is consistent with the ORC permitted activity standards outlined in Section 3.3.2 above.

As part of a request for further information, the Applicant commissioned a mooring inspection which was carried out on 4 March 2026 by Mr Garry Wright who is accepted as being a suitably qualified professional to undertake this work. Based on the mooring specifications detailed within the inspection report, a maximum swing radius for the mooring was able to be calculated. Swing radius is a circle on the water in

which a vessel will rotate around its mooring block or anchor and takes into consideration the length of the berthed vessel, the depth of the mooring block, and the total length of "tackle". The maximum swing radius is calculated at low water level, which is when the mooring "tackle" will be fully extended in high winds (or a high tidal flow), representing the maximum distance the vessel is from the mooring block.

Although initial concern was raised by the QLDC Harbourmaster regarding the location of the mooring referenced WAN745, including an identified swing radius conflict with other moorings, some of which are consented, the Applicant amended the proposal to relocate the mooring to the coordinates cited above. Based on the supplied new GPS coordinates, mooring block location, survey specifications, and a vessel length of up to 9.0 metres overall, the assessed swing radius associated with WAN745 overlaps with surrounding moorings M257 and M418; both of which have resource consent. However, the QLDC Harbourmaster has advised that any overlap is within the acceptable allowance and therefore no navigational concerns arise. This conclusion is accepted for the purposes of this report.

Of note, the QLDC Harbourmaster has advised that an updated mooring inspection report will be required once the new mooring has been physically established in the lake. This requirement has been acknowledged by the Applicant.

On this basis, it is considered that the proposal will result in no more than minor adverse effects on navigational safety on Lake Wānaka.

ii. <u>Cultural effects;</u>

The PDP recognises Ngāi Tahu as a partner in the management of the District's natural and physical resources through the implementation of the District Plan. As well as being a Statutory Acknowledgement Area, the PDP also identifies Lake Wānaka as being located within Wāhi Tūpuna Site 34 within Schedule 39.6. Lake Wānaka is described as being key in numerous Kāi Tahu[5] pūrakau (stories) and has a deep spiritual significance for the Manawhenua whose takiwā includes the lake. Lake Wānaka was also a wāhi mahika kai rich with tuna (eel) which were caught, preserved, and transported back to the kāika nohoaka of coastal Otago. The knowledge of whakapapa, traditional trails, tauraka waka, mahika kai and other taoka associated with Lake Wānaka remain important to Kāi Tahu today.

Although Schedule 39.6 of the PDP provides some guidance, it is acknowledged that input from Kāi Tahu (who are the Manawhenua of this District) is required in order to fully understand the effects the proposed moorings within Statutory Acknowledgement Areas and wāhi tūpuna areas have on cultural values. Of relevance, some of the threats to wāhi tūpuna area 34 include activities affecting water quality, and buildings and structures.

The application does not contain any information from Kāi Tahu on the cultural effects its mooring may or may not have on Kāi Tahu cultural values.

Without input from Kāi Tahu on cultural effects, the proposal can be seen as a potential threat to the values that Lake Wānaka holds for Manawhenua. In considering the existing and proposed location of this mooring within an already modified environment south of Eely Point and other surrounding moorings, it is considered that adverse cultural effects on the environment are minor.

iii. <u>Summary of effects under the PDP</u>

Overall, given the assessment above and that within the AEE, it is considered that any adverse effects on the environment relating to an assessment under the PDP in terms of landscape, visual and amenity effects (including cumulative effects), navigation and water safety, and recreation values, will be no more than minor. Adverse effects on cultural values will be minor.

B] Assessment under the ORP:Water

Under the ORP:W, the subject mooring is considered to raise actual or potential effects on the environment relating to the following matters:

[5] A Māori Term defined in the PDP as meaning "the collective of individuals who descend from Ngāi Tahu, Kāti Māmoe and Waitaha who are Manawhenua in the Queenstown Lakes District".

i. Effects on the lake bed/ecological values
ii. Effect on any natural and human use value identified in Schedule 1 of the ORP:W

The Applicant has provided an assessment of effects as they relate to effects on the lakebed and water at Section 9.1.4 of the AEE. This assessment is relevant to an assessment of the proposal under the ORP:W, is considered adequate and is adopted for the purposes of this report.

An additional assessment is provided in relation to effects on the recognised values for Lake Wānaka listed within the ORP:W.

i. Effect on the recognised values listed in the ORP:W

The ORP:W outlines the natural and human use values of various watercourses throughout the Otago Region. Lake Wānaka is identified within Schedule 1 of the ORP:W, as having specific values needing to be protected.

Schedule 1A of the ORP:W identifies the natural values associated with Lake Wānaka. It is recognised that the mooring subject to this application will alter the natural character of the lake, however this effect is considered to be less than minor. The proposed works will not affect ecology, natural flow characteristics or water quality of the lake.

Schedule 1B of the ORP:W identifies lakes and rivers where the water taken is used for public water supply purposes. There are two water supplies from Lake Wānaka identified in Schedule 1B of the ORP:W. However, the subject mooring will not affect either of these, being separated a considerable distance from the take located on the eastern side of Roys Bay.

Schedule 1C lists registered historic places. There are no historic places/features listed within the vicinity of the subject mooring.

Schedule 1D identifies the spiritual and cultural beliefs, values and uses associated with water bodies of significance to Kāi Tahu. As outlined in the assessment of cultural effects relevant to the QLDC application and PDP, the proposal can be seen as a potential threat to the values that Lake Wānaka holds for Kāi Tahu.

As stated above under the QLDC application assessment, the application does not contain any information from Kāi Tahu on the effects its mooring may or may not have on Kāi Tahu cultural values. Without input from Kāi Tahu on cultural effects, the proposal has to be seen as a potential threat to the values that Lake Wānaka holds for Manawhenua. In considering the location of this mooring within an already modified environment and other surrounding moorings, it is considered that adverse cultural effects on the environment are minor.

ii. Summary of effects under the ORP:W

Overall, it is considered that any adverse effects on the environment in relation to effects on the lake bed/ecological values, and the values identified within Schedules 1A-1C of the ORP:W will be no more than minor. Adverse effects on the significance of Lake Wānaka to Kāi Tahu, as identified within Schedule 1D of the ORP:W, is considered to be minor.

3.3.4 Decision: Effects On The Environment (s95A(8))

On the basis of the above assessment, it is assessed that the proposed activity will not have adverse effects on the environment that are more than minor. Therefore, public notification is not required under Step 3.

3.4 Step 4 – Public Notification in Special Circumstances

There are no special circumstances in relation to this application.

4.0 LIMITED NOTIFICATION (s95B)

Section 95B(1) requires a decision on whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

4.1 Step 1: certain affected groups and affected persons must be notified

Determination under s95B(2)

The proposal does not affect protected customary rights groups, and does not affect a customary marine title group; therefore, limited notification under s 95B(2) is not required.

Determination under s95B(3)

The consent authority must determine –

(a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and
(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.

The proposed mooring is to be located in and attached to the lakebed of Lake Wānaka which is subject to a Statutory Acknowledgement made in accordance with the Ngāi Tahu Claims Settlement Act 1998 (which is an Act specified in Schedule 11 of the RMA).

In determining if the person to whom the Statutory Acknowledgement is made is an affected person under section 95E, the consent authority is not required to necessarily find Kāi Tahu affected, but requires the acknowledgement to be taken into account in determining whether they are affected (that is whether they are affected in a manner different from the public generally).

An assessment on whether Kāi Tahu is considered to be adversely affected follows:

Te Rūnanga / Rūnaka o Ngāi Tahu

The assessment contained within Section 3.3.3 in relation to effects on cultural values under the QLDC PDP and an assessment against the Schedule 1D values under the ORP:W is relevant to an assessment of whether Ngāi Tahu (or Kāi Tahu) is considered to be adversely affected. In summary, both the ORP:W and the QLDC PDP recognise Kāi Tahu as a partner in the management and protection of the Region/District's water resources through the implementation of these Plans, whereby it is acknowledged that input from Kāi Tahu (who are the Manawhenua of this District) is required in order to fully understand the effects that the proposed mooring within Statutory Acknowledgement and wāhi tūpuna areas have on cultural/spiritual values. As stated in section 3.3.3 of this report, the application does not contain information from Kāi Tahu on the effects its mooring may or may not have on Kāi Tahu cultural values.

The proposal involves the removal of an existing mooring, as well as the placement of a permanent structure (mooring) on the bed of Lake Wānaka. The proposal can therefore be seen as a potential threat to the values that Lake Wānaka holds for Manawhenua.

Based on the conclusions reached within Section 3.3.3 of this report, and taking into consideration the Statutory Acknowledgement of Lake Wānaka, the effects on Kāi Tahu will be minor for the purposes of section 95E of the RMA.

Accordingly, Kāi Tahu, whose interests in the Queenstown Lakes District are represented by Aukaha and Te Ao Marama Incorporated, is determined to be an affected person under section 95E (s95B(3)).

4.2 Step 2: if not required by Step 1, limited notification precluded in certain circumstances

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification (s95B(6)(a)).

Limited notification is not precluded under Step 2 as the proposal is not for a controlled activity (s95B(6)(b)).

4.3 Step 3: if not precluded by Step 2, certain other affected persons must be notified

If limited notification is not precluded by Step 2, a consent authority must determine, in accordance with section 95E, whether the following are affected persons:

Boundary activity

The proposal is not a boundary activity.

Any other activity

The proposal is not a boundary activity and therefore the proposed activity falls into the *'any other activity'* category (s95B(8)), and the adverse effects of the proposed activity are to be assessed in accordance with section 95E.

4.3.1 Considerations in assessing adverse effects on Persons (S95E(2)(a)-(c))

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 (a "permitted baseline"). Section 3.3.2 above sets out the relevance of the permitted baseline to this application.
b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in Schedule 11.

4.3.1 [ii] Persons who have provided written approval (s95E(3))

The persons identified in Section 3.3.1 above have provided their **written approval** and as such adverse effects on these parties are disregarded for the purpose of s95E(3).

4.3.2 Assessment: Effects on Persons

Taking into account the exclusions in sections 95E(2) and (3) as set out in section 4.3.1 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:

Surrounding land owners:

There are no properties directly overlooking the proposed mooring location as the Eely Point Recreation Reserve and Lakeside Road separates the Lake from adjacent residential properties.

As outlined above, the mooring referenced WAN745 is located within a cluster of existing moorings to the south of Eely Point and lies adjacent to nearby landside features such as a popular boat launching area and informal boat trailer parking areas. Further, the proposed mooring is a small element in the context of the surrounding landscape.

Overall, adverse effects associated with landscape and amenity values on owners and occupiers of surrounding properties will be less than minor.

Adjacent mooring permit holders:

As noted earlier in this report under navigational safety (Section 3.3.3 above), the QLDC Harbourmaster identified a potential swing radius overlap with adjacent moorings M257 and M418, but has confirmed that any swing radius overlap with surrounding moorings is within acceptable limits and no navigational safety concerns are raised.

As such there are no adjacent mooring permit holders who are considered to be adversely affected.

4.3.3 Decision: Effects on Persons (s95E(1))

The persons considered affected pursuant to section 95E of the RMA and therefore to be served notice of the application are illustrated and tabled as follows:

Person (owner/occupier)	Address (location in respect of subject site)
Aukaha	N/A
Te Ao Marama Incorporated	N/A

4.4 Step 4 – Further Notification in Special Circumstances (s95B(10))

Special circumstances do not apply that require limited notification.

5.0 NOTIFICATION DETERMINATION

For the reasons set out in sections 3 and 4 of this notification decision report, under s95A and s95B of the RMA, the application is to be processed on a limited notified.

Prepared by

Rebecca Holden
CONSULTANT PROCESSING PLANNER

Decision made by

Jane Sinclair
INDEPENDENT COMMISSIONER

6.0 APPENDICES LIST

APPENDIX 1 – Applicant's AEE
APPENDIX 2 – Navigational Safety Report (WAN745)

APPENDIX 1 – APPLICANT'S AEE

Assessment of Effects on the Environment

Resource Consent for an Existing Mooring

Roys Bay, Lake Wanaka

For Deane Weastell

May 2023

TABLE OF CONTENTS

		Page No.
1.0	**Introduction**	**2**
2.0	**Site Description and Surrounds**	**3**
3.0	**Background**	**4**
4.0	**Description of the Proposal**	**4**
5.0	**Consultation**	**5**
6.0	**District Plan Provisions**	**6**
	6.1 Proposed District Plan (PDP)	6
7.0	**Otago Regional Water Plan**	**7**
	7.1 Activity Status and Assessment Matters	7
8.0	**Permitted Baseline**	**8**
9.0	**Assessment of Environmental Effects**	**8**
	9.1 Effects on the Environment	8
	9.2 Effects on Persons	11
	9.3 Summary of Assessment of Effects	11
10.0	**Objectives and Policy Assessment**	**11**
	10.1 Operative District Plan	11
	10.2 Proposed District Plan	14
	10.3 Otago Regional Plan: Water	16
	10.4 Summary of Objective and Policy Assessment	17
11.0	**Particular Restrictions for Non-Complying Activities (Section 104D)**	**17**
12.0	**The Matters in Part 2 of the Resource Management Act 1991**	**17**
13.0	**Conclusion**	**18**

LIST OF APPENDICES

Appendix 1 Location Plan

Appendix 2 Correspondence from Harbourmaster

Appendix 3 Correspondence- Aukaha

Appendix 4 Correspondence- Te Ao Marama Incorporated (TAMI)

Appendix 5 Guardians of Lake Wanaka Letter

Appendix 6 Landscape Assessment

1.0 INTRODUCTION

This Assessment of Effects on the Environment report (AEE), inclusive of appendices, has been prepared in accordance with Schedule 4 of the Resource Management Act (RMA). Together these documents provide:

- A description of the application site and surrounding environment;
- A description of the proposal;
- Identification and assessment of relevant RMA statutory provisions; and
- A conclusion.

The applicant seeks consent for an existing mooring within Roys Bay, in Lake Wanaka. The location of the mooring is as shown in red below:

Figure 1- Location of Mooring

2.0 SITE DESCRIPTION AND SURROUNDS

The mooring is existing and located in Roys Bay, Lake Wanaka. The mooring is currently nestled in amongst other existing moorings in the vicinity, as shown in Figure 1 above. GPS coordinates for the mooring are S 44 41 9 / E 169 7 34 and is labelled as 'DW' on the Location Plan attached at **Appendix 1**.

The surrounding area consists of the wider Lake Wanaka to the north and west, Roys Bay surrounding the mooring, and Eely Point to the north. A public reserve- Eely Point Reserve, incorporating a walking/cycling track

along the lake edge is located to the east and north-east. Within this reserve is a recently approved Marine Rescue Centre building under construction, a long-established Scout den, picnic/BBQ areas, public toilets, a boat ramp, and unformed parking areas for vehicles and boats. The reserve has well-established mature vegetation-both native and non-native, and is located between the lake and an urban, residential area of Wanaka. To the south-east is the Wanaka Marina, containing existing moorings and marina berths within the lake, and the Wanaka Yacht Club building and associated parking on the lake edge.

3.0 BACKGROUND

In 1989, the Lakes District Waterway Authority Control Bylaw was in place to control any structure (mooring and breakwater) in the lake. Licences under this Bylaw were granted by the Harbourmaster and worked in conjunction with the Reserve Management Plan. There were no references to resource consents required under the Town and Country Planning Act 1977.

In 1991 following the introduction of the Resource Management Act, the Transitional District Plan (TDP) was made operative. When the TDP was first initiated within the district, the surface of lakes and rivers were not zoned, thereby not requiring resource consents under any particular zone rules. Unbeknownst to most however, resource consent was required by s13A of the RMA, where jetties and moorings required a non-complying activity consent under s374(4) of the RMA. S374(4) outlined that any activity not specifically referred to within a previous plan (in this case, Town & Country Ordinances) such as structures that pass through the surface of the lake are non-complying activities. It is during this time that the majority of moorings were installed in Roys Bay, with the understanding that resource consent was not required, and instead were governed by the Bylaw.

The Operative District Plan came into effect in 2003, which required consent for structures and moorings, and currently, the Proposed District Plan is largely operative, and zones Lake Wanaka as Rural, with an Outstanding Natural Landscape (ONL) overlay, whereby consent is required under the Rural Zone chapter for structures and moorings passing across or through the surface of any lake or river.

4.0 DESCRIPTION OF THE PROPOSAL

The proposal seeks retrospective resource consent to install and retain a swing mooring in the location shown above. The mooring consists of the following elements:

Structural Element	Description
Fixing to lakebed	Concreted truck tyre mooring block to anchor on the lakebed
Buoy	Brightly coloured A4 windy buoy (approx. 600mm in diameter)
Link from lakebed to buoy	Chain and rope combination from block to buoy, with swivel below the surface of the water; and from buoy to boat. These chains/ropes are long enough to swing, but not to interfere with other moorings or boats.

The mooring structure has the following permissions from the QLDC Harbourmaster and Land information New Zealand:

License	Number
LINZ Licence	Applied for
Mooring Bylaw Permit	It is likely the mooring has a permit, however the mooring number and name on permit is unknown

The boat moored at this buoy is the applicant's private vessel, which is a yacht Etchells, however the applicant reserves the right to moor future vessels, which are restricted by weight (rather than length) by the Otago Regional Council. This vessel is moored permanently.

The mooring has been in position since the early 1980s, however an exact year is not known. The applicant has rented/owned/been responsible for the mooring since the early 2000s, organised through a friend who has since passed away, and no paperwork has been located. The knowledge of the mooring number, registered owner's name, and any more specific information is not known.

5.0 CONSULTATION

The following parties have been consulted with as part of this application.

- Harbourmaster- Cougar Security

The Harbourmaster (Phil Wiel) has been consulted via phone call on 13th April 2023, who provided feedback that if the mooring had a bylaw permit, then they should be satisfied that the mooring is adequately placed and maintained, and they will provide input into the resource consent process if the Council seek their input. Mr Wiel responded via email on the 9th May 2023 stating that he would comment after an application is lodged with the Council, and suggesting that an inspection report should accompany any application with no permit- attached as **Appendix 2**.

From previous discussions with the previous Harbourmaster (Marty Black), feedback was that moorings should be located 25 – 30m away from other moorings to allow for swing. With that requirement, Marty Black was satisfied that the moorings are safely placed.

- Aukaha

Aukaha was contacted initially on the 4th October 2022 via their website. A phone call followed, and further email correspondence (16th January 2023). Aukaha made the applicant aware via phone call and then via email on the 10th February 2023 that they were in discussions with QLDC with a number of different concerns hoping to be resolved between the two parties regarding a number of existing moorings and to contact the Council for more information. Until these concerns had been resolved, Aukaha reserved their input into the individual resource consent process. A follow up email to Aukaha was sent on the 14th April 2023, but no response received from Aukaha. Phone calls remained unanswered after the 10th February. See attached correspondence with Aukaha at **Appendix 3**.

- Te Ao Marama Inc (TAMI)

TAMI were contacted on the 3rd October 2022 via email, and a follow up email sent 7th December 2022. TAMI responded with an email stating that their key staff member that works on this type of query is out of the office, and that a meeting should be organised to discuss. Follow up emails were sent 16th January 2023, 31st March 2023 and again on 14th April. A phone call from TAMI and a response to the email chain was received on the 20th April 2023 which states

'Te Ao Marama are currently working alongside The Queenstown Lakes District Council to pave a way forward regarding the audit of consented moorings and jetties within the Lakes District.
We are currently awaiting information to help inform our process and therefore mooring applications are currently being put on hold until this information is received.
To date we are unsure when this will be provided. We would recommend making contact with your council planner for updates.
We hope the information in this email is sufficient; however, should you need anything further, please don't hesitate to contact me'.

See attached correspondence with TAMI at **Appendix 4**.

- Guardians of Lake Wanaka

A phone call with Don Robertson occurred on the 13th April 2023, and an email correspondence followed. The Guardians of Lake Wanaka met on 1 May 2023 to discuss this proposal, and provide the correspondence attached at **Appendix 5**. The recommendations the Guardians have made are adopted, form part of this application and are offered as conditions of consent, if deemed necessary.

6.0 DISTRICT PLAN PROVISIONS

Lake Wanaka is zoned Rural General under the Operative District Plan (ODP), and Rural under the Proposed District Plan (PDP). The PDP classifies Lake Wanaka as Outstanding Natural Landscape (ONL) and has surface water annotations that classify whether a mooring or structure in certain locations around Roys Bay are a non-complying activity, as shown on Figure 2 below. If this annotation does not apply, moorings and structures fall into a discretionary activity under Chapter 21 of the PDP.

Lake Wanaka is subject to a Statutory Acknowledgment in terms of the Ngai Tahu Claims Settlement Act 1998, and a Wāhi Tūpuna overlay in the PDP whereby the mana whenua values identified are wāhi taoka, mahika kai, ara tawhito. Lake Wanaka is also subject to a landscape priority area- Roys Bay ONL, as identified by Landscape Schedule 21.22.20.

The Operative District Plan remains applicable to this application, in that the PDP Rural Chapter is not entirely operative given there are unresolved appeals to some provisions. There are however no specific appeals to the relevant rules applicable to this application, and therefore under Section 86F of the RMA, should be treated as operative (and any previous rule as inoperative). As such, no consent is required under the ODP, but consent is sought under the PDP as below.

6.1 Proposed District Plan (PDP)

- A **non-complying** activity resource consent pursuant to Rule 21.15.9 for the mooring that passes across and through the surface of the lake in a location on the District Plan web mapping application (see Figure 2) where such structure is shown as being non-complying.

