

APPLICATION AS NOTIFIED

A KIRKER & J KIRKER

(RM260476)

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:

Alan Kirker & Joanne Kirker

What is proposed:

To lawfully establish two existing swing moorings with the Frankton Arm of Lake Whakatipu (Whakātipu-Wai-Māori), 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 of Whakātipu-Wai-Māori, mooring M121 is to the west of the Frankton Marina, and mooring M25 is to the east of the Kelvin Grove Recreation Reserve, Queenstown. The proposed GPS coordinates for the mooring are as follows:

M25: -45.041733 S 168.678273 E (WGS84 Decimal Degree Format)

M121: -45.020434 S 168.712499 E (WGS84 Decimal Degree Format)

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 **RM260476** 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 0211701496 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:

29 September 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 (A & J Kirker, alankirkerqueenstown@gmail.com) as soon as reasonably practicable after serving your submission to Council:

C/- Kylie Columb
kylie@vivianespie.co.nz
 Vivian Espie Ltd

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: 1 September 2026

Address for Service for Consent Authority:

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

Phone
 Email
 Website

03 441 0499
rcsubmission@qldc.govt.nz
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:	A Kirker & J Kirker
RM reference:	RM260476
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consents from the Otago Regional Council (ORC) and the Queenstown Lakes District Council (QLDC) to lawfully establish two existing swing moorings with the Frankton Arm of Lake Whakatipu (Whakātipu-Wai-Māori).
Location:	Bed and surface of Whakātipu-Wai-Māori, to the west of the Frankton Marina, and to the east of the Kelvin Grove Recreation Reserve, Queenstown.
Legal Description:	N/A (Lakebed); and Section 26 Block I Coneburn SD
QLDC Zoning:	ODP: Rural General PDP: Rural (Water)/ Open Space and Recreation (Informal Recreation)
QLDC District Plan Notations:	Wāhi Tūpuna Site 33 (Whakātipu-Wai-Māori (Lake Whakātipu)) Designation #182 (Recreation Reserve)
ORC ORP:W Notations:	MA3 (Waahi tapu and/or Waiwhakaheke)
Activity Status:	Non-Complying Activity (QLDC) Discretionary Activity (ORC)
Decision Date	31 August 2026

SUMMARY OF DECISIONS

1. Pursuant to sections 95A-95E of the RMA, the application seeking consent to lawfully establish two moorings within the Frankton Arm, 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 place 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 Council 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 lawfully established 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's Regional Plan: Water for Otago (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 an email dated 8.5.26, 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 existing environment, location and background of each mooring at Sections 3.1-3.5 in the report entitled "*Assessment of Environmental Effects, Retrospective Resource Consent to Establish Two (2) Swing Moorings in the Frankton Arm of Lake Wakatipu*", dated 21 April 2026, prepared by Kylie Columb of Vivian + Espie Limited, and submitted as part of the application (hereon referred to as the Applicant's AEE and attached as *Appendix 1*). A description of the proposal is also provided at Section 4 of this report. These descriptions are considered adequate and are adopted in part for the purpose of this report with the following clarifications/additions:

Consent is sought to lawfully establish under the RMA two existing swing moorings within the Frankton Arm of Whakātipu-Wai-Māori. This proposal related to existing QLDC mooring permits¹ 25 ("M25"), located to the east of the Kelvin Grove Recreation Reserve, and 121 ("M121") located to the west of the Frankton Marina, at the following GPS coordinates:

M25: -45.041733 S 168.678273 E (WGS84 Decimal Degree Format)

M121: -45.020434 S 168.712499 E (WGS84 Decimal Degree Format)

Figures 1 and 2 below show the locations of M25 and M121 within Whakātipu-Wai-Māori:

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



Figure 1: Location of existing swing mooring M25 (blue dot as shown on QLDC GIS) to the east of the Kelvin Grove Recreation Reserve, in relation to surrounding lakeside features.

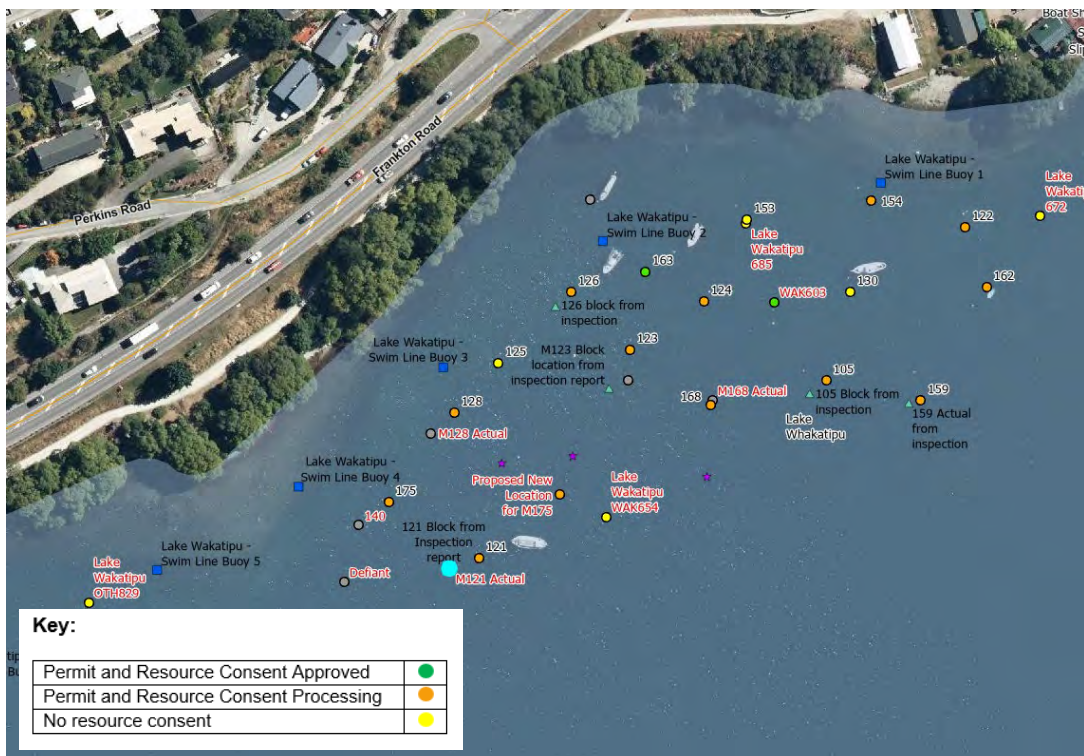


Figure 2: Location of existing swing mooring M121 (blue dot as shown on QLDC GIS), within the cluster of moorings to the west of the Frankton Marina.

Of note, the GPS coordinates that have been used within the application documents use the Degrees, Minutes, Seconds ("DMS") format (e.g. within the AEE and mooring inspection reports). 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. Whether the DMS or DD format are used, the locations of M25 and M121 are correctly shown in Figures 1 and 2 above.

The Applicant has provided a summary of the known history of M25 and M121 at Sections 3.3 (M25) and 3.5 (M121) of the AEE, which are accepted for the purposes of this report. Of relevance, the Applicant has recently acquired M25 from its previous owner, who has owned the mooring for approximately 10 years. Although the AEE states that a transfer of ownership is currently being progressed, this has now occurred and a permit for M25 is now held by the Applicant. The Applicant has demonstrated that they hold a QLDC mooring permit for both moorings.

Consent is sought to use both moorings, M25 and M121, by a vessel up to 14.0 metres in overall length.

1.3 Site Description

Section 3.1 of the AEE states that the moorings are both located on the southern shore of the Frankton Arm, which is not the case for M121, which is located on the lakes northern shore to the west of the Frankton Marina, as can be seen in Figure 2 above.

As outlined within the AEE, M25 is located within an area of the lake zoned Open Space (Informal Recreation). It is understood that the subject parcel of land to which this mooring is attached was historically owned by NZ Railways who commissioned the TSS Earnslaw to provide a link between farms located on the edge of Whakātipu-Wai-Māori, and to support the Kingston Flyer train service. This piece of land has subsequently been vested in Council as recreation reserve and is designated for this purpose (Designation #182).

2.0 ACTIVITY STATUS

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

M25 is located within part of the lake zoned Open Space (Informal Recreation) (water) by the PDP. M121 is located within part of Whakātipu-Wai-Māori zoned Rural (water).

Whakātipu-Wai-Māori is within Wāhi Tūpuna Site 33 (Whakātipu-Wai-Māori (Lake Whakātipu)). Whakātipu-Wai-Māori 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 relevant rules of the PDP that require consideration can be found in Chapters 21 (Rural) and 38 (Open Space and Recreation Zones). The proposed activity requires resource consent under the PDP for the following reasons²:

Chapter 21 (Rural):

- A **restricted discretionary** activity pursuant to Rule 21.15.7 in regard to moorings in the Frankton Arm. The proposed mooring is identified within the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan web mapping application. Council's discretion is restricted to the following matters:
 - a. whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands;
 - b. whether the structure causes an impediment to craft manoeuvring and using shore waters.
 - c. the degree to which the structure will diminish the recreational experience of people using public areas around the shoreline;
 - d. the effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect;
 - e. whether the structure will be used by a number and range of people and craft, including the general public;
 - f. the degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design;
 - g. whether the structure enables the use of public water ferry services and/or water based transport.

Chapter 38 (Open Space (Informal Recreation):

- A **non-complying** activity pursuant to Rule 38.9.1 for any activity not listed in Table 38.1. Moorings are not specifically identified in Table 38.1 of the PDP.

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

2.3 THE OTAGO REGIONAL COUNCIL PLAN: WATER

Whakātipu-Wai-Māori is a Statutory Acknowledgement Area under the Ngāi Tahu Claims Settlement Act 1998, which is 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 reason:

- 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 place a mooring that passes through the surface of Whakātipu-Wai-Māori and is attached (anchored) to the bed of the lake.

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

2.4 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.

² All cited rules are treated as operative under s86F.

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
QLDC Parks and Reserves Team as both landowner and requiring authority	Recreation Reserve and Designation #182

The QLDC processing planner has consulted with Maritime New Zealand as per requirements of s.89A. In an email dated 8 May 2026, 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 at Section 7.1 of the AEE, which appears to relate to 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 because it is assumed that the Applicant will comply with the permitted standards under the ORP:W given they have not sought consent to the contrary³. As such this will be taken into consideration in the assessment that follows.

³ 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 within the Frankton Arm of Whakātipu-Wai-Māori. 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 reports for M25 and M121 prepared by QLDC's Waterways Regulatory Services Manager & Harbourmaster, Mr Craig Fahey, attached as *Appendix 2* and *Appendix 3*.

A] Assessment under the QLDC Proposed District Plan

A restricted discretionary consenting pathway is provided for moorings and jetties located within the Frankton Arm of Whakātipu-Wai-Māori, where Council's discretion is restricted to the matters in Rule 21.15.7, which for completeness are repeated as follows:

- a. *whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands;*
- b. *whether the structure causes an impediment to craft manoeuvring and using shore waters.*
- c. *the degree to which the structure will diminish the recreational experience of people using public areas around the shoreline;*
- d. *the effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect;*
- e. *whether the structure will be used by a number and range of people and craft, including the general public;*
- f. *the degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design;*
- g. *whether the structure enables the use of public water ferry services and/or water based transport.*

Of note, Rule 21.15.7 only applies to an assessment of M121 located within the Frankton Arm to the west of the Frankton Marina. M25 is located within an area of the lake zoned Open Space (Informal Recreation) and is a non-complying activity. However, the matters of discretion in Rule 21.15.7 provide helpful guidance for matters to consider under the overall non-complying activity status. 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 Sections 7.2 (effects on landscape and visual amenity), 7.3 (navigation and water safety), 7.4 (effects on recreation), 7.5 (cumulative effects), and 7.7 (cultural values) of the AEE. These assessments are considered to adequately address the above matters and is therefore adopted for the purposes of this report.

It is noted that Section 7.6 (effects on the lakebed) of the AEE is not relevant to an assessment of the proposal under the PDP and will be considered as part of the assessment of the ORP:W further below.

An additional assessment to supplement the assessment within the AEE follows in relation to navigational and water safety matters, as follows:

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. Further, inspection must be conducted by a suitably qualified professional. These requirements are consistent with the ORC permitted activity standards outlined in Section 3.3.2 above.

Inspections were carried out on both moorings on 12 February 2026 for M25, and on 15 March 2026 for M121. These inspections were carried out by Mr Garry Wright, who is accepted as being suitably qualified and experienced to undertake this work. Based on the mooring specifications detailed within the inspection reports, a maximum swing radius for both M25 and M121 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.

In terms of M25, using the supplied GPS coordinates, mooring block location, survey specifications, and a vessel length of up to 14.0 metres overall, the swing radius associated with M25 was assessed as having an overlap with the swing radius associated with nearby mooring M24, however was determined to be within the allowable overlap limit. As such, it is accepted that lawfully establishing M25 in its current location does not raise navigational safety concerns that would be more than minor.

With respect of M121, swing radius overlaps were identified with surrounding moorings M128 and M175, both of which have submitted a resource consent application which are currently processing⁴. However, the QLDC Harbourmaster has confirmed that any swing radius overlap with these adjacent moorings similarly remains within the allowable overlap limit. Although a potential overlap with M140 and another unspecified mooring was also identified by the QLDC Harbourmaster, as these adjacent moorings have not been lawfully established under the RMA and accurate information including confirmation of block locations and specifications have not been confirmed, the QLDC Harbourmaster has advised that it is not possible to undertake a reliable assessment of whether a conflict exists or to what level. This conclusion is accepted for the purposes of this report.

Of note, the vessel intended to use both M25 and M121 is 14m in length, and therefore the specifications of the mooring system would need to be upgraded to meet the minimum requirements outlined in the QLDC Mooring Booklet and a marine engineer will need to certify that these moorings are suitable for use by a 14m vessel. This has been accepted by the Applicant who has agreed this can form a condition of consent if granted⁵.

Both moorings will be marked with a buoy to make them clearly visible, and their location will not impede any craft manoeuvring in this area.

Overall, it is considered that lawfully establishing both M25 and M175 in their current locations will result in no more than minor adverse effects on navigational safety on Whakātipu-Wai-Māori.

ii. Summary of effects under the PDP

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 matters of discretion outlined within the PDP will be no more than minor.

⁴ M128 – refer to RM260222; and M175 - refer to RM260225.

⁵ Refer to email dated 27.8.26 saved in QLDC’s eDocs system searching under the reference “RM260476”: <https://edocs.qldc.govt.nz/>

B] Assessment under the ORP:Water for Otago (ORP:W)

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

- 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*

i. Effects on the lake bed/ecological values;

Consent is sought under the ORP:W to place a permanent structure on the lake bed (swing mooring). As noted in Section 3.3.2 above, the disturbance of the bed associated with the removal and placement of the mooring block is a permitted activity and will not be considered further.

In terms of ecological values, it is acknowledged that aquatic pest species are present in the lakes, including Lagarosiphon which is identified and controlled by the ORP:W. Lagarosiphon has the potential to be caught on vessels and transferred to other waterbodies, or be transferred to the Districts lakes where moorings are used by vessels that are also used in other waters. Moorings may encourage this transfer. Additionally, discharge of contaminants from vessels could also affect water quality including from fuel, oil or wastewater if discharged when moored. In an email dated 27.8.26, the Applicant has volunteered conditions of consent to ensure that all reasonable precautions are taken to minimise the spread of pest plants and aquatic weed, and ensuring no waste product enters the lake when the mooring is in use. Adverse effects on the environment in this regard are therefore considered to be no more than minor and appropriately remedied/mitigated.

Overall, taking into consideration the volunteered conditions of consent which will ensure that no waste or toxins enter the lake, and that the spread of aquatic pest species is controlled, adverse effects on the environment in terms of lake bed disturbance and ecological values are considered to be no more than minor.

ii. 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. Whakātipu-Wai-Māori 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 Whakātipu-Wai-Māori. It is recognised that the moorings 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 is one water supply within the Frankton Arm of Whakātipu-Wai-Māori, as identified in Schedule 1B of the ORP:W. However, the subject moorings are not located within the vicinity of this, both being separated by a considerable distance.

Schedule 1C lists registered historic places. For the purposes of an assessment under the ORP:W, there are no historic places/features listed within Schedule 1C of the ORP:W within the vicinity of the subject moorings.

Of note, there is a PDP listed Historic Heritage Feature (Item 3b – Slipway and Cradle) to the north of the M25. This item is a QLDC Category 3 listed Heritage Feature, meaning it has significance to the District and/or locally, and its retention is warranted. The proposed mooring(M25) will not affect this listed heritage item.

Schedule 1D identifies the spiritual and cultural beliefs, values and uses associated with water bodies of significance to Kāi Tahu. The proposal can be seen as a potential threat to the values that Whakātipu-Wai-Māori holds for Kāi Tahu.

The application does not contain any information from Kāi Tahu on the effects its moorings 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 Whakātipu-Wai-Māori holds for Manawhenua. In considering the location of these moorings located adjacent to an already modified environment (which for M25 includes the Queenstown Golf Course, walking trails, and the Wakatipu Yacht Club, and for M121 includes the Frankton Marina, Scout Den, Coastguard and walking trails), as well as other surrounding moorings and lakeside features, it is considered that adverse cultural effects on the environment are minor.

iii. 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 Whakātipu-Wai-Māori to Kāi Tahu, as identified within Schedule 1D of the ORP:W, are 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 moorings are to be located in and attached to the lakebed of Whakātipu-Wai-Māori, 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 against the PDP (which adopts the Applicant's assessment at Section 7.7 of the AEE) and 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. 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 moorings 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 moorings may or may not have on Kāi Tahu cultural values.

Establishing the moorings involved the placement of permanent structures on the bed Whakātipu-Wai-Māori in the form of two swing mooring systems. The proposal can therefore be seen as a potential threat to the values that Whakātipu-Wai-Māori holds for Manawhenua.

Based on the conclusions reached within Section 3.3.3 of this report, and taking into consideration the statutory acknowledgement of Whakātipu-Wai-Māori, 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 [iii] 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 either M25 or M121. In both cases, residential properties are separated from the lake a considerable distance.