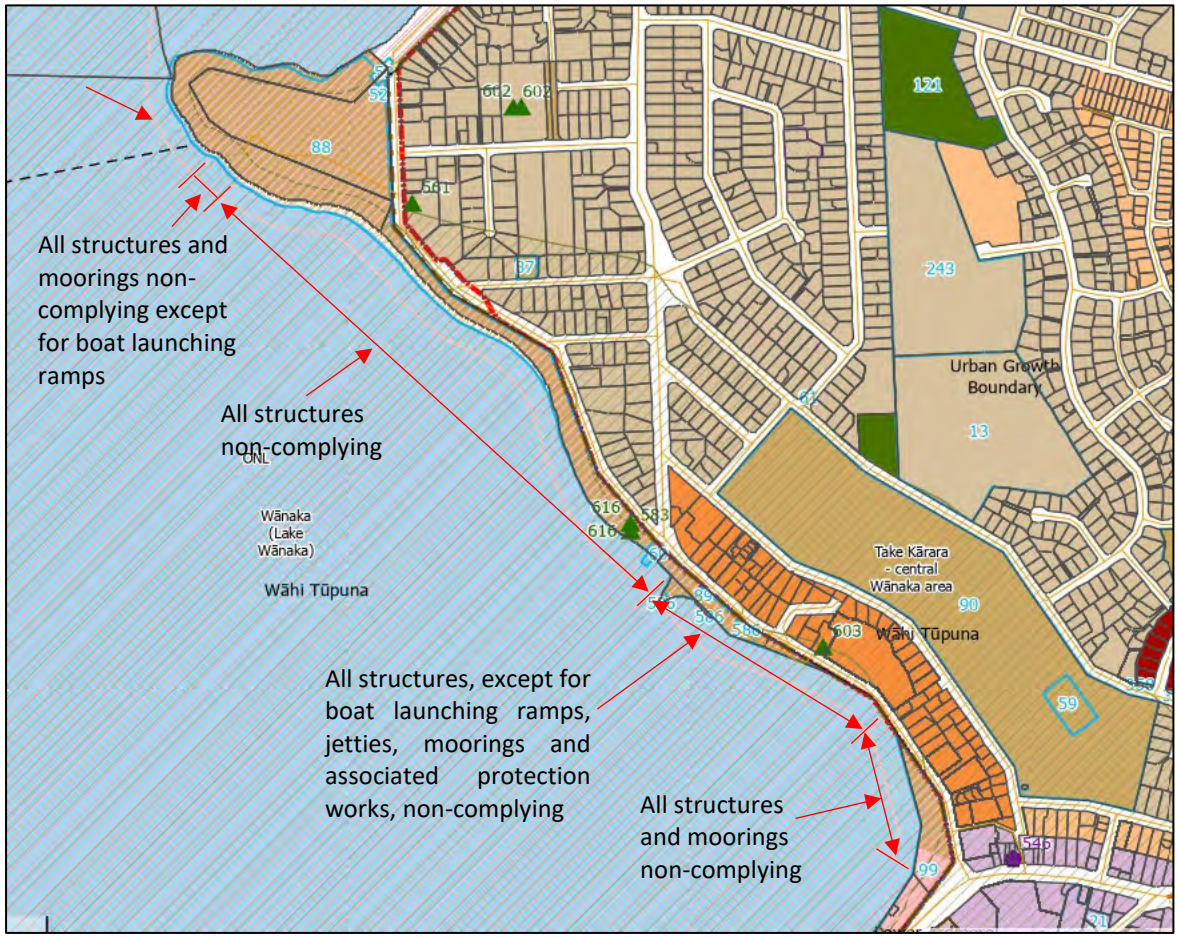


Figure 3- Surface Water Annotation from the PDP Planning Map

7.0 OTAGO REGIONAL WATER PLAN

During the integration of the RMA into the territorial and regional authority frameworks, Otago Regional Council transferred some of their functions, powers and duties of determining applications for land use consents to QLDC. The function transferred in 1994 related to the consents required to be obtained pursuant to s.13(1)(a) of the Act within the land, to achieve efficiencies and avoid overlaps between district and regional council regulations with regard to structures on water bodies.

The proposed activity requires resource consent under the Otago Regional Plan: Water for the following reason:

- A **discretionary** activity resource consent pursuant to Rule 13.2.3.1 for the erection or placement of any structure fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland. In this case the proposal seeks retrospective placement of a mooring block on the bed of Lake Wanaka.

7.1 Activity Status and Assessment Matters

Overall, the development is a non-complying activity.

Section 104 and 104B and 104D of the Resource Management Act (RMA) set out the relevant assessment matters for resource consent applications carrying the non-complying activity status.

104 Consideration of applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to–

a) any actual or potential effects on the environment of allowing the activity; and

b) any relevant provisions of—
(i) a national environmental standard:
(ii) other regulations:
(iii) a national policy statement:
(iv) a New Zealand coastal policy statement:
(v) a regional policy statement or proposed regional policy statement:
(vi) a plan or proposed plan; and
c) any other matter the consent authority considers relevant and reasonably necessary to determine the application

104B Determination of applications for discretionary or non-complying activities
After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –
a) may grant or refuse the application; and
b) if it grants the application, may impose conditions under section 108.

104D Particular restrictions for non-complying activities
(1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—
a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii)applies) will be minor; or
b) the application is for an activity that will not be contrary to the objectives and policies of—
(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.
(2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

8.0 PERMITTED BASELINE

The permitted baseline provides a clear baseline from which any effect beyond this can be assessed. In this case there is no permitted baseline as all structures that pass through the lake surface requires consent under the PDP.

9.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

9.1 Effects on the Environment

The relevant assessment matters are found in Part 5 (Rural) of the ODP, Chapter 21 and 39 of the PDP have been considered in the assessment below, though as a discretionary (Regional Plan: Water) and non-complying activity (ODP/ PDP) the assessment is not limited to these matters.

9.1.1 Views, Landscape and Visual Amenity

Jessica Zuban of Patch Landscape Architecture describes the landscape, the proposal, and makes an assessment of the landscape and visual amenity effects of the mooring, with particular regard to the assessment matters in the Rural Chapter of the PDP relating to ONLs- attached as **Appendix 6**. Ms Zuban considers that the proposal will enhance the recreational character in this part of the lake.

There is acknowledgment that the mooring will not meet the 'reasonably difficult to see' threshold, however in the context of the existing and surrounding environment, regardless of its visibility, the mooring and its

associated vessel will have a less than minor effect considering it's nestled in amongst a marine environment, where there is an expectation of boats and recreational boating activity.

Ms Zuban assesses that although there will be some visibility of mooring and associated vessel, the resultant visual effect will be well absorbed by the surrounding highly urbanised and vegetated context and the dominant and vast lake and mountain landscape. Ms Zuban considers the proposal to have effects on landscape character that are no more than a very low degree, being less than minor.

9.1.2 Cumulative Effects

Ms Zuban has assessed cumulative effects resulting from the proposed mooring in amongst the other existing moorings in the area, and particularly with the backdrop of the marina and yacht club. Ms Zuban considers that Lake Wanaka still maintains a high degree of natural character, and that the mooring contributes to the recreational character and quality of the immediate landscape, having minimal influence on the more natural attributes and values of the wider natural lake and mountain ONL. The cumulative effects caused by the proposal are considered to be very low / less than minor.

9.1.3 Recreational Use and Safety and Navigation

The proposal would not diminish the recreational experience of the water as used by other people. Nor would the mooring introduce clutter or congestion to any new areas within Lake Wanaka, given the presence of many other boats and moorings in this location. In fact, the presence of the mooring will reduce congestion to the marina as one less boat will be launched each appropriate boating day.

The Harbourmaster is responsible for ensuring navigational safety to other vessels and users, and this is managed through Council permits. It is assumed the mooring has a permit, but the number not known, and it is likely the annual fees remain unpaid. Notwithstanding, the applicant takes good care of the mooring, with regular dives to inspect the structure, replace any necessary features, and maintain as necessary. The mooring is designed in such a way to allow for the rise and fall of the surface of water, yet only allow enough swing of the chain from the anchor so that it does not cause any safety issues or nuisance to other lake or mooring users. The mooring is placed an adequate distance from any other nearby moorings to avoid conflict, which the previous Harbourmaster advised to be 25m – 30m, to allow for swing.

The mooring is for private use, and unlikely to be used by public given the presence of a vessel during the busy boating seasons, and its proximity to the lake edge. If a boat were in distress to need to moor up at this proximity to the lake edge, it is more likely they would boat directly to the shoreline.

9.1.4 Effects on Lakebed and Water

The structure of the mooring is a concreted truck tyre on the lakebed and an attached chain and buoy which has been installed over 40 years ago. Considering the time since installation, it is likely the mooring anchor is now part of the existing environment on the lakebed and provides somewhat of an environment for flora and fauna. If the mooring were to be removed or replaced, it is anticipated the effects on the lakebed and water to be greater than if it is kept in place, considering the disturbance to the lakebed and water quality from removal.

Additionally, the applicant has undertaken consultation with a local environmental organisation, the Guardians of Lake Wanaka who support the moorings, with recommendations associated with reducing environmental impacts. The Guardians encourage agreement that the mooring activities to not result in the following in or adjacent to Roys Bay:

- human waste, sewage, or wastewater or indicators of sewage;
- bacterial or protozoan contamination;
- organisms pathogenic to humans, or to indigenous wildlife;
- toxins (e.g. fuel, oil, paint, polycyclic aromatic hydrocarbons (PAHs), heavy metals, anti-fouling chemicals);

- metal or paint sanding dust entering the lake from vessel maintenance at a mooring;
- plastic or other rubbish or waste materials entering the lake from moored vessels;
- transfer of Lagarosiphon plants or any other existing or future pest around the lake (or to or from other lakes) by any vessel.

The applicant adopts these recommendations and offer them as conditions of consent if deemed necessary.

Given the minimal scale of the structure and no lakebed disturbance, due to its long-term presence, any adverse effects on the lakebed and water are considered less than minor.

9.1.5 Wāhi Tūpuna

Lake Wanaka is number 34 in the Schedule of Wāhi Tūpuna in the PDP, described as 'one of the lakes referred to in the tradition of 'Ngā Puna Wai Karikari o Rākaihautū' which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rākaihautū. Through these pūrakau (stories), Wānaka holds a deep spiritual significance both traditionally and for Kāi Tahu at present. It was also a wāhi mahika kai rich with tuna (eel) which were caught, preserved, and transported back to the kāika nohoaka of coastal Otago. The knowledge of whakapapa, traditional trails, tauraka waka, mahika kai and other taoka associated with Lake Wānaka remain important to Kāi Tahu today. Lake Wānaka also has Statutory Acknowledgement status under the Ngāi Tahu Claims Settlement Act 1998'[i].

Manawhenua values are identified as being Wāhi taoka[ii], mahika kai[iii], ara tawhito[iv], with 'buildings and structures' being listed as a potential threat. A mooring is considered a structure by definition in the PDP. It is noted no consent is required under Chapter 39, however Lake Wanaka is a Statutory Acknowledgment area, and consultation with tangata whenua is encouraged when implementing a proposal which may have effects on Mauri, Wāhi taonga or Wāhi Tūpuna.

Te Ao Marama and Aukaha have been consulted with, as explained in section 5.0 above. No response to any consultation with assessment on manawhenua values has been forthcoming. However, given the nature and scale of the proposal, being an existing mooring that has been in place for over 40 years, it is not considered likely to have any effect on Tangata Whenua. No physical works are proposed, and the mooring anchor is of good quality, ensuring it is now part of the physical environment on the lakebed. The landscape assessment provides an assessment of the visual and landscape effects, including cumulative effects on the lake surface, concluding the effects are less than minor. For these reasons it is unlikely there will be any adverse effects on Wāhi Tūpuna, however it is acknowledged manawhenua are an important factor in that assessment, and applicant continues to welcome comment from Ngai Tahu.

9.1.6 Landscape Schedules

Lake Wanaka is within the Landscape Priority Area of the Roys Bay ONL. The relevant parts can be found in Chapter 21.22.20. Section 14- land use patterns and features, describes the lake edge and waters to include boating facilities, launching ramps, jetties, car parking, marina, yacht club, and 'boat moorings are present around the marina and in a cluster south of Eely Point'. As such, the existing moorings form part of the existing environment as described.

---

[i] Chapter 39 of the PDP, Section 39.6- Schedule of Wāhi Tūpuna

[ii] Resources, places and sites treasured by tangata whenua. These valued places reflect the long history and association of Ngāi Tahu with the Queenstown Lakes District.

[iii] Mahinga kai refers to the gathering of food and natural materials, the places where those resources are sourced, and the traditions, customs and collection methods. Mahinga kai remains one of the cornerstones of Ngāi Tahu culture.

[iv] Trails and routes. A network of trails crossed the region linking the permanent villages with seasonal inland campsites and the coast, providing access to a range of mahika kai resources and inland stone resources, including pounamu and silcrete.

Item 45 assesses the naturalness attributes and values associated with the lake, and in particular explains those of Roys Bay:

'Roys Bay is a confined landscape unit within the lake that is more modified and has lower natural character than the rest of the lake. The moderate natural character of the bay results from the physical attributes of the unmodified lake waters, beaches and indigenous vegetation, combined with the largely manicured parkland character of the reserve, the built modifications on the lake surface (moorings, marina and jetties), the buildings close to the margins, and the surrounding urban, suburban and rural living development. Human modification is greatest at the head of the bay and less noticeable west of Rippon Vineyard and north of Eely Point. Within the bay, the lake and its immediate margins are perceived as having a moderately high level of natural character'.

The landscape capacity has been assessed as a very limited capacity for *additional* moorings within the area of existing/consented moorings. It is important to note that this landscape schedule makes note of the existing moorings and are assessed as part of the existing environment, considering their long-term placement within the environment. The proposal seeks to consent an existing mooring within the cluster of moorings in the bay, and no additional moorings are proposed.

Ms Zuban has made an assessment of the effects on the landscape and concludes the effects are less than minor. For these reasons, the proposal is consistent with the direction of the Landscape Schedules for this Priority Area.

9.2 Effects on Persons

Considering the mooring has been in place for over 40 years and no known records of any conflict or issues with the mooring, it is concluded it does not impose any undue safety risk to or inconvenience to other uses of the lake. There are not considered to be any adverse effects on users of the nearby moorings or Lake Wanaka in respect to navigation and water safety matters.

The mooring is set amongst existing moorings in this area of the lake and will not be perceivable, or impactful when viewed by any persons.

It is therefore considered that any adverse effects on the owners and occupiers of residential properties will be less than minor.

The mooring is intermittently visible in places from the lakefront walkway, although they would be visible among a cluster of existing boats and moorings. Any adverse effects on the users of the lakeside resulting from the mooring are less than minor.

9.3 Summary of Assessment of Effects

Overall, considering the scale, nature and context of the existing moorings, and the long-term presence of the mooring, creating part of the existing environment, the proposed activity is not likely to have adverse effects on the environment or persons that are minor or more than minor.

10.0 OBJECTIVES AND POLICY ASSESSMENT

10.1 Operative District Plan

The relevant objectives and policies are contained within Part 4 (District Wide Issues) and Part 5 (Rural Areas) of the Operative District Plan.

<u>9.1.1 District Wide</u>

<u>Part 4.1.4 of District Wide- Nature Conservation</u>

Objective 1 - Nature Conservation Values

The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District.

Improved opportunity for linkages between the habitat communities.

The preservation of the remaining natural character of the District's lakes, rivers, wetlands and their margins.

The protection of outstanding natural features and natural landscapes.

The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands.

The protection of the habitat of trout and salmon.

Policy 1.2 *To promote the long term protection of sites and areas with significant nature conservation values.*

Policy 1.13 *To maintain or enhance the natural character and nature conservation values of the beds and margins of the lakes, rivers and wetlands.*

The proposal will not affect any ecosystem functioning or habitats of flora and fauna, given the nature and scale of the mooring. Now the anchor has been placed, it will not restrict the flourishment of aquatic flora or fauna on or around the placement area. The mooring will have very little effect on the natural landscape of the lake, as it will be clustered in amongst existing moorings, in an area where the natural landscape is no longer 'untouched', but altered to one within an area of the lake where boats are permanently, or semi-permanently located on the surface of the lake, as assessed by Ms Zuban. This use of the lake close to the shore in this area is anticipated; and as such the proposal would not have an effect on the natural landscape of the lake.

<u>Part 4.3 of District Wide- Takata Whenua</u>

The lake is a statutory declaration area, and as such the Otago and Southland runanga may consider the lake and water as waahi taoka.

Objective 3 - Waahi Tapu and Waahi Taoka Recognition and protection of places of burial, other waahi tapu, and all waahi taoka, as places of cultural and traditional importance to Kai Tahu.

Policy 3.3 *To establish appropriate communication contact points between the Council and the kaitiaki runanga for the District to ensure information and consultation occurs.*

Te Ao Marama and Aukaha have been consulted about the application, in recognition that Lake Wanaka is Wāhi Tūpuna. On-going consultation from the applicant is occurring, to establish any manawhenua concerns, however with very little input from TAMI and Aukaha, it is difficult to assess. As such, considering little response with any concerns around effects on manawhenua values, it is assessed that the proposal will retain protection of the lake with its cultural importance to manawhenua considering the existing nature, and small scale of the mooring.

<u>Part 4.6.3 of District Wide- Surface of Lakes and Rivers</u>

Recreational activities undertaken in a manner which avoids, remedies or mitigates, their potential adverse effects on:

- *natural conservation values and wildlife habitats,*
- *other recreational values,*

- *public health and safety,*
- *takata whenua values, and*
- *general amenity values.*

Policy 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.*

Policy 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.*

Policy 12 *To avoid adverse effects on the public availability and enjoyment of the margins of the lakes and rivers.*

The proposal will not affect natural conservation values or wildlife habitats due to the scale and nature, and the mooring will have very little impact upon the lakebed or surface. The proposal does not inhibit other recreational users utilising this part of the lake, as the mooring is in a permanent location, and other users can manoeuvre around the buoy if necessary.

The beach in this location is not one boats could launch at. As such, generally other boat users do not use this part of the lake, unless they are mooring to their own buoy. Kayakers, rowers, swimmers and paddleboarders use this area of lake, but the buoys do not inhibit this use, or provide any danger to these users. The buoys will also not inhibit any access to the lake edge by the public due to their location.

Takata whenua values have been addressed above.

General amenity values of this part of the lake are not adversely affected by the presence of a mooring. There are other moorings in this area, and boats in this vicinity are an accepted, and unobtrusive feature on the lake edge. As such, amenity values will not be degraded by the presence of the mooring.

9.1.4 Part 5- Rural Areas

Objective 1 - Character and Landscape Value

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 1.1 *Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.*

Policy 1.7 *Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.*

The buoy is located an area where moorings are already clustered, a short distance from the shore edge. The mooring is viewed against these existing boats and moorings, and any effects of this mooring will be discernible. This area of Lake Wanaka is beautiful; however, it is not an untouched, remote area of the lake with no recreational or boating activity. The existing boats located in this area create a marine backdrop when viewing the lake, which in itself is not unattractive. Boats in this proximity to the shoreline and marina should be an anticipated use in this area. The area is able to absorb the proposed change, as the mooring does not give rise to adverse effects.

10.2 Proposed District Plan

The relevant objectives and policies of the PDP can be found in Chapter 3 (Strategic Direction), Chapter 6 (Landscapes), Chapter 21 (Rural) and Chapter 39 (Wāhi Tūpuna). Those with an * are currently under appeal.

9.2.1 Chapter 3- Strategic Direction

Objective 3.2.4.3 The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved, or enhanced where possible, and protected from inappropriate subdivision, use and development.

Objective 3.2.4.4 The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced.

Objective 3.2.4.5 Public access to the natural environment is maintained or enhanced.

Objective 3.2.4.6 The values of significant indigenous vegetation and significant habitats of indigenous fauna are protected.

Policy 3.3.30 Protect the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes.

Policy 3.3.49 Avoid significant adverse effects on wāhi tūpuna within the District

As assessed by Ms Zuban, the natural character of the lake margin is eroded through urban and recreational development, but the attributes and values of the wider ONL are largely maintained. The proposal protects the ONL. The use and structure is not considered inappropriate in this context or area, considering the anticipated use of this part of the lake, nearby the marina and amongst other buoys and vessels. The water quality and functions of the lake is maintained through the presence of the mooring.

Public access to the natural environment is enhanced through the mooring installation to provide further access by the recreational users of the vessel to be moored. The values of indigenous vegetation and fauna are protected, as no physical changes to the mooring is proposed.

As assessed below, significant adverse effects on wāhi tūpuna are avoided, as the mooring has been in place for decades, and no physical works are proposed to the mooring as part of this proposal. The structure is small in nature, and clustered amongst other maritime uses.

9.2.2 Chapter 6- Landscape

Policy 6.3.3.5 Maintain the open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes where it is open at present.

Policy 6.3.5.1 Manage the location, intensity and scale of structures on the surface and margins of water bodies including jetties, moorings and infrastructure recognising the functional needs of these activities, and the importance of lakes and rivers, including as a commercial recreation, tourism, transport and recreational resource, and ensure these structures are at a scale or in a location that, as far as practicable:

a. protects the values of Outstanding Natural Features and Outstanding Natural Landscapes; and

b. maintains the landscape character of Rural Character Landscapes and maintains or enhances their visual amenity values.

Policy 6.3.5.4 *Provide for appropriate commercial and recreational activities on the surface of water bodies that do not involve construction of new structures.*

Ms Zuban assesses 'Northeast of Wanaka's CBD around the Wanaka Marina and Wanaka Yacht Club, urban elements including jetties and marine activity encroach on the foreshore and on the lake itself. Just north and west of Wanaka's CBD near Pembroke Park, the foreshore displays a more open, although still modified character embodied in large areas of open space for parking and recreation. Towards the southwestern end of Roys Bay, the open character of the lake and foreshore is interrupted by urban elements near the foreshore including the Water Sports Building, Edgewater Resort and other urban areas'[v]. As such, although there are areas of open character around the foreshore, the area where the mooring is located is within an area that is less open through the positioning of other structures and vessels.

The location of the mooring is such that it is amongst other moorings in the vicinity. The landscape quality, character and amenity values of the area are therefore unchanged as a result of the proposal as the environment remains unchanged. The landscape is already established as one that contains existing moorings and boats in the vicinity, and therefore the landscape is not affected by the proposal. There is a functional need for locating moorings around and near the marina, within the lake which provides recreational opportunities. Therefore the mooring is appropriately located in amongst a cluster of other moorings, and is of a scale and location that protects the values of the ONL.

There are no appropriate commercial activities which allow for mooring boats, other than the marina which is cost prohibitive for the applicants. As such, the construction of the moorings is not otherwise provided for.

9.2.3 Chapter 21- Rural

Objective 21.2.12 *The natural character of lakes and rivers and their margins is protected or enhanced, while also providing for appropriate activities, including recreation, commercial recreation and public transport.*

Policy 21.2.12.1 *Have regard to statutory obligations, wāhi tūpuna and the spiritual beliefs, and cultural traditions of tangata whenua where activities are undertaken on the surface of lakes and rivers and their margins.*

Policy 21.2.12.2 *Enable people to have access to a wide range of recreational experiences on the lakes and rivers, and their margins, while having regard to environmental and safety constraints of the various parts of each lake and river.*

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

Policy 21.2.12.6 *Recognise and provide for the maintenance and enhancement of public access to and enjoyment of the margins of the lakes and rivers.*

Policy 21.2.12.7 *Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided, remedied or mitigated.*

The natural character of the lake margin in this area is modified through the presence of the marina, clusters of existing moorings, and jetties. They're visible with a backdrop of urbanisation around Roys Bay. As such, with

[v] Section 2.3 of the Landscape Assessment by Patch, 5th April 2023

the mooring in this location, the natural character of the lake margin is protected, whilst providing for the appropriate recreational activity of boating on the lake- an anticipated use of the lake and area. The mooring will enable the applicant to have access to the recreational experience on the lake by enabling their boat to be located in this area over the boating seasons, and in turn will provide for the enhancement of public access to the enjoyment of the lake. With on-going management and maintenance of the mooring, and adherence to navigational safety protocols, it is considered the safety constraints of this part of the lake have been well assessed and adhered to.

Effects on wāhi tūpuna has been assessed above and below.

Given the nature and scale of the proposal, it will not give rise to effects on the natural character or nature conservation values of the lake; and as assessed above, is not an inappropriate use of the lake in this location. A regular recreational boat user in this part of the lake will be aware of spawning nesting areas of birds within and alongside the lake and will avoid those parts of the lake.

As assessed in Section 9.1.3 above, the mooring is in a location which will avoid conflicts with other users of the lake and will not have adverse effects on the visual qualities of the lake considering its cluster amongst other moorings in an urbanised area.

9.2.4 Chapter 39- Wāhi Tūpuna

Objective 39.2.1 Manawhenua values, within identified wāhi tūpuna areas, are recognised and provided for.

**Policy 39.2.1.2 Recognise that the effects of activities may require assessment in relation to Manawhenua values when that activity is listed as a potential threat within an identified wāhi tūpuna area, as set out in Schedule 39.6.*

**Policy 39.2.1.3 Within identified wāhi tūpuna areas:*

a. avoid significant adverse effects on Manawhenua values and avoid, remedy or mitigate other adverse effects on Manawhenua values from subdivision, use and development listed as a potential threat in Schedule 39.6; and

b. avoid, remedy or mitigate adverse effects on Manawhenua values from subdivision, use and development within those identified wāhi tūpuna areas in the urban environment where potential threats have not been identified in Schedule 39.6.

**Policy 39.2.1.4 Encourage early consultation with Manawhenua when appropriate to understand the effects of any activity on Manawhenua values in an identified wāhi tūpuna area.*

With regards to Policy 39.2.1.3, this is not applicable as a mooring is not considered 'subdivision and development', as defined in the PDP.

No consent is required under Chapter 39, however as Lake Wanaka is a Statutory Acknowledgement area, consultation with tangata whenua is encouraged when implementing a proposal which may have effects on Mauri, Wāhi taonga or Wāhi Tūpuna. Ngai Tahu have been consulted for the proposal, through correspondence with Te Ao Marama and Aukaha. Comments have been sought for any concerns, however no response to any consultation around effects on manawhenua values has been forthcoming. However, given the nature and scale of the proposal, being an existing mooring that has been in place for over 40 years, and no physical changes are proposed, it is not considered likely to have an adverse effect on Tangata Whenua.

10.3 Otago Regional Plan: Water (2022)

The relevant objectives and policies of the Regional Plan can be found in Part 4, which seeks to ensure consistency with the values of Kai Tahu whanui, Part 5, which focuses on ONLs, naturalness, flora and fauna, ecosystem, water supply values, amenity values and existing lawful activities associated with the regions lakes

and rivers. Part 6 and 7 apply provisions around water quantity and quality respectively, and Part 8 seeks to maintain the stability of beds and banks of lakes and rivers, to minimise reductions in water clarity caused by bed disturbance, and to avoid, remedy or mitigate any adverse effect of activities that occur within the bed of lakes and rivers. The proposed mooring will result in no further disturbance of the lakebed for the establishment of the mooring as it has been in place for four decades. In addition, the long-term effects that may result on the bed of the lake, are sufficiently limited given the small area of lake that will be occupied by the mooring structure. The presence of the mooring and associated vessel is considered to be consistent with and not contrary to the objectives and policies of these relevant parts of the Plan.

10.4 Summary of Objective and Policy Assessment

Overall it is considered that the proposal will be consistent and not contrary with the ODP, PDP and the Otago Regional Plan: Water.

11.0 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (SECTION 104D)

With respect to the assessment above, the first threshold test for a non-complying activity required under Section 104D has been met in that the application is not considered to create any actual or potential adverse effects which are more than minor in extent.

With respect to the second threshold test under Section 104D it is concluded that the application can pass through the second gateway test given that the proposal is not considered to be contrary to the relevant policies and objectives of the District Plan.

On this basis discretion exists to grant consent for this non-complying activity.

12.0 THE MATTERS IN PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Together with Section 5, subsection 7 (b), (c) and (f) are relevant, and Section 8 of Part 2 of the Act.

Lake Wanaka and its margin will continue to be protected whilst the mooring is present.

In Environment Court case Wakatipu Environment Society Incorporated vs QLDC (C180/99), the court conceded that “Just because an area is or contains an outstanding natural landscape does not mean that development is automatically inappropriate”. In the assessment above, the reasons why the proposal is not inappropriate have been extensively traversed, and therefore the ONL will be protected from inappropriate structures.

Public access along the lake margin is maintained and enhanced through this proposal.

The lake is subject of a Statutory Acknowledgment- the values of the lake will be protected by the careful installation and use of the mooring, as detailed above.

There is no risk of natural hazards to this proposal.

As assessed in full above, the proposal will enable the efficient use of natural and physical resources under section 7(b); and the effects on the landscape are adequately mitigated. The proposal will maintain and enhance amenity values of Lake Wanaka and the surrounding area as described in the assessment above, under section 7(c). It will maintain the quality of the environment under section 7(f) and protect the finite characteristics of the ONL and other natural and physical resources in accordance with section 7(g).

The principles of the Treaty of Waitangi have been taken into account throughout this proposal.

Overall, the purpose of Part 2 of the Act has been achieved by way of location, nature and scale, and protection of natural and physical resources, all of which ensure that the matters in sections 5 to 8 are achieved.

13.0 CONCLUSION

The proposal seeks to retrospectively consent an existing mooring in Roys Bay, Lake Wanaka. Overall, the proposal is anticipated to result in effects that are less than minor on the environment and on people considering the nature, scale and context of the mooring and its location. The proposal is also not contrary to the policy direction provided within both the operative and proposed District Plans, and the Otago Regional Plan: Water. Accordingly, it is considered that the proposal can be approved on a non-notified basis.

APPENDIX 2 – NAVIGATIONAL SAFETY REPORT (WAN745)

NAVIGATIONAL SAFETY COMMENTS – RESOURCE CONSENT APPLICATION

TO: Rebecca Holden

FROM: Craig Fahey, QLDC Waterways Regulatory Services Manager & Harbourmaster

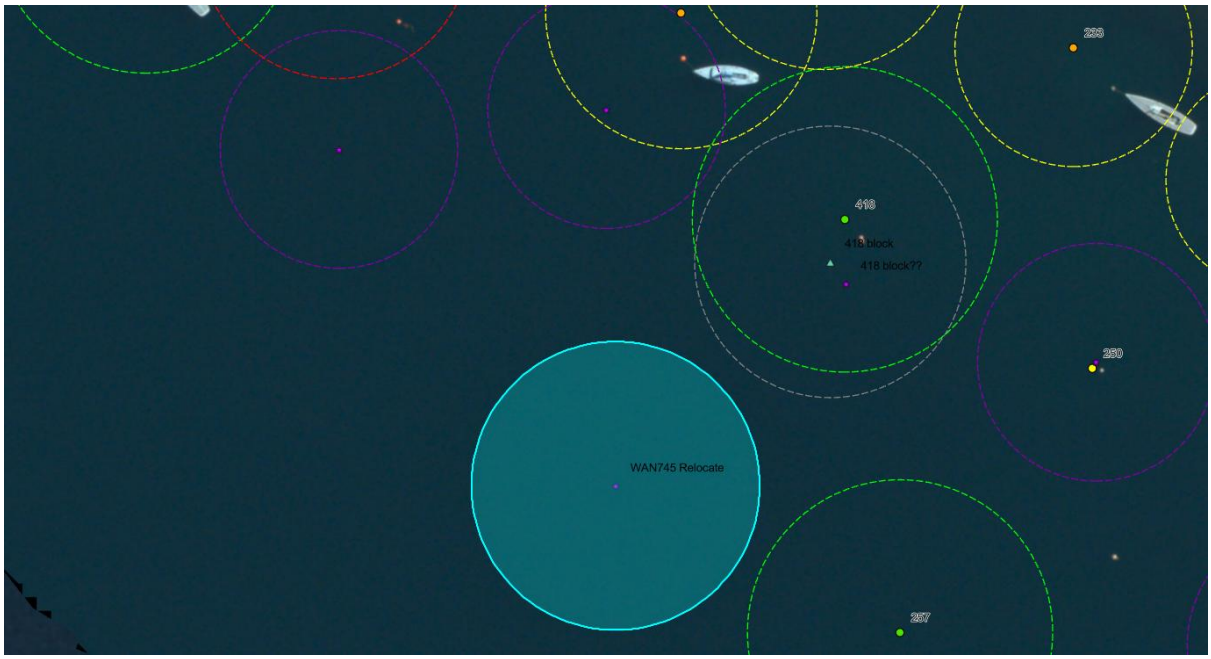
DATE: 21 August 2026

APPLICATION DETAILS	
REFERENCE	RM230327
APPLICANT	D Weastell
APPLICATION TYPE & DESCRIPTION	Land use consent to lawfully establish an existing swing mooring (WAN 745) on the bed and surface of Lake Wānaka, south of Eely Point, Roys Bay.
ADDRESS	Bed and surface of Lake Wānaka, south of Eely Point
ZONE	Rural (PDP) RURAL General (ODP)
SITE ADDRESS	N/A
ACTIVITY STATUS	Non-Complying
VALUATION NUMBER	N/A

REQUEST DETAILS	
FROM (PROCESSING PLANNER)	Rebecca Holden
DATE OF REQUEST	03.05.2026
WORKING DAYS AT TIME OF REQUEST	0
FINAL DATE FOR FURTHER INFORMATION REQUESTS	24.03.2026
DATE REPORT REQUIRED BY:	ASAP
INDICATION OF NOTIFICATION	Limited Notification
TYPE OF COMMENT REQUIRED	Memo
REQUESTED AREAS OF COMMENT	Navigational safety matters including: a) Any navigational safety concerns (e.g. swing radius clash, depth of lake) b) Whether the mooring design is fit for purpose and structurally sound.

MOORING LOCATION DIAGRAM – WAN 745

Latitude	-44.68576 / 44° 41' 08.74" S
Longitude	169.124879 / 169° 07' 29.56" E



Please note: WAN 745 circle projected represents calculated Zero Overlap Radius (ZOR) based on supplied information.

1.0 OVERVIEW

Brief Description of Proposal	A Resource Consent application has been filed in respect of the existing mooring (WAN 745) located within Roys Bay, Lake Wānaka. The purpose of this resource Consent application is to legalise an existing mooring located at the above location. The application requires Harbourmaster comment on navigational safety, including mooring spacing, potential swing-radius conflict, and whether the mooring arrangement is fit for purpose. The applicant supplied a subsurface mooring inspection survey completed by Wright Building and Dive Services. The Harbourmaster's assessment relies on the information supplied in that report, including the reported mooring location, configuration and vessel length assumptions.
History	RM230327
Waterbodies	Location: Roys Bay, Lake Wānaka

2.0 SAFETY MANAGEMENT

SAFETY MANAGEMENT COMMENTS	A resource consent application for mooring WAN 745 was lodged with Queenstown Lakes District Council. The applicant-supplied mooring inspection report has been reviewed to inform Harbourmaster comment on navigational safety matters.

	Assessment approach For moorings in congested areas, the assessment considers whether the mooring arrangement provides adequate separation from nearby moorings having regard to the applicant-supplied survey information, vessel length, mooring design, water depth and separation between mooring blocks. **Mooring Swing Radius** Based on the applicant-supplied sub-surface mooring survey, the assessed swing radius overlaps with surrounding moorings M257 (consented) and M418 (consented). Using the supplied GPS coordinates, mooring block location, new mooring specifications, and a vessel length of up to 9.0 metres overall, the mooring has been assessed as remaining within the allowable overlap limit for these neighbouring moorings. This assessment was informed by an accepted methodology, developed with input from a recognised naval engineer, for assessing safe permitted swing overlap between moorings. **Notes:** Due to the relocation and new mooring specifications, an updated mooring inspection report is required once the new mooring has been physically established in the lake. On the information currently provided, the assessed mooring arrangement does not raise navigational safety concerns that would prevent the application from being supported.
Safety Operation Plan (SOP) comments	Nil Required.
Maritime comment obtained?	No Comment Required from Maritime NZ

3.0 LEGISLATION

- Maritime Transport Act 1994
- Navigation Safety Bylaw 2025

4.0 RECOMMENDED CONDITIONS/ADVICE NOTES

Advice Note:

The use of a Mooring is at the occupiers risk. Compliance with spacing criteria does not guarantee that boat-to-boat contact will never occur and Council is not liable for any damage to occupying boats, or for damage to a third party arising from the use of a Mooring by the occupier or mooring owner. The mooring owner is responsible for maintaining and keeping the mooring in good order in accordance with all technical specifications for operation and maintenance, mooring rules, approved consent requirements, permit conditions, and all relevant regulations and legislation. The mooring owner must understand and follow good mooring practice at all times and must safely navigate in accordance with all regulations and Bylaws.

Consent holder must obtain and maintain an annual QLDC mooring permit as per the requirements of the Navigation Safety Bylaw 2025

Conditions:

WAN731 is relocated to the coordinates cited above.

5.0 FINAL COMMENT

From a navigational safety perspective, the application can be supported at this time based on the relocation to the coordinates in this report and the new mooring design specifications provided.

Prepared by: Craig Fahey
Waterways Regulatory Services Manager
Queenstown Lakes District Council

TechnologyOne ECM Document Summary

Printed On 08-Oct-2026

Class	Description	Doc Set Id / Note Id	Version	Date
PUB_ACC	ResourceApplicationForm9	9533258	1	22-Apr-2026
PUB_ACC	AEE	7618977	1	11-May-2023
PUB_ACC	MooringInspection	9533259	1	22-Apr-2026
PUB_ACC	Appendix 2 - Correspondence with Harbourmaster	7618975	1	11-May-2023
PUB_ACC	Appendix 3 - Correspondence with Aukaha	7618974	1	11-May-2023
PUB_ACC	Appendix 4 - Correspondence with TAMI	7618973	1	11-May-2023
PUB_ACC	Appendix 5 - Guardians of Lake Wanaka Letter	7618972	1	11-May-2023
PUB_ACC	Appendix 6 - Landscape Assessment	7618971	1	11-May-2023
PUB_ACC	LINZ APA	7738778	1	29-Aug-2023

APPLICATION FOR RESOURCE CONSENT

FOR A WATER-BASED ACTIVITY

QUEENSTOWN LAKES DISTRICT COUNCIL

Under Section 88 of the Resource Management Act 1991 (Form 9)

PLEASE COMPLETE ALL MANDATORY FIELDS* OF THIS FORM.

This form provides contact information and details of your application. If your form does not provide the required information it will be returned to you to complete. Until we receive a completed form and payment of the initial fee, your application will not be accepted for

APPLICANT //

- Must be a person or legal entity (limited liability company or trust).
- Full names of all trustees required.
- The applicant name(s) will be the consent holder(s) responsible for the consent and any associated costs.

*Applicant's Full Name / Company / Trust:
(Name Decision is to be issued in)
DEANE WEASTELL

*All trustee names (if applicable):

Contact Name if Company or Trust:

*Postal Address: 6 Litle Orchard Way - WANAKA

*Post code: 9382

*Contact details supplied must be for the applicant and not for an agent acting on their behalf and must include a valid postal address

*Email Address: willowfield@xtra.co.NZ

*Phone Numbers: Day 0274437070

Mobile:

The Applicant is:

- [x] Owner
- [ ] Lessee
- [ ] Occupier
- [ ] Other - Please Specify

Our preferred methods of corresponding with you are by email and phone.
The decision will be sent to the Correspondence Details via email unless requested otherwise.

CORRESPONDENCE DETAILS // If different than above – E.g. consultant or agent

Name & Company: Phil Greeks

Phone Numbers: Day 021 343 633

Mobile: 021 343633

Email Address: philgreeks@yahoo.com

INVOICING DETAILS //

Invoices will be made out to the applicant but can be sent to another party if paying on the applicant's behalf.
For more information regarding payment please refer to the Fees Information section of this form.

*Please select a preference for who should receive any invoices and how they would like to receive them.

Applicant: (●) Agent: ( ) Other, please specify:

Email: (●) Post: ( )

*Attention: Deane Weastell

*Postal Address: 6 Little orchard way Wanaka

*Post code: 9382

*Please provide an email AND full postal address.

*Email: willowfield@xtra.co.nz

Page 1/8 / July 2025

Document Set ID: 9533258
Version: 1, Version Date: 22/04/2026

DEVELOPMENT CONTRIBUTIONS INVOICING DETAILS //

If it is assessed that your consent requires development contributions any invoices and correspondence relating to these will be sent via email. Invoices will be sent to the email address provided above unless an alternative address is provided below. Invoices will be made out to the applicant/owner but can be sent to another party if paying on the applicant's behalf. For more information please see appendix 2 at the end of this form.

Please select a preference for who should receive any invoices.

Details are the same as above ☑

Applicant: ☐ ☐ Other, please specify:

*Attention:

*Email:

Click here for further information and our estimate request form

DETAILS OF SITE

Address / Location to which this application relates: Provide the name of the waterbody (i.e. lake or river) where the proposed works/activity will take place. Include proximity to any well-known landmark and land address for any associated land based activity/ landing points:

Lake WANAKA - OUT From Intersection of Mc Kay ST and Lakeside rd

GPS LOCATION OF PROPOSED WORKS //

(Note: this must be supplied for all mooring and jetty applications, and any other waterbased activity that does not have an associated land parcel attached to the operation)

GPS co-ordinates: Note: you must specify which GPS co-ordinate system* was used to identify the GPS location - Decimal Degrees (DD) or Degrees Minutes Seconds (DMS) (*The Harbourmaster prefers the Decimal Degrees (DD) co-ordinate systems, but either can be used)

(WGS 84 Decimal Degrees) LAT: 44*41' 08.93S
LON: 169*07' 33.57 E

For any land based areas:

Legal Description:

Owners/Occupiers:

District Plan Zone:

Permit Number: If you have a current permit for your activity from QLDC (i.e. an existing mooring permit), specifiy your permit number and the name of the person / entity that the permit is issued to

WAK 745

Other Users: Identify other occupiers/users in particular consent holders, of the relevant waterbody

Numerous

SITE VISIT REQUIREMENTS// Should a Council officer need to undertake a site visit please answer the questions below

Is there a gate or security system restricting access by council? YES ○ NO ●

Is there a dog on the property? YES ○ NO ●

Are there any other hazards or entry restrictions that council staff need to be aware of? YES ○ NO ●
If 'yes' please provide information below

[redacted]

PRE-APPLICATION MEETING

Have you had a pre-application meeting with QLDC regarding this proposal?

○ Yes ☑ No ☐ Copy of minutes attached

If 'yes', provide the reference number:

2

Document Set ID: 9533258
Version: 1, Version Date: 22/04/2026

CONSENT(S) APPLIED FOR

- [x] Land use consent to establish and operate a water based activity comprising: To legalise an existing swing mooring
- [ ] Erect or place a new structure
- [ ] Alter / extend an existing structure
- [ ] Replace / demolish an existing structure
- [ ] Transfer of consent(s): (Please provide a letter from both the current & new consent holders authorizing this request)

BRIEF DESCRIPTION OF THE PROPOSAL

Consent is sought to undertake a water-based activity on Lake Wanaka (Lake / River)

The activity will operate 24/7 (dates / duration)

to provide for (number persons)

Brief description of activity:

Legalise existing swing mooring

Further Description to be provided in an assessment attached. See below.

OTHER CONSENTS

Are any additional consent(s) required that have been applied for separately?

- Otago Regional Council — Use of bed of lake or river (note if has/has not been applied for):
  - ○ Yes ○ No ☑ N/A
- Are you seeking consent from both QLDC and ORC in this one application (i.e. for a jetty or mooring):
  - ○ Yes ○ No ☑ N/A

APPLICATION NOTIFICATION

Are you requesting public notification for the application?

- [ ] Yes
- [x] No

Please note there is an additional fee payable for notification. Please refer to Fees schedule

INFORMATION REQUIRED TO BE SUBMITTED //

Attach to this form any information required (see below & appendix 1).