The proposed moorings form an anticipated part of the Frankton Arm, both being located within a cluster of existing moorings and adjacent to nearby features. Further, the proposed moorings are small elements 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 has confirmed there are no navigational safety issues relating to the location of either M25 or M121, and any swing radius overlaps with surrounding moorings are within acceptable limits.

The exception to this is a potential swing radius overlaps associated with M121 and adjacent moorings M140 and an undefined mooring. However, as set out earlier in this report, neither of these moorings hold a resource consent and their location has not been confirmed. As such, although there is the potential for a real world conflict that exists between M121 and nearby moorings, these mooring owners are not considered to be adversely affected under this application because they are not legally entitled to occupy the lakebed⁶, and the location of this mooring has not been confirmed.

The QLDC Harbourmaster has confirmed that the use of the proposed moorings by a vessel up to 14m in overall length will not conflict with any surrounding mooring. Accordingly, there are no adjacent mooring permit holders that 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.

⁶ They do not hold private ownership rights, and they do not hold a resource consent for their moorings.

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

Decision made by



Rebecca Holden
CONSULTANT PROCESSING PLANNER

Jane Sinclair
INDEPENDENT COMMISSIONER

6.0 APPENDICES LIST

APPENDIX 1 – Applicant's AEE

APPENDIX 2 – Navigational Safety Report – M25

APPENDIX 3 – Navigational Safety Report – M121

APPENDIX 1 – APPLICANT’S AEE

PREPARED FOR
AJ & J KIRKER
21 APRIL 2026
#J2589

ASSESSMENT OF ENVIRONMENTAL EFFECTS

RETROSPECTIVE RESOURCE
CONSENT TO ESTABLISH TWO (2)
SWING MOORINGS IN THE FRANKTON
ARM OF LAKE WAKATIPU.

- M25 (WAK616), LOCATED WITHIN THE INFORMAL RECREATION ZONE AND KELVIN PENINSULA RECREATION RESERVE (DESIGNATION 182)
- M121 (OTH827), LOCATED TO THE WEST OF THE FRANKTON MARINA

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Attachments

Attachment **[A]**: Application Form

Attachment **[B]**: M25 Location Plan

Attachment **[C]**: M25 Inspection Report

Attachment **[D]**: M25 Mooring Permit

Attachment **[E]**: ORC to QLDC transfer of powers

Attachment **[F]**: Survey Plan: Section 26 Block I Coneburn SD

Attachment **[B1]**: M121 Location Plan

Attachment **[C1]**: M121 Inspection Report

Attachment **[D1]**: M121 Mooring Permit

Quality assurance

Prepared by	Kylie Columb	Planner	21 April 2026
Reviewed by	Blair Devlin	Director/Senior Planner	21 April 2026

1. Key Information

	Mooring M25	Mooring M121
Location	Latitude: 45° 02.501"S Longitude: 168°40.702"E QLDC GIS Address: Grove Lane, Kelvin Heights, Queenstown 9300	Latitude: 45°01' 13.56"S Longitude: 168°42'45.00"E Located to the west of the Frankton Marina
Legal Description	Section 26 Block I Coneburn SD site area: 68,800m ²	N/A – surface and bed of lake
Owner	The requiring authority for Designation 182 (Kelvin Peninsula Recreation Reserve) is Queenstown Lakes District Council (QLDC)	Toitu Te Whenua - Land Information New Zealand (LINZ) is the administrator for the Lakebed
Occupiers	N/A	N/A
Applicant	Alan John Kirker and Joanne Kirker	
Operative District Plan: Zoning	Rural General Zone (Water)	Rural General Zone (Water)
Designations & Special Provisions	N/A	N/A
Proposed District Plan Zoning	Informal Recreation Zone	Rural Zone (Water)
Designations & Special Provisions	Wahi Tupuna Number 33– Whakatipu-wai-Maori (Lake Wakatipu) Designation 182: Kelvin Peninsula Recreation Reserve (M25 only)	Wahi Tupuna Number 33– Whakatipu-wai-Maori (Lake Wakatipu)
Proposed Activity	Retrospective resource consent to establish two existing swing moorings, M25 (WAK616) and M121 (OTH827), in the Frankton Arm of Lake Wakatipu.	
Operative District Plan	Rural General Zone: The Proposed District Plan rules identified below are not under appeal. The equivalent rules of the ODP must now be treated as inoperative pursuant to section 86F of the RMA.	
Proposed District Plan Activity Status	Informal Recreation Zone: A non-complying activity pursuant to Rule 38.9.1 for any activity in the Informal Recreation Zone not listed in Table 38.1. <i>As moorings are not listed in the table, M25 is considered to be a non-complying activity.</i>	Rural Zone (Water): A restricted discretionary activity pursuant to Rule 21.15.7, for moorings in the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan web mapping application. Discretion is restricted to matters listed a-g. <i>M121 is located to the east of the ONL line and is therefore considered to be a restricted discretionary activity.</i>
Otago Regional Plan: Water	A discretionary activity pursuant to Rule 13.2.3.1 as the proposal involves the (retrospective) placement of a structure, fixed in, on, under or over the bed of a lake.	
Written Approvals/Consultation	Consultation with QLDC Parks and Reserves as requiring authority for the designation is currently underway for M25. No other consultation has been undertaken as it is anticipated that the application will progress on a (limited) notified basis.	Consultation with LINZ as the administrator of the lakebed is currently underway for M121. No other consultation has been undertaken as it is anticipated that the application will progress on a (limited) notified basis.

2. Introduction

This report is submitted as part of the application by AJ & J Kirker (the Applicant) for retrospective resource consent to lawfully establish two (2) swing moorings in the Frankton Arm of Lake Wakatipu. The application form for a water-based activity is appended as Attachment [A] and a location plan for proposed mooring M25 and M121 is appended as Attachment [B1] and [B2]. The purpose of this report is to provide sufficient information to enable a full understanding of the proposal and any effects that the proposal may have on the environment.

3. Site and Surrounds

3.1 Existing Environment

The proposed moorings are located on the southern shores of the Frankton Arm of Lake Wakatipu as shown in Figure 1 below. The Frankton Arm is a large open body of water accessed from the rest of the lake by 'the narrows' a narrow stretch of water separating the Kelvin Peninsula to the south and the Botanical Gardens/CBD to the north. The Frankton Arm is predominantly surrounded by residential land uses occupying the lower slopes of the surrounding hillsides. There are facilities on the northern shore of the Frankton Arm to service the many commercial companies operating regularly in this part of the lake including Queenstown Jet, K Jet and Queenstown Water Taxis. The Frankton Arm is also popular for a range of recreational water-based activities. Consequently, there are a number of private and public jetties, moorings and boat sheds located along the shoreline of this sheltered part of the lake.



Figure 1: The location of proposed moorings M25 and M121 in the Frankton Arm of Lake Wakatipu, indicated by the yellow pins (identified on Google Earth using the GPS co-ordinates)

3.2 Location of M25

Mooring M25 is located on the southern shores of the Frankton Arm adjacent to the Kelvin Peninsula Recreation Reserve, which is used regularly by visitors and the local community for recreational purposes. It encompasses the Queenstown Golf Club, Wakatipu Yacht Club, the Peninsula Track, Kelvin Beach, and the TSS Earnslaw Historic Slipway.

M25 is located approximately 60m east of the lake shore and is known as Lake Wakatipu WAK616 in Council GIS records. A location plan is appended as Attachment [B], and a snip is provided below in Figure 2.



Figure 2: Aerial Image showing location of Mooring M25 (shown as WAK616). Other existing moorings are indicated by the yellow, green and orange dots.

It is noted that M25 is also:

- located within an 'Informal Recreation Zone' (indicated by the brown shading in Figure 3)
- classified as a non-complying activity in this zone (in accordance with Rule 38.9.1 of the PDP)
- falls within Designation 182: Kelvin Peninsula Recreation Reserve
- located within Wāhi Tūpuna Site 33 (Whakātipu-Wai-Māori (Lake Whakātipu))



Figure 3: Location of Mooring M25 showing the zoning and designations – Source: QLDC GIS

As this section of the lake has a legal description (Section 26 Block I Coneburn SD), the Record of Title has been obtained from by Toitū Te Whenua: Land Information New Zealand (LINZ) and is appended as Attachment [F].

In accordance with s176(1)(b) of the Resource Management Act (RMA), written consent has been sought from Queenstown Lakes District Council (QLDC), as requiring authority for the designation.

3.3 Background of M25

The applicants have recently acquired M25 from Mike Coburn, who previously owned the mooring for approximately 10 years. They are currently going through the process of formally transferring ownership, so the Mooring Permit (appended as Attachment [D]) appears in Mike Coburn's name.

Mike Coburn purchased the mooring from the Wakatipu Yacht Club, and it is understood that the Yacht Club originally established the mooring in the lakebed. The exact date it was established is unknown and there are no known records available relating to its installation or approval. Nevertheless, it is clear that the mooring has been located in this vicinity, used and enjoyed for many years.

3.4 Location of M121

Mooring M121 is located in a cluster of moorings on the northern shores of the Frankton Arm of Lake Wakatipu. To the north of the proposed mooring (landward side of the lake shore) is the popular Frankton Track walkway, and Frankton Road, the main arterial route into Queenstown. Medium density residential development is prevalent on the slopes of the hill adjoining Frankton Road.

To the east of M121 is an Informal Recreation Zone that falls within Designation 165: Frankton Marina Local Purpose Reserve. This area encompasses a Scouts Den, the boatshed café, the historic boatshed, slipway and original ticket office, two public jetty's/boat ramps and carparking. The Frankton Marina is also located in this area, which provides 197 lake marina berths for private and commercial berthing, 17 iconic floating sheds, a fuelling service, pump out service and a wide spectrum of other marina related services.

M121 is known as Lake Wakatipu OTH827 in Council GIS records. A location plan is appended as Attachment [B1], and a snip is provided below in Figure 2.



Figure 4: Aerial Image showing location of Mooring M121 (shown as OTH827). Other existing moorings are indicated by the yellow, green and orange dots.

M121 is located within the Rural (Water) Zone in the Proposed District Plan (PDP), with the lakebed administered by LINZ on behalf of the Commission of Crown Lands. Accordingly, consultation with LINZ is underway and affected party approval is anticipated.

3.5 Background M121

Mooring M121 is located close to the Kirker's property on Larch Hill Place, Queenstown, and they have owned, used and enjoyed the mooring for approximately 20 years. There have been two previous owners of M121, and while there are also no known records available of its installation or approval, the applicants believe that the mooring was established in the lake sometime in the 1960's.

4. The Proposal

Retrospective resource consent is being sought to retain existing mooring M25 and M121 in Lake Wakatipu. Both moorings are swing moorings, attached with a chain extending from the weight to the surface of the lake, similar to the 'Mooring System' diagram in Figure 5. An orange buoy attached to the chain is the only component visible on the surface of the lake.

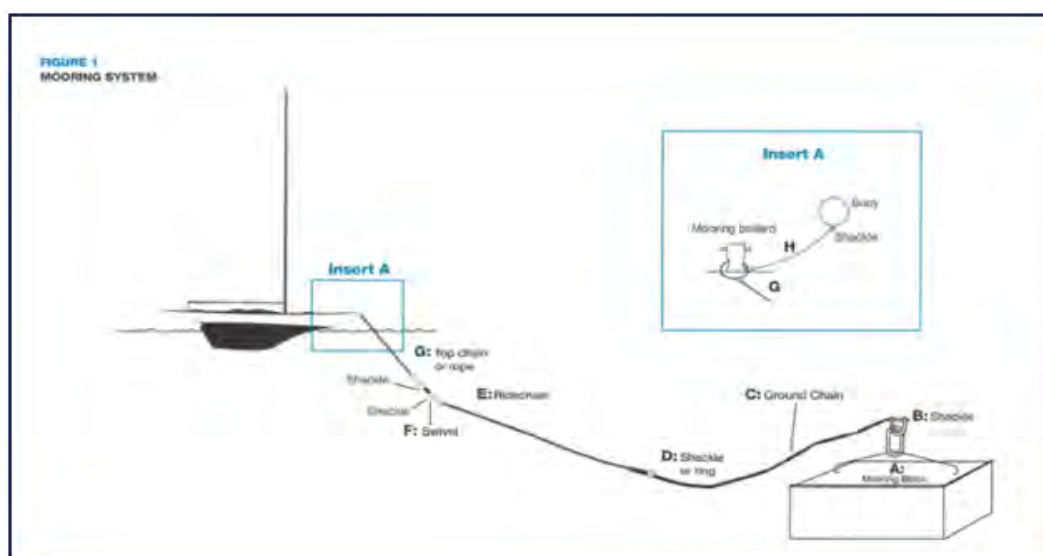
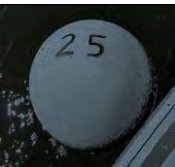
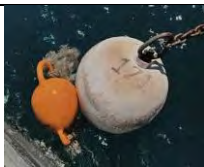


Figure 5: Diagram of the mooring system

Further detail regarding each mooring is provided in the following table.

	Mooring M25	Mooring M121
GPS Location	Latitude: 45° 02.501"S Longitude: 168°40.702"E	Latitude: 45°01' 13.56"S Longitude: 168°42'45.00"E
Mooring Block Dimensions	1.0m x 1.0m x 0.5m	1.8m x 1.8m x 1m
Mooring block weight	1050kgs	5 tonne
Mooring Buoy		
Mooring Inspection	Undertaken on 12 February 2026 by Wright Building and Diving Services Ltd (appended as Attachment [C])	Undertaken on 5 March 2026 by Wright Building and Diving Services (appended as Attachment [C1])
Chains, shackles, rings components	Reported to be in good condition	Reported to be in ok/good condition
QLDC Mooring Permit	Valid from 1 July 2025 – 30 June 2026 (appended as Attachment [D])	Valid from 1 July 2025 – 30 June 2026 (appended as Attachment [D1])

It is anticipated that each mooring will be inspected every 2 years as per QLDC requirements, and a condition of consent is invited in this regard.

As mentioned in the previous section, the Kirker's have recently acquired M25, and have owned M121 for approximately 20 years. They are now seeking to formally establish both moorings to comply with the recent QLDC mooring consent requirements. This will allow for the lawful use of the moorings to anchor their boat Yvalda (see images in Figure 6 below), for the personal use of the applicant and their friends and family. Yvalda is a 12-metre-long classic launch, built in Scotland in 1936 by the renowned boat builders McGruer and Co. Yvalda is a wooden boat of teak and oak with spacious decks, wheelhouse and saloon, and was once owned by the British Royal Navy and used by Sir Winston Churchill during World War Two.



Figure 6: Image of the applicant's boat, Yvalda, on Lake Wakatipu

5. Matters Requiring Consent

5.1 Operative District Plan

The subject site is zoned Rural General under the Operative District Plan. There are no relevant rules under the ODP, as the relevant rules under the PDP must now be treated as operative pursuant to s86F.

5.2 Proposed District Plan

Mooring M25

Is located in the Informal Recreation Zone, and the proposal requires consent under the following rules:

- A **non-complying** activity pursuant to Rule 38.9.1 for any activity in the Informal Recreation Zone not listed in Table 38.1 (moorings are not listed).

Mooring M121

Is located in the Rural (Water) Zone, and the proposal requires consent under the following rules:

- A **restricted discretionary** activity pursuant to Rule 21.15.7 for moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan web mapping application. M121 is located to the east of this ONL line. Discretion is restricted to the following matters.
 - a. whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands;
 - b. whether the structure causes an impediment to craft manoeuvring and using shore waters.
 - c. the degree to which the structure will diminish the recreational experience of people using public areas around the shoreline;
 - d. the effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect;

- e. whether the structure will be used by a number and range of people and craft, including the general public;
- f. the degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design; and
- g. whether the structure enables the use of public water ferry services and/or water based transport.

5.4 Otago Regional Plan: Water

In 1993 a deed was made to transfer the power to determine applications for land use consent for activities / structures affecting lakes from the Otago Regional Council (ORC) to the Queenstown Lakes District Council (QLDC) pursuant to Section 13(1)(a) of the RMA (refer to Attachment [E]). In accordance with the aforementioned deed the application has been considered under the relevant provisions of the Regional Council Plan: Water. The proposal requires consent under the following rule:

Applicable to Mooring M25 and M121

- A **discretionary** activity pursuant to Rule 13.2.3.1 as the proposal involves the (retrospective) placement of a structure, fixed in, on, under or over the bed of a lake.

As the mooring blocks are already in place, no consents are sought to discharge sediment associated with placement of the mooring block on the lakebed.

5.5 Summary of Consents Required

The application is considered to be:

- a **non-complying** activity under the PDP; and
- a **discretionary** activity under the ORC regional Water Plan

Overall, the activity status is considered to be a **non-complying** activity.

5.6 Scope of Application

This application is for all matters requiring resource consent under the District Plans, rather than for the specific list of consent matters / non-compliances identified above by the author. As such, if the Council is of the view that resource consent is required for alternative or additional matters to those identified in this Assessment of Effects on the Environment (AEE), it has the discretion to grant consent to those matters as well as or in lieu of those identified in this AEE. If the Council is of the view that the activity status of any of the matters requiring consent is different to that described in this AEE, or that some or all of the matters requiring consent should be bundled or unbundled in a way that results in a different outcome to that expressed in this AEE, the Council has the ability under Section 104(5) of the RMA to process the application regardless of the type of activity that the application was expressed to be for.

6. Statutory Considerations

6.1 Section 104 – Matters for Assessment

Section 104(1) of the Act requires the Council to have regard to the following matters, subject to Part 2 of the Act:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of –*
 - (i) a national environmental standard;*
 - (iii) a national policy statement;*
 - (iii) a regional policy statement or proposed regional policy statement;*
 - (iv) a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104(2) of the RMA states that, in considering the effects on the environment of allowing an activity, a consent authority may disregard an adverse effect if a national environmental standard or the plan permits an activity with that effect.

Section 104(3) states that a consent authority must not have regard to trade competition or the effects of trade competition, or any effect on a person who has given written approval to the application.

6.2 Section 104B and Section 104D – Non-Complying Activities

Under section 104B, a consent authority processing an application for a non-complying activity may grant or refuse a resource consent application, and if it grants the application, may impose conditions under section 108.

Under section 104D, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment will be minor, or the application is for an activity that will not be contrary to the objectives and policies of the plan and/or proposed plan.

7. Assessment of Environmental Effects

While the proposed moorings are located in two different zones and have different activity status's, the assessment matters listed within PDP Rule 21.15.7 (a-g) for jetties and moorings in the Frankton Arm cover all relevant matters and have therefore been used as a basis to structure the assessment of effects, which have been summarised into the following headings.

- Landscape, visual and amenity
- Navigation and water safety
- Effects on recreation
- Cumulative effects
- Effects on the lakebed
- Cultural Values

7.1 Permitted Baseline

Minor repairs, maintenance or alterations of existing operational jetties and moorings are a permitted activity. However, as no records can be found in relation to the establishment of either mooring many years ago, the permitted baseline is not considered to apply.

7.2 Effects on landscape and visual amenity

While the bulk of Lake Wakatipu and the surrounding mountain topography display a high degree of natural, open character, Frankton Arm is distinct in that it is encircled by a mix of high density and lower density urban development. The majority of moorings in Lake Wakatipu are located within the Frankton Arm, many of which sit in clusters adjacent to areas characterised by significant residential development (and often nearby the owner's property). In this instance, both Moorings are located in an area of the foreshore that is less modified but still includes built form such as jetty's, boatsheds and historic features (Earnslaw slipway, Frankton slipway/boatshed/ticket office) as well as other moorings. Being located in (M25), or near to (M121) Informal Recreation Zones, the surrounding landscape for both moorings encompasses large areas of open space, community facilities and opportunities for a range of informal recreational activities.

This proposal does not detract from these recreational values, as boating is an informal recreation activity that is compatible with the immediately surrounding environment in both locations. Accordingly, the proposed moorings, along with the other existing jetties, moorings and water-based activities, provide for and enhance users' recreation experience in this part of the lake.

In terms of visibility, when the moorings are vacant the small orange buoy is the only element visible on the surface of the lake. With regard to M25 (located in Kelvin Peninsula), the buoy cannot be easily seen from any public road or private residence, and is difficult to see from Kelvin Beach, being such a low-lying feature in the landscape. When moored by a vessel it will be more visible to the public but from distant viewpoints across the lake, such as Frankton Road to the north and the urban development of Kelvin Heights to the east. From such distances, the proposed mooring is not a dominant or obtrusive element in the shore scape. The visual amenity values of the wider landscape, such as the highly valued lake and mountain views, will not be adversely affected by this proposal.

With regard to M121 (located near Frankton Marina), again the two orange buoys cannot be easily seen from any public road or private residence. It will also be more visible to the public when moored by a vessel, however M121 is located in a bay of the foreshore that is characterised by similar water-based activities (i.e. the public jetty, the Frankton Marina, the historic boatshed and slipway). The proposed mooring is not only compatible with its immediate surroundings, but an anticipated feature in this location. Consequently, M121 is not a dominant or obtrusive element in the landscape, nor does it adversely affect the visual amenity values of the wider ONL.

Overall, proposed moorings M25 and M121 do not detract from the visual amenity of the lake and mountain landscape, rather it contributes to the existing character experienced and anticipated in their locations within or close to Informal Recreation zones in the Frankton Arm. Any adverse effects on landscape and visual amenity are considered to be less than minor.

7.3 Navigation and water safety

Mooring M25 (located near Kelvin Peninsula)

The proposed mooring is located approximately 60m east of the lake shore. A designated Ski Access Lane is located to the southeast of M25, adjacent to Kelvin Grove beach (refer to Figure 6). The Ski Access Lane enables powered craft (including jet skis) while engaged in waterskiing to legally leave or approach the shore at speeds in excess of 5 knots. The mooring is sufficiently set back from this area and will not interfere with the users of the ski lane.



Figure 7: Approximate locations of the proposed mooring in relation to the slipway and ski access lane

The mooring is located a sufficient distance away (approximately 150m) from the historic slipway that it will not interfere with the continued operation of the TSS Earnslaw, its annual survey (which typically occurs from May to June on the slipway), and the associated facilities and services.

'The narrows' is the main thoroughfare in and out of the Frankton Arm to the rest of Lake Wakatipu. M25 will not impede or obstruct access in or out of the Frankton Arm. A mooring inspection report is appended as Attachment [C], with a section on Page 5 for the QLDC Harbour Master to review and complete. It is expected that the QLDC Harbour Master will provide formal feedback to Council once this application is lodged.

Mooring M121 (located near Frankton Marina)

The proposed mooring is located at least 250m from the closest Jetty's (#62 and #128) and Boat Ramps (#196 and #195) and at least 550m from the main thoroughfare for private and commercial boats entering and exiting the Frankton Marina. The mooring is also set back from the closest swim buoys (Wakatipu Swim Buoys 3, 4 and 5). A mooring inspection report is appended as Attachment [C1], with a section on Page 5 for the QLDC Harbour Master to review and complete. It is expected that the QLDC Harbour Master will provide formal feedback to Council once this application is lodged.

Subject to any recommendations from the Harbour Master and with regard to the mooring system, location and vessel size, M25 and M121 are not considered to interfere with navigation or impose any undue safety risk to other lake users.

7.4 Effects on recreation

Proposed mooring M25 will not adversely impact upon the many recreation opportunities available in the Kelvin Peninsula. Instead, it will contribute to the distinct character and associative attributes of the water-based activities and informal recreation experiences provided in this location.

The Frankton Track passes directly adjacent to proposed Mooring M121, and many water based recreation activities are provided in and around the Frankton Marina. The mooring is not anticipated to diminish the recreational experience of people using and enjoying these public spaces. Any boat which will be attached to the mooring may provide a point of visual interest for the public, however this is not considered to adversely affect the recreational experience of users. The historical and heritage associations of the lake as a place of recreation will be maintained.

7.5 Cumulative effects

Generally, foreshore development in the Frankton Arm is concentrated in pockets around the lake where urban development is highest. It is acknowledged that as more moorings are consented in the more open and natural areas of the Frankton Arm, the spread of urban elements will become more evident which could lead to adverse cumulative effects on the wider lake.

While the immediate stretches of the foreshore in which M25 and M121 are located are mainly void of urban development, in this instance, their locations within or near to informal recreation zones and recreation designations is not considered to have reached a threshold whereby the landscape cannot absorb the additional mooring and associated vessel. The existing structures contribute to the distinct character and quality of this part of the Frankton Arm such that an additional mooring will have minimal influence on the highly natural attributes and values of the wider natural lake and mountain landscapes.

7.6 Effects on the lakebed

The mooring blocks have already been constructed and located on the bed of the lake to anchor the chain that a boat would moor against. Retrospective resource consent from ORC is sought as part of this application. However, as both concrete blocks have already been installed, no additional works are proposed, and no additional disturbance of the lakebed is anticipated. In addition, as per the QLDC Swing Mooring Booklet – January 2026, it is a requirement that the whole system must be inspected every two years to evaluate its condition and replace worn components, and inspection must be conducted by a suitably qualified professional. A condition of consent with regard to regular inspection is invited. Any adverse effects on the lakebed are considered to be less than minor.

7.7 Cultural Values

Lake Wakatipu is identified as a Statutory Acknowledgement Area under the Ngai Tahu Claims Settlement Act 1998. The mooring is located within Wāhi Tūpuna Site 33 as specified in Schedule 39.6 of the PDP. In this schedule, Whakātipu-wai-Māori (Lake Wakatipu) is recognised as being key in numerous Kāi Tahu pūrakau

(stories) and has a deep spiritual significance for mana whenua. For generations, Whakātipu-wai-Māori also supported nohoaka (seasonal settlements), kāika (settlements), mahika kai (food gathering) as well as transportation routes for pounamu.

Accordingly, the following documents have been reviewed in the context of this application:

- Kāi Tahu Ki Otago Natural Resource Management Plan 2005
- The Cry of the People, Te Tangi a Tauira – Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

In addition, an assessment of the Wahi Tupuna chapter of the PDP (Chapter 39) has been included in this section. Consideration of other relevant objectives and policies is provided in section 10.

7.7.1 Kāi Tahu Ki Otago Natural Resource Management Plan 2005 Chapter 5: Otago Region

The Kai Tahu Iwi Management Plan sets out the issues, objectives and policies related to the management of the natural environment covering Ngai Tahu's tribal area, including Lake Wakatipu. Chapter 5 of the Kāi Tahu Iwi Management Plan discusses general issues, objectives and policies for all catchments across the Otago region. A summary of the most relevant provisions is provided in the table below.

5.3.2 Wai Maori General Issues	• Current water management does not adequately address Kāi Tahu ki Otago cultural values. • Cross mixing of water. • Deteriorating water quality. • Lack of consideration given to Kāi Tahu ki Otago cultural values in water research. • The fundamental question of ownership of water resources remains unresolved. • Damming. • Lack of adequate minimum flows that provide for Kāi Tahu ki Otago cultural values. • Setting of minimum flows may not appropriately consider social, biological and cultural needs.
5.3.3 Wai Maori General Objectives	i. The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management. ii. The waters of the Otago Catchment are healthy and support Kāi Tahu ki Otago customs. iii. There is no discharge of human waste directly to water. iv. Contaminants being discharged directly or indirectly to water are reduced. v. Flow regimes and water quality standards are consistent with the cultural values of Kāi Tahu ki Otago and are implemented throughout the Otago Region and lower Waitaki Catchment.
5.3.4 Wai Māori General Policies	1. To require an assessment of instream values for all activities affecting water. 2. To promote the cultural importance of water to Kāi Tahu ki Otago in all water management within the Otago Region and Lower Waitaki Catchment. 3. To promote co-ordinated research into water-related issues that provides for Kāi Tahu ki Otago input. 4. To protect and restore the mauri of all water. 5. To encourage the use of the Cultural Health Index as a tool for monitoring waterways. 6. To oppose any further cross mixing of waters. 7. To promote to the Otago Regional Council and Environment Canterbury minimum flow levels, flow regimes, lake levels and lake operating levels for lakes and rivers that recognise and provide for Kāi Tahu ki Otago cultural values and the healthy functioning of associated ecosystems.
5.8.1.6-8 Cultural Landscape policies	To require that jetties and other structures in the foreshore area are controlled to minimise adverse environmental impacts and to ensure access by Kāi Tahu ki Otago to culturally significant areas.

The waterways of Otago are a significant feature of the region, and water plays an important role in the spiritual beliefs and cultural traditions of Kāi Tahu. While the issues, objectives and policies outlined in the table are quite broad in scope, in terms of this proposal, new jetties and moorings are “controlled” through the PDP which ensures adverse effects are minimised. The proposed moorings will not unduly restrict access to Lake Wakatipu or to culturally significant areas. As the moorings have already been established on the lakebed, no further disturbance to the lakebed is required and as such, the health of the lake in terms of water quality and ecosystems will be maintained. The proposal is considered to be consistent with the intention of Chapter 5 of the Kāi Tahu Iwi Management Plan.

7.7.2 Kāi Tahu Ki Otago Natural Resource Management Plan 2005 Chapter 10: Clutha/Mata-au Catchments

Chapter 10 also contains separate issues and policies for matters such as: Wai Māori; Wahi Tapu; Mahika Kai and Biodiversity; and Cultural Landscapes. The following is an assessment of the proposal against the Cultural Landscapes chapter, which is the most relevant to this application.

10.5.2 Cultural Landscapes Issues in the Clutha/Mata-au Catchment	Extensive spread of jetties and moorings in particular in Lake Wakātipu, Lake Wānaka and Lake Hāwea and adjacent to nohoaka sites.
10.2.3 Jetties and Moorings	6. To require the development of a strategy in conjunction with the Queenstown Lakes District Council to investigate the viability of public moorings in the Queenstown Lakes District. 7. To require that all moorings situated in the vicinity of nohoaka and camping sites to be publicly available. 8. To require jetties to be at a fixed location and any effects of earthworks or from the ongoing operation of jetties and be remedied or mitigated. 9. To require jetties and moorings to be located where they will not impede or restrict access to lakes, rivers and wetlands.

As noted in the table above, the ‘extensive spread of jetties and moorings’ is raised as an ‘issue’ the Kai Tahu Iwi Management Plan. In this instance, the moorings are contained within the Frankton Arm (which is the most urban part of the lake due to residential development occurring on the northern and southern foreshore), thereby reducing the spread of moorings across the wider unoccupied and undeveloped ONL areas of Lake Wakatipu.

Policy 6 is aimed more at QLDC and *public* moorings and does not apply to the proposal. With regard to Policy 7 and 9, the mooring is not known to be situated in the vicinity of any nohoaka and camping sites. Nor will it unduly impede or restrict access to Lake Wakatipu.

Based on the guidance available from the Kai Tahu Ki Otago Natural Resource Management Plan 2005, the proposal will not adversely affect cultural values.

7.7.3 Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

This iwi management plan sets out objectives and policies related to Climate Change, Air, High Country and Foothills for the entire Otago Region. The following table highlights the provisions that are most relevant to this proposal.

3.4	High Country and Foothills
3.4.9	General Water Policy
3.4.9-1	Ensure protection and enhancement of the mauri or life supporting capacity of all high country and foothill waterways.
3.4.9-2	Advocate that all management decisions shall take into account the protection and survival of indigenous species of flora and fauna (rare and not rare and including taonga species contained in the Ngāi Tahu Claims Settlement Act 1998) in their natural habitats and ecosystems.
3.4.9-12	Promote the use of native species in new developments as a means of reducing the risk of plant pest spread.
3.4.14	<i>Protecting sites of significance in High Country and Foothill Areas</i>
3.4.14-1	Ensure that Ngāi Tahu ki Murihiku are able to effectively exercise their role as kaitiaki over wāhi tapu and wāhi taonga in Murihiku.
3.4.14-6	Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.
3.4.14-9	Applications for activities in areas of cultural significance where there are no known sites but the likelihood of finding sites is high, may require one or more of the following (at the cost of the applicant): a. site visit; b. archaeological survey (walk over/test pitting), or a full archaeological description, by an archaeologist approved by Ngāi Tahu Ki Murihiku; c. cultural impact assessment; d. cultural monitoring; e. accidental discovery protocol agreement; archaeological authority; f. other (e.g. consent conditions).
3.4.14-12	Ensure that resource consent applicants are aware that liaising with iwi on the cultural impacts of a development does not constitute an archaeological assessment or iwi approval for a given proposal. An archaeological assessment requires follow up in respect to consultation.

The site is identified as wahi tupuna and is not wahi tapu or wahi taonga. The proposal avoids the compromising of unidentified sites of cultural significance as no further ground disturbance to the lakebed is required. The proposed mooring does not restrict or impede access to existing sites of significance. While this iwi management plan is more of a 'high level' document it has still been given relevant consideration in the context of this application. Overall, the proposal is not considered to be contrary to the policies outlined above.

7.7.4 Chapter 39 PDP: Wāhi Tūpuna

Chapter 39 seeks to ensure that activities within identified wāhi tūpuna areas are appropriately managed to protect manawhenua values within those areas. Wāhi Tūpuna 33 is Whakātipu-wai-Māori (Lake Wakatipu). Identified threats for this wāhi tūpuna include:

- a. Damming, activities affecting water quality
- b. Buildings and structures, utilities
- c. Earthworks
- d. Subdivision and development
- e. New roads or additions/alterations to existing roads, vehicle tracks and driveways

f. Commercial and commercial recreational activities

Moorings are not specifically listed as a 'threat'. Arguably the proposal could be considered as a 'structure' or a 'development', however these terms capture everything, and it is considered that moorings would have been specifically listed if they had been identified as a 'threat'. Therefore this proposal is not considered to give rise to any of the abovementioned threats to Wāhi Tūpuna 33. No physical works are required to the lakebed or the surface of the lake that will affect water quality. This mooring is for the personal use of the applicant and will not be used for commercial purposes. No adverse effects are anticipated with regard to Whakātipu-wai-Māori and the associated manawhenua values.

7.8 Summary

The proposed moorings have already been established on the lakebed of Lake Wakatipu. M25 (near Kelvin Peninsula) is compatible with the purpose of the Informal Recreation Zone (and related designation). M121 (near Frankton Marina) is located in the Rural (Water) Zone and is compatible with the surrounding water-based activities prevalent in this part of the Frankton Arm. The landscape and amenity values of the wider lake and mountain ONL will not be adversely affected by this proposal. Overall, the relevant effects have been considered, and the assessment of environmental effects above concludes that the proposed moorings will not result in adverse effects on the environment that are more than minor.

8. Effects on persons

Written approval has been sought from the QLDC Parks and Reserves Team as the requiring authority for Designation 182: Kelvin Peninsula Recreation Reserve. Consultation is also underway with Toitū Te Whenua - Land Information New Zealand.

Due to Lake Wakatipu being a Statutory Acknowledgement area, it is anticipated that the application will proceed on a limited notified basis to the below potentially affected persons:

- Aukaha (on behalf of Te Rūnanga o Ōtākou and Hokonui Rūnanga)
- Te Ao Marama Incorporated (on behalf of Ngā Papatipu Rūnaka ki Murihiku: Te Rūnaka o Awarua, Hokonui Rūnanga, Ōraka-Aparima Rūnaka, and Waihopai Rūnaka)

9. Notification Assessment

9.1 Public Notification

Step 1 – Mandatory public notification

- We are not requesting public notification of the application.
- Provided a request is reasonable, we are unlikely to refuse to provide further information or refuse the commissioning of a report under Section 92(2)(b) of the Act. The application does not involve exchange of recreation reserve land.

- The application does not seek to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

Accordingly, mandatory public notification of the application is not required.

Step 2 – Public notification precluded

- Public notification is not precluded by any rule or national environmental standard.
- The proposal is not for a controlled activity or a boundary activity.
- The proposal is not a prescribed activity

Accordingly, public notification of the application is not precluded.

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

- There are no rules or NES that require public notification.
- The proposal will not have adverse effects that are more than minor.

Step 4 – Special circumstances (s95(9))

- No special circumstances exist in relation to this application.

This application can be processed without public notification.

9.2 Limited Notification

Step 1 – Certain affected groups and affected persons must be notified

- Lake Wakatipu is a statutory acknowledgement area. As Aukaha and Te Ao Marama have not been consulted and therefore have not provided their written approval, this will trigger the requirement for affected persons under step 1.