To be accepted for processing, your application must include the following information where relevant to your proposed activity:

- [x] A site plan or map showing the locality and extent of the activity and the proximity of any nearby activities (e.g. other moorings and the extent of their swing in relation to your proposed mooring)
- [ ] Demonstrate compliance with the most up to date QLDC Swing Moorings Booklet (if relevant)
- [ ] Details of any associated land based buildings or structures, parking areas. Details of any signage & locations.
- [ ] A Safety Management Plan
- [ ] Noise report (if relevant)
- [ ] Written approval of every person who may be adversely affected by granting of consent (s95E)

Consultation required with:	Consultation required where relevant:
Aukaha	Guardians of Lake Wanaka
Te Ao Marama INC	Guardians of Lake Hawea
Fish & Game New Zealand	Department of Conservation
	Land Information New Zealand

- [x] An Assessment of Effects (AEE).
  An AEE is a written document outlining how the potential effects of the activity have been considered: safety, noise, traffic and parking, signage and impact on the waterbody including other users. Address the relevant provisions of the District Plan and affected parties including who has or has not provided written approval. See Appendix 1 for more detail.

- [x] We prefer to receive applications electronically – see Appendix 3 Naming of Documents Guide
  Please ensure documents are scanned at a minimum resolution of 300 dpi.
  Each document should be no greater than 10mb

Document Set ID: 9533258
Version: 1, Version Date: 22/04/2026

PRIVACY INFORMATION

The information that you have provided on this form is public information and is gathered for a lawful purpose to ensure the efficient functioning of Council's duties, powers and functions under the Resource Management Act 1991 and the Building Act 2004. The information will enable Council to adequately assess your application for Resource Consent in accordance with the statutory processes under the Resource Management Act 1991. The information may also be collected for and disclosed to, the Ministry for the Environment and Queenstown Lakes District Council, for the purpose of statistical analysis, so that the Agencies can efficiently undertake their statutory duties. The information will be stored on a public register (Council's eDocs website) and is available to the public in accordance with the terms and conditions set out on the eDocs website.

While available to the public through the eDocs portal, any disclosure of the information on the website must be in accordance with the Local Government Official Information and Meetings Act 1987 and must not be used for a purpose other than for the reason it was collected. Members of the public should not share or distribute this information for any purpose that is not a lawful purpose set out under relevant legislation.

Any unauthorised use, disclosure, or distribution of this information by third parties may constitute a breach of the Privacy Principles set out under the Privacy Act 2020 and may be reported to the Privacy Commissioner which could result in legal sanctions.

FEES INFORMATION

Section 36 of the Resource Management Act 1991 deals with administrative charges and allows a local authority to levy charges that relate to, but are not limited to, carrying out its functions in relation to receiving, processing of applications under this Act.

An invoice for an initial fee will be sent out typically within 1-2 business days of receipt of correctly completed application. Your application will not be processed until this invoice is paid. When making payment please use the application reference.

Incorrectly referenced payments will be refunded directly to your bank account and you will be required to resubmit payment using the correct application reference.

If the initial fee charged is insufficient to cover the actual and reasonable costs of work undertaken on the application you will be required to pay any additional amounts. These will be invoiced monthly and are payable by the 20th of the month.

If your application is notified or requires a hearing you will be required to pay a notification deposit and/or a hearing deposit. An applicant may not offset any previous invoices issued against such deposits.
If unpaid, the processing of an application, provision of a service, or performance of a function will be suspended until the sum is paid in full.

Section 357B of the Resource Management Act provides a right of objection in respect of additional charges. An objection must be submitted using the correct application form and required documents. This must be lodged within 15 working days of the receipt of the final invoice.

LIABILITY FOR PAYMENT – Please note that by signing and lodging this application form you are acknowledging that the details in the invoicing section are responsible for payment of invoices and in addition will be liable to pay all costs and expenses of debt recovery and/or legal costs incurred by QLDC related to the enforcement of any debt.

ADMINISTRATION FEE - The initial fee includes an administration lodgement fee for staff time spent setting up your application and generating your invoice.

MONITORING FEES – Please also note that the initial fee paid at lodgement includes an initial monitoring fee as per our Charges and Fees for Land Use Consent applications as once Resource Consent is approved you will be required to meet the costs of monitoring any conditions applying to the consent, pursuant to Section 35 of the Resource Management Act 1991. This initial monitoring fee also applies to designation related applications. For all application types the monitoring team may still charge an hourly rate if monitoring is deemed required.

DEVELOPMENT CONTRIBUTIONS – Your development may also incur development contributions under the Local Government Act 2002. You will be liable for payment of any such contributions.

A list of Charges and Fees is available on our website.

PAYMENT // An initial fee is payable upon receiving the initial fee invoice following the lodgment of this application.

Please wait for the initial fee invoice to be issued and and use the application reference on the invoice for your payment.

This fee MUST be paid with the correct application reference in order for the processing to begin.

Incorrectly referenced payments will be refunded directly to your bank account and you will be required to resubmit payment using the correct application reference.

Amount to Pay

Please select

APPLICATION & DECLARATION

The Council relies on the information contained in this application being complete and accurate. The Applicant must take all reasonable steps to ensure that it is complete and accurate and accepts responsibility for information in this application being so.

○ If lodging this application as the Applicant:

I/we hereby represent and warrant that I am/we are aware of all of my/our obligations arising under this application including, in particular but without limitation, my/our obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to within the Fees Information section.

OR: ☑ If lodging this application as agent of the Applicant:

I/we hereby represent and warrant that I am/we are authorised to act as agent of the Applicant in respect of the completion and lodging of this application and that the Applicant/ Agent whose details are in the invoicing section is aware of all of his/her/its obligations arising under this application including, in particular but without limitation, his/her/its obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to within the Fees Information section.

☑ PLEASE TICK I hereby apply for the resource consent(s) for the Proposal described above and I certify that, to the best of my knowledge and belief, the information given in this application is complete and accurate.

Signed (by or as authorised agent of the Applicant) **

Full name of person lodging this form Phil Greeks

Firm/Company

Dated 17/04/2026

**If this form is being completed on-line you will not be able, or required, to sign this form and the on-line lodgement will be treated as confirmation of your acknowledgement and acceptance of the above responsibilities and liabilities and that you have made the above representations, warranties and certification.

A2 APPENDIX 2 // Development Contributions

Will your resource consent result in a Development Contribution and what is it?

- A Development Contribution can be triggered by the granting of a resource consent and is a financial charge levied on new developments. It is assessed and collected under the Local Government Act 2002. It is intended to ensure that any party, who creates additional demand on Council infrastructure, contributes to the extra cost that they impose on the community. These contributions are related to the provision of the following council services:
    - Water supply
    - Wastewater supply
    - Stormwater supply
    - Reserves, Reserve Improvements and Community Facilities
    - Transportation (also known as Roading)

Click here for more information on development contributions and their charges

OR Submit an Estimate request *please note administration charges will apply

Development Contribution Estimate Request Form

A3 APPENDIX 3 // Naming of documents guide

While it is not essential that your documents are named the following, it would be helpful if you could title your documents for us. You may have documents that do not fit these names; therefore below is a guide of some of the documents we receive for resource consents. Please use a generic name indicating the type of document.

- Application Form
- Assessment of Environmental Effects (AEE)
- Affected Party Approval/s
- Safety Management Plan
- Traffic Report

Queenstown Lakes District Council
Private Bag 50072, Queenstown 9348
Gorge Road, Queenstown 9300

P: 03 441 0499
E: resourceconsent@qldc.govt.nz
www.qldc.govt.nz

Document Set ID: 9533258
Version: 1, Version Date: 22/04/2026

Clause 6: Information required in assessment of environmental effects

- (1) An assessment of the activity's effects on the environment must include the following information:
  - (a) 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:
  - (b) an assessment of the actual or potential effect on the environment of the activity:
  - (c) if the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use:
  - (d) if the activity includes the discharge of any contaminant, a description of—
    - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
    - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:
  - (e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:
  - (f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:
  - (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:
  - (h) 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).

(2) A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

(3) To avoid doubt, subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not—

- (a) oblige the applicant to consult any person; or
- (b) create any ground for expecting that the applicant will consult any person.

CLAUSE 7: MATTERS THAT MUST BE ADDRESSED BY ASSESSMENT OF ENVIRONMENTAL EFFECTS

- (1) An assessment of the activity's effects on the environment must address the following matters:
  - (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.

(2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

Document Set ID: 9533258
Version: 1, Version Date: 22/04/2026

Section 2 of the District Plan provides additional information on the information that should be submitted with a land use or subdivision consent.

The RMA (Fourth Schedule to the Act) requires the following:

1 INFORMATION MUST BE SPECIFIED IN SUFFICIENT DETAIL

- Any information required by this schedule, including an assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required.

2 INFORMATION REQUIRED IN ALL APPLICATIONS

- (1) An application for a resource consent for an activity (the activity) must include the following:
  - (a) a description of the activity:
  - (b) a description of the site at which the activity is to occur:
  - (c) the full name and address of each owner or occupier of the site:
  - (d) a description of any other activities that are part of the proposal to which the application relates:
  - (e) a description of any other resource consents required for the proposal to which the application relates:

Information provided within the Form above

  - (f) an assessment of the activity against the matters set out in Part 2:
  - (g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).

(2) The assessment under subclause (1)(g) must include an assessment of the activity against—

  - (a) any relevant objectives, policies, or rules in a document; and
  - (b) any relevant requirements, conditions, or permissions in any rules in a document; and
  - (c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).

(3) An application must also include an assessment of the activity's effects on the environment that—

  - (a) includes the information required by clause 6; and
  - (b) addresses the matters specified in clause 7; and
  - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

Include in an attached Assessment of Effects (see Clauses 6 & 7 below)

ADDITIONAL INFORMATION REQUIRED IN SOME APPLICATIONS

- An application must also include any of the following that apply:
  - (a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):
  - (b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):

QUEENSTOWN LAKES DISTRICT COUNCIL
Queenstown Lakes District Council
Private Bag 50072, Queenstown 9348
Gorge Road, Queenstown 9300
P: 03 441 0499
E: resourceconsent@qldc.govt.nz
www.qldc.govt.nz

Document Set ID: 9533258
Version: 1, Version Date: 22/04/2026

Assessment of Effects on the Environment

Resource Consent for an Existing Mooring

Roys Bay, Lake Wanaka

For Deane Weastell

May 2023

Document Set ID: 7618977
Version: 1, Version Date: 11/05/2023

TABLE OF CONTENTS

		Page No.
1.0	**Introduction**	**2**
2.0	**Site Description and Surrounds**	**3**
3.0	**Background**	**4**
4.0	**Description of the Proposal**	**4**
5.0	**Consultation**	**5**
6.0	**District Plan Provisions**	**6**
	6.1 Proposed District Plan (PDP)	6
7.0	**Otago Regional Water Plan**	**7**
	7.1 Activity Status and Assessment Matters	7
8.0	**Permitted Baseline**	**8**
9.0	**Assessment of Environmental Effects**	**8**
	9.1 Effects on the Environment	8
	9.2 Effects on Persons	11
	9.3 Summary of Assessment of Effects	11
10.0	**Objectives and Policy Assessment**	**11**
	10.1 Operative District Plan	11
	10.2 Proposed District Plan	14
	10.3 Otago Regional Plan: Water	16
	10.4 Summary of Objective and Policy Assessment	17
11.0	**Particular Restrictions for Non-Complying Activities (Section 104D)**	**17**
12.0	**The Matters in Part 2 of the Resource Management Act 1991**	**17**
13.0	**Conclusion**	**18**

LIST OF APPENDICES

Appendix 1 Location Plan

Appendix 2 Correspondence from Harbourmaster

Appendix 3 Correspondence- Aukaha

Appendix 4 Correspondence- Te Ao Marama Incorporated (TAMI)

Appendix 5 Guardians of Lake Wanaka Letter

Appendix 6 Landscape Assessment

1.0 INTRODUCTION

This Assessment of Effects on the Environment report (AEE), inclusive of appendices, has been prepared in accordance with Schedule 4 of the Resource Management Act (RMA). Together these documents provide:

- A description of the application site and surrounding environment;
- A description of the proposal;
- Identification and assessment of relevant RMA statutory provisions; and
- A conclusion.

The applicant seeks consent for an existing mooring within Roys Bay, in Lake Wanaka. The location of the mooring is as shown in red below:

Figure 1- Location of Mooring

2.0 SITE DESCRIPTION AND SURROUNDS

The mooring is existing and located in Roys Bay, Lake Wanaka. The mooring is currently nestled in amongst other existing moorings in the vicinity, as shown in Figure 1 above. GPS coordinates for the mooring are S 44 41 9 / E 169 7 34 and is labelled as 'DW' on the Location Plan attached at **Appendix 1**.

The surrounding area consists of the wider Lake Wanaka to the north and west, Roys Bay surrounding the mooring, and Eely Point to the north. A public reserve- Eely Point Reserve, incorporating a walking/cycling track

along the lake edge is located to the east and north-east. Within this reserve is a recently approved Marine Rescue Centre building under construction, a long-established Scout den, picnic/BBQ areas, public toilets, a boat ramp, and unformed parking areas for vehicles and boats. The reserve has well-established mature vegetation-both native and non-native, and is located between the lake and an urban, residential area of Wanaka. To the south-east is the Wanaka Marina, containing existing moorings and marina berths within the lake, and the Wanaka Yacht Club building and associated parking on the lake edge.

3.0 BACKGROUND

In 1989, the Lakes District Waterway Authority Control Bylaw was in place to control any structure (mooring and breakwater) in the lake. Licences under this Bylaw were granted by the Harbourmaster and worked in conjunction with the Reserve Management Plan. There were no references to resource consents required under the Town and Country Planning Act 1977.

In 1991 following the introduction of the Resource Management Act, the Transitional District Plan (TDP) was made operative. When the TDP was first initiated within the district, the surface of lakes and rivers were not zoned, thereby not requiring resource consents under any particular zone rules. Unbeknownst to most however, resource consent was required by s13A of the RMA, where jetties and moorings required a non-complying activity consent under s374(4) of the RMA. S374(4) outlined that any activity not specifically referred to within a previous plan (in this case, Town & Country Ordinances) such as structures that pass through the surface of the lake are non-complying activities. It is during this time that the majority of moorings were installed in Roys Bay, with the understanding that resource consent was not required, and instead were governed by the Bylaw.

The Operative District Plan came into effect in 2003, which required consent for structures and moorings, and currently, the Proposed District Plan is largely operative, and zones Lake Wanaka as Rural, with an Outstanding Natural Landscape (ONL) overlay, whereby consent is required under the Rural Zone chapter for structures and moorings passing across or through the surface of any lake or river.

4.0 DESCRIPTION OF THE PROPOSAL

The proposal seeks retrospective resource consent to install and retain a swing mooring in the location shown above. The mooring consists of the following elements:

Structural Element	Description
Fixing to lakebed	Concreted truck tyre mooring block to anchor on the lakebed
Buoy	Brightly coloured A4 windy buoy (approx. 600mm in diameter)
Link from lakebed to buoy	Chain and rope combination from block to buoy, with swivel below the surface of the water; and from buoy to boat. These chains/ropes are long enough to swing, but not to interfere with other moorings or boats.

The mooring structure has the following permissions from the QLDC Harbourmaster and Land information New Zealand:

License	Number
LINZ Licence	Applied for
Mooring Bylaw Permit	It is likely the mooring has a permit, however the mooring number and name on permit is unknown

The boat moored at this buoy is the applicant's private vessel, which is a yacht Etchells, however the applicant reserves the right to moor future vessels, which are restricted by weight (rather than length) by the Otago Regional Council. This vessel is moored permanently.

The mooring has been in position since the early 1980s, however an exact year is not known. The applicant has rented/owned/been responsible for the mooring since the early 2000s, organised through a friend who has since passed away, and no paperwork has been located. The knowledge of the mooring number, registered owner's name, and any more specific information is not known.

5.0 CONSULTATION

The following parties have been consulted with as part of this application.

- Harbourmaster- Cougar Security

The Harbourmaster (Phil Wiel) has been consulted via phone call on 13th April 2023, who provided feedback that if the mooring had a bylaw permit, then they should be satisfied that the mooring is adequately placed and maintained, and they will provide input into the resource consent process if the Council seek their input. Mr Wiel responded via email on the 9th May 2023 stating that he would comment after an application is lodged with the Council, and suggesting that an inspection report should accompany any application with no permit- attached as **Appendix 2**.

From previous discussions with the previous Harbourmaster (Marty Black), feedback was that moorings should be located 25 – 30m away from other moorings to allow for swing. With that requirement, Marty Black was satisfied that the moorings are safely placed.

- Aukaha

Aukaha was contacted initially on the 4th October 2022 via their website. A phone call followed, and further email correspondence (16th January 2023). Aukaha made the applicant aware via phone call and then via email on the 10th February 2023 that they were in discussions with QLDC with a number of different concerns hoping to be resolved between the two parties regarding a number of existing moorings and to contact the Council for more information. Until these concerns had been resolved, Aukaha reserved their input into the individual resource consent process. A follow up email to Aukaha was sent on the 14th April 2023, but no response received from Aukaha. Phone calls remained unanswered after the 10th February. See attached correspondence with Aukaha at **Appendix 3**.

- Te Ao Marama Inc (TAMI)

TAMI were contacted on the 3rd October 2022 via email, and a follow up email sent 7th December 2022. TAMI responded with an email stating that their key staff member that works on this type of query is out of the office, and that a meeting should be organised to discuss. Follow up emails were sent 16th January 2023, 31st March 2023 and again on 14th April. A phone call from TAMI and a response to the email chain was received on the 20th April 2023 which states

'Te Ao Marama are currently working alongside The Queenstown Lakes District Council to pave a way forward regarding the audit of consented moorings and jetties within the Lakes District.
We are currently awaiting information to help inform our process and therefore mooring applications are currently being put on hold until this information is received.
To date we are unsure when this will be provided. We would recommend making contact with your council planner for updates.
We hope the information in this email is sufficient; however, should you need anything further, please don't hesitate to contact me'.

See attached correspondence with TAMI at **Appendix 4**.

- Guardians of Lake Wanaka

A phone call with Don Robertson occurred on the 13th April 2023, and an email correspondence followed. The Guardians of Lake Wanaka met on 1 May 2023 to discuss this proposal, and provide the correspondence attached at **Appendix 5**. The recommendations the Guardians have made are adopted, form part of this application and are offered as conditions of consent, if deemed necessary.

6.0 DISTRICT PLAN PROVISIONS

Lake Wanaka is zoned Rural General under the Operative District Plan (ODP), and Rural under the Proposed District Plan (PDP). The PDP classifies Lake Wanaka as Outstanding Natural Landscape (ONL) and has surface water annotations that classify whether a mooring or structure in certain locations around Roys Bay are a non-complying activity, as shown on Figure 2 below. If this annotation does not apply, moorings and structures fall into a discretionary activity under Chapter 21 of the PDP.

Lake Wanaka is subject to a Statutory Acknowledgment in terms of the Ngai Tahu Claims Settlement Act 1998, and a Wāhi Tūpuna overlay in the PDP whereby the mana whenua values identified are wāhi taoka, mahika kai, ara tawhito. Lake Wanaka is also subject to a landscape priority area- Roys Bay ONL, as identified by Landscape Schedule 21.22.20.

The Operative District Plan remains applicable to this application, in that the PDP Rural Chapter is not entirely operative given there are unresolved appeals to some provisions. There are however no specific appeals to the relevant rules applicable to this application, and therefore under Section 86F of the RMA, should be treated as operative (and any previous rule as inoperative). As such, no consent is required under the ODP, but consent is sought under the PDP as below.

6.1 Proposed District Plan (PDP)

- A **non-complying** activity resource consent pursuant to Rule 21.15.9 for the mooring that passes across and through the surface of the lake in a location on the District Plan web mapping application (see Figure 2) where such structure is shown as being non-complying.

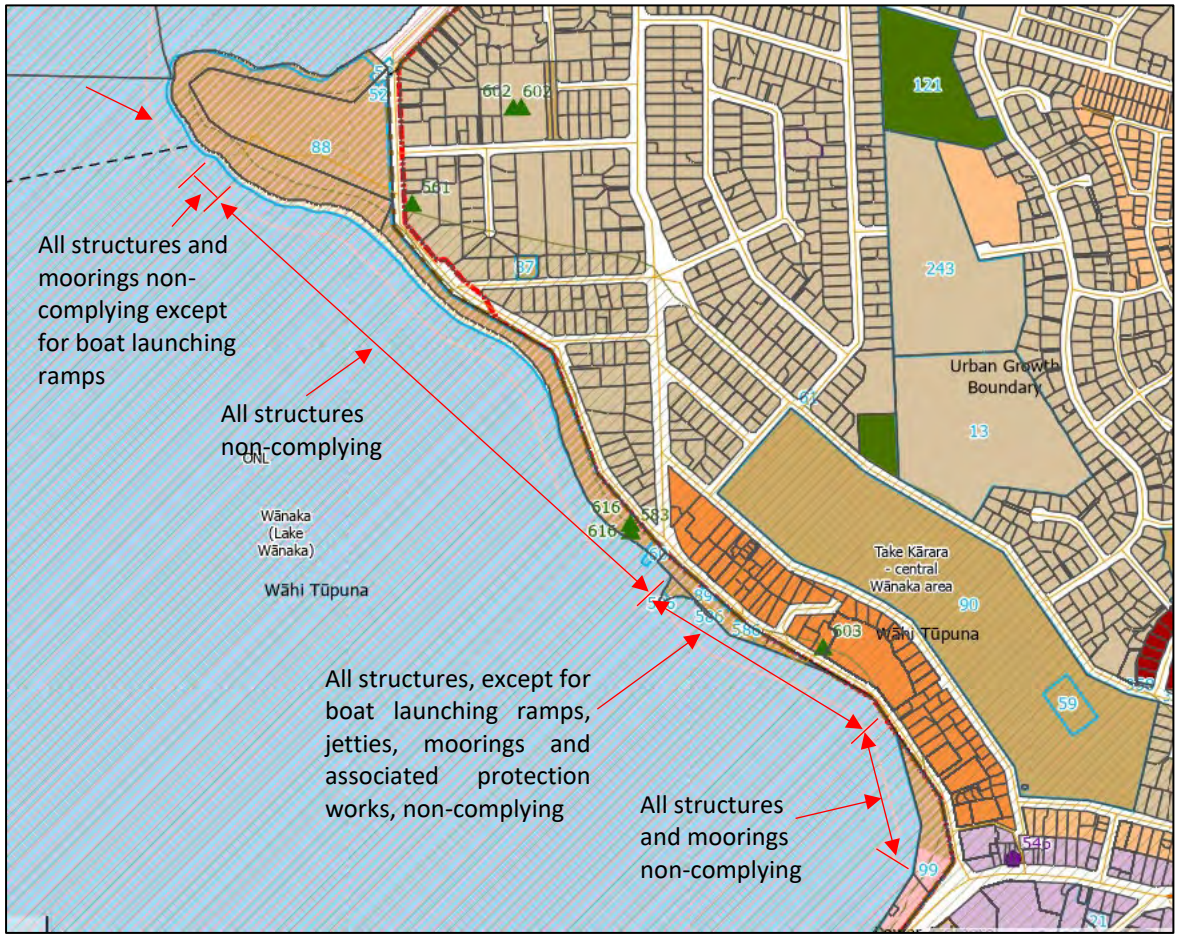


Figure 3- Surface Water Annotation from the PDP Planning Map

7.0 OTAGO REGIONAL WATER PLAN

During the integration of the RMA into the territorial and regional authority frameworks, Otago Regional Council transferred some of their functions, powers and duties of determining applications for land use consents to QLDC. The function transferred in 1994 related to the consents required to be obtained pursuant to s.13(1)(a) of the Act within the land, to achieve efficiencies and avoid overlaps between district and regional council regulations with regard to structures on water bodies.

The proposed activity requires resource consent under the Otago Regional Plan: Water for the following reason:

- A **discretionary** activity resource consent pursuant to Rule 13.2.3.1 for the erection or placement of any structure fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland. In this case the proposal seeks retrospective placement of a mooring block on the bed of Lake Wanaka.

7.1 Activity Status and Assessment Matters

Overall, the development is a non-complying activity.

Section 104 and 104B and 104D of the Resource Management Act (RMA) set out the relevant assessment matters for resource consent applications carrying the non-complying activity status.

104 Consideration of applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to–

a) any actual or potential effects on the environment of allowing the activity; and

b) any relevant provisions of—
(i) a national environmental standard:
(ii) other regulations:
(iii) a national policy statement:
(iv) a New Zealand coastal policy statement:
(v) a regional policy statement or proposed regional policy statement:
(vi) a plan or proposed plan; and
c) any other matter the consent authority considers relevant and reasonably necessary to determine the application

104B Determination of applications for discretionary or non-complying activities
After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –
a) may grant or refuse the application; and
b) if it grants the application, may impose conditions under section 108.

104D Particular restrictions for non-complying activities
(1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—
a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii)applies) will be minor; or
b) the application is for an activity that will not be contrary to the objectives and policies of—
(i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
(ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
(iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.
(2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

8.0 PERMITTED BASELINE

The permitted baseline provides a clear baseline from which any effect beyond this can be assessed. In this case there is no permitted baseline as all structures that pass through the lake surface requires consent under the PDP.

9.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

9.1 Effects on the Environment

The relevant assessment matters are found in Part 5 (Rural) of the ODP, Chapter 21 and 39 of the PDP have been considered in the assessment below, though as a discretionary (Regional Plan: Water) and non-complying activity (ODP/ PDP) the assessment is not limited to these matters.

9.1.1 <u>Views, Landscape and Visual Amenity</u>

Jessica Zuban of Patch Landscape Architecture describes the landscape, the proposal, and makes an assessment of the landscape and visual amenity effects of the mooring, with particular regard to the assessment matters in the Rural Chapter of the PDP relating to ONLs- attached as **Appendix 6**. Ms Zuban considers that the proposal will enhance the recreational character in this part of the lake.

There is acknowledgment that the mooring will not meet the 'reasonably difficult to see' threshold, however in the context of the existing and surrounding environment, regardless of its visibility, the mooring and its

associated vessel will have a less than minor effect considering it's nestled in amongst a marine environment, where there is an expectation of boats and recreational boating activity.

Ms Zuban assesses that although there will be some visibility of mooring and associated vessel, the resultant visual effect will be well absorbed by the surrounding highly urbanised and vegetated context and the dominant and vast lake and mountain landscape. Ms Zuban considers the proposal to have effects on landscape character that are no more than a very low degree, being less than minor.

9.1.2 Cumulative Effects

Ms Zuban has assessed cumulative effects resulting from the proposed mooring in amongst the other existing moorings in the area, and particularly with the backdrop of the marina and yacht club. Ms Zuban considers that Lake Wanaka still maintains a high degree of natural character, and that the mooring contributes to the recreational character and quality of the immediate landscape, having minimal influence on the more natural attributes and values of the wider natural lake and mountain ONL. The cumulative effects caused by the proposal are considered to be very low / less than minor.

9.1.3 Recreational Use and Safety and Navigation

The proposal would not diminish the recreational experience of the water as used by other people. Nor would the mooring introduce clutter or congestion to any new areas within Lake Wanaka, given the presence of many other boats and moorings in this location. In fact, the presence of the mooring will reduce congestion to the marina as one less boat will be launched each appropriate boating day.

The Harbourmaster is responsible for ensuring navigational safety to other vessels and users, and this is managed through Council permits. It is assumed the mooring has a permit, but the number not known, and it is likely the annual fees remain unpaid. Notwithstanding, the applicant takes good care of the mooring, with regular dives to inspect the structure, replace any necessary features, and maintain as necessary. The mooring is designed in such a way to allow for the rise and fall of the surface of water, yet only allow enough swing of the chain from the anchor so that it does not cause any safety issues or nuisance to other lake or mooring users. The mooring is placed an adequate distance from any other nearby moorings to avoid conflict, which the previous Harbourmaster advised to be 25m – 30m, to allow for swing.

The mooring is for private use, and unlikely to be used by public given the presence of a vessel during the busy boating seasons, and its proximity to the lake edge. If a boat were in distress to need to moor up at this proximity to the lake edge, it is more likely they would boat directly to the shoreline.

9.1.4 Effects on Lakebed and Water

The structure of the mooring is a concreted truck tyre on the lakebed and an attached chain and buoy which has been installed over 40 years ago. Considering the time since installation, it is likely the mooring anchor is now part of the existing environment on the lakebed and provides somewhat of an environment for flora and fauna. If the mooring were to be removed or replaced, it is anticipated the effects on the lakebed and water to be greater than if it is kept in place, considering the disturbance to the lakebed and water quality from removal.

Additionally, the applicant has undertaken consultation with a local environmental organisation, the Guardians of Lake Wanaka who support the moorings, with recommendations associated with reducing environmental impacts. The Guardians encourage agreement that the mooring activities to not result in the following in or adjacent to Roys Bay:

- human waste, sewage, or wastewater or indicators of sewage;
- bacterial or protozoan contamination;
- organisms pathogenic to humans, or to indigenous wildlife;
- toxins (e.g. fuel, oil, paint, polycyclic aromatic hydrocarbons (PAHs), heavy metals, anti-fouling chemicals);

- metal or paint sanding dust entering the lake from vessel maintenance at a mooring;
- plastic or other rubbish or waste materials entering the lake from moored vessels;
- transfer of Lagarosiphon plants or any other existing or future pest around the lake (or to or from other lakes) by any vessel.

The applicant adopts these recommendations and offer them as conditions of consent if deemed necessary.

Given the minimal scale of the structure and no lakebed disturbance, due to its long-term presence, any adverse effects on the lakebed and water are considered less than minor.

9.1.5 Wāhi Tūpuna

Lake Wanaka is number 34 in the Schedule of Wāhi Tūpuna in the PDP, described as 'one of the lakes referred to in the tradition of 'Ngā Puna Wai Karikari o Rākaihautū' which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rākaihautū. Through these pūrakau (stories), Wānaka holds a deep spiritual significance both traditionally and for Kāi Tahu at present. It was also a wāhi mahika kai rich with tuna (eel) which were caught, preserved, and transported back to the kāika nohoaka of coastal Otago. The knowledge of whakapapa, traditional trails, tauraka waka, mahika kai and other taoka associated with Lake Wānaka remain important to Kāi Tahu today. Lake Wānaka also has Statutory Acknowledgement status under the Ngāi Tahu Claims Settlement Act 1998'[i].

Manawhenua values are identified as being Wāhi taoka[ii], mahika kai[iii], ara tawhito[iv], with 'buildings and structures' being listed as a potential threat. A mooring is considered a structure by definition in the PDP. It is noted no consent is required under Chapter 39, however Lake Wanaka is a Statutory Acknowledgment area, and consultation with tangata whenua is encouraged when implementing a proposal which may have effects on Mauri, Wāhi taonga or Wāhi Tūpuna.

Te Ao Marama and Aukaha have been consulted with, as explained in section 5.0 above. No response to any consultation with assessment on manawhenua values has been forthcoming. However, given the nature and scale of the proposal, being an existing mooring that has been in place for over 40 years, it is not considered likely to have any effect on Tangata Whenua. No physical works are proposed, and the mooring anchor is of good quality, ensuring it is now part of the physical environment on the lakebed. The landscape assessment provides an assessment of the visual and landscape effects, including cumulative effects on the lake surface, concluding the effects are less than minor. For these reasons it is unlikely there will be any adverse effects on Wāhi Tūpuna, however it is acknowledged manawhenua are an important factor in that assessment, and applicant continues to welcome comment from Ngai Tahu.

9.1.6 Landscape Schedules

Lake Wanaka is within the Landscape Priority Area of the Roys Bay ONL. The relevant parts can be found in Chapter 21.22.20. Section 14- land use patterns and features, describes the lake edge and waters to include boating facilities, launching ramps, jetties, car parking, marina, yacht club, and 'boat moorings are present around the marina and in a cluster south of Eely Point'. As such, the existing moorings form part of the existing environment as described.

---

[i] Chapter 39 of the PDP, Section 39.6- Schedule of Wāhi Tūpuna

[ii] Resources, places and sites treasured by tangata whenua. These valued places reflect the long history and association of Ngāi Tahu with the Queenstown Lakes District.

[iii] Mahinga kai refers to the gathering of food and natural materials, the places where those resources are sourced, and the traditions, customs and collection methods. Mahinga kai remains one of the cornerstones of Ngāi Tahu culture.

[iv] Trails and routes. A network of trails crossed the region linking the permanent villages with seasonal inland campsites and the coast, providing access to a range of mahika kai resources and inland stone resources, including pounamu and silcrete.

Item 45 assesses the naturalness attributes and values associated with the lake, and in particular explains those of Roys Bay:

'Roys Bay is a confined landscape unit within the lake that is more modified and has lower natural character than the rest of the lake. The moderate natural character of the bay results from the physical attributes of the unmodified lake waters, beaches and indigenous vegetation, combined with the largely manicured parkland character of the reserve, the built modifications on the lake surface (moorings, marina and jetties), the buildings close to the margins, and the surrounding urban, suburban and rural living development. Human modification is greatest at the head of the bay and less noticeable west of Rippon Vineyard and north of Eely Point. Within the bay, the lake and its immediate margins are perceived as having a moderately high level of natural character'.

The landscape capacity has been assessed as a very limited capacity for *additional* moorings within the area of existing/consented moorings. It is important to note that this landscape schedule makes note of the existing moorings and are assessed as part of the existing environment, considering their long-term placement within the environment. The proposal seeks to consent an existing mooring within the cluster of moorings in the bay, and no additional moorings are proposed.

Ms Zuban has made an assessment of the effects on the landscape and concludes the effects are less than minor. For these reasons, the proposal is consistent with the direction of the Landscape Schedules for this Priority Area.

9.2 Effects on Persons

Considering the mooring has been in place for over 40 years and no known records of any conflict or issues with the mooring, it is concluded it does not impose any undue safety risk to or inconvenience to other uses of the lake. There are not considered to be any adverse effects on users of the nearby moorings or Lake Wanaka in respect to navigation and water safety matters.

The mooring is set amongst existing moorings in this area of the lake and will not be perceivable, or impactful when viewed by any persons.

It is therefore considered that any adverse effects on the owners and occupiers of residential properties will be less than minor.

The mooring is intermittently visible in places from the lakefront walkway, although they would be visible among a cluster of existing boats and moorings. Any adverse effects on the users of the lakeside resulting from the mooring are less than minor.

9.3 Summary of Assessment of Effects

Overall, considering the scale, nature and context of the existing moorings, and the long-term presence of the mooring, creating part of the existing environment, the proposed activity is not likely to have adverse effects on the environment or persons that are minor or more than minor.

10.0 OBJECTIVES AND POLICY ASSESSMENT

10.1 Operative District Plan

The relevant objectives and policies are contained within Part 4 (District Wide Issues) and Part 5 (Rural Areas) of the Operative District Plan.

<u>9.1.1 District Wide</u>

<u>Part 4.1.4 of District Wide- Nature Conservation</u>

Objective 1 - Nature Conservation Values

The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District.

Improved opportunity for linkages between the habitat communities.

The preservation of the remaining natural character of the District's lakes, rivers, wetlands and their margins.

The protection of outstanding natural features and natural landscapes.

The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands.

The protection of the habitat of trout and salmon.

Policy 1.2 *To promote the long term protection of sites and areas with significant nature conservation values.*

Policy 1.13 *To maintain or enhance the natural character and nature conservation values of the beds and margins of the lakes, rivers and wetlands.*

The proposal will not affect any ecosystem functioning or habitats of flora and fauna, given the nature and scale of the mooring. Now the anchor has been placed, it will not restrict the flourishment of aquatic flora or fauna on or around the placement area. The mooring will have very little effect on the natural landscape of the lake, as it will be clustered in amongst existing moorings, in an area where the natural landscape is no longer 'untouched', but altered to one within an area of the lake where boats are permanently, or semi-permanently located on the surface of the lake, as assessed by Ms Zuban. This use of the lake close to the shore in this area is anticipated; and as such the proposal would not have an effect on the natural landscape of the lake.

<u>Part 4.3 of District Wide- Takata Whenua</u>

The lake is a statutory declaration area, and as such the Otago and Southland runanga may consider the lake and water as waahi taoka.

Objective 3 - Waahi Tapu and Waahi Taoka Recognition and protection of places of burial, other waahi tapu, and all waahi taoka, as places of cultural and traditional importance to Kai Tahu.

Policy 3.3 *To establish appropriate communication contact points between the Council and the kaitiaki runanga for the District to ensure information and consultation occurs.*

Te Ao Marama and Aukaha have been consulted about the application, in recognition that Lake Wanaka is Wāhi Tūpuna. On-going consultation from the applicant is occurring, to establish any manawhenua concerns, however with very little input from TAMI and Aukaha, it is difficult to assess. As such, considering little response with any concerns around effects on manawhenua values, it is assessed that the proposal will retain protection of the lake with its cultural importance to manawhenua considering the existing nature, and small scale of the mooring.

<u>Part 4.6.3 of District Wide- Surface of Lakes and Rivers</u>

Recreational activities undertaken in a manner which avoids, remedies or mitigates, their potential adverse effects on:

- *natural conservation values and wildlife habitats,*
- *other recreational values,*

- *public health and safety,*
- *takata whenua values, and*
- *general amenity values.*

Policy 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.*

Policy 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.*

Policy 12 *To avoid adverse effects on the public availability and enjoyment of the margins of the lakes and rivers.*

The proposal will not affect natural conservation values or wildlife habitats due to the scale and nature, and the mooring will have very little impact upon the lakebed or surface. The proposal does not inhibit other recreational users utilising this part of the lake, as the mooring is in a permanent location, and other users can manoeuvre around the buoy if necessary.

The beach in this location is not one boats could launch at. As such, generally other boat users do not use this part of the lake, unless they are mooring to their own buoy. Kayakers, rowers, swimmers and paddleboarders use this area of lake, but the buoys do not inhibit this use, or provide any danger to these users. The buoys will also not inhibit any access to the lake edge by the public due to their location.

Takata whenua values have been addressed above.

General amenity values of this part of the lake are not adversely affected by the presence of a mooring. There are other moorings in this area, and boats in this vicinity are an accepted, and unobtrusive feature on the lake edge. As such, amenity values will not be degraded by the presence of the mooring.

9.1.4 Part 5- Rural Areas

Objective 1 - Character and Landscape Value

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 1.1 *Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.*

Policy 1.7 *Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.*

The buoy is located an area where moorings are already clustered, a short distance from the shore edge. The mooring is viewed against these existing boats and moorings, and any effects of this mooring will be discernible. This area of Lake Wanaka is beautiful; however, it is not an untouched, remote area of the lake with no recreational or boating activity. The existing boats located in this area create a marine backdrop when viewing the lake, which in itself is not unattractive. Boats in this proximity to the shoreline and marina should be an anticipated use in this area. The area is able to absorb the proposed change, as the mooring does not give rise to adverse effects.

10.2 Proposed District Plan

The relevant objectives and policies of the PDP can be found in Chapter 3 (Strategic Direction), Chapter 6 (Landscapes), Chapter 21 (Rural) and Chapter 39 (Wāhi Tūpuna). Those with an * are currently under appeal.

9.2.1 Chapter 3- Strategic Direction

Objective 3.2.4.3 The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved, or enhanced where possible, and protected from inappropriate subdivision, use and development.

Objective 3.2.4.4 The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced.

Objective 3.2.4.5 Public access to the natural environment is maintained or enhanced.

Objective 3.2.4.6 The values of significant indigenous vegetation and significant habitats of indigenous fauna are protected.

Policy 3.3.30 Protect the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes.

Policy 3.3.49 Avoid significant adverse effects on wāhi tūpuna within the District

As assessed by Ms Zuban, the natural character of the lake margin is eroded through urban and recreational development, but the attributes and values of the wider ONL are largely maintained. The proposal protects the ONL. The use and structure is not considered inappropriate in this context or area, considering the anticipated use of this part of the lake, nearby the marina and amongst other buoys and vessels. The water quality and functions of the lake is maintained through the presence of the mooring.

Public access to the natural environment is enhanced through the mooring installation to provide further access by the recreational users of the vessel to be moored. The values of indigenous vegetation and fauna are protected, as no physical changes to the mooring is proposed.

As assessed below, significant adverse effects on wāhi tūpuna are avoided, as the mooring has been in place for decades, and no physical works are proposed to the mooring as part of this proposal. The structure is small in nature, and clustered amongst other maritime uses.

9.2.2 Chapter 6- Landscape

Policy 6.3.3.5 Maintain the open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes where it is open at present.

Policy 6.3.5.1 Manage the location, intensity and scale of structures on the surface and margins of water bodies including jetties, moorings and infrastructure recognising the functional needs of these activities, and the importance of lakes and rivers, including as a commercial recreation, tourism, transport and recreational resource, and ensure these structures are at a scale or in a location that, as far as practicable:

a. protects the values of Outstanding Natural Features and Outstanding Natural Landscapes; and

b. maintains the landscape character of Rural Character Landscapes and maintains or enhances their visual amenity values.

Policy 6.3.5.4 *Provide for appropriate commercial and recreational activities on the surface of water bodies that do not involve construction of new structures.*

Ms Zuban assesses 'Northeast of Wanaka's CBD around the Wanaka Marina and Wanaka Yacht Club, urban elements including jetties and marine activity encroach on the foreshore and on the lake itself. Just north and west of Wanaka's CBD near Pembroke Park, the foreshore displays a more open, although still modified character embodied in large areas of open space for parking and recreation. Towards the southwestern end of Roys Bay, the open character of the lake and foreshore is interrupted by urban elements near the foreshore including the Water Sports Building, Edgewater Resort and other urban areas'[v]. As such, although there are areas of open character around the foreshore, the area where the mooring is located is within an area that is less open through the positioning of other structures and vessels.

The location of the mooring is such that it is amongst other moorings in the vicinity. The landscape quality, character and amenity values of the area are therefore unchanged as a result of the proposal as the environment remains unchanged. The landscape is already established as one that contains existing moorings and boats in the vicinity, and therefore the landscape is not affected by the proposal. There is a functional need for locating moorings around and near the marina, within the lake which provides recreational opportunities. Therefore the mooring is appropriately located in amongst a cluster of other moorings, and is of a scale and location that protects the values of the ONL.

There are no appropriate commercial activities which allow for mooring boats, other than the marina which is cost prohibitive for the applicants. As such, the construction of the moorings is not otherwise provided for.

9.2.3 Chapter 21- Rural

Objective 21.2.12 *The natural character of lakes and rivers and their margins is protected or enhanced, while also providing for appropriate activities, including recreation, commercial recreation and public transport.*

Policy 21.2.12.1 *Have regard to statutory obligations, wāhi tūpuna and the spiritual beliefs, and cultural traditions of tangata whenua where activities are undertaken on the surface of lakes and rivers and their margins.*

Policy 21.2.12.2 *Enable people to have access to a wide range of recreational experiences on the lakes and rivers, and their margins, while having regard to environmental and safety constraints of the various parts of each lake and river.*

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

Policy 21.2.12.6 *Recognise and provide for the maintenance and enhancement of public access to and enjoyment of the margins of the lakes and rivers.*

Policy 21.2.12.7 *Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided, remedied or mitigated.*

The natural character of the lake margin in this area is modified through the presence of the marina, clusters of existing moorings, and jetties. They're visible with a backdrop of urbanisation around Roys Bay. As such, with

[v] Section 2.3 of the Landscape Assessment by Patch, 5th April 2023

the mooring in this location, the natural character of the lake margin is protected, whilst providing for the appropriate recreational activity of boating on the lake- an anticipated use of the lake and area. The mooring will enable the applicant to have access to the recreational experience on the lake by enabling their boat to be located in this area over the boating seasons, and in turn will provide for the enhancement of public access to the enjoyment of the lake. With on-going management and maintenance of the mooring, and adherence to navigational safety protocols, it is considered the safety constraints of this part of the lake have been well assessed and adhered to.