Step 2 – Limited notification precluded in certain circumstances

- Not applicable as limited notification is required by step 1.

Step 3 – Certain Affected Persons Must be Notified

- Consideration of affected parties is required in accordance with section 95E. LINZ, as the owner of the lake bed, Aukaha and Te Ao Marama are considered to be affected in a minor way by the proposal.

Step 4 – Special circumstances

- No special circumstances exist in relation to this proposal.

This application must be processed on a limited-notified basis.

10. Policy Framework

10.1 Otago Regional Policy Statement 2019

Otago's Regional Policy Statement (ORPS) became fully operative on 4 March 2024. Regional and District Plans must give effect to it. The relevant objectives and policies are contained within Part B, Chapter 3 of the RPS as follows:

Objective 3.1 - The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained, or enhanced where degraded

Policy 3.1.1 Fresh water

Safeguard the life-supporting capacity of fresh water and manage fresh water to:

- a) Maintain good quality water and enhance water quality where it is degraded, including for:*
 - i. Important recreation values, including contact recreation; and,*
 - ii. Existing drinking and stock water supplies;*
- b) Maintain or enhance aquatic:*
 - i. Ecosystem health;*
 - ii. Indigenous habitats; and,*
 - iii. Indigenous species and their migratory patterns.*

....

d) Maintain or enhance, as far as practicable:

- i. Natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;*
- ii. Coastal values supported by fresh water;*
- iii. The habitat of trout and salmon unless detrimental to indigenous biological diversity; and*
- iv. Amenity and landscape values of rivers, lakes, and wetlands;*
- e) Control the adverse effects of pest species, prevent their introduction and reduce their spread;*

Policy 3.1.2 Beds of rivers, lakes, wetlands, and their margins

Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to:

- a) Safeguard the life supporting capacity of fresh water;*
 - b) Maintain good quality water, or enhance it where it has been degraded;*
- ...
- d) Maintain or enhance ecosystem health and indigenous biological diversity;*
 - e) Maintain or enhance, as far as practicable:*
 - i. Their natural functioning and character; and*
 - ii. Amenity values;*
 - f) Control the adverse effects of pest species, prevent their introduction and reduce their spread;*
- and, ...*

Water quality, the natural functioning of the lake and the amenity and landscape values of Lake Wakatipu will be maintained. At a high level, the proposal is considered to be in accordance with the relevant objectives and policies within the RPS.

10.2 Proposed Otago Regional Policy Statement 2021 – Appeals Version

The Proposed Otago Regional Policy Statement 2021 (pRPS 21) was notified on 26 June 2021 sets the direction for future management of Otago's natural and physical resources.

LF-WAI-O1 – Te Mana o te Wai

Otago's water bodies and their health and well-being are protected, and restored where they are degraded, so that the mauri of those water bodies is protected, and the management of land and water recognises and reflects that:

- (1) water is the foundation and source of all life – na te wai ko te hauora o ngā mea katoa,*
- (2) there is an integral kinship relationship between water and Kāi Tahu whānui, and this relationship endures through time, connecting past, present and future,*
- (3) each water body has a unique whakapapa and characteristics,*
- (4) fresh water, land, and coastal water have a connectedness that supports and perpetuates life,*
- (4A) protecting the health and well-being of water protects the wider environment,*
- (5) Kāi Tahu exercise rakatirataka, manaakitaka and their kaitiakitaka duty of care and attention over wai and all the life it supports, and*
- (6) all people and communities have a responsibility to exercise stewardship, care, and respect in the management of fresh water.*

LF-FW-O1A – Visions set for each FMU and rohe

In each FMU and rohe in Otago and within the timeframes specified in the freshwater_visions in LF-VM-O2 to LF-VM-O6:

- (1) healthy freshwater and estuarine ecosystems support healthy populations of indigenous species (including non-diadromous galaxiids and Canterbury mudfish) and mahika kai that are safe for consumption,*
- (2) the interconnection of land, freshwater (including springs, groundwater, ephemeral water bodies, wetlands, rivers, and lakes) and coastal water is recognised,*
- (3) fish passage within and between catchments is provided for except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats,*
- (4) the form, function and character of water bodies reflects their natural characteristics and natural behaviours to the extent reasonably practicable,*
- (5) the ongoing relationship of Kāi Tahu with wāhi tūpuna, including access to and use of water bodies, is sustained,*
- (6) the health of the water supports the health of people and their connections with water bodies,*
- (7) sustainable land and water management practices:*
 - (a) support food and fibre production and the continued social, economic, and cultural well-being of Otago's people and communities, and*
 - (b) improve the resilience of communities to the effects of climate change, and*
 - (c) ensure communities are appropriately serviced by community water supplies, and other three waters infrastructure,*
- (8) direct discharges of wastewater to water bodies are phased out to the extent reasonably practicable, and*
- (9) freshwater is managed as part of New Zealand's integrated response to climate change and renewable electricity generation activities are provided for.*

The proposal will not adversely affect the health and wellbeing of the lake, nor will it impact on the relationship of Kāi Tahu with wāhi tūpuna and access to and use of Lake Whakatipu. The proposal is considered to be in accordance with the relevant objectives and policies within the pRPS 21.

10.3 Otago Regional Plan: Water for Otago

Section 5.3 of the Regional Water Plan promotes the protection, maintenance or enhancement of spiritual and cultural beliefs, natural character and amenity values of Otago's lakes and rivers. The maintenance of public access and the protection of heritage values are also key principles. This proposal is able to maintain the cultural and heritage values, natural character and amenity values of Lake Wakatipu. In addition, the proposed moorings will not impede or obstruct access to the lake in any way.

Section 8 focusses on the protection of the lakebed and its complex and dynamic natural systems. The proposal will not cause any bed disturbance or affect stability of the bed or banks, or the flood and sediment carrying capacity of any lake, or fish migration. The proposal will not affect water quality, amenity values, or downstream users.

Overall, the proposal is consistent with the relevant provisions contained within the Otago Regional Plan: Water.

10.4 Operative District Plan

The objectives and policies of the ODP are no longer considered relevant as there are no rules triggered by which to implement the objectives and policies.

10.5 Proposed District Plan

The relevant objectives and policies are contained within Chapters 3 (Strategic Direction), 6 (Landscapes), 21 (Rural), 38 (Open Space and Recreation) and 39 (Wāhi Tūpuna) of the PDP. Chapter 39 has already been considered in section 7 of this report so has not been included in the assessment below.

Chapter 3 (Strategic Direction)

Strategic Objective 3.2.4 - The distinctive natural environments and ecosystems of the District are protected.

The relevant provisions of Chapter 3 seek to ensure the natural character of the beds and margins of the district's lakes, rivers and wetlands are preserved, or enhanced where possible, and protected from inappropriate subdivision, use and development. These provisions also seek to maintain or enhance the water quality and functions of the District's lakes, rivers and wetlands.

The natural character, water quality and function of the lake will be maintained as this proposal is for retrospective consent to formally establish two (2) moorings that have been established in their locations for a number of years. Therefore, no disturbance to the lakebed will result from this proposal. A recent inspection of each mooring has been undertaken, and the individual components of the mooring systems (rings, shackles, chains) are reported to be in good condition. The ongoing 2 yearly inspection of the mooring will ensure that the delicate natural ecosystem of the lake is maintained and protected.

Strategic Objective 3.2.5 - The retention of the District's distinctive landscapes.

These provisions seek to protect the landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration. In this instance, the moorings are a low-lying feature in the landscape that are not close to or easily visible from any public road and/or private residence. When moored by a vessel, the moorings are visible to a wider catchment, but this is from a distance across the lake. The wider landscape, such as the highly valued lake and mountain views, will not be adversely affected by this proposal.

Overall, the proposal is considered to be consistent with the relevant objectives and policies contained within Chapter 3 of the PDP.

Chapter 6 (Landscapes – Rural Character)

Objective 6.3.5 Managing Activities on Lakes and Rivers

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.*

The Frankton Arm is not identified as being ONL, ONF or RCL in the PDP.

Policy 6.3.5.2 - Recognise the character of the Frankton Arm including the established jetties and wharves, and provide for their maintenance, upgrade or expansion.

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.

The objective and associated policies above recognise that the lakes and rivers are a significant element of the national and international identity of the district and provide for a wide range of amenity and recreational opportunities. The proposed moorings provide the opportunity for an appropriate recreational activity on the surface of the lake. Given that the moorings are already established in the bed of the lake and has been used and enjoyed for many years, and it does not involve the construction of new structures, the proposal is considered to be consistent with the relevant objectives and policies contained within Chapter 6 of the PDP.

Chapter 21 (Rural)

21.2.12 Objective - 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.

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

21.2.12.2 Policy - 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.

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

21.2.12.7 Policy - 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 proposal has had regard to statutory obligations, Wāhi Tūpuna and the spiritual beliefs, and cultural traditions of tangata whenua, although consultation has yet to commence. The use of M121 will not hinder public access to a wide range of recreational experiences on the lakes and their margins. The natural character and nature conservation values of the lake is able to be maintained, and the proposal does not adversely affect any nesting and spawning areas, or the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.

Chapter 38 (Open Space and Recreation)

38.2.1 Objective - The open space land and facilities administered by the Council make a major contribution towards meeting the needs of the District's residents and visitors for passive and active recreation.

38.2.1.5 Policy - Avoid activities that do not have a practical or functional need to be located within Open Space and Recreation Zones, unless a particular activity:

- a. is compatible with and does not affect the continued operation of established activities*
- b. is of a location, nature and scale that does not preclude development of new open space and recreation activities; and*
- c. maintains or enhances recreation, amenity, and heritage values.*

The location of M25 does not affect the continued use of the slipway by the TSS Earnslaw to the northwest or the use of the ski access lane to the southeast. Its location 60m off the lake shore does not prevent development of new open space and recreation activities from occurring in the Kelvin Peninsula. Recreation, amenity and heritage values are able to be maintained. The mooring does have a functional need to be located in the Informal Recreation zone, which unusually in this location, extends onto the surface of the lake.

38.2.4 Objective – The interface between activities within the Open Space and Recreation Zones are managed to protect, maintain or enhance the natural character of waterbodies and their margins (refer also to Policies 38.2.2.5 a and b).

38.2.4.4 Policy - Ensure that the development and use of Open Space and Recreation Zones, and the interface with the surface of water bodies adjoining these zones, is managed to maintain and enhance amenity values and ensure the health and safety of people and the safe movement of people and goods.

An inspection of the mooring has been undertaken to accompany this application and the mooring and its components are reported to be in good working order. It is anticipated that the QLDC Harbour Master will provide formal feedback to Council once this application is lodged.

Kelvin Peninsula Slipway, Informal Recreation Reserve

38.4.3 Objective – The informal recreation purpose, values and anticipated uses of the Kelvin Peninsula Slipway Informal Recreation Reserve are preserved, including providing for the continued operation of the TSS Earnslaw and its associated facilities and services.

38.4.3.1 Policy - Provide for the use, operation, maintenance and upgrading of existing facilities associated with the use of the Kelvin Peninsula Slipway by the TSS Earnslaw.

38.4.3.2 Policy - Have particular regard to opportunities to promote or enhance heritage values, nature conservation values, and trail networks, cycling and walking linkages.

The applicant's boat Yvalda is a solid wooden boat of teak and oak, with spacious decks, wheelhouse and saloon, and was designed and built in Scotland in 1936. Yaldas was once owned by the British Royal Navy and used by Sir Winston Churchill during WW2. The mooring therefore provides the opportunity to exhibit a vessel that has significant historic value and provides an attractive visual element on the surface of the lake.

Overall, it is considered that the proposal is consistent with the relevant objectives and policies contained within the above chapters of the PDP.

11. Other Matters

Section 104(1)(c) of the Act permits Council to have regard to “any other matter the consent authority considers relevant and reasonably necessary to determine the application”.

11.1 QLDC Navigation Safety Bylaw 2025

This bylaw applies to the navigable waters and foreshore within the area of Queenstown Lakes District. The purpose of the bylaw (with regard to structures and moorings) is to regulate the placement and maintenance of moorings and maritime facilities.

Part 8 of the Navigation Safety Bylaw 2025 states the following;

47 Mooring permits

47.1 No person may place a mooring in any waters, or moor any vessel in any navigable waters, other than in accordance with a mooring permit issued by the Council.

47.2 The Council may issue a mooring permit subject to conditions determined by the Council in accordance with requirements specified under clause 52.

47.3 The Council may prescribe fees associated with moorings and mooring permits in accordance with clause 53.

47.4 Mooring permit holders shall take all care to ensure that the mooring is used in a lawful manner and use moorings at their own risk.

47.5 Mooring permits may be transferred in accordance with terms and conditions prescribed by the Council, including the payment of the applicable fee.

The applicant has a current mooring permit from QLDC for M25 and M121 (appended as Attachment **[D]** and **[D1]**), both of which were issued on 1 July 2025 and is valid until 30 June 2026. It is understood that once this permit expires, the applicant will need to obtain a new permit for each mooring.

11.2 Otago Regional Council Navigation Safety Bylaw 2020

This Bylaw applies to all waters in the Otago Region including the territorial sea and all inland waters apart from the navigable waters in the Queenstown Lakes District Council area, which are administered by QLDC. As such, the ORC Navigation Safety Bylaw does not apply to this proposal.

11.3 National Policy Statement for Freshwater Management 2020 updated 2025 (NPS-FM)

The NPS-FM provides legally binding direction to local councils on managing freshwater to restore and protect its health, prioritising the concept of *Te Mana o te Wai*. It requires regional councils to set long-term visions, establish limits on resource use, and monitor ecosystem health and human contact, with a focus on reversing degradation within a generation. The following objective is considered most relevant to this proposal –

2.1 Objective (1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

The proposal enables the applicant to provide for their social, economic, and cultural wellbeing in a way that is consistent with NPS-FM. Overall, the proposal is consistent with the relevant objectives of the NPS-FM.

12. Conclusion

Retrospective resource consent is sought to establish two moorings in the Frankton Arm, one near Kelvin Peninsula (M25) and a mooring on the north side of the Frankton Arm near the Frankton Marina (M121). Overall, it is concluded that the proposed activity is not likely to have any adverse effects on the environment that are more than minor. The proposal is consistent with the relevant objectives and policies of the PDP, the ORPS's, and meets the purpose and principles of the Resource Management Act 1991.

Attachments

Attachment **[A]**: Application Form

Attachment **[B]**: M25 Location Plan

Attachment **[B1]**: M121 Location Plan

Attachment **[C]**: M25 Inspection Report

Attachment **[C1]**: M121 Inspection Report

Attachment **[D]**: M25 Mooring Permit

Attachment **[D1]**: M121 Mooring Permit

Attachment **[E]**: ORC to QLDC transfer of powers

Attachment **[F]**: Record of Title: Survey Plan: Section 26 Block I Coneburn SD

APPENDIX 2 – NAVIGATIONAL SAFETY REPORT FOR M25

NAVIGATIONAL SAFETY COMMENTS – RESOURCE CONSENT APPLICATION

TO: Rebecca Holden

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

DATE: 09 August 2026

APPLICATION DETAILS	
REFERENCE	RM260476
APPLICANT	A Kirker & J Kirker
APPLICATION TYPE & DESCRIPTION	Applicant to lawfully establish an existing swing mooring (M25) adjacent to the Kelvin Heights Golf Course, Frankton Arm, Lake Wakatipu.
ADDRESS	Bed & Surface of Lake Wakatipu within the Frankton Arm.
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	07.05.2026
WORKING DAYS AT TIME OF REQUEST	0
FINAL DATE FOR FURTHER INFORMATION REQUESTS	14.05.2026
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 – M25

Latitude -45.041733 / 45° 02' 30.24" S
Longitude 168.678273 / 168° 40' 41.78" E



Please note: M25 circle projected represents calculated zero allowable overlap limit (ZOL)

1.0 OVERVIEW

Brief Description of Proposal	A Resource Consent application has been filed in respect of their existing mooring (M25) located within the Frankton Arm, Lake Wakatipu. 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 on 12.02.2026. The Harbourmaster's assessment relies on the information supplied in that report, including the reported mooring location, configuration and vessel length assumptions.
History	RM260476
Waterbodies	Location: Lake Wakatipu

SAFETY MANAGEMENT COMMENTS	A resource consent application for mooring M25 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 mooring(s) M24 (processing). Using the supplied GPS coordinates, mooring block location, survey specifications, and a vessel length of up to 12.0 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. 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 202

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.

Conditions:

Please see notes above.

5.0 FINAL COMMENT

Based on the information provided, the application can be supported from a navigational safety perspective.

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

APPENDIX 3 – NAVIGATIONAL SAFETY REPORT FOR M121

NAVIGATIONAL SAFETY COMMENTS – RESOURCE CONSENT APPLICATION

TO: Rebecca Holden

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

DATE: 09 August 2026

APPLICATION DETAILS	
REFERENCE	RM260476
APPLICANT	A Kirker & J Kirker
APPLICATION TYPE & DESCRIPTION	Applicant to lawfully establish an existing swing mooring (M121) to the west of the Frankton Marina, Lake Wakatipu.
ADDRESS	Bed & Surface of Lake Wakatipu within the Frankton Arm.
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	07.05.2026
WORKING DAYS AT TIME OF REQUEST	0
FINAL DATE FOR FURTHER INFORMATION REQUESTS	14.05.2026
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 – M121

Latitude -45.020434 / 45° 01' 13.56" S

Longitude 168.712499 / 168° 42' 45.00" E



Please note: M121 circle projected represents calculated zero allowable overlap limit (ZOL)

1.0 OVERVIEW

Brief Description of Proposal	A Resource Consent application has been filed in respect of their existing mooring (M121) located within the Frankton Arm, Lake Wakatipu. 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 on 05.03.2026. The Harbourmaster's assessment relies on the information supplied in that report, including the reported mooring location, configuration and vessel length assumptions.
History	RM260476
Waterbodies	Location: Lake Wakatipu

SAFETY MANAGEMENT COMMENTS	A resource consent application for mooring M121 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 128 and M175 (processing). Using the supplied GPS coordinates, mooring block location, survey specifications, and a vessel length of up to 12.0 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. Please note: The potential for overlap with existing Moorings M140 and a neighbouring unknown mooring has been identified. However, as these moorings are not lawfully established under the RMA at the time of this report, accurate location information and mooring system design details have not been provided for this mooring and it is not possible to undertake a reliable assessment of whether a conflict exists or to what level. 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 202

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.