Effects on wāhi tūpuna has been assessed above and below.

Given the nature and scale of the proposal, it will not give rise to effects on the natural character or nature conservation values of the lake; and as assessed above, is not an inappropriate use of the lake in this location. A regular recreational boat user in this part of the lake will be aware of spawning nesting areas of birds within and alongside the lake and will avoid those parts of the lake.

As assessed in Section 9.1.3 above, the mooring is in a location which will avoid conflicts with other users of the lake and will not have adverse effects on the visual qualities of the lake considering its cluster amongst other moorings in an urbanised area.

9.2.4 Chapter 39- Wāhi Tūpuna

Objective 39.2.1 Manawhenua values, within identified wāhi tūpuna areas, are recognised and provided for.

**Policy 39.2.1.2 Recognise that the effects of activities may require assessment in relation to Manawhenua values when that activity is listed as a potential threat within an identified wāhi tūpuna area, as set out in Schedule 39.6.*

**Policy 39.2.1.3 Within identified wāhi tūpuna areas:*

a. avoid significant adverse effects on Manawhenua values and avoid, remedy or mitigate other adverse effects on Manawhenua values from subdivision, use and development listed as a potential threat in Schedule 39.6; and

b. avoid, remedy or mitigate adverse effects on Manawhenua values from subdivision, use and development within those identified wāhi tūpuna areas in the urban environment where potential threats have not been identified in Schedule 39.6.

**Policy 39.2.1.4 Encourage early consultation with Manawhenua when appropriate to understand the effects of any activity on Manawhenua values in an identified wāhi tūpuna area.*

With regards to Policy 39.2.1.3, this is not applicable as a mooring is not considered 'subdivision and development', as defined in the PDP.

No consent is required under Chapter 39, however as Lake Wanaka is a Statutory Acknowledgement area, consultation with tangata whenua is encouraged when implementing a proposal which may have effects on Mauri, Wāhi taonga or Wāhi Tūpuna. Ngai Tahu have been consulted for the proposal, through correspondence with Te Ao Marama and Aukaha. Comments have been sought for any concerns, however no response to any consultation around effects on manawhenua values has been forthcoming. However, given the nature and scale of the proposal, being an existing mooring that has been in place for over 40 years, and no physical changes are proposed, it is not considered likely to have an adverse effect on Tangata Whenua.

10.3 Otago Regional Plan: Water (2022)

The relevant objectives and policies of the Regional Plan can be found in Part 4, which seeks to ensure consistency with the values of Kai Tahu whanui, Part 5, which focuses on ONLs, naturalness, flora and fauna, ecosystem, water supply values, amenity values and existing lawful activities associated with the regions lakes

and rivers. Part 6 and 7 apply provisions around water quantity and quality respectively, and Part 8 seeks to maintain the stability of beds and banks of lakes and rivers, to minimise reductions in water clarity caused by bed disturbance, and to avoid, remedy or mitigate any adverse effect of activities that occur within the bed of lakes and rivers. The proposed mooring will result in no further disturbance of the lakebed for the establishment of the mooring as it has been in place for four decades. In addition, the long-term effects that may result on the bed of the lake, are sufficiently limited given the small area of lake that will be occupied by the mooring structure. The presence of the mooring and associated vessel is considered to be consistent with and not contrary to the objectives and policies of these relevant parts of the Plan.

10.4 Summary of Objective and Policy Assessment

Overall it is considered that the proposal will be consistent and not contrary with the ODP, PDP and the Otago Regional Plan: Water.

11.0 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (SECTION 104D)

With respect to the assessment above, the first threshold test for a non-complying activity required under Section 104D has been met in that the application is not considered to create any actual or potential adverse effects which are more than minor in extent.

With respect to the second threshold test under Section 104D it is concluded that the application can pass through the second gateway test given that the proposal is not considered to be contrary to the relevant policies and objectives of the District Plan.

On this basis discretion exists to grant consent for this non-complying activity.

12.0 THE MATTERS IN PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Together with Section 5, subsection 7 (b), (c) and (f) are relevant, and Section 8 of Part 2 of the Act.

Lake Wanaka and its margin will continue to be protected whilst the mooring is present.

In Environment Court case Wakatipu Environment Society Incorporated vs QLDC (C180/99), the court conceded that “Just because an area is or contains an outstanding natural landscape does not mean that development is automatically inappropriate”. In the assessment above, the reasons why the proposal is not inappropriate have been extensively traversed, and therefore the ONL will be protected from inappropriate structures.

Public access along the lake margin is maintained and enhanced through this proposal.

The lake is subject of a Statutory Acknowledgment- the values of the lake will be protected by the careful installation and use of the mooring, as detailed above.

There is no risk of natural hazards to this proposal.

As assessed in full above, the proposal will enable the efficient use of natural and physical resources under section 7(b); and the effects on the landscape are adequately mitigated. The proposal will maintain and enhance amenity values of Lake Wanaka and the surrounding area as described in the assessment above, under section 7(c). It will maintain the quality of the environment under section 7(f) and protect the finite characteristics of the ONL and other natural and physical resources in accordance with section 7(g).

The principles of the Treaty of Waitangi have been taken into account throughout this proposal.

Overall, the purpose of Part 2 of the Act has been achieved by way of location, nature and scale, and protection of natural and physical resources, all of which ensure that the matters in sections 5 to 8 are achieved.

13.0 CONCLUSION

The proposal seeks to retrospectively consent an existing mooring in Roys Bay, Lake Wanaka. Overall, the proposal is anticipated to result in effects that are less than minor on the environment and on people considering the nature, scale and context of the mooring and its location. The proposal is also not contrary to the policy direction provided within both the operative and proposed District Plans, and the Otago Regional Plan: Water. Accordingly, it is considered that the proposal can be approved on a non-notified basis.

Swing mooring inspection & Information form

Please complete all details below, if an incomplete form is submitted this may be returned to you if any information shown below is missing or has been incorrectly entered, please take time to make sure all details are accurate and that all areas have been fully completed.
Please Print All Details Clearly

Owner / Contact Person Details – (Mooring Owner To Complete)

Mooring Location (Lake): Wanaka

Mooring Permit #: **WAK745**

Mooring Owners Name: Deane Weastell
Mooring Owners Address: 6 Little orchard way. Wanaka
Mooring Owners Postal Address (if different):
Mooring Owners Phone No: 0274437070
Mooring Owners Email Address: willowfield@xtra.co.nz
Emergency contact Number:

Details of Primary Vessel Using Mooring – (owner To Complete)

Name of vessel using mooring: Corsair
Vessel MNZ Registration Number: Vessel Identification:
Vessel Type: Commercial Powered Craft ☐ Recreational Powered Craft Yacht ☑ Other ☐

If "Other" please outline type of vessel

Length of Vessel: 9m Weight of Vessel: 1500 kg
Vessel Colour(s): Red with white deck
Does the vessel have a mooring number clearly visible from outside of the vessel? Yes

Details of Mooring – (Mooring Inspector To Complete)

GPS Position of mooring: (WGS84 Decimal Degrees):
LAT: 44*41' 08.93S
LON: 169*07' 33.57E
IS THIS A CONFIRMED TRUE BLOCK LOCATION?: Yes
Inspection Date: 04/3/2026 Water Depth at location at time of inspection: 12m
Calculated total swing radius of mooring at lowest lake level: 11.5m
Lake level at time of inspection: 276.761m
What is the estimated life expectancy of the mooring prior to upgrades/replacements being needed?
Concrete Block is permanent (approx. 50 years ?) Block attachment could last 25 years? Chains and components will have to be inspected every 2 years. See condition of parts at time of this inspection further on in report
Has been upgraded with this inspection: No
Was vessel on mooring at time of inspection: Yes

Checklist – (Mooring Inspector To Complete)

Note: If non-traditional mooring system is in use and this table is not fit for purpose, details and observations can be provided on a separate page.

	Checked Y/N	COMPONENT	DETAILS		Condition (% & notes)	Existing	Replaced
TOP SECTION	✔	Floats	Numbered: Yes	Type: Blue 20L container	OK – 10m of rope is tied to the handle of the buoy from the chain	✔	
			Colour:	Type:			

	✔	Chain	Length: 10m	Diameter: 25mm rope with steel thimble Min D: -	Condition: OK	✔	
MIDDLE /RISE R/RIDE	✔	Shackle(s)	Number: 1st Diameter: 16mm std	Moused: Y	Condition: OK	✔	
	✔	Swivel	Diameter: 16mm	Steel	Condition: OK	✔	
	✔	Shackle(s)	Number: 2nd Diameter: 16mm std	Moused: N	Condition: OK	✔	
	✔	Riser/Ride/ Middle chain	Length: 5m	D: 10mm Min D: 5mm	Condition: OK - Poor	✔	
	✔	Shackle(s)	Number: 3rd Diameter: 16mm std	Moused: N	Condition OK – riveted together	✔	
	✔	Shackle(s)	Number: 4th Diameter: 16mm std	Moused: N	Condition OK -riveted together	✔	
BOTTOM	✔	Ground chain	Length: 2m	D: 20mm short link Min D: 18mm	Condition Good	✔	
	✔	Block Shackle	Diameter:	Moused:	Condition: Buried	✔	
	✔	Block Ring	Diameter:		Condition: Buried	✔	
	✔	Block(s)	Is block visible?: No	Weight (dry) est : U/K	Buried	✔	
			Dimensions: U/K	Type: U/K			

Inspectors Observations

Has Block Shifted or become buried? Yes - buried

Inspectors Further Comments:

Boat attachment is a 15mm rope x 4m long tied to the base of the mast

NB: If your mooring has components that have been identified as being in poor condition at the time of this inspection, I do not recommend a boat be attached to it until those issues are repaired/replaced.

Mooring Diagram – (Mooring Inspector To Complete)

Insert Diagram of complete mooring showing each section and current average diameters here:

As per table below for a standard system – this may vary

Pictures – (Mooring Inspector To Complete)
Insert Pictures of mooring components here, please include updated photo of vessel intending to be moored on this morning if available:
Thie first picture shows standard mooring compenents used on most standard moorings but can vary.
The second photo is components that are needed for a larger vessel

Mooring WAK745

Declaration – (Mooring Inspector To Complete)
This is to certify that I have completed a visual inspection ONLY to the above mooring and that I deem it to be fit for purpose, and that the information supplied above is true and correct at the time of inspection.
Anything above the waterline is the owners responsibility to inspect, maintain and repair/replace.
Company Undertaking inspection -

Company undertaking Inspection:____Wright Building and Diving Services Ltd_____
Company physical address: _____10 Elizabeth Place, Kelvin Heights, Queenstown_____
Company Postal Address:___a/a_____

Name of person completing inspection: _____Garry Wright_____

Signature of person completing inspection:_____

Date:_____04/3/2026_____.

Harbourmasters Document Review – (To Be Completed By Harbourmaster)

Document Reviewed on: (Inset Date):_____
Document Reviewed by:_____

Harbourmaster Comments:

_____
_____
_____
_____

Harbourmaster Signoff
Name:_____
Signature:_____
Date:_____

Part 2: To be used if this document is supporting a resource consent application.

Resource Consent Application considerations

Will the system be upgraded?
Will upgraded system differ from current system? (if yes, please detail, please include implications to swing radius)
Will block be replaced?
Will existing Block be removed?
Vessel Length:

Vessel length Note: In assessing the location of a swing mooring the Harbourmaster's Office undertakes an assessment that ensures moorings are spaced at a suitable distance apart to minimise any possible conflicts between moored vessels. Vessel length, mooring system design, and depth range information is used to ensure sufficient swing room is available and thus mitigate possible damage to vessels. Resource Consents will specify the vessel length allowable for the individual mooring. Due to the congested nature of some areas within our lakes, gaining or altering resource consent to accommodate larger vessels may not be viable. We all want vessels to be securely moored and remain un-damaged.

From: Cougar - Waterways
To: Jo.Fyfe
Subject: RE: Existing Moorings, Lake Wanaka
Date: Tuesday, 9 May 2023 9:14:41 am
Attachments: image002.png
image004.png

Hi Jo
Each of these moorings need to go through the resource consent process. It is that stage when I have all the information that goes with each application I can then comment.
Only comment is one would hope that each has a mooring inspection report to accompany the application

Regards

Phil Wiel
Harbourmaster
COUGAR Waterways Division
Email: www.waterways@cougargroup.co.nz
Free Phone: **0800 226 2851**
Mobile: 021 799 184

From: Jo.Fyfe <Jo.Fyfe@jea.co.nz>
Sent: Friday, April 14, 2023 2:26 PM
To: Cougar - Waterways <waterways@cougargroup.co.nz>
Subject: Existing Moorings, Lake Wanaka

Hi Phil,

Thank you for your time on the phone yesterday.
As mentioned, we are applying for 13 resource consents for existing moorings in Roys Bay, Lake Wanaka.
All these moorings have been in place since the 90s, or before, and all but one mooring has a Council permit.
That one mooring is labelled 'TA' on the attached Location Plan, in amongst the cluster of existing moorings near Eely Point, and was installed in 1992 or 1993.
The nearest mooring to TA is 25m away.

Do you have any concerns around the placement of this mooring?

Kind regards,

Jo

JOHN EDMONDS
& ASSOCIATES

JO FYFE
BSc, Assoc.NZPI
planner – director – Wanaka

022 158 8509 | 03 450 0009
jo.fyfe@jea.co.nz | **www.jea.co.nz**

Level 1, 24 Dungarvon Street, Wanaka 9343
PO Box 95, Queenstown 9300

The content of this email is confidential and may be legally privileged. If it is not intended for you, please email the sender immediately and destroy the original message.

From: Jo.Fyfe
To: Aukaha Consents
Cc: aukaha@findmyjob.com
Subject: RE: [EXT] RE: Aukaha Letter of Engagement - J004663
Date: Friday, 14 April 2023 2:39:00 pm
Attachments: image005.png
image006.png
image007.png
image008.png

Kia ora Makareta,

Can you please provide me with an update on these deliberations around the existing moorings?
Our 13 clients are required to obtain their resource consents prior to the 30th June this year so the Property Team at the QLDC can continue reissuing the required permits under the Navigation Safety Bylaw.
Without input from yourselves and TAMI we are going to have to lodge the applications with little substantive or meaningful assessment on manawhenua values, which is obviously not the ideal process, and we wish to consult with you further on any concerns.

Ngā mihi,

Jo

JOHN EDMONDS & ASSOCIATES

JO FYFE
BSc, Assoc.NZPI
planner – director – Wanaka
022 158 8509 | 03 450 0009
jo.fyfe@jea.co.nz | **www.jea.co.nz**
Level 1, 24 Dungarvon Street, Wanaka 9343
PO Box 95, Queenstown 9300

The content of this email is confidential and may be legally privileged. If it is not intended for you, please email the sender immediately and destroy the original message.

From: Aukaha Consents <consents@aukaha.co.nz>
Sent: Friday, February 10, 2023 8:14 AM
To: Jo.Fyfe <Jo.Fyfe@jea.co.nz>
Cc: aukaha@findmyjob.com
Subject: RE: [EXT] RE: Aukaha Letter of Engagement - J004663

Kia ora Jo,

Thank you for your follow up email.

The process of applications regarding all jetties and moorings in the Queenstown Lakes district is currently undergoing a deliberation between the governing entities.

Please contact your district and/or regional council for more information.

Kā mihi

Makareta Wesley-Evans
Kaitautoko | makareta@aukaha.co.nz
Level 2, 266 Hanover Street, Dunedin 9016 | PO Box 446, Dunedin 9054

Aukaha

Tari: 03 477 0071
www.aukaha.co.nz

The information in this message is the property of Aukaha (1997) Ltd. It is intended only for the person or entity to which it is addressed and may contain confidential or privileged material. Any review, storage, copying, editing, summarising, transmission, retransmission, dissemination or other use of, by any means, in whole or part, or taking any action in reliance upon, this information by persons or entities other than intended recipient are prohibited. If you received this in error, please notify us immediately by return email or telephone (03 477 0071) and delete the material, including any attachments, from all electronic devices. Aukaha (1997) Ltd accepts no responsibility for changes made to this email or to any attachments following the original transmission from its offices. Kā mihi.

From: Jo.Fyfe <Jo.Fyfe@jea.co.nz>
Sent: Monday, 16 January 2023 9:56 am
To: Makareta Wesley-Evans <makareta@aukaha.co.nz>
Cc: aukaha@findmyjob.com
Subject: [EXT] RE: Aukaha Letter of Engagement - J004663

Kia ora Makareta,

I'm just following up on this job. Can someone please be in touch to discuss where things are at with Aukaha? I know you have been trying to work with the QLDC for some resolution, and we need to get the resource consent applications lodged with the Council as we have timeframe restraints (set by the Council!), so I'm keen to understand how we can facilitate things on our/your behalf.

Thank you.

Ngā mihi,

Jo

JEA JOHN EDMONDS & ASSOCIATES

JO FYFE
BSc, Assoc.NZPI
planner – director – Wanaka
022 158 8509 | 03 450 0009
jo.fyfe@jea.co.nz | **www.jea.co.nz**
Level 1, 24 Dungarvon Street, Wanaka 9343
PO Box 95, Queenstown 9300

The content of this email is confidential and may be legally privileged. If it is not intended for you, please email the sender immediately and destroy the original message.

From: Makareta Wesley-Evans <makareta@aukaha.co.nz>
Sent: Tuesday, 4 October 2022 10:28 AM
To: Jo.Fyfe <Jo.Fyfe@jea.co.nz>; Yasmine Sander - JEA Reception <Reception@jea.co.nz>
Cc: aukaha@findmyjob.com
Subject: Aukaha Letter of Engagement - J004663

Tēnā koe Jo,

Thank you for your lodgement of application through our website.

The attached letter of engagement gives background of what Aukaha (formally KTKO) undertakes. Including our hourly costs and a copy of our terms and conditions of which you have agreed to at the time of submitting your application.

I will be your point of contact for all administration matters.

Kia pai tō rā!

Kā mihi

Makareta Wesley-Evans
Kaitautoko | makareta@aukaha.co.nz
Level 2, 266 Hanover Street, Dunedin 9016 | PO Box 446, Dunedin 9054

Tari: 03 477 0071
www.aukaha.co.nz

The information in this message is the property of Aukaha (1997) Ltd. It is intended only for the person or entity to which it is addressed and may contain confidential or privileged material. Any review, storage, copying, editing, summarising, transmission, retransmission, dissemination or other use of, by any means, in whole or part, or taking any action in reliance upon, this information by persons or entities other than intended recipient are prohibited. If you received this in error, please notify us immediately by return email or telephone (03 477 0071) and delete the material, including any attachments, from all electronic devices. Aukaha (1997) Ltd accepts no responsibility for changes made to this email or to any attachments following the original transmission from its offices. Kā mihi.

From:	Stevie-Rae Blair
To:	Jo.Fyfe
Cc:	Kamaea Wi Repa; Te Ao Marama Office
Subject:	RE: Multiple Moorings- Lake Wakatipu and Lake Wanaka
Date:	Thursday, 20 April 2023 11:10:12 am
Attachments:	image003.png image004.png image005.png

Kia ora Jo,

Seems we were playing phone tag yesterday! I thought it might be easier to email.

I understand that the applicants need to apply to QLDC by the 30th June in relation to the Navigational Safety bylaw. Thanks for getting in touch around these potential applications. We currently have a position on these applications and I will just post our template response to all mooring applications we are currently receiving within our office. I hope this is of some use to you, I understand that you are looking for an assessment on mana whenua values however we are currently unable to provide this due to insufficient information that allows us to undertake this.

> Tēnā Koe,
>
> Thank you for contacting Te Ao Marama Inc. about your resource consent application, this letter acknowledges the receipt of the information provided.
>
> Te Ao Marama are currently working alongside The Queenstown Lakes District Council to pave a way forward regarding the audit of consented moorings and jetties within the Lakes District.
>
> We are currently awaiting information to help inform our process and therefore mooring applications are currently being put on hold until this information is received. To date we are unsure when this will be provided. We would recommend making contact with your council planner for updates.
>
> We hope the information in this email is sufficient; however, should you need anything further, please don't hesitate to contact me.

Kia tū tō mana,

Stevie-Rae Blair
Kaitohutohu Taiao
Ph: (03) 9311242
E: stevie@tami.maori.nz
Please note I work every day from 8:30-3:30pm

TE AO MARAMA INC.

From: Jo.Fyfe
To: Te Ao Marama Office
Subject: RE: Multiple Moorings- Lake Wakatipu and Lake Wanaka
Date: Friday, 14 April 2023 2:44:00 pm
Attachments: Location Plan.pdf
image001.png
image002.png

Kia ora,

Can you please provide me with an update on this?
What we are seeking is any insight around manawhenua concerns/comments with 13 existing moorings in Roys Bay in Lake Wanaka- see Location Plan attached.
We will be applying for 13 x resource consent in the next couple of weeks, one for each mooring.
Without input from yourselves and Aukaha we are going to have to lodge the applications with little substantive or meaningful assessment on manawhenua values, which is obviously not the ideal process, and we wish to consult with you further on any concerns.

Our clients are required to obtain their resource consents prior to the 30th June this year so the Property Team at the QLDC can continue reissuing the required permits under the Navigation Safety Bylaw.

We look forward to hearing from you soon.

Ngā mihi,

Jo

JOHN EDMONDS & ASSOCIATES

JO FYFE
BSc, Assoc.NZPI
planner – director – Wanaka
022 158 8509 | 03 450 0009
jo.fyfe@jea.co.nz | **www.jea.co.nz**
Level 1, 24 Dungarvon Street, Wanaka 9343
PO Box 95, Queenstown 9300

The content of this email is confidential and may be legally privileged. If it is not intended for you, please email the sender immediately and destroy the original message.