Conditions:

Please see notes above.

5.0 FINAL COMMENT

Based on the information provided, the application can be supported from a navigational safety perspective.

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

TechnologyOne ECM Document Summary

Printed On 31-Aug-2026

Class	Description	Doc Set Id / Note Id	Version	Date
PUB_ACC	[A] Application Form	9537378	1	23-Apr-2026
PUB_ACC	AEE	9537369	1	23-Apr-2026
PUB_ACC	[B] M25 Location Plan	9537377	1	23-Apr-2026
PUB_ACC	[B1] M121 Location Plan	9537376	1	23-Apr-2026
PUB_ACC	[C] M25 Inspection Report	9537375	1	23-Apr-2026
PUB_ACC	[C1] M121 Inspection Report	9537374	1	23-Apr-2026
PUB_ACC	Mooring Permit 025 2026 - 2027	10258749	1	31-Aug-2026
PUB_ACC	[D1] M121 Mooring Permit	9537372	1	23-Apr-2026
PUB_ACC	[E] ORC to QLDC transfer of powers	9537371	1	23-Apr-2026
PUB_ACC	[F] Survey Plan - Section 26 Block I Coneburn SD	9537370	1	23-Apr-2026
PUB_ACC	Form 8A - LINZ Affected Persons Approval	9678501	1	09-Jun-2026
PUB_ACC	RM260476 - s176 Authorisation Letter	9568248	1	07-May-2026
PUB_ACC	RM260476 - Landowner Approval Letter	9568249	1	07-May-2026



APPLICATION FOR RESOURCE CONSENT FOR A WATER-BASED ACTIVITY



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 processing.

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: **Alan John Kirker and Joanne Kirker**
(Name Decision is to be issued in)

*All trustee names (if applicable):

Contact Name if Company or Trust:

*Postal Address: **19 LARCH HILL PLACE QUEENSTOWN 9300**

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

*Post code:

9300

*Email Address: **alankirkerqueenstown@gmail.com**

*Phone Numbers: Day

Mobile: **027 434 5555**

The Applicant is:



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: **Kylie Columb - Vivian Espie Ltd**

Phone Numbers: Day **03 441 4189**

Mobile:

Email Address: **kylie@vivianespie.co.nz**

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: **Alan Kirker**

*Postal Address:

*Post code:

*Please provide an email AND full postal address.

*Email:



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:

The application is for two (2) moorings which are located in the bed of Lake Wakatipu

- M25 is located on the southern shore of the Frankton Arm near Kelvin Peninsula (QLDC GIS Address: Grove Lane, Kelvin Heights, Queenstown 9300)

- M121 is located on the northern shore of the Frankton Arm near Frankton Marina

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)

M25 - Latitude: 45° 02.501"S Longitude: 168°40.702"E // M121 Latitude: 45°01' 13.56"S Longit

For any land based areas:

Legal Description: Section 26 Block I Coneburn SD

Owners/Occupiers:

District Plan Zone: Informal Recreation

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

M25 - Mike Coburn (previous owner) // M121 - Alan Kirker

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



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?

If 'yes' please provide information below

YES



NO



Located in Lake Wakatipu, so visible but not accessible from the shore.

- M25 is located on the southern shore of the Frankton Arm near Kelvin Peninsula (QLDC GIS Address: Grove Lane, Kelvin Heights, Queenstown 9300)

- M121 is located on the northern shore of the Frankton Arm near Frankton Marina



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:



CONSENT(S) APPLIED FOR

59



Land use consent to establish and operate a water based activity comprising:

Moorings x 2



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 Wakatipu**

(Lake / River)

The activity will operate **n/a**

(dates / duration)

to provide for **the personal use of the Kirker family**

(number persons)

Brief description of activity:

Retrospective resource consent is being sought to establish two existing swing moorings, M25 (WAK616) and M121 (OTH827), in the Frankton Arm of Lake Wakatipu.

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



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:



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:
Aukaha
Te Ao Marama INC
Fish & Game New Zealand

Consultation required where relevant:
Guardians of Lake Wanaka
Guardians of Lake Hawea
Department of Conservation
Land Information New Zealand



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.



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



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.

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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

\$3638 - Land Use Non-complying Activities (overall consent status)

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) ** **Kylie Columb**

Digitally signed by Kylie Columb
Date: 2026.04.21 11:54:22 +12'00'

Full name of person lodging this form **Kylie Columb**

Firm/Company **Vivian Espie Ltd**

Dated **4/21/26**

**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.

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).

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

- (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.

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));

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.

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



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

PREPARED FOR
AJ & J KIRKER
21 APRIL 2026
#J2589

ASSESSMENT OF ENVIRONMENTAL EFFECTS

RETROSPECTIVE RESOURCE
CONSENT TO ESTABLISH TWO (2)
SWING MOORINGS IN THE FRANKTON
ARM OF LAKE WAKATIPU.

- M25 (WAK616), LOCATED WITHIN THE INFORMAL RECREATION ZONE AND KELVIN PENINSULA RECREATION RESERVE (DESIGNATION 182)
- M121 (OTH827), LOCATED TO THE WEST OF THE FRANKTON MARINA

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Attachments

Attachment [A]: Application Form

Attachment [B]: M25 Location Plan

Attachment [C]: M25 Inspection Report

Attachment [D]: M25 Mooring Permit

Attachment [E]: ORC to QLDC transfer of powers

Attachment [F]: Survey Plan: Section 26 Block I Coneburn SD

Attachment [B1]: M121 Location Plan

Attachment [C1]: M121 Inspection Report

Attachment [D1]: M121 Mooring Permit

Quality assurance

Prepared by	Kylie Columb	Planner	21 April 2026
Reviewed by	Blair Devlin	Director/Senior Planner	21 April 2026

1. Key Information

	Mooring M25	Mooring M121
Location	Latitude: 45° 02.501"S Longitude: 168°40.702"E QLDC GIS Address: Grove Lane, Kelvin Heights, Queenstown 9300	Latitude: 45°01' 13.56"S Longitude: 168°42'45.00"E Located to the west of the Frankton Marina
Legal Description	Section 26 Block I Coneburn SD site area: 68,800m ²	N/A – surface and bed of lake
Owner	The requiring authority for Designation 182 (Kelvin Peninsula Recreation Reserve) is Queenstown Lakes District Council (QLDC)	Toitu Te Whenua - Land Information New Zealand (LINZ) is the administrator for the Lakebed
Occupiers	N/A	N/A
Applicant	Alan John Kirker and Joanne Kirker	
Operative District Plan: Zoning	Rural General Zone (Water)	Rural General Zone (Water)
Designations & Special Provisions	N/A	N/A
Proposed District Plan Zoning	Informal Recreation Zone	Rural Zone (Water)
Designations & Special Provisions	Wahi Tupuna Number 33– Whakatipu-wai-Maori (Lake Wakatipu) Designation 182: Kelvin Peninsula Recreation Reserve (M25 only)	Wahi Tupuna Number 33– Whakatipu-wai-Maori (Lake Wakatipu)
Proposed Activity	Retrospective resource consent to establish two existing swing moorings, M25 (WAK616) and M121 (OTH827), in the Frankton Arm of Lake Wakatipu.	
Operative District Plan	Rural General Zone: The Proposed District Plan rules identified below are not under appeal. The equivalent rules of the ODP must now be treated as inoperative pursuant to section 86F of the RMA.	
Proposed District Plan Activity Status	Informal Recreation Zone: A non-complying activity pursuant to Rule 38.9.1 for any activity in the Informal Recreation Zone not listed in Table 38.1. <i>As moorings are not listed in the table, M25 is considered to be a non-complying activity.</i>	Rural Zone (Water): A restricted discretionary activity pursuant to Rule 21.15.7, for moorings in the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan web mapping application. Discretion is restricted to matters listed a-g. <i>M121 is located to the east of the ONL line and is therefore considered to be a restricted discretionary activity.</i>
Otago Regional Plan: Water	A discretionary activity pursuant to Rule 13.2.3.1 as the proposal involves the (retrospective) placement of a structure, fixed in, on, under or over the bed of a lake.	
Written Approvals/Consultation	Consultation with QLDC Parks and Reserves as requiring authority for the designation is currently underway for M25. No other consultation has been undertaken as it is anticipated that the application will progress on a (limited) notified basis.	Consultation with LINZ as the administrator of the lakebed is currently underway for M121. No other consultation has been undertaken as it is anticipated that the application will progress on a (limited) notified basis.

2. Introduction

This report is submitted as part of the application by AJ & J Kirker (the Applicant) for retrospective resource consent to lawfully establish two (2) swing moorings in the Frankton Arm of Lake Wakatipu. The application form for a water-based activity is appended as Attachment [A] and a location plan for proposed mooring M25 and M121 is appended as Attachment [B1] and [B2]. The purpose of this report is to provide sufficient information to enable a full understanding of the proposal and any effects that the proposal may have on the environment.

3. Site and Surrounds

3.1 Existing Environment

The proposed moorings are located on the southern shores of the Frankton Arm of Lake Wakatipu as shown in Figure 1 below. The Frankton Arm is a large open body of water accessed from the rest of the lake by 'the narrows' a narrow stretch of water separating the Kelvin Peninsula to the south and the Botanical Gardens/CBD to the north. The Frankton Arm is predominantly surrounded by residential land uses occupying the lower slopes of the surrounding hillsides. There are facilities on the northern shore of the Frankton Arm to service the many commercial companies operating regularly in this part of the lake including Queenstown Jet, K Jet and Queenstown Water Taxis. The Frankton Arm is also popular for a range of recreational water-based activities. Consequently, there are a number of private and public jetties, moorings and boat sheds located along the shoreline of this sheltered part of the lake.



Figure 1: The location of proposed moorings M25 and M121 in the Frankton Arm of Lake Wakatipu, indicated by the yellow pins (identified on Google Earth using the GPS co-ordinates)

3.2 Location of M25

Mooring M25 is located on the southern shores of the Frankton Arm adjacent to the Kelvin Peninsula Recreation Reserve, which is used regularly by visitors and the local community for recreational purposes. It encompasses the Queenstown Golf Club, Wakatipu Yacht Club, the Peninsula Track, Kelvin Beach, and the TSS Earnslaw Historic Slipway.

M25 is located approximately 60m east of the lake shore and is known as Lake Wakatipu WAK616 in Council GIS records. A location plan is appended as Attachment [B], and a snip is provided below in Figure 2.



Figure 2: Aerial Image showing location of Mooring M25 (shown as WAK616). Other existing moorings are indicated by the yellow, green and orange dots.

It is noted that M25 is also:

- located within an 'Informal Recreation Zone' (indicated by the brown shading in Figure 3)
- classified as a non-complying activity in this zone (in accordance with Rule 38.9.1 of the PDP)
- falls within Designation 182: Kelvin Peninsula Recreation Reserve
- located within Wāhi Tūpuna Site 33 (Whakātipu-Wai-Māori (Lake Whakātipu))



Figure 3: Location of Mooring M25 showing the zoning and designations – Source: QLDC GIS

As this section of the lake has a legal description (Section 26 Block I Coneburn SD), the Record of Title has been obtained from by Toitū Te Whenua: Land Information New Zealand (LINZ) and is appended as Attachment [F].

In accordance with s176(1)(b) of the Resource Management Act (RMA), written consent has been sought from Queenstown Lakes District Council (QLDC), as requiring authority for the designation.

3.3 Background of M25

The applicants have recently acquired M25 from Mike Coburn, who previously owned the mooring for approximately 10 years. They are currently going through the process of formally transferring ownership, so the Mooring Permit (appended as Attachment [D]) appears in Mike Coburn's name.

Mike Coburn purchased the mooring from the Wakatipu Yacht Club, and it is understood that the Yacht Club originally established the mooring in the lakebed. The exact date it was established is unknown and there are no known records available relating to its installation or approval. Nevertheless, it is clear that the mooring has been located in this vicinity, used and enjoyed for many years.

3.4 Location of M121

Mooring M121 is located in a cluster of moorings on the northern shores of the Frankton Arm of Lake Wakatipu. To the north of the proposed mooring (landward side of the lake shore) is the popular Frankton Track walkway, and Frankton Road, the main arterial route into Queenstown. Medium density residential development is prevalent on the slopes of the hill adjoining Frankton Road.

To the east of M121 is an Informal Recreation Zone that falls within Designation 165: Frankton Marina Local Purpose Reserve. This area encompasses a Scouts Den, the boatshed café, the historic boatshed, slipway and original ticket office, two public jetty's/boat ramps and carparking. The Frankton Marina is also located in this area, which provides 197 lake marina berths for private and commercial berthing, 17 iconic floating sheds, a fuelling service, pump out service and a wide spectrum of other marina related services.

M121 is known as Lake Wakatipu OTH827 in Council GIS records. A location plan is appended as Attachment [B1], and a snip is provided below in Figure 2.



Figure 4: Aerial Image showing location of Mooring M121 (shown as OTH827). Other existing moorings are indicated by the yellow, green and orange dots.

M121 is located within the Rural (Water) Zone in the Proposed District Plan (PDP), with the lakebed administered by LINZ on behalf of the Commission of Crown Lands. Accordingly, consultation with LINZ is underway and affected party approval is anticipated.

3.5 Background M121

Mooring M121 is located close to the Kirker's property on Larch Hill Place, Queenstown, and they have owned, used and enjoyed the mooring for approximately 20 years. There have been two previous owners of M121, and while there are also no known records available of its installation or approval, the applicants believe that the mooring was established in the lake sometime in the 1960's.

4. The Proposal

Retrospective resource consent is being sought to retain existing mooring M25 and M121 in Lake Wakatipu. Both moorings are swing moorings, attached with a chain extending from the weight to the surface of the lake, similar to the 'Mooring System' diagram in Figure 5. An orange buoy attached to the chain is the only component visible on the surface of the lake.

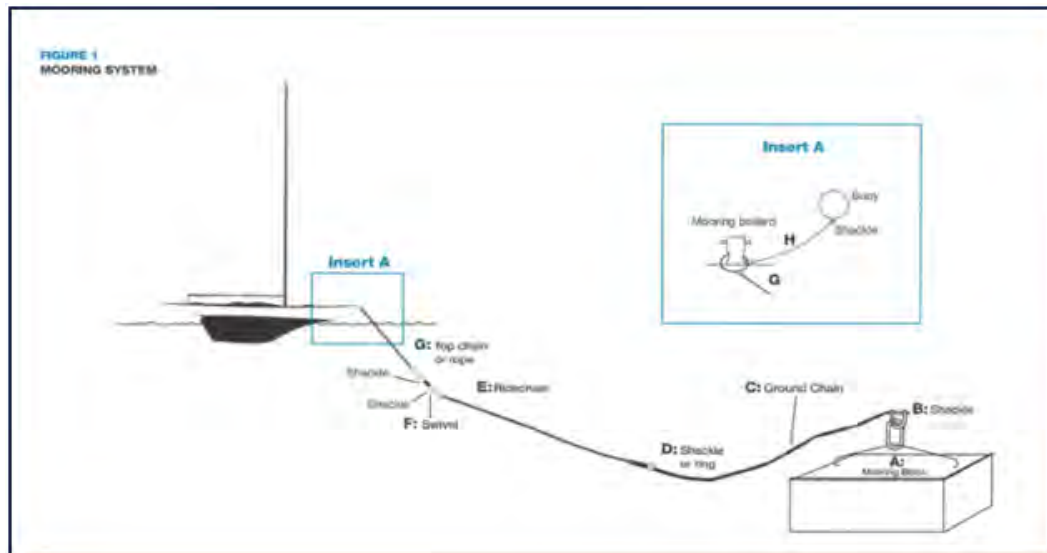
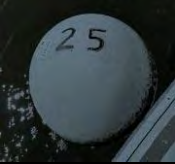


Figure 5: Diagram of the mooring system

Further detail regarding each mooring is provided in the following table.

	Mooring M25	Mooring M121
GPS Location	Latitude: 45° 02.501"S Longitude: 168°40.702"E	Latitude: 45°01' 13.56"S Longitude: 168°42'45.00"E
Mooring Block Dimensions	1.0m x 1.0m x 0.5m	1.8m x 1.8m x 1m
Mooring block weight	1050kgs	5 tonne
Mooring Buoy		
Mooring Inspection	Undertaken on 12 February 2026 by Wright Building and Diving Services Ltd (appended as Attachment [C])	Undertaken on 5 March 2026 by Wright Building and Diving Services (appended as Attachment [C1])
Chains, shackles, rings components	Reported to be in good condition	Reported to be in ok/good condition
QLDC Mooring Permit	Valid from 1 July 2025 – 30 June 2026 (appended as Attachment [D])	Valid from 1 July 2025 – 30 June 2026 (appended as Attachment [D1])

It is anticipated that each mooring will be inspected every 2 years as per QLDC requirements, and a condition of consent is invited in this regard.

As mentioned in the previous section, the Kirker's have recently acquired M25, and have owned M121 for approximately 20 years. They are now seeking to formally establish both moorings to comply with the recent QLDC mooring consent requirements. This will allow for the lawful use of the moorings to anchor their boat Yvalda (see images in Figure 6 below), for the personal use of the applicant and their friends and family. Yvalda is a 12-metre-long classic launch, built in Scotland in 1936 by the renowned boat builders McGruer and Co. Yvalda is a wooden boat of teak and oak with spacious decks, wheelhouse and saloon, and was once owned by the British Royal Navy and used by Sir Winston Churchill during World War Two.



Figure 6: Image of the applicant's boat, Yvalda, on Lake Wakatipu

5. Matters Requiring Consent

5.1 Operative District Plan

The subject site is zoned Rural General under the Operative District Plan. There are no relevant rules under the ODP, as the relevant rules under the PDP must now be treated as operative pursuant to s86F.

5.2 Proposed District Plan

Mooring M25

Is located in the Informal Recreation Zone, and the proposal requires consent under the following rules:

- A **non-complying** activity pursuant to Rule 38.9.1 for any activity in the Informal Recreation Zone not listed in Table 38.1 (moorings are not listed).