From: Jo.Fyfe
Sent: Wednesday, December 7, 2022 4:42 PM
To: Te Ao Marama Office <office@tami.maori.nz>
Subject: RE: Multiple Moorings- Lake Wakatipu and Lake Wanaka

Kia ora Riria,

Thank you for your prompt response, that is greatly appreciated.
A meeting after Christmas would be great.
In the interim we would appreciate just a quick idea of where the current thinking is of TAMI in relation to these existing moorings.
It is presumed TAMI has been advised/working on these as Aukaha has been, so just a quick touch base would be appreciated when your staff member is back in the office.

Thank you so much.

From: Jo.Fyfe
To: Te Ao Marama Office
Subject: RE: Multiple Moorings- Lake Wakatipu and Lake Wanaka
Date: Monday, 16 January 2023 9:52:00 am
Attachments: image001.png
image002.png

Kia ora Riria,

I'm just following up on this and keen to organise a meeting with someone in your team that will be dealing with these resource consents. Do I organise this with you or your staff member you mention below?

Thank you.

Ngā mihi,

Jo

JOHN EDMONDS & ASSOCIATES

JO FYFE
BSc, Assoc.NZPI
planner – director – Wanaka
022 158 8509 | 03 450 0009
jo.fyfe@jea.co.nz | **www.jea.co.nz**
Level 1, 24 Dungarvon Street, Wanaka 9343
PO Box 95, Queenstown 9300

The content of this email is confidential and may be legally privileged. If it is not intended for you, please email the sender immediately and destroy the original message.

From: Te Ao Marama Office <office@tami.maori.nz>
Sent: Thursday, 8 December 2022 2:05 PM
To: Jo.Fyfe <Jo.Fyfe@jea.co.nz>
Subject: RE: Multiple Moorings- Lake Wakatipu and Lake Wanaka

Kia Ora Jo,

Apologies, I'm unsure of the work that the team has done regarding this matter and in turn have no further information for you.

Nga Mihi,

Riria Cairns-Hakiwai
Kaiwhakahaere Tari
Ph: (03) 9311242
E: riria@tami.maori.nz

TE AO MARAMA INC.

From: Jo.Fyfe <Jo.Fyfe@jea.co.nz>
Sent: Wednesday, 7 December 2022 4:42 p.m.
To: Te Ao Marama Office <office@tami.maori.nz>
Subject: RE: Multiple Moorings- Lake Wakatipu and Lake Wanaka

Kia ora Riria,

Thank you for your prompt response, that is greatly appreciated.
A meeting after Christmas would be great.
In the interim we would appreciate just a quick idea of where the current thinking is of TAMI in relation to these existing moorings.
It is presumed TAMI has been advised/working on these as Aukaha has been, so just a quick touch base would be appreciated when your staff member is back in the office.

Thank you so much.

Nga mihi,

Jo

JOHN EDMONDS & ASSOCIATES

JO FYFE
BSc, Assoc.NZPI
planner – director – Wanaka
022 158 8509 | 03 450 0009
jo.fyfe@jea.co.nz | **www.jea.co.nz**
Level 1, 24 Dungarvon Street, Wanaka 9343
PO Box 95, Queenstown 9300

The content of this email is confidential and may be legally privileged. If it is not intended for you, please email the sender immediately and destroy the original message.

From: Te Ao Marama Office <office@tami.maori.nz>
Sent: Wednesday, 7 December 2022 3:33 PM
To: Jo.Fyfe <Jo.Fyfe@jea.co.nz>
Subject: RE: Multiple Moorings- Lake Wakatipu and Lake Wanaka

Kia Ora Jo,

Thank you for contacting us at Te Ao Marama, our key staff member that this work concerns is currently out of office completing site visits and will not be back in office until mid-way through next week.
I will consult with the a forementioned staff member regarding this, and I will get back to you with a pathway forward.
While we would like to arrange a time to meet with you as soon as possible, it may not be possible for this to occur before Christmas.
If you have any further concerns or inquiries, please do not hesitate to contact me.

Nga Mihi,

From: Jo.Fyfe
To: Te Ao Marama Office
Subject: RE: Multiple Moorings- Lake Wakatipu and Lake Wanaka
Date: Friday, 31 March 2023 3:07:00 pm
Attachments: image002.png
image003.png

Kia ora Riria,

I'm following this up again- are you able to please connect me with your key staff member that this work concerns?

Thank you.

Nga mihi,

Jo

JOHN EDMONDS & ASSOCIATES

JO FYFE
BSc, Assoc.NZPI
planner – director – Wanaka
022 158 8509 | 03 450 0009
jo.fyfe@jea.co.nz | **www.jea.co.nz**
Level 1, 24 Dungarvon Street, Wanaka 9343
PO Box 95, Queenstown 9300

The content of this email is confidential and may be legally privileged. If it is not intended for you, please email the sender immediately and destroy the original message.

From: Te Ao Marama Office <office@tami.maori.nz>
Sent: Wednesday, December 7, 2022 3:33 PM
To: Jo.Fyfe <Jo.Fyfe@jea.co.nz>
Subject: RE: Multiple Moorings- Lake Wakatipu and Lake Wanaka

Kia Ora Jo,

Thank you for contacting us at Te Ao Marama, our key staff member that this work concerns is currently out of office completing site visits and will not be back in office until mid-way through next week.
I will consult with the a forementioned staff member regarding this, and I will get back to you with a pathway forward.
While we would like to arrange a time to meet with you as soon as possible, it may not be possible for this to occur before Christmas.
If you have any further concerns or inquiries, please do not hesitate to contact me.

Nga Mihi,

Riria Cairns-Hakiwai
Kaiwhakahaere Tari
Ph: (03) 9311242
E: riria@tami.maori.nz

TE AO MARAMA INC.

From: Jo.Fyfe <Jo.Fyfe@jea.co.nz>
Sent: Wednesday, 7 December 2022 3:11 p.m.
To: Te Ao Marama Office <office@tami.maori.nz>
Subject: RE: Multiple Moorings- Lake Wakatipu and Lake Wanaka

> WARNING: This is an EXTERNAL email from Jo.Fyfe@jea.co.nz. Please consider safe cyber security practices.

Kia ora TAMI office,

I'm just following up this email I sent direct to Stevie-Rae but perhaps should have come to this email address.

Does TAMI have any interest in these existing mooring resource consent applications in either Wanaka or Wakatipu?

Ngā mihi,

Jo

JEA JOHN EDMONDS & ASSOCIATES

JO FYFE
BSc, Assoc.NZPI
planner – director – Wanaka
022 158 8509 | 03 450 0009
jo.fyfe@jea.co.nz | **www.jea.co.nz**
Level 1, 24 Dungarvon Street, Wanaka 9343
PO Box 95, Queenstown 9300

The content of this email is confidential and may be legally privileged. If it is not intended for you, please email the sender immediately and destroy the original message.

From: Jo.Fyfe
Sent: Monday, 3 October 2022 2:17 PM
To: stevie@tami.maori.nz
Cc: Hayden Bewley <Hayden.Bewley@jea.co.nz>
Subject: Multiple Moorings- Lake Wakatipu and Lake Wanaka

Kia ora Stevie-Rae,

We are working on behalf of a number of mooring owners of existing moorings. The Council have recently identified that there are quite a number of existing and long standing moorings that are unconsented under the RMA (up to 300), as they were established under previous legislation, in which those permits have lapsed. Therefore consent is now required retrospectively for these moorings.

We have clients in Queenstown (Frankton Arm), and Wanaka (Roys Bay, Eely Point, Glendhu Bay) in this same situation, and are commencing the process of obtaining consent for these existing moorings.

We are keen to engage with you in the first instance to understand if there are any values that you see may be compromised in these applications, or any red flags that we can discuss/work through prior to lodgement with the Council, with the aim in obtaining written approval for these applications prior to lodgement with the Council.

We are also interested in understanding if there are any ways to streamline the consultation process with yourselves, given we may have quite a number of consents to lodge over the coming months.

Additionally, an indication of costs for input would be extremely helpful for us to understand upfront, so we can pass this into the clients.

Could we set up a phone call/meeting at some stage over the coming days to discuss please?

Ngā mihi,

Jo

JOHN EDMONDS & ASSOCIATES

JO FYFE
BSc, Assoc.NZPI
planner – director – Wanaka
022 158 8509 | 03 450 0009
jo.fyfe@jea.co.nz | **www.jea.co.nz**
Level 1, 24 Dungarvon Street, Wanaka 9343
PO Box 95, Queenstown 9300

The content of this email is confidential and may be legally privileged. If it is not intended for you, please email the sender immediately and destroy the original message.

CAUTION: This email and any attachment(s) contains information that is both confidential and possibly legally privileged.
No reader may make any use of its content unless that use is approved by Te Rūnanga o Ngāi Tahu and its subsidiary companies separately in writing.
Any opinion, advice or information contained in this email and any attachment(s) is to be treated as interim and provisional only and for the strictly limited purpose of the recipient as communicated to us.
Neither the recipient nor any other person should act upon it without our separate written authorization of reliance. If you have received this message in error, please notify us immediately and destroy this message.

Guardians of Lake Wanaka

Serviced by
Department of Conservation,
Wanaka Area Office

The Secretary
PO Box 93
Wanaka
Ph. 03 443 9462

Guardians of Lake Wānaka response to the application for retrospective resource consents for 13 vessel moorings in Roys Bay, Lake Wānaka. 8 May 2023

Guardians of Lake Wānaka understand that 13 existing vessel moorings that have been in place in Roys Bay for varying lengths of time, most since the early 90s or longer, do not have resource consents. QLDC require the mooring owners to obtain retrospective resource consents for the moorings. Guardians of Lake Wanaka have been approached by Jo Fyfe of John Edmonds and Associates for consideration of the applications and for any concerns or conditions that Guardians may wish to be invoked by the consent applications.

We have seen the Landscape Assessment by Patch Landscape Architects. We agree with the conclusion that overall, the existing moorings do not adversely affect the physical or visual attributes of Lake Wanaka to a more than very low degree. The existing marina and yacht club form part of the character of Roys Bay and the Wanaka waterfront. The proposed moorings accord with this landscape's quality and character and do not adversely affect the wider Lake Wanaka Outstanding Natural Landscape.

The Guardians have considered the potential impacts on the lakes localised water quality, and ecosystem function. We cannot see any reason or process that might give cause for concern, especially given the absence of any reported impact over the period of decades that the moorings have been in use.

We have no particular objections to the mooring applications and are happy to support them. Following are a number of general conditions for your consideration which we would expect to be addressed by mooring/vessel owners as good stewards of the lake and shoreline environment around the moorings.

Some target conditions may apply to possible vessel sourced run-off of water quality-impacting and ecosystem-changing substances or activities, or in the introduction of invasive pest species. We would generally require that any consented or non-consented activity meet conditions such as those listed below, to avoid impacts of undesirable organisms, nutrients, rubbish or other contaminant runoff from moored vessels into the lake or onto the shoreline.

We recommend compliance with National Policy Statement for Freshwater Management (NPS-FM) requirements, see https://environment.govt.nz/publications/national-policy-statement-for-freshwater-management-2020-amended-february-2023/

Document Set ID: 7618972
Version: 1, Version Date: 11/05/2023

We encourage agreement that the **consented mooring activities <u>do not</u> result in the following in or adjacent to Roys Bay, Lake Wānaka:**

- human waste, sewage, or wastewater or indicators of sewage;
- bacterial or protozoan contamination;
- organisms pathogenic to humans, or to indigenous wildlife;
- toxins (e.g. fuel, oil, paint, polycyclic aromatic hydrocarbons (PAHs), heavy metals, anti-fouling chemicals);
- metal or paint sanding dust entering the lake from vessel maintenance at a mooring;
- plastic or other rubbish or waste materials entering the lake from moored vessels;
- transfer of Lagarosiphon plants or any other existing or future pest around the lake (or to or from other lakes) by any vessel.

D A Robertson
Chair, Guardians of Lake Wanaka

Document Set ID: 7618972
Version: 1, Version Date: 11/05/2023

LANDSCAPE ASSESSMENT REPORT

Wanaka Moorings

5 April 2023

Document prepared by	Jessica Zuban
Document reviewed by	Stephen Skelton
Status	Resource Consent
Issued	5 April 2023

2

This report has been prepared by Patch Limited on the instructions of the Client. It is solely for the Client's use for the purpose for which it is intended in accordance with the agreed scope of work. Patch Limited does not accept any liability or responsibility in relation to the use of this report contrary to the above, or to any person other than the Client. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate, without independent verification, unless otherwise indicated. No liability or responsibility is accepted by Patch Limited for any errors or omission to the extent that they arise from inaccurate information provided by the Client or any external source.

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

1. INTRODUCTION

1.1. This report provides an assessment of the landscape character and visual amenity effects of 13 moorings in Roys Bay, Lake Wanaka. This report includes:

- A description of the landscape,
- A description of the proposal,
- A landscape assessment,
- Conclusion,
- Attachments.

2. DESCRIPTION OF THE LANDSCAPE

2.1. Lake Wanaka is a large glacial lake shaped by a complex series of peninsulas, bays and islands. The lake is fed by two major river systems, the Makarora River to the north and the Matukituki River to the west. The outlet of the lake forms the start of the Clutha River, flowing from the eastern edge of the lake to Balclutha and the Pacific Ocean.

2.2. The lake, its foreshore and its surrounding mountain topography display a high degree of natural character. Parts of the land at the southern portions of the lake at lower elevations, display a more modified character embodied in pastoral farming activities, rural living type development and urban development. Most of the urban development is concentrated near Roys Bay which is the main body of water associated with Wanaka township and the southernmost part of Lake Wanaka.

3

2.3. Roys Bay is broadly defined as the waters south of Eely Point, Ruby Island and the outlet of Waterfall Creek. Urban areas exist on all three sides of the bay, with higher density development on the eastern shores of Roys Bay. The urban character of Wanaka is buffered in places by the natural character of a mostly open and often vegetated foreshore. Northeast of Wanaka's CBD around the Wanaka Marina and Wanaka Yacht Club, urban elements including jetties and marine activity encroach on the foreshore and on the lake itself. Just north and west of Wanaka's CBD near Pembroke Park, the foreshore displays a more open, although still modified character embodied in large areas of open space for parking and recreation. Towards the southwestern end of Roys Bay the open character of the lake and foreshore is interrupted by urban elements near the foreshore including the Water Sports Building, Edgewater Resort and other urban areas.

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Near Rippon Vineyard and the Waterfall Creek outlet, the open and natural character of the foreshore and adjacent lands is firmly reintroduced and continues to meet the open and natural character of the much wider landscape.

2.4. The visual amenity enjoyed from the Lake Wanaka foreshore forms an important part of the enjoyment of the landscape for Wanaka residents and visitors. Views are available from the Wanaka Lakefront across complex topography toward distant mountains including Black Peak, Roys Peak and Rob Roy Glacier as well as the more proximate vegetated knolls on Eely Point and Ruby Island. The valued recreation areas on the lake's edge and foreshore are highly used. Roys Bay is relatively busy in terms of boating activity as it is generally sheltered from prevailing winds and wake and in times of fair-weather experiences a high degree of private recreational use including sailing, jetboating, jet skiing, kayaking and wind surfing. The Wanaka Yacht Club often runs learn to sail courses and competitions which further increases the extent of boating activity in this part of the lake. The existing marina and moored boats form part of the recreational character and amenity associated with this south-eastern urbanised corner of Roys Bay in Lake Wanaka.

4

3. DESCRIPTION OF THE PROPOSAL

3.1. A detailed description of the proposal is contained within the Assessment of Environmental Effects which forms part of this application.

3.2. Approval is sought for 13 existing moorings on the eastern side of Roys Bay in Lake Wanaka. For ease of reference, the proposed moorings have been divided into two clusters shown below (Figure 1). The northern cluster, just south of Eely Point adjacent to Lakeside Road, consists of 8 proposed moorings (RC, MA, CG, JH, IB, DW, TA, KK), and the southern cluster concentrated around the Wanaka Marina consists of 5 (MS, PM, RR, GM, RR).

3.3. Typical mooring buoys are orange balls approximately 1m in diameter (**Figure 2**). These are attached to an anchor on the lake bottom. Attached to the moorings are a range of vessels of different types, shapes and sizes. In general, the size of the vessel will be dictated by the swing of the mooring, meaning that the largest vessel (yacht) could be up to 12m in length. It is noted that currently none of the vessels on the proposed moorings are that large. The associated

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

vessels may be anchored for varying amounts of time throughout the year and the type of vessel may change at each mooring.

Figure 1: Locations of proposed moorings indicated by initials (Original image from JEA – Drawing No. 05.01 – 20/01/2023)

Figure 2: Typical mooring and vessel (shown above as JH).

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

4. LANDSCAPE ASSESSMENT

Methodology

4.1. In undertaking this assessment, Patch visited the site to view the existing moorings. The moorings were viewed from key locations along public roads, the lake edge and tracks and photographs were taken using a DSLR camera. These photographs are attached to this report (**Attachment A and Images 1-11**). The effects of the proposal were considered within the frame of the statutory matters listed below and that assessment was undertaken in accordance with the Te Tangi a Te Manu Aotearoa New Zealand Landscape Assessment Guidelines.

Extent of Effect

4.2. In assessing the extent of effects, this report uses the following seven-point scale:

very high, high, moderate-high, moderate, moderate-low, low, very low.

An effects rating of moderate–low corresponds to a 'minor' adverse effects rating. An adverse effects rating of "low' or 'very low' corresponds to a 'less than minor' adverse effects rating.

6

4.3. This report uses the following definitions:

- **Landscape** – embodies the relationship between people and place: It is the character of an area, how the area is experienced and perceived, and the meanings associated with it. An area as perceived by people, including how the area is experienced, understood, interpreted, and regarded.
- **Landscape effect** – is a consequence of changes in a landscape's physical attributes on that landscape's values. Change is not an effect: landscapes change constantly. It is the implications of change on landscape values that are relevant. While an effect arises from changes to physical attributes, the consequences on landscape values relate to a landscape's physical, associative, and perceptual dimensions.
- **Visual effects** – are a subset of landscape effects. They are consequences of change on landscape values as experienced in views[1].

[1] NZILA. Te Tangi a Te Manu Aotearoa New Zealand Landscape Assessment Guidelines. April 2021.

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Landscape Category

4.4. The proposed moorings are within the Lake Wanaka Outstanding Natural Landscape (ONL) and Wāhi Tūpuna overlay as shown on the Stage 1, 2 and 3 Decisions and Appeals Proposed District Plan (PDP) Map.

Statutory Considerations

4.5. The moorings are within the Rural Zone. This report will provide an assessment of the proposal against the landscape relevant matters contained within Chapter 21 – Rural Zone – Section 21.21.1 – Assessment Matters for Outstanding Natural Features and Outstanding Natural Landscapes.

Visibility Overview

4.6. The proposed moorings are visible from various areas around the foreshore of Roys Bay and the surrounding public and private places. There are a total of 13 moorings, sited within two clusters. The northern cluster is located just south of Eely Point adjacent to Lakeside Road and the southern cluster is concentrated around the Wanaka Marina. 7

4.7. From the Eely Point boat ramp looking south toward Wanaka CBD, the northern cluster of moorings is visible in the foreground, and the southern cluster partially visible in the distance (**Image 1**). As the observer heads south on the Lakeside Track or adjacent Lakeside Road toward the Wanaka Yacht Club, the northern cluster is intermittently visible, but the southern cluster is screened by existing landform and vegetation (**Images 2-3**).

4.8. From the Lakeside Track near the intersection of Lakeside Road and Beacon Point Road, both the northern and southern cluster of moorings are visible (**Image 4a-4d**). The proposed moorings within the northern cluster are located in a minor bay just south of Eely Point (**Images 4a-4b**). Because of their location near the foreshore, Eely Point acts as a natural, vegetated backdrop to the buoys and moored vessels. Looking south toward Wanaka CBD, the southern moorings are similarly tucked into the foreshore and viewed within the context of the Wanaka Marina and Wanaka Yacht Club with extensive urban development in the background (**Images 4c-5c**).

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

4.9. From Lakeside Road near the newly constructed Marina Terraces, the southern cluster of moorings appears to be part of the marina itself and is viewed out onto open water toward the western shores of Roys Bay with Roys Peak overhead (**Image 6-7**). Two of the proposed moorings (RR, GM) are located between the shore and the marina, while the other three (MS, PM, RR) are located to the west of the marina. Landform screens the northern cluster of moorings from these easterly vantages.

4.10. Views toward the southern cluster continue to be available from the Lakeside Track and lake foreshore as the observer moves from the Wanaka Marina past the Roys Bay Recreation Reserve to the Wanaka Lakefront (**Images 8**-**9**). From Ardmore Street and Pembroke Park, the existing willows on the beach act to intermittently screen the proposed moorings from these vantages.

4.11. From the western side of the Wanaka Lakefront, all of the proposed moorings are visible, however, this is from a distance of over 1km (**Images 10-11c**). The southern cluster is seen in the context of considerable urban development, while the northern cluster has a more natural, densely vegetated backdrop of Eely Point. 8

21.21. Proposed District Plan – Chapter 21 – Rural Zone – 21.21.1 ONFs and ONLs

4.12. The following portion of this report provides a summary of the landscape character and visual amenity effects as directed by Chapter 21 of the District Plan.

Effects on Landscape Quality and Character

4.13. The physical landscape of Roys Bay is characterised by both natural and human features. Considerable urban and recreational development on the shoreline and foreshore has slightly eroded the natural character of Roys Bay but the attributes and values of the wider ONL are largely maintained. The moorings sit within the urban and recreational character on the eastern shores of Roys Bay. The formative processes that form part of the character of Lake Wanaka, evidenced by the surrounding dramatic mountain topography and complex series of peninsulas, bays and islands, is unchanged. The quality and character of the geological and topographical physical attributes associated with Lake Wanaka are not adversely affected by the moorings.