Mooring M121

Is located in the Rural (Water) Zone, and the proposal requires consent under the following rules:

- A **restricted discretionary** activity pursuant to Rule 21.15.7 for moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan web mapping application. M121 is located to the east of this ONL line. Discretion is restricted to the following matters.
 - a. whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands;
 - b. whether the structure causes an impediment to craft manoeuvring and using shore waters.
 - c. the degree to which the structure will diminish the recreational experience of people using public areas around the shoreline;
 - d. the effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect;

- e. whether the structure will be used by a number and range of people and craft, including the general public;
- f. the degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design; and
- g. whether the structure enables the use of public water ferry services and/or water based transport.

5.4 Otago Regional Plan: Water

In 1993 a deed was made to transfer the power to determine applications for land use consent for activities / structures affecting lakes from the Otago Regional Council (ORC) to the Queenstown Lakes District Council (QLDC) pursuant to Section 13(1)(a) of the RMA (refer to Attachment [E]). In accordance with the aforementioned deed the application has been considered under the relevant provisions of the Regional Council Plan: Water. The proposal requires consent under the following rule:

Applicable to Mooring M25 and M121

- A **discretionary** activity pursuant to Rule 13.2.3.1 as the proposal involves the (retrospective) placement of a structure, fixed in, on, under or over the bed of a lake.

As the mooring blocks are already in place, no consents are sought to discharge sediment associated with placement of the mooring block on the lakebed.

5.5 Summary of Consents Required

The application is considered to be:

- a **non-complying** activity under the PDP; and
- a **discretionary** activity under the ORC regional Water Plan

Overall, the activity status is considered to be a **non-complying** activity.

5.6 Scope of Application

This application is for all matters requiring resource consent under the District Plans, rather than for the specific list of consent matters / non-compliances identified above by the author. As such, if the Council is of the view that resource consent is required for alternative or additional matters to those identified in this Assessment of Effects on the Environment (AEE), it has the discretion to grant consent to those matters as well as or in lieu of those identified in this AEE. If the Council is of the view that the activity status of any of the matters requiring consent is different to that described in this AEE, or that some or all of the matters requiring consent should be bundled or unbundled in a way that results in a different outcome to that expressed in this AEE, the Council has the ability under Section 104(5) of the RMA to process the application regardless of the type of activity that the application was expressed to be for.

6. Statutory Considerations

6.1 Section 104 – Matters for Assessment

Section 104(1) of the Act requires the Council to have regard to the following matters, subject to Part 2 of the Act:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of –*
 - (i) *a national environmental standard;*
 - (ii) *a national policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104(2) of the RMA states that, in considering the effects on the environment of allowing an activity, a consent authority may disregard an adverse effect if a national environmental standard or the plan permits an activity with that effect.

Section 104(3) states that a consent authority must not have regard to trade competition or the effects of trade competition, or any effect on a person who has given written approval to the application.

6.2 Section 104B and Section 104D – Non-Complying Activities

Under section 104B, a consent authority processing an application for a non-complying activity may grant or refuse a resource consent application, and if it grants the application, may impose conditions under section 108.

Under section 104D, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment will be minor, or the application is for an activity that will not be contrary to the objectives and policies of the plan and/or proposed plan.

7. Assessment of Environmental Effects

While the proposed moorings are located in two different zones and have different activity status's, the assessment matters listed within PDP Rule 21.15.7 (a-g) for jetties and moorings in the Frankton Arm cover all relevant matters and have therefore been used as a basis to structure the assessment of effects, which have been summarised into the following headings.

- Landscape, visual and amenity
- Navigation and water safety
- Effects on recreation
- Cumulative effects
- Effects on the lakebed
- Cultural Values

7.1 Permitted Baseline

Minor repairs, maintenance or alterations of existing operational jetties and moorings are a permitted activity. However, as no records can be found in relation to the establishment of either mooring many years ago, the permitted baseline is not considered to apply.

7.2 Effects on landscape and visual amenity

While the bulk of Lake Wakatipu and the surrounding mountain topography display a high degree of natural, open character, Frankton Arm is distinct in that it is encircled by a mix of high density and lower density urban development. The majority of moorings in Lake Wakatipu are located within the Frankton Arm, many of which sit in clusters adjacent to areas characterised by significant residential development (and often nearby the owner's property). In this instance, both Moorings are located in an area of the foreshore that is less modified but still includes built form such as jetty's, boatsheds and historic features (Earnslaw slipway, Frankton slipway/boatshed/ticket office) as well as other moorings. Being located in (M25), or near to (M121) Informal Recreation Zones, the surrounding landscape for both moorings encompasses large areas of open space, community facilities and opportunities for a range of informal recreational activities.

This proposal does not detract from these recreational values, as boating is an informal recreation activity that is compatible with the immediately surrounding environment in both locations. Accordingly, the proposed moorings, along with the other existing jetties, moorings and water-based activities, provide for and enhance users' recreation experience in this part of the lake.

In terms of visibility, when the moorings are vacant the small orange buoy is the only element visible on the surface of the lake. With regard to M25 (located in Kelvin Peninsula), the buoy cannot be easily seen from any public road or private residence, and is difficult to see from Kelvin Beach, being such a low-lying feature in the landscape. When moored by a vessel it will be more visible to the public but from distant viewpoints across the lake, such as Frankton Road to the north and the urban development of Kelvin Heights to the east. From such distances, the proposed mooring is not a dominant or obtrusive element in the shore scape. The visual amenity values of the wider landscape, such as the highly valued lake and mountain views, will not be adversely affected by this proposal.

With regard to M121 (located near Frankton Marina), again the two orange buoys cannot be easily seen from any public road or private residence. It will also be more visible to the public when moored by a vessel, however M121 is located in a bay of the foreshore that is characterised by similar water-based activities (i.e. the public jetty, the Frankton Marina, the historic boatshed and slipway). The proposed mooring is not only compatible with its immediate surroundings, but an anticipated feature in this location. Consequently, M121 is not a dominant or obtrusive element in the landscape, nor does it adversely affect the visual amenity values of the wider ONL.

Overall, proposed moorings M25 and M121 do not detract from the visual amenity of the lake and mountain landscape, rather it contributes to the existing character experienced and anticipated in their locations within or close to Informal Recreation zones in the Frankton Arm. Any adverse effects on landscape and visual amenity are considered to be less than minor.

7.3 Navigation and water safety

Mooring M25 (located near Kelvin Peninsula)

The proposed mooring is located approximately 60m east of the lake shore. A designated Ski Access Lane is located to the southeast of M25, adjacent to Kelvin Grove beach (refer to Figure 6). The Ski Access Lane enables powered craft (including jet skis) while engaged in waterskiing to legally leave or approach the shore at speeds in excess of 5 knots. The mooring is sufficiently set back from this area and will not interfere with the users of the ski lane.



Figure 7: Approximate locations of the proposed mooring in relation to the slipway and ski access lane

The mooring is located a sufficient distance away (approximately 150m) from the historic slipway that it will not interfere with the continued operation of the TSS Earnslaw, its annual survey (which typically occurs from May to June on the slipway), and the associated facilities and services.

'The narrows' is the main thoroughfare in and out of the Frankton Arm to the rest of Lake Wakatipu. M25 will not impede or obstruct access in or out of the Frankton Arm. A mooring inspection report is appended as Attachment [C], with a section on Page 5 for the QLDC Harbour Master to review and complete. It is expected that the QLDC Harbour Master will provide formal feedback to Council once this application is lodged.

Mooring M121 (located near Frankton Marina)

The proposed mooring is located at least 250m from the closest Jetty's (#62 and #128) and Boat Ramps (#196 and #195) and at least 550m from the main thoroughfare for private and commercial boats entering and exiting the Frankton Marina. The mooring is also set back from the closest swim buoys (Wakatipu Swim Buoys 3, 4 and 5). A mooring inspection report is appended as Attachment [C1], with a section on Page 5 for the QLDC Harbour Master to review and complete. It is expected that the QLDC Harbour Master will provide formal feedback to Council once this application is lodged.

Subject to any recommendations from the Harbour Master and with regard to the mooring system, location and vessel size, M25 and M121 are not considered to interfere with navigation or impose any undue safety risk to other lake users.

7.4 Effects on recreation

Proposed mooring M25 will not adversely impact upon the many recreation opportunities available in the Kelvin Peninsula. Instead, it will contribute to the distinct character and associative attributes of the water-based activities and informal recreation experiences provided in this location.

The Frankton Track passes directly adjacent to proposed Mooring M121, and many water based recreation activities are provided in and around the Frankton Marina. The mooring is not anticipated to diminish the recreational experience of people using and enjoying these public spaces. Any boat which will be attached to the mooring may provide a point of visual interest for the public, however this is not considered to adversely affect the recreational experience of users. The historical and heritage associations of the lake as a place of recreation will be maintained.

7.5 Cumulative effects

Generally, foreshore development in the Frankton Arm is concentrated in pockets around the lake where urban development is highest. It is acknowledged that as more moorings are consented in the more open and natural areas of the Frankton Arm, the spread of urban elements will become more evident which could lead to adverse cumulative effects on the wider lake.

While the immediate stretches of the foreshore in which M25 and M121 are located are mainly void of urban development, in this instance, their locations within or near to informal recreation zones and recreation designations is not considered to have reached a threshold whereby the landscape cannot absorb the additional mooring and associated vessel. The existing structures contribute to the distinct character and quality of this part of the Frankton Arm such that an additional mooring will have minimal influence on the highly natural attributes and values of the wider natural lake and mountain landscapes.

7.6 Effects on the lakebed

The mooring blocks have already been constructed and located on the bed of the lake to anchor the chain that a boat would moor against. Retrospective resource consent from ORC is sought as part of this application. However, as both concrete blocks have already been installed, no additional works are proposed, and no additional disturbance of the lakebed is anticipated. In addition, as per the QLDC Swing Mooring Booklet – January 2026, it is a requirement that the whole system must be inspected every two years to evaluate its condition and replace worn components, and inspection must be conducted by a suitably qualified professional. A condition of consent with regard to regular inspection is invited. Any adverse effects on the lakebed are considered to be less than minor.

7.7 Cultural Values

Lake Wakatipu is identified as a Statutory Acknowledgement Area under the Ngai Tahu Claims Settlement Act 1998. The mooring is located within Wāhi Tūpuna Site 33 as specified in Schedule 39.6 of the PDP. In this schedule, Whakātipu-wai-Māori (Lake Wakatipu) is recognised as being key in numerous Kāi Tahu pūrakau

(stories) and has a deep spiritual significance for mana whenua. For generations, Whakātipu-wai-Māori also supported nohoaka (seasonal settlements), kāika (settlements), mahika kai (food gathering) as well as transportation routes for pounamu.

Accordingly, the following documents have been reviewed in the context of this application:

- Kāi Tahu Ki Otago Natural Resource Management Plan 2005
- The Cry of the People, Te Tangi a Tauira – Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

In addition, an assessment of the Wahi Tupuna chapter of the PDP (Chapter 39) has been included in this section. Consideration of other relevant objectives and policies is provided in section 10.

7.7.1 Kāi Tahu Ki Otago Natural Resource Management Plan 2005 Chapter 5: Otago Region

The Kai Tahu Iwi Management Plan sets out the issues, objectives and policies related to the management of the natural environment covering Ngai Tahu's tribal area, including Lake Wakatipu. Chapter 5 of the Kāi Tahu Iwi Management Plan discusses general issues, objectives and policies for all catchments across the Otago region. A summary of the most relevant provisions is provided in the table below.

5.3.2 Wai Maori General Issues	• Current water management does not adequately address Kāi Tahu ki Otago cultural values. • Cross mixing of water. • Deteriorating water quality. • Lack of consideration given to Kāi Tahu ki Otago cultural values in water research. • The fundamental question of ownership of water resources remains unresolved. • Damming. • Lack of adequate minimum flows that provide for Kāi Tahu ki Otago cultural values. • Setting of minimum flows may not appropriately consider social, biological and cultural needs.
5.3.3 Wai Maori General Objectives	i. The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management. ii. The waters of the Otago Catchment are healthy and support Kāi Tahu ki Otago customs. iii. There is no discharge of human waste directly to water. iv. Contaminants being discharged directly or indirectly to water are reduced. v. Flow regimes and water quality standards are consistent with the cultural values of Kāi Tahu ki Otago and are implemented throughout the Otago Region and lower Waitaki Catchment.
5.3.4 Wai Māori General Policies	1. To require an assessment of instream values for all activities affecting water. 2. To promote the cultural importance of water to Kāi Tahu ki Otago in all water management within the Otago Region and Lower Waitaki Catchment. 3. To promote co-ordinated research into water-related issues that provides for Kāi Tahu ki Otago input. 4. To protect and restore the mauri of all water. 5. To encourage the use of the Cultural Health Index as a tool for monitoring waterways. 6. To oppose any further cross mixing of waters. 7. To promote to the Otago Regional Council and Environment Canterbury minimum flow levels, flow regimes, lake levels and lake operating levels for lakes and rivers that recognise and provide for Kāi Tahu ki Otago cultural values and the healthy functioning of associated ecosystems.
5.8.1.6-8 Cultural Landscape policies	To require that jetties and other structures in the foreshore area are controlled to minimise adverse environmental impacts and to ensure access by Kāi Tahu ki Otago to culturally significant areas.

The waterways of Otago are a significant feature of the region, and water plays an important role in the spiritual beliefs and cultural traditions of Kāi Tahu. While the issues, objectives and policies outlined in the table are quite broad in scope, in terms of this proposal, new jetties and moorings are “controlled” through the PDP which ensures adverse effects are minimised. The proposed moorings will not unduly restrict access to Lake Wakatipu or to culturally significant areas. As the moorings have already been established on the lakebed, no further disturbance to the lakebed is required and as such, the health of the lake in terms of water quality and ecosystems will be maintained. The proposal is considered to be consistent with the intention of Chapter 5 of the Kāi Tahu Iwi Management Plan.

7.7.2 Kāi Tahu Ki Otago Natural Resource Management Plan 2005 Chapter 10: Clutha/Mata-au Catchments

Chapter 10 also contains separate issues and policies for matters such as: Wai Māori; Wahi Tapu; Mahika Kai and Biodiversity; and Cultural Landscapes. The following is an assessment of the proposal against the Cultural Landscapes chapter, which is the most relevant to this application.

10.5.2 Cultural Landscapes Issues in the Clutha/Mata-au Catchment	Extensive spread of jetties and moorings in particular in Lake Wakātipu, Lake Wānaka and Lake Hāwea and adjacent to nohoaka sites.
10.2.3 Jetties and Moorings	6. To require the development of a strategy in conjunction with the Queenstown Lakes District Council to investigate the viability of public moorings in the Queenstown Lakes District. 7. To require that all moorings situated in the vicinity of nohoaka and camping sites to be publicly available. 8. To require jetties to be at a fixed location and any effects of earthworks or from the ongoing operation of jetties and be remedied or mitigated. 9. To require jetties and moorings to be located where they will not impede or restrict access to lakes, rivers and wetlands.

As noted in the table above, the ‘extensive spread of jetties and moorings’ is raised as an ‘issue’ the Kai Tahu Iwi Management Plan. In this instance, the moorings are contained within the Frankton Arm (which is the most urban part of the lake due to residential development occurring on the northern and southern foreshore), thereby reducing the spread of moorings across the wider unoccupied and undeveloped ONL areas of Lake Wakatipu.

Policy 6 is aimed more at QLDC and *public* moorings and does not apply to the proposal. With regard to Policy 7 and 9, the mooring is not known to be situated in the vicinity of any nohoaka and camping sites. Nor will it unduly impede or restrict access to Lake Wakatipu.

Based on the guidance available from the Kai Tahu Ki Otago Natural Resource Management Plan 2005, the proposal will not adversely affect cultural values.

7.7.3 Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

This iwi management plan sets out objectives and policies related to Climate Change, Air, High Country and Foothills for the entire Otago Region. The following table highlights the provisions that are most relevant to this proposal.

3.4	High Country and Foothills
3.4.9	General Water Policy
3.4.9-1	Ensure protection and enhancement of the mauri or life supporting capacity of all high country and foothill waterways.
3.4.9-2	Advocate that all management decisions shall take into account the protection and survival of indigenous species of flora and fauna (rare and not rare and including taonga species contained in the Ngāi Tahu Claims Settlement Act 1998) in their natural habitats and ecosystems.
3.4.9-12	Promote the use of native species in new developments as a means of reducing the risk of plant pest spread.
3.4.14	<i>Protecting sites of significance in High Country and Foothill Areas</i>
3.4.14-1	Ensure that Ngāi Tahu ki Murihiku are able to effectively exercise their role as kaitiaki over wāhi tapu and wāhi taonga in Murihiku.
3.4.14-6	Avoid compromising unidentified, or unknown, sites of cultural significance as a consequence of ground disturbance associated with land use, subdivision and development.
3.4.14-9	Applications for activities in areas of cultural significance where there are no known sites but the likelihood of finding sites is high, may require one or more of the following (at the cost of the applicant): a. site visit; b. archaeological survey (walk over/test pitting), or a full archaeological description, by an archaeologist approved by Ngāi Tahu Ki Murihiku; c. cultural impact assessment; d. cultural monitoring; e. accidental discovery protocol agreement; archaeological authority; f. other (e.g. consent conditions).
3.4.14-12	Ensure that resource consent applicants are aware that liaising with iwi on the cultural impacts of a development does not constitute an archaeological assessment or iwi approval for a given proposal. An archaeological assessment requires follow up in respect to consultation.

The site is identified as wahi tupuna and is not wahi tapu or wahi taonga. The proposal avoids the compromising of unidentified sites of cultural significance as no further ground disturbance to the lakebed is required. The proposed mooring does not restrict or impede access to existing sites of significance. While this iwi management plan is more of a 'high level' document it has still been given relevant consideration in the context of this application. Overall, the proposal is not considered to be contrary to the policies outlined above.

7.7.4 Chapter 39 PDP: Wāhi Tūpuna

Chapter 39 seeks to ensure that activities within identified wāhi tūpuna areas are appropriately managed to protect manawhenua values within those areas. Wāhi Tūpuna 33 is Whakātipu-wai-Māori (Lake Wakatipu). Identified threats for this wāhi tūpuna include:

- a. Damming, activities affecting water quality
- b. Buildings and structures, utilities
- c. Earthworks
- d. Subdivision and development
- e. New roads or additions/alterations to existing roads, vehicle tracks and driveways

f. Commercial and commercial recreational activities

Moorings are not specifically listed as a 'threat'. Arguably the proposal could be considered as a 'structure' or a 'development', however these terms capture everything, and it is considered that moorings would have been specifically listed if they had been identified as a 'threat'. Therefore this proposal is not considered to give rise to any of the abovementioned threats to Wāhi Tūpuna 33. No physical works are required to the lakebed or the surface of the lake that will affect water quality. This mooring is for the personal use of the applicant and will not be used for commercial purposes. No adverse effects are anticipated with regard to Whakātipu-wai-Māori and the associated manawhenua values.

7.8 Summary

The proposed moorings have already been established on the lakebed of Lake Wakatipu. M25 (near Kelvin Peninsula) is compatible with the purpose of the Informal Recreation Zone (and related designation). M121 (near Frankton Marina) is located in the Rural (Water) Zone and is compatible with the surrounding water-based activities prevalent in this part of the Frankton Arm. The landscape and amenity values of the wider lake and mountain ONL will not be adversely affected by this proposal. Overall, the relevant effects have been considered, and the assessment of environmental effects above concludes that the proposed moorings will not result in adverse effects on the environment that are more than minor.

8. Effects on persons

Written approval has been sought from the QLDC Parks and Reserves Team as the requiring authority for Designation 182: Kelvin Peninsula Recreation Reserve. Consultation is also underway with Toitū Te Whenua - Land Information New Zealand.

Due to Lake Wakatipu being a Statutory Acknowledgement area, it is anticipated that the application will proceed on a limited notified basis to the below potentially affected persons:

- Aukaha (on behalf of Te Rūnanga o Ōtākou and Hokonui Rūnanga)
- Te Ao Marama Incorporated (on behalf of Ngā Papatipu Rūnaka ki Murihiku: Te Rūnaka o Awarua, Hokonui Rūnanga, Ōraka-Aparima Rūnaka, and Waihopai Rūnaka)

9. Notification Assessment

9.1 Public Notification

Step 1 – Mandatory public notification

- We are not requesting public notification of the application.
- Provided a request is reasonable, we are unlikely to refuse to provide further information or refuse the commissioning of a report under Section 92(2)(b) of the Act. The application does not involve exchange of recreation reserve land.

- The application does not seek to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

Accordingly, mandatory public notification of the application is not required.

Step 2 – Public notification precluded

- Public notification is not precluded by any rule or national environmental standard.
- The proposal is not for a controlled activity or a boundary activity.
- The proposal is not a prescribed activity

Accordingly, public notification of the application is not precluded.

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

- There are no rules or NES that require public notification.
- The proposal will not have adverse effects that are more than minor.

Step 4 – Special circumstances (s95(9))

- No special circumstances exist in relation to this application.

This application can be processed without public notification.

9.2 Limited Notification

Step 1 – Certain affected groups and affected persons must be notified

- Lake Wakatipu is a statutory acknowledgement area. As Aukaha and Te Ao Marama have not been consulted and therefore have not provided their written approval, this will trigger the requirement for affected persons under step 1.

Step 2 – Limited notification precluded in certain circumstances

- Not applicable as limited notification is required by step 1.

Step 3 – Certain Affected Persons Must be Notified

- Consideration of affected parties is required in accordance with section 95E. LINZ, as the owner of the lake bed, Aukaha and Te Ao Marama are considered to be affected in a minor way by the proposal.

Step 4 – Special circumstances

- No special circumstances exist in relation to this proposal.

This application must be processed on a limited-notified basis.

10. Policy Framework

10.1 Otago Regional Policy Statement 2019

Otago's Regional Policy Statement (ORPS) became fully operative on 4 March 2024. Regional and District Plans must give effect to it. The relevant objectives and policies are contained within Part B, Chapter 3 of the RPS as follows:

Objective 3.1 - The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained, or enhanced where degraded

Policy 3.1.1 Fresh water

Safeguard the life-supporting capacity of fresh water and manage fresh water to:

- a) Maintain good quality water and enhance water quality where it is degraded, including for:*
 - i. Important recreation values, including contact recreation; and,*
 - ii. Existing drinking and stock water supplies;*
- b) Maintain or enhance aquatic:*
 - i. Ecosystem health;*
 - ii. Indigenous habitats; and,*
 - iii. Indigenous species and their migratory patterns.*

....

- d) Maintain or enhance, as far as practicable:*
 - i. Natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;*
 - ii. Coastal values supported by fresh water;*
 - iii. The habitat of trout and salmon unless detrimental to indigenous biological diversity; and*
 - iv. Amenity and landscape values of rivers, lakes, and wetlands;*
- e) Control the adverse effects of pest species, prevent their introduction and reduce their spread;*

Policy 3.1.2 Beds of rivers, lakes, wetlands, and their margins

Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to:

- a) Safeguard the life supporting capacity of fresh water;*
 - b) Maintain good quality water, or enhance it where it has been degraded;*
- ...
- d) Maintain or enhance ecosystem health and indigenous biological diversity;*
 - e) Maintain or enhance, as far as practicable:*
 - i. Their natural functioning and character; and*
 - ii. Amenity values;*
 - f) Control the adverse effects of pest species, prevent their introduction and reduce their spread;*
- and, ...*

Water quality, the natural functioning of the lake and the amenity and landscape values of Lake Wakatipu will be maintained. At a high level, the proposal is considered to be in accordance with the relevant objectives and policies within the RPS.

10.2 Proposed Otago Regional Policy Statement 2021 – Appeals Version

The Proposed Otago Regional Policy Statement 2021 (pRPS 21) was notified on 26 June 2021 sets the direction for future management of Otago's natural and physical resources.

LF-WAI-O1 – Te Mana o te Wai

Otago's water bodies and their health and well-being are protected, and restored where they are degraded, so that the mauri of those water bodies is protected, and the management of land and water recognises and reflects that:

- (1) water is the foundation and source of all life – na te wai ko te hauora o ngā mea katoa,*
- (2) there is an integral kinship relationship between water and Kāi Tahu whānui, and this relationship endures through time, connecting past, present and future,*
- (3) each water body has a unique whakapapa and characteristics,*
- (4) fresh water, land, and coastal water have a connectedness that supports and perpetuates life,*
- (4A) protecting the health and well-being of water protects the wider environment,*
- (5) Kāi Tahu exercise rakatirataka, manaakitaka and their kaitiakitaka duty of care and attention over wai and all the life it supports, and*
- (6) all people and communities have a responsibility to exercise stewardship, care, and respect in the management of fresh water.*

LF-FW-O1A – Visions set for each FMU and rohe

In each FMU and rohe in Otago and within the timeframes specified in the freshwater_visions in LF-VM-O2 to LF-VM-O6:

- (1) healthy freshwater and estuarine ecosystems support healthy populations of indigenous species (including non-diadromous galaxiids and Canterbury mudfish) and mahika kai that are safe for consumption,*
- (2) the interconnection of land, freshwater (including springs, groundwater, ephemeral water bodies, wetlands, rivers, and lakes) and coastal water is recognised,*
- (3) fish passage within and between catchments is provided for except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats,*
- (4) the form, function and character of water bodies reflects their natural characteristics and natural behaviours to the extent reasonably practicable,*
- (5) the ongoing relationship of Kāi Tahu with wāhi tūpuna, including access to and use of water bodies, is sustained,*
- (6) the health of the water supports the health of people and their connections with water bodies,*
- (7) sustainable land and water management practices:*
 - (a) support food and fibre production and the continued social, economic, and cultural well-being of Otago's people and communities, and*
 - (b) improve the resilience of communities to the effects of climate change, and*
 - (c) ensure communities are appropriately serviced by community water supplies, and other three waters infrastructure,*
- (8) direct discharges of wastewater to water bodies are phased out to the extent reasonably practicable, and*
- (9) freshwater is managed as part of New Zealand's integrated response to climate change and renewable electricity generation activities are provided for.*

The proposal will not adversely affect the health and wellbeing of the lake, nor will it impact on the relationship of Kāi Tahu with wāhi tūpuna and access to and use of Lake Whakatipu. The proposal is considered to be in accordance with the relevant objectives and policies within the pRPS 21.

10.3 Otago Regional Plan: Water for Otago

Section 5.3 of the Regional Water Plan promotes the protection, maintenance or enhancement of spiritual and cultural beliefs, natural character and amenity values of Otago's lakes and rivers. The maintenance of public access and the protection of heritage values are also key principles. This proposal is able to maintain the cultural and heritage values, natural character and amenity values of Lake Wakatipu. In addition, the proposed moorings will not impede or obstruct access to the lake in any way.

Section 8 focusses on the protection of the lakebed and its complex and dynamic natural systems. The proposal will not cause any bed disturbance or affect stability of the bed or banks, or the flood and sediment carrying capacity of any lake, or fish migration. The proposal will not affect water quality, amenity values, or downstream users.

Overall, the proposal is consistent with the relevant provisions contained within the Otago Regional Plan: Water.

10.4 Operative District Plan

The objectives and policies of the ODP are no longer considered relevant as there are no rules triggered by which to implement the objectives and policies.

10.5 Proposed District Plan

The relevant objectives and policies are contained within Chapters 3 (Strategic Direction), 6 (Landscapes), 21 (Rural), 38 (Open Space and Recreation) and 39 (Wāhi Tūpuna) of the PDP. Chapter 39 has already been considered in section 7 of this report so has not been included in the assessment below.

Chapter 3 (Strategic Direction)

Strategic Objective 3.2.4 - The distinctive natural environments and ecosystems of the District are protected.

The relevant provisions of Chapter 3 seek to ensure the natural character of the beds and margins of the district's lakes, rivers and wetlands are preserved, or enhanced where possible, and protected from inappropriate subdivision, use and development. These provisions also seek to maintain or enhance the water quality and functions of the District's lakes, rivers and wetlands.

The natural character, water quality and function of the lake will be maintained as this proposal is for retrospective consent to formally establish two (2) moorings that have been established in their locations for a number of years. Therefore, no disturbance to the lakebed will result from this proposal. A recent inspection of each mooring has been undertaken, and the individual components of the mooring systems (rings, shackles, chains) are reported to be in good condition. The ongoing 2 yearly inspection of the mooring will ensure that the delicate natural ecosystem of the lake is maintained and protected.

Strategic Objective 3.2.5 - The retention of the District's distinctive landscapes.

These provisions seek to protect the landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration. In this instance, the moorings are a low-lying feature in the landscape that are not close to or easily visible from any public road and/or private residence. When moored by a vessel, the moorings are visible to a wider catchment, but this is from a distance across the lake. The wider landscape, such as the highly valued lake and mountain views, will not be adversely affected by this proposal.

Overall, the proposal is considered to be consistent with the relevant objectives and policies contained within Chapter 3 of the PDP.

Chapter 6 (Landscapes – Rural Character)

Objective 6.3.5 Managing Activities on Lakes and Rivers

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.*

The Frankton Arm is not identified as being ONL, ONF or RCL in the PDP.

Policy 6.3.5.2 - Recognise the character of the Frankton Arm including the established jetties and wharves, and provide for their maintenance, upgrade or expansion.

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.

The objective and associated policies above recognise that the lakes and rivers are a significant element of the national and international identity of the district and provide for a wide range of amenity and recreational opportunities. The proposed moorings provide the opportunity for an appropriate recreational activity on the surface of the lake. Given that the moorings are already established in the bed of the lake and has been used and enjoyed for many years, and it does not involve the construction of new structures, the proposal is considered to be consistent with the relevant objectives and policies contained within Chapter 6 of the PDP.

Chapter 21 (Rural)

21.2.12 Objective - 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.

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

21.2.12.2 Policy - 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.

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

21.2.12.7 Policy - 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 proposal has had regard to statutory obligations, Wāhi Tūpuna and the spiritual beliefs, and cultural traditions of tangata whenua, although consultation has yet to commence. The use of M121 will not hinder public access to a wide range of recreational experiences on the lakes and their margins. The natural character and nature conservation values of the lake is able to be maintained, and the proposal does not adversely affect any nesting and spawning areas, or the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.

Chapter 38 (Open Space and Recreation)

38.2.1 Objective - The open space land and facilities administered by the Council make a major contribution towards meeting the needs of the District's residents and visitors for passive and active recreation.

38.2.1.5 Policy - Avoid activities that do not have a practical or functional need to be located within Open Space and Recreation Zones, unless a particular activity:

- a. is compatible with and does not affect the continued operation of established activities*
- b. is of a location, nature and scale that does not preclude development of new open space and recreation activities; and*
- c. maintains or enhances recreation, amenity, and heritage values.*

The location of M25 does not affect the continued use of the slipway by the TSS Earnslaw to the northwest or the use of the ski access lane to the southeast. Its location 60m off the lake shore does not prevent development of new open space and recreation activities from occurring in the Kelvin Peninsula. Recreation, amenity and heritage values are able to be maintained. The mooring does have a functional need to be located in the Informal Recreation zone, which unusually in this location, extends onto the surface of the lake.

38.2.4 Objective – The interface between activities within the Open Space and Recreation Zones are managed to protect, maintain or enhance the natural character of waterbodies and their margins (refer also to Policies 38.2.2.5 a and b).

38.2.4.4 Policy - Ensure that the development and use of Open Space and Recreation Zones, and the interface with the surface of water bodies adjoining these zones, is managed to maintain and enhance amenity values and ensure the health and safety of people and the safe movement of people and goods.

An inspection of the mooring has been undertaken to accompany this application and the mooring and its components are reported to be in good working order. It is anticipated that the QLDC Harbour Master will provide formal feedback to Council once this application is lodged.

Kelvin Peninsula Slipway, Informal Recreation Reserve

38.4.3 Objective – The informal recreation purpose, values and anticipated uses of the Kelvin Peninsula Slipway Informal Recreation Reserve are preserved, including providing for the continued operation of the TSS Earnslaw and its associated facilities and services.

38.4.3.1 Policy - Provide for the use, operation, maintenance and upgrading of existing facilities associated with the use of the Kelvin Peninsula Slipway by the TSS Earnslaw.

38.4.3.2 Policy - Have particular regard to opportunities to promote or enhance heritage values, nature conservation values, and trail networks, cycling and walking linkages.

The applicant's boat Yvalda is a solid wooden boat of teak and oak, with spacious decks, wheelhouse and saloon, and was designed and built in Scotland in 1936. Yaldas was once owned by the British Royal Navy and used by Sir Winston Churchill during WW2. The mooring therefore provides the opportunity to exhibit a vessel that has significant historic value and provides an attractive visual element on the surface of the lake.

Overall, it is considered that the proposal is consistent with the relevant objectives and policies contained within the above chapters of the PDP.

11. Other Matters

Section 104(1)(c) of the Act permits Council to have regard to “any other matter the consent authority considers relevant and reasonably necessary to determine the application”.

11.1 QLDC Navigation Safety Bylaw 2025

This bylaw applies to the navigable waters and foreshore within the area of Queenstown Lakes District. The purpose of the bylaw (with regard to structures and moorings) is to regulate the placement and maintenance of moorings and maritime facilities.

Part 8 of the Navigation Safety Bylaw 2025 states the following;

47 Mooring permits

47.1 No person may place a mooring in any waters, or moor any vessel in any navigable waters, other than in accordance with a mooring permit issued by the Council.

47.2 The Council may issue a mooring permit subject to conditions determined by the Council in accordance with requirements specified under clause 52.

47.3 The Council may prescribe fees associated with moorings and mooring permits in accordance with clause 53.

47.4 Mooring permit holders shall take all care to ensure that the mooring is used in a lawful manner and use moorings at their own risk.

47.5 Mooring permits may be transferred in accordance with terms and conditions prescribed by the Council, including the payment of the applicable fee.

The applicant has a current mooring permit from QLDC for M25 and M121 (appended as Attachment **[D]** and **[D1]**), both of which were issued on 1 July 2025 and is valid until 30 June 2026. It is understood that once this permit expires, the applicant will need to obtain a new permit for each mooring.

11.2 Otago Regional Council Navigation Safety Bylaw 2020

This Bylaw applies to all waters in the Otago Region including the territorial sea and all inland waters apart from the navigable waters in the Queenstown Lakes District Council area, which are administered by QLDC. As such, the ORC Navigation Safety Bylaw does not apply to this proposal.

11.3 National Policy Statement for Freshwater Management 2020 updated 2025 (NPS-FM)

The NPS-FM provides legally binding direction to local councils on managing freshwater to restore and protect its health, prioritising the concept of *Te Mana o te Wai*. It requires regional councils to set long-term visions, establish limits on resource use, and monitor ecosystem health and human contact, with a focus on reversing degradation within a generation. The following objective is considered most relevant to this proposal –

2.1 Objective (1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

The proposal enables the applicant to provide for their social, economic, and cultural wellbeing in a way that is consistent with NPS-FM. Overall, the proposal is consistent with the relevant objectives of the NPS-FM.

12. Conclusion

Retrospective resource consent is sought to establish two moorings in the Frankton Arm, one near Kelvin Peninsula (M25) and a mooring on the north side of the Frankton Arm near the Frankton Marina (M121). Overall, it is concluded that the proposed activity is not likely to have any adverse effects on the environment that are more than minor. The proposal is consistent with the relevant objectives and policies of the PDP, the ORPS's, and meets the purpose and principles of the Resource Management Act 1991.