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Similarly, the existing willow-dominated foreshore vegetation characteristic of Lake Wanaka is unaffected. Overall, the moorings are considered characteristic of this part of Roys Bay and affect the physical landscape to a no more than very low degree.

4.14. In terms of the lake's visual attributes, the lake's formative processes remain highly legible and unaffected by the proposal. The aesthetic values including the memorability and naturalness and transient values of the wider lake and mountain ONL are not affected by the proposal to a more than very low degree.

4.15. The proposed moorings and associated vessels increase the visual presence of human influence, but these effects are concentrated to the eastern portions of Roys Bay and set against an urban or vegetated backdrop where human influence is evident. The southern cluster of moorings are visually integrated into the surrounding urban development as viewed from the north and west, and when viewed from the east, the moorings appear as part of the existing marina area. The northern cluster is less integrated into the urban fabric of Wanaka; however, the large evergreen trees and natural, vegetated character of Eely Point provide a complex visual backdrop which reduces the visual presence of moorings or boats on the lake. Because the moorings are tucked near the shoreline and not out on open water, they do not impede any key views from the Wanaka lakefront out toward the distant mountains including Black Peak and Rob Roy. Overall, the lake's visual attributes are not adversely affected to a more than very low degree as experienced from the surrounding landscape. 9

4.16. The moorings do not adversely affect the physical or visual attributes of Lake Wanaka to a more than very low degree. The existing marina and yacht club form part of the character of Roys Bay and the Wanaka waterfront. The proposed moorings accord with this landscape's quality and character and do not adversely affect the wider Lake Wanaka ONL.

Effects on Visual Amenity

4.17. The overall visibility of the moorings is discussed above. The buoys themselves are brightly coloured, but low-lying features in the landscape and are similar to the buoys that mark the speed restriction areas around Eely Point and the marina. The visual amenity effects of 13 buoys are considered to be very low in this part of the landscape.

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

4.18. Each buoy could have a vessel of any size moored for any duration of time. The presence of 13 vessels to the Roys Bay landscape will be apparent from most public and private places near the lake front within Roys Bay including the Lakeside Track and some places on Lakeside Drive and Ardmore Street. The moorings are sited relatively close to the shoreline and the visual effects of the associated vessels is reduced by the backdrop provided by the much broader and highly valued amenity of the wider lake and mountain landscape as well as the adjacent urban development and vegetated foreshore. The location and clustering of the moorings near the eastern shoreline of Roys Bay ensures that the associated vessels will not be visually prominent such that they will detract from public or private views of and within the ONL to a more than low degree.

4.19. While the moorings and associated vessels cannot be screened or hidden from view, they are in keeping with the character of the immediate landscape. An eclectic mix of vessels currently present in Roys Bay have formed a nautical, recreational character area around the marina which extends between Eely Point and the Wanaka CBD. Through the cultural lens, part of the visual amenity experienced from the Wanaka foreshore is formed by the masts, sails and silhouettes of various vessels in the bay. The buoys are low-lying forms expected in this part of the landscape. The associated vessels may vary in form and scale but will be consistent with the existing visual amenity and recreational character experienced and anticipated on the eastern side of Roys Bay.

10

4.20. Overall, while the moorings cannot meet the reasonably difficult to see threshold, they are not visually prominent, do not break the line of and ridge, hill or slope, or detract from public or private views to a more than very low degree, and are considered appropriate in the context of the surrounding urban fabric of Wanaka township. Views from the Wanaka Lakefront of the more immediate marina landscape may be affected to a low degree by the addition of 13 vessels, but views across the wider highly natural lake and mountain landscape will be not affected to a more than very low degree.

*Design and Density of Developmen*t

4.21. The proposed moorings have been aggregated into two clusters in minor bays that are protected from the predominant wind. The southern cluster of five moorings is located near the existing

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

marina. Aggregating development around the marina reduces the sprawl of vessels along the shoreline and resultant visual effects. Aggregated development also increases the degree of human influence and density of structures in this part of the lake.

4.22. The northern cluster of moorings are more spread out along the shoreline. There are eight moorings included in this proposal in the northern cluster within a larger cluster of more than 20 existing moorings on this stretch of shoreline south of Eely Point. Although less densely arranged, the proposed cluster is still aggregated with existing development and is considered appropriate.

4.23. The proposed locations of the moorings are concentrated near the marina and minor bay just south of Eely Point. These areas are considered the least sensitive to change within the Roys Bay landscape because of the presence of urban and marina elements including buoys and other vessels on the lake and foreshore area. It is considered that the design and density of the moorings is appropriate and will have the least impact on landscape character.

Cumulative Effects

11

4.24. Lake Wanaka is not void of human influence and the ubiquitous recreational users, watercraft, marina and associated elements has an effect on the landscape's natural quality, character and amenity. The moorings, other surrounding moorings, marina and yacht club have formed part of this existing, human influenced part of the landscape on the eastern side of Roys Bay and shape the recreational character that area. However, Lake Wanaka still maintains a high degree of natural character. The moorings contribute to the recreational character and quality of the immediate landscape and have minimal influence on more natural attributes and values of the wider natural lake and mountain ONL. Overall, any adverse cumulative effects caused by the proposal on the quality, character or visual amenity will be very low in extent.

5. CONCLUSION

5.1. The proposal will result in the legal establishment of 13 moorings in the eastern part of Roys Bay. The proposal will enhance the recreational character in this part of the lake near the urban areas of Wanaka. While the moorings and associated vessels may be visible from surrounding public and private places, any resultant visual effects will be well absorbed by the surrounding highly

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

urbanised and vegetated context and the dominant and vast lake and mountain landscape. It is considered that the proposal will adversely affect landscape character and visual amenity to a no more than very low degree.

Prepared by:
Jessica Zuban

Associate Landscape Architect

Reviewed by:

Steve Skelton

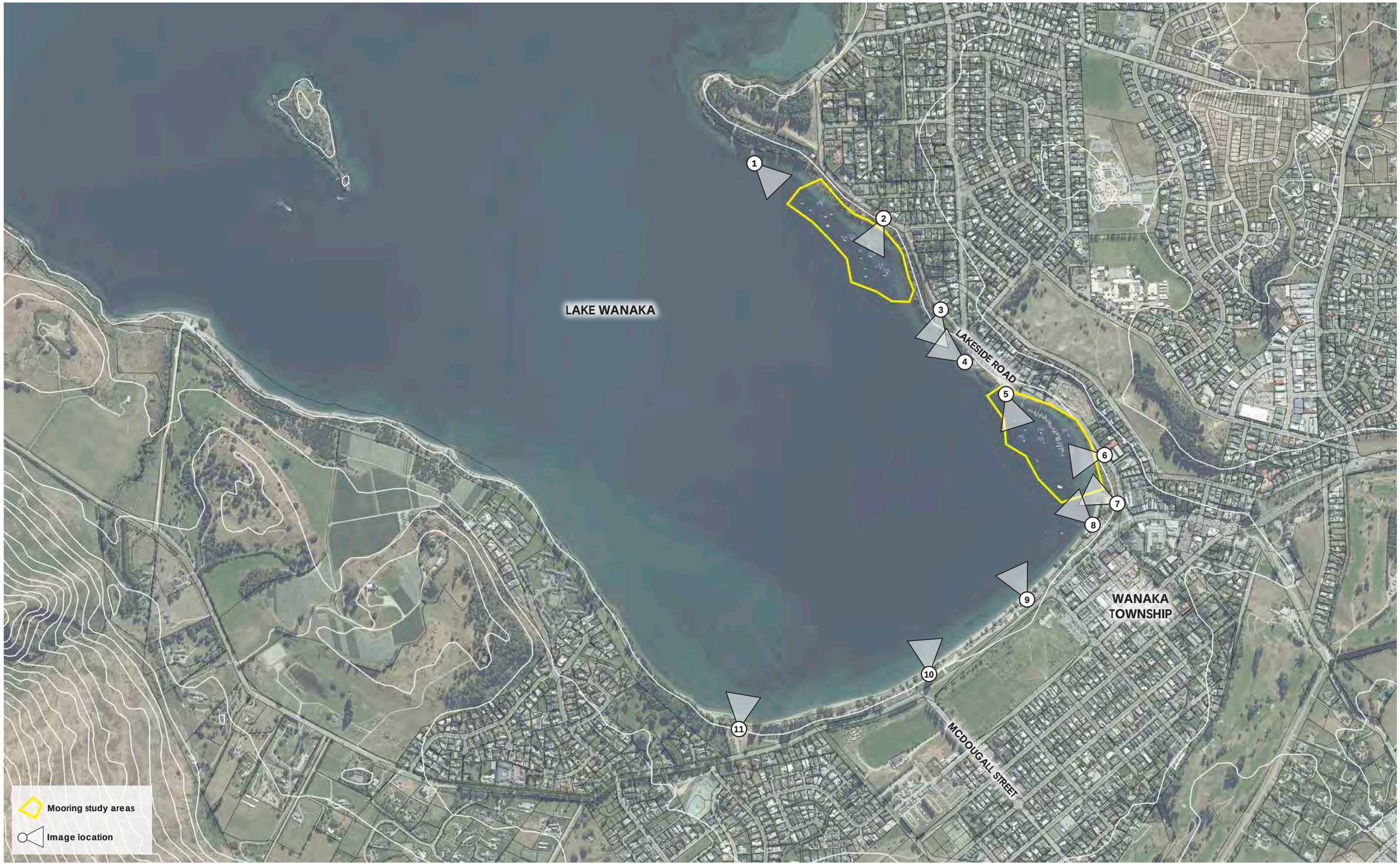
12

Registered Landscape Architect

patch
PO BOX 1634, Queenstown, 9348 · +64 (0)3 409 2878 · +64 (0)21 020 99933
steve@patchlandscape.co.nz · www.patchlandscape.co.nz

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Attachment A



patch
landscape ■ architecture ■ urban

Reference : PA22720 IS01
Scale 1:6,000 @ A1 - 1:12,000 @ A3

Wanaka Moorings
Visual Assessent Locations
5 April 2023

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 1

18mm - 26 January 2023 at 2:56 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 2

18mm - 26 January 2023 at 3:01 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 3

18mm - 26 January 2023 at 3:08 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 4a

18mm - 26 January 2023 at 3:15 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 4b

55mm - 26 January 2023 at 3:15 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 4c

18mm - 26 January 2023 at 3:15 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 4d

55mm - 26 January 2023 at 3:15 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 5a

18mm - 26 January 2023 at 3:20 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 5b

55mm - 26 January 2023 at 3:20 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 5c

55mm - 26 January 2023 at 3:20 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 6

18mm - 26 January 2023 at 3:23 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 7

18mm - 26 January 2023 at 3:25 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 8

55mm - 26 January 2023 at 3:32 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 9

55mm - 26 January 2023 at 3:35 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 10

55mm - 26 January 2023 at 3:35 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 11a

18mm - 26 January 2023 at 3:39 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 11b

55mm - 26 January 2023 at 3:39 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Image 11c

55mm - 26 January 2023 at 3:39 pm

Document Set ID: 7618971
Version: 1, Version Date: 11/05/2023

Land Information New Zealand
Toitū te whenua

Date: 15 August 2023

Re: APA – Lake Wanaka- Resource Consent applications – Moorings - Process - 4301618

This approval is specific to the 12 applications listed below and is for the purposes of s95 RMA only. It is not indicative of any associated arrangement with the Commissioner of Crown Lands or other statutory approval which may be required from Land Information New Zealand in regards to the proposed activity. You are required to obtain authorisation from the Commissioner of Crown lands in order to undertake any activities on land owned or administered by Land Information New Zealand.

a) 4314376 – Chris Goodwin – M225
b) 4314377 - Robert Cunningham & Keri Addison – M262
c) 4314378 - Mark Ayre and Mary Chaffey – M235
d) 4314381 – Julian Haworth – M232
e) 4314383 - Ian Brown – M247
f) 4314385 - Deane Weastell – M745
g) 4314387 - Tim Austin (The Clearwater Trust- name for consent) – No number
h) 4314389 - Kelvin King – M227
i) 4314391 – Marshall Scrivenor – M220
j) 4314393 - Peri and Mark Scrivenor – M217
k) 4314395 - Dexter Randall Richards & Amanda Hamilton Richards – M209 & M210
l) 4314397 - Gerald Morton – M207

All jetties and moorings on Lakes Wanaka and Whakatipu require a Licence to Occupy under Section 68 of the Land Act 1948 (or a Special Lease under Section 67 if applicable). The application process will be subject to consultation with Te Rūnanga o Ngāi Tahu who hold a Deed of Recognition over these lakes and will internally consult with Papatipu Rūnanga. Please note that this is a separate process to Rūnanga consultation undertaken for Resource Consenting purposes.

We look forward to receiving your applications in the near future.

Stuart Chandler
Portfolio Manager
Crown Property

AFFECTED PERSON'S APPROVAL

FORM 8A

QUEENSTOWN LAKES DISTRICT COUNCIL

Resource Management Act 1991 Section 95

RESOURCE CONSENT APPLICANT'S NAME AND/OR RM

••
12 separate applicants, being P&M Scrivenor, M Scrivenor, Cunningham & Addison, King, Goodwin, Brown, R&R Trust x2, Ayre Chaffey, Morton, , Austin, Haworth, and Weastell

AFFECTED PERSON'S DETAILS

I/We Commissioner of Crown Lands

Are the owners/occupiers of

Part bed of Lake Wanaka, being LINZ property #2711696

DETAILS OF PROPOSAL

I/We hereby give written approval for the proposal to:

12 retrospective Resource Consent applications relating to 13 moorings in Roys Bay. Applicants and applicable moorings detailed below:
1. Peri and Mark Scrivenor – M217
2. Marshall Scrivenor – M220
3. Robert Cunningham & Keri Addison – M262
4. Kevin King – M227
5. Chris Goodwin – M225
6. Ian Brown – M247
7. Dexter Randall Richard & Amanda Hamilton Richards Trust – M209
8. Dexter Randall Richard & Amanda Hamilton Richards Trust – M210
9. Ayre Chaffey Partnership – M235
10. Gerald Morton – M207
11. Tim Austin (The Clearwater Trust) – Unknown, suspected no Permit held
12. Julian Haworth – M232
13. Deane Weastell – M745

at the following subject site(s):

Roys Bay, Lake Wanaka

☑ PLEASE TICK I/We understand that by signing this form Council, when considering this application, will not consider any effects of the proposal upon me/us.

☑ PLEASE TICK I/We understand that if the consent authority determines the activity is a deemed permitted boundary activity under section 87BA of the Act, written approval cannot be withdrawn if this process is followed instead.

WHAT INFORMATION/PLANS HAVE YOU SIGHTED

☑ PLEASE TICK I/We have sighted and initialled ALL plans dated and approve them.

Appendix 1 - Location Plan

Document Set ID: 7738778
Version: 1, Version Date: 29/08/2023

APPROVAL OF AFFECTED PERSON(S)

The written consent of all owners / occupiers who are affected. If the site that is affected is jointly owned, the written consent of all co-owners (names detailed on the title for the site) are required.

A

Name (PRINT)
Commissioner of Crown Lands

Contact Phone / Email address
c/o poppy.simpson-wells@colliers.com

Signature

Date 11 August 2023

B

Name (PRINT)

Contact Phone / Email address

Signature

Date

C

Name (PRINT)

Contact Phone / Email address

Signature

Date

D

Name (PRINT)

Contact Phone / Email address

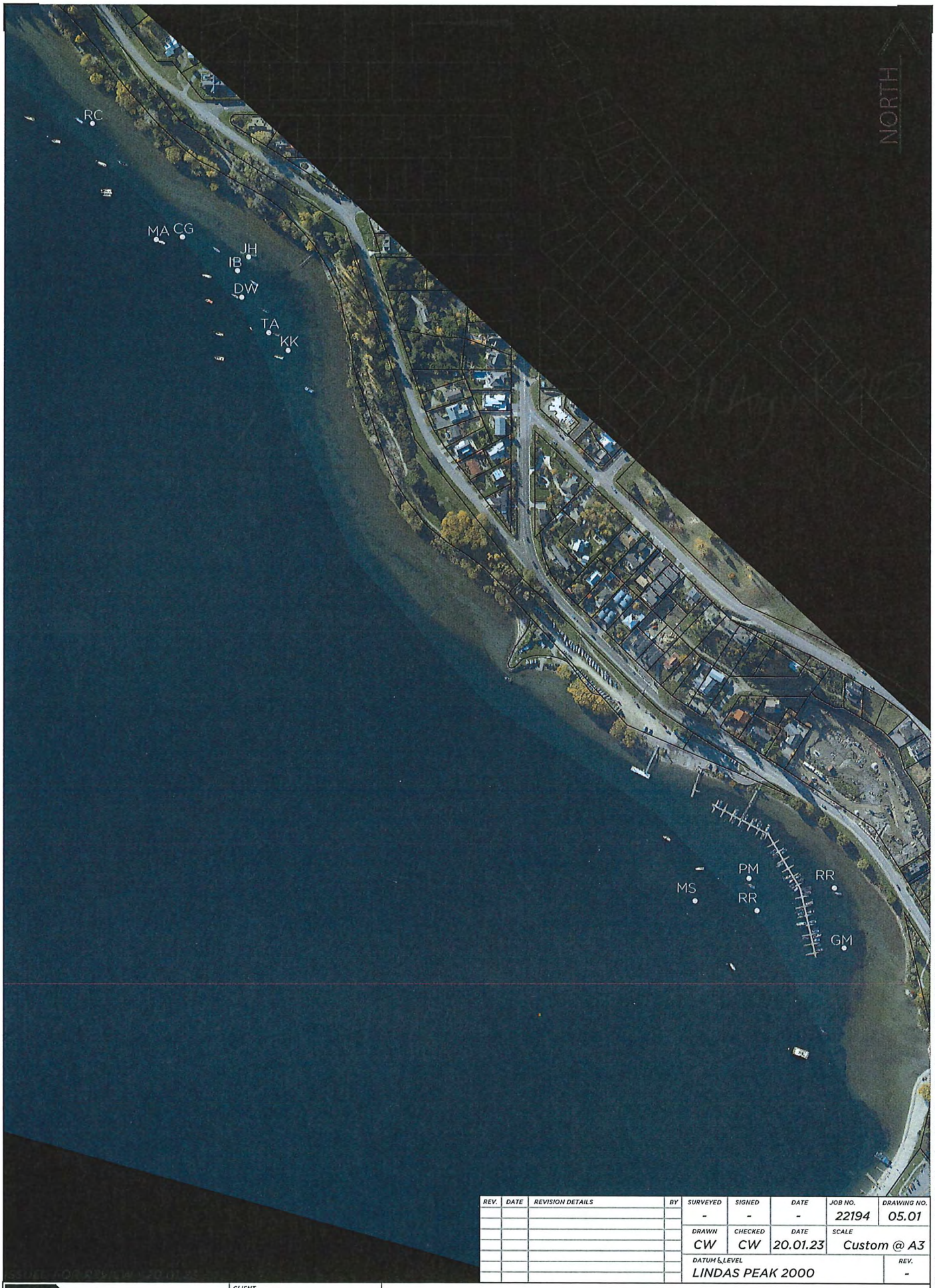
Signature

Date

Note to person signing written approval

Conditional written approvals cannot be accepted.
There is no obligation to sign this form, and no reasons need to be given.
If this form is not signed, the application may be notified with an opportunity for submissions.
If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

Document Set ID: 7738778
Version: 1, Version Date: 29/08/2023



REV.	DATE	REVISION DETAILS	BY

SURVEYED	SIGNED	DATE	JOB NO.	DRAWING NO.
-	-	-	22194	05.01
DRAWN	CHECKED	DATE	SCALE	
CW	CW	20.01.23	Custom @ A3	
DATUM & LEVEL				REV.
LINDAS PEAK 2000				-

JEA TOWN PLANNERS & SURVEYORS
Level 2, 38 Shotover Street
PO Box 95, Queenstown, 9300

CLIENT

NOTES:
- ALL DIMENSIONS SHOWN ARE IN METERS UNLESS SHOWN OTHERWISE.
- CHECK ELECTRONIC DATA AGAINST LATEST HARD COPY VERSION.
- COPYRIGHT ON THIS DRAWING IS RESERVED.
- THIS PLAN MAY BE SUBJECT TO FINAL SURVEY.

MOORING LOCATIONS LAKE WANAKA

Plotted: 14.02.2023

C:\Users\JEA Craig\John Edmonds and Associates\John Edmonds and Associates - Shared Documents\Clients\2022\22194 - Moorings - Wanaka\Survey\22194 Moorings.dwg

Mooring Owner	Map Reference	Marina or Eely Point Cluster	When Installed	QLDC Permit Number
Peri and Mark Scrivenor	PM	Marina	Uknown. Bought off previous owner in 2018	M217
Marshall Scrivenor	MS	Marina	Unknown	M220
Robert Cunningham & Keri Addison	RC	Eely Point	Unknown	M262
Kevin King	KK	Eely Point	At least 23 years	M 227
Chris Goodwin	CG	Eely Point	Don't know. We purchased the mooring through Dave	M225
Ian Brown	IB	Eely Point	Unsure	M247
DEXTER RANDALL RICHARD & AMANDA H	RR	Marina	Circa 1965 Exact date still researching.	M209
DEXTER RANDALL RICHARD & AMANDA H	RR	Marina	Circa 1965 Exact date still researching.	M210
Ayre Chaffey Partnership	MA	Eely Point	Approx. 1995	M235
Gerald Morton	GM	Marina	1970s	M207
Tim Austin (The Clearwater Trust- name	TA	Eely Point	It was installed in 1992 or 1993	Unknown (likely doesn't have a permit)
Julian Haworth	JH	Eely Point	Estimated to have been installed at least 25 years ago	M232
Deane Weastell	DW	Eely Point	Years ago- unknown	M745

Document Set ID: 7738778
Version: 1, Version Date: 29/08/2023