Attachments

Attachment **[A]**: Application Form

Attachment **[B]**: M25 Location Plan

Attachment **[B1]**: M121 Location Plan

Attachment **[C]**: M25 Inspection Report

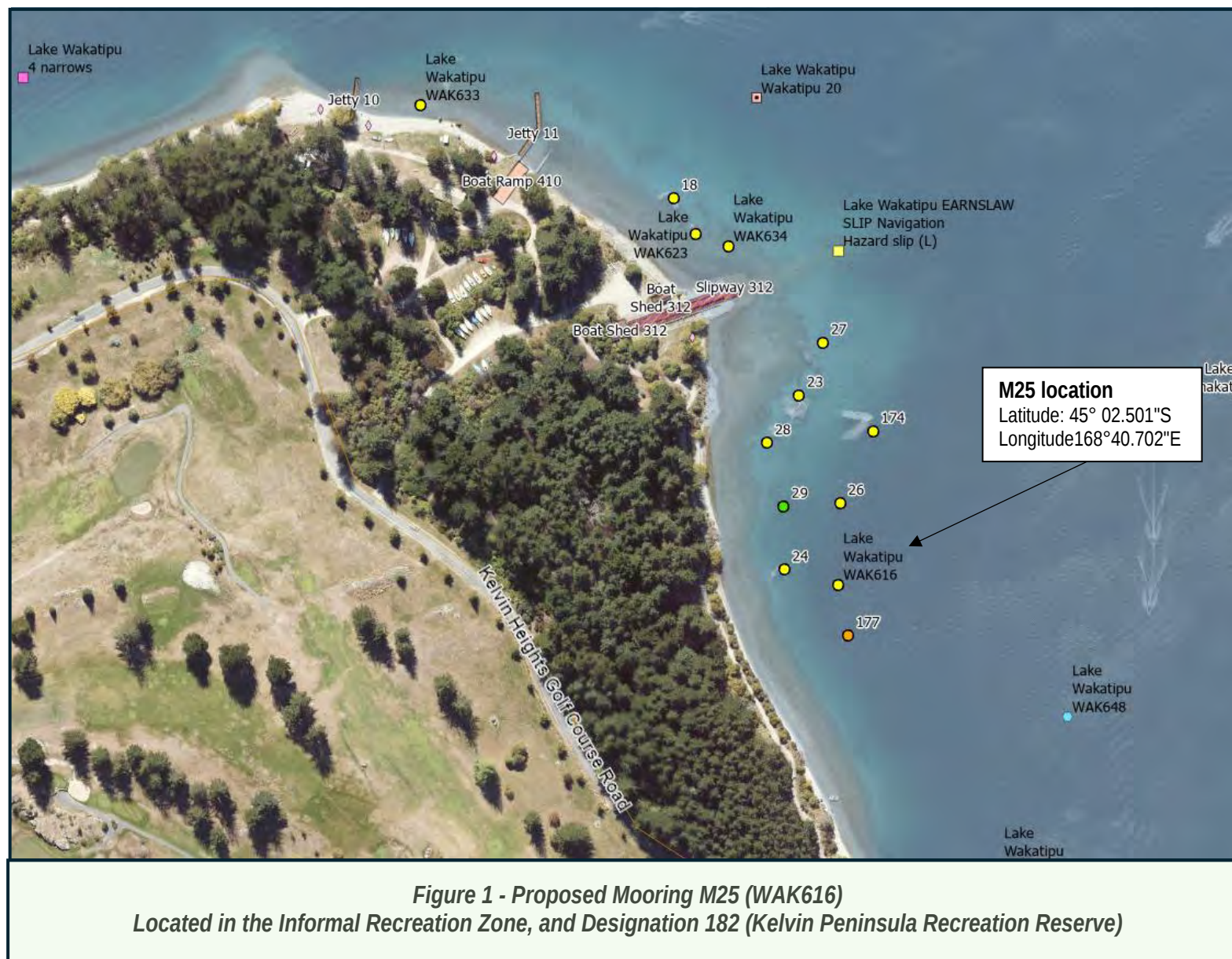
Attachment **[C1]**: M121 Inspection Report

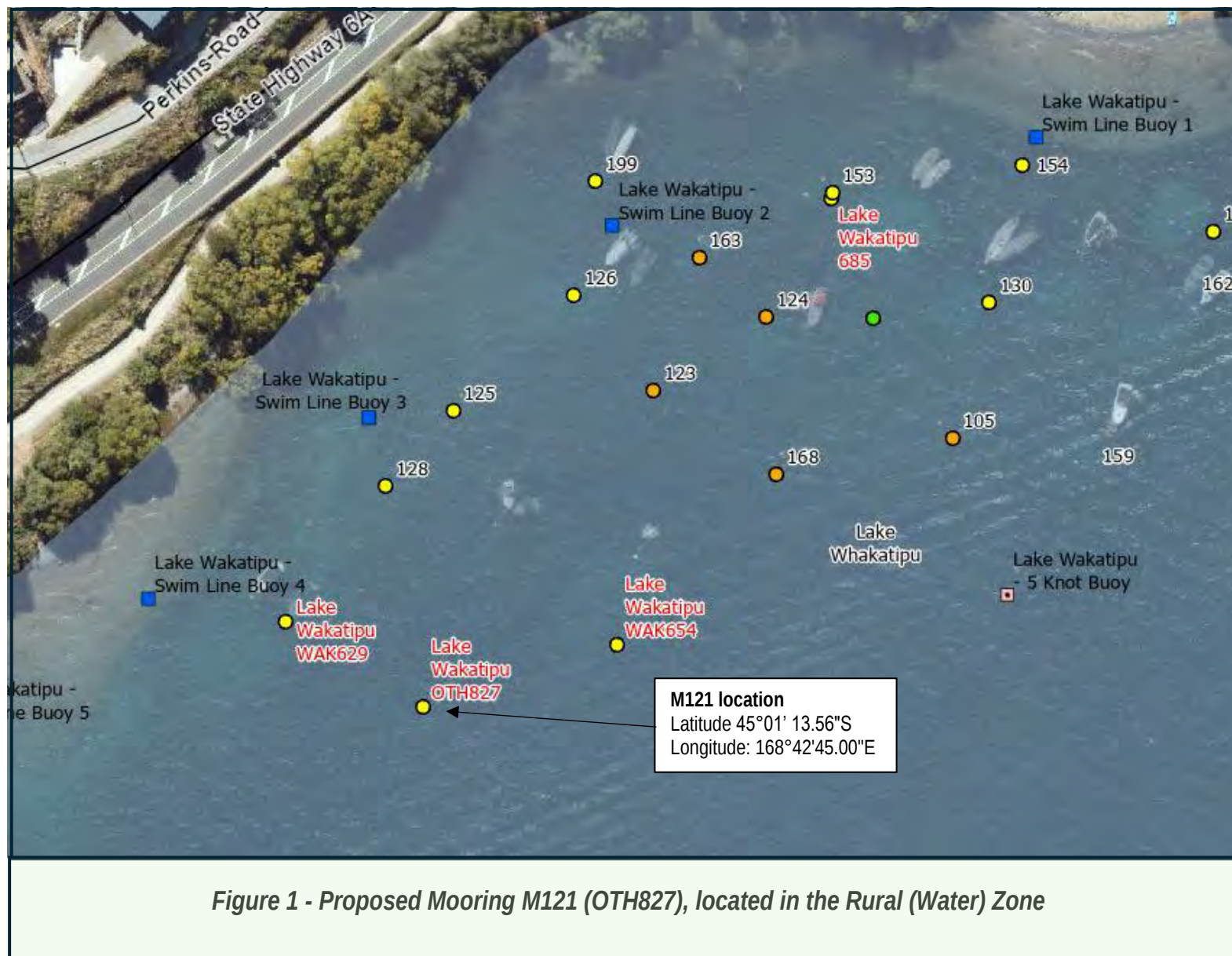
Attachment **[D]**: M25 Mooring Permit

Attachment **[D1]**: M121 Mooring Permit

Attachment **[E]**: ORC to QLDC transfer of powers

Attachment **[F]**: Record of Title: Survey Plan: Section 26 Block I Coneburn SD







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): Wakatipu

Mooring Permit #: **25** (the Wakatipu number is 616)

Mooring Owners Name: Alan Kirker + *Susanne Kirker*

Mooring Owners Address: *19 Larch Hill Place*

Mooring Owners Postal Address (if different):

Mooring Owners Phone No: *0274 345555*

Mooring Owners Email Address: *alan.kirker@queenstown@gmail.com*

Emergency contact Number: *021 345555*

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

Name of vessel using mooring: *N/A*

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: approx. *12 metres* Weight of Vessel: approx. *10 ton*

Vessel Colour(s):

Does the vessel have a mooring number clearly visible from outside of the vessel?

Details of Mooring – (Mooring Inspector To Complete)

GPS Position of mooring: (WGS84 Decimal Degrees):

LAT: 45°02' 30.24 S

LON: 168°40' 41.78 E

IS THIS A CONFIRMED TRUE BLOCK LOCATION?: Yes

Inspection Date: 12/2/2026

Water Depth at location at time of inspection: 17m

Calculated total swing radius of mooring at lowest lake level: 13.5m

Lake level at time of inspection 309.792m

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

	Checked Y/N	COMPONENT	DETAILS		Condition (% & notes)	Exist ing	Replaced
TOP SECTION	✓	Floats	Numbered: Yes	Type: A4 Orange	Some UV damage	✓	
			Colour:	Type:	No small buoy		
	✓	Shackle(s)	Number: 1 st Diameter: 20mm std	Moused: Y	Condition: Good	✓	
	✓	Shackle(s)	Number: 2nd Diameter: 16mm std	Moused: Y	Condition: Good	✓	
	✓	Chain	Length: 1m	Diameter: 13mm Min D : 12mm	Condition: Good	✓	
	✓	Shackle(s)	Number: 3rd Diameter: 13mm tested	Moused: Y	Condition: Good	✓	
	✓	Yoke	Diameter: 13mm Hi Load		Condition: Good	✓	
	✓	Shackle(s)	Number: 4th Diameter: 13mm tested	Moused: Y	Condition: Good	✓	
	✓	Chain	Length: 4.5m	Diameter: 13mm Min D : 12mm	Condition: Good	✓	
MIDDLE /RISER/ RIDE	✓	Shackle(s)	Number: 5th Diameter: 13mm tested	Moused: Y	Condition Good	✓	
	✓	Swivel	Diameter: 16mm Steel		Condition Good	✓	
	✓	Shackle(s)	Number: 6th Diameter: 13mm tested	Moused: Y	Condition: Good	✓	
	✓	Riser/Ride/Middle chain	Length: 11.5m	D: 13mm Min D: 10mm	Condition: OK	✓	
	✓	Shackle(s)	Number: 7th Diameter: 13mm tested	Moused: Y	Condition Good	✓	
BOTTOM	✓	Ground chain	Length: 5m	D: 20mm Min D: 19mm	Condition Good	✓	
	✓	Block Shackle	Diameter: 20mm std	Moused: Y	Condition Good	✓	
	✓	Block Ring	Diameter: Flat bar 90 x 12 cast into concrete		Good	✓	

	✓	Block(s)	Is block visible?: Y	Weight (dry) est : 1050kg approx	Good	✓	
			Dimensions: 1m x 1m x.5m	Type: Concrete			

Inspectors Observations

Has Block Shifted or become buried? No

Inspectors Further Comments:

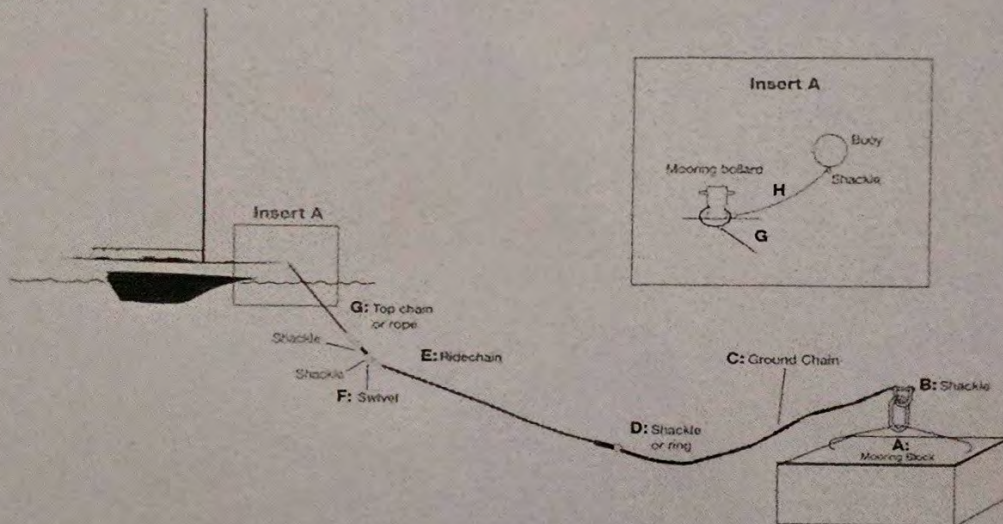
Boat attachment is a 13mm chain connected to the bollard on the boat and a 13mm tested and moused shackle connected to the Yoke.

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

FIGURE 1
MOORING SYSTEM



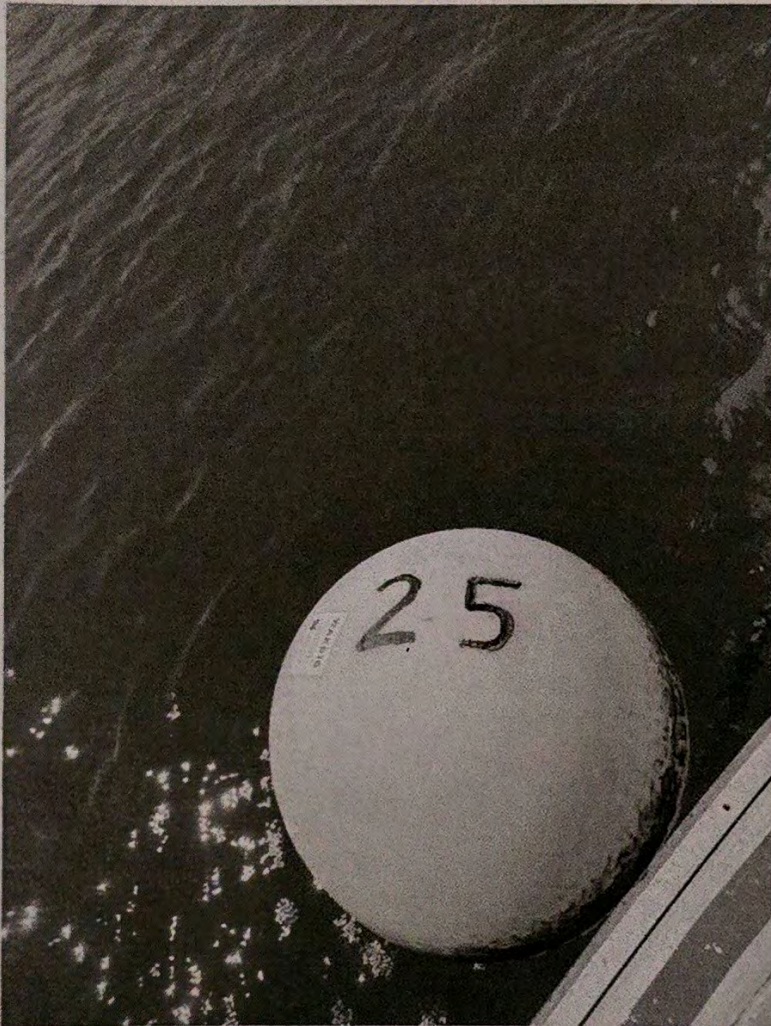
Pictures – (Mooring Inspector To Complete)

Insert Pictures of mooring components here, please include updated photo of vessel intending to be moored on this morning if available:

This picture shows standard mooring components used on most standard moorings but can vary



Mooring 25



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.

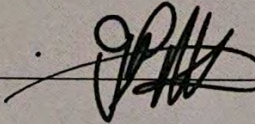
Company Undertaking inspection -

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: ___12/02/2026_____

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.

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): Wakatipu

Mooring Permit #: **121**

Mooring Owners Name: Alan Kirker + Soanne Kirker

Mooring Owners Address: 19 Larch Hill Place Queenstown

Mooring Owners Postal Address (if different):

Mooring Owners Phone No: 0274-345555

Mooring Owners Email Address: alan.kirker@queenstowne.co.nz

Emergency contact Number: 021-345555

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

Name of vessel using mooring: Yvalda

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: approx. 12 metres Weight of Vessel: approx. 10 ton

Vessel Colour(s):

Does the vessel have a mooring number clearly visible from outside of the vessel?

Details of Mooring – (Mooring Inspector To Complete)

GPS Position of mooring: (WGS84 Decimal Degrees):

LAT: 45*01' 13.56 S

LON: 168*42' 45.00 E

IS THIS A CONFIRMED TRUE BLOCK LOCATION?: Yes

Inspection Date: 05/3/2026

Water Depth at location at time of inspection: 12m

Calculated total swing radius of mooring at lowest lake level: 14.5m

Lake level at time of inspection **309.646m**

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,

	Checked Y/N	COMPONENT	DETAILS		Condition (% & notes)	Exist ing	Replaced
TO P SE CTI ON	✓	Floats	Numbered: Yes	Type: CC4 Orange	UV damage - poor This buoy has a 20mm rod with a ring welded top and bottom and has some wear at the rings Foam filled Good	✓	
			Colour: Orange	Type: Foam filled buoy		✓	
	✓	Shackle(s)	Number: 1st Diameter: 20mm std	Moused: Y	Condition: OK but some wear	✓	
	✓	Rope	Length: 12m	Diameter: 30mm	Condition: With thimble at the bottom	✓	
MI DD LE /RI SE R/R IDE	✓	Shackle(s)	Number: 2nd Diameter: 20mm std	Moused: N	Condition OK	✓	
	✓	Swivel	Diameter: 25mm Steel		Condition OK	✓	
	✓	Shackle(s)	Number: 3rd Diameter: 20mm std	Moused: N	Condition: OK	✓	
	✓	Ground chain	Length: 3m	D: 20mm Min D: 18mm	Condition OK	✓	
	✓	Block Shackle	Diameter: 20mm std	Moused: N	Condition: OK	✓	
BO TT OM	✓	Ground chain	Length: 4m	D: 32mm stud link Min D: 30mm	Condition OK	✓	
	✓	Block Shackle	Diameter: None	Moused:	Condition		
	✓	Block Ring	Diameter: 32mm stud link cast into concrete		Good	✓	
	✓	Block(s)	Is block visible?: Yes - just	Weight (dry) Est: 5 tonne	Good	✓	
			Dimensions: 1.8m x 1.8m x 1m	Type: Concrete			

details and observations can be provided on a separate page.

Inspectors Observations

Has Block Shifted or become buried? **No**

Inspectors Further Comments:

Boat attachment is 13mm chain from the top ring to the boat which is badly tangled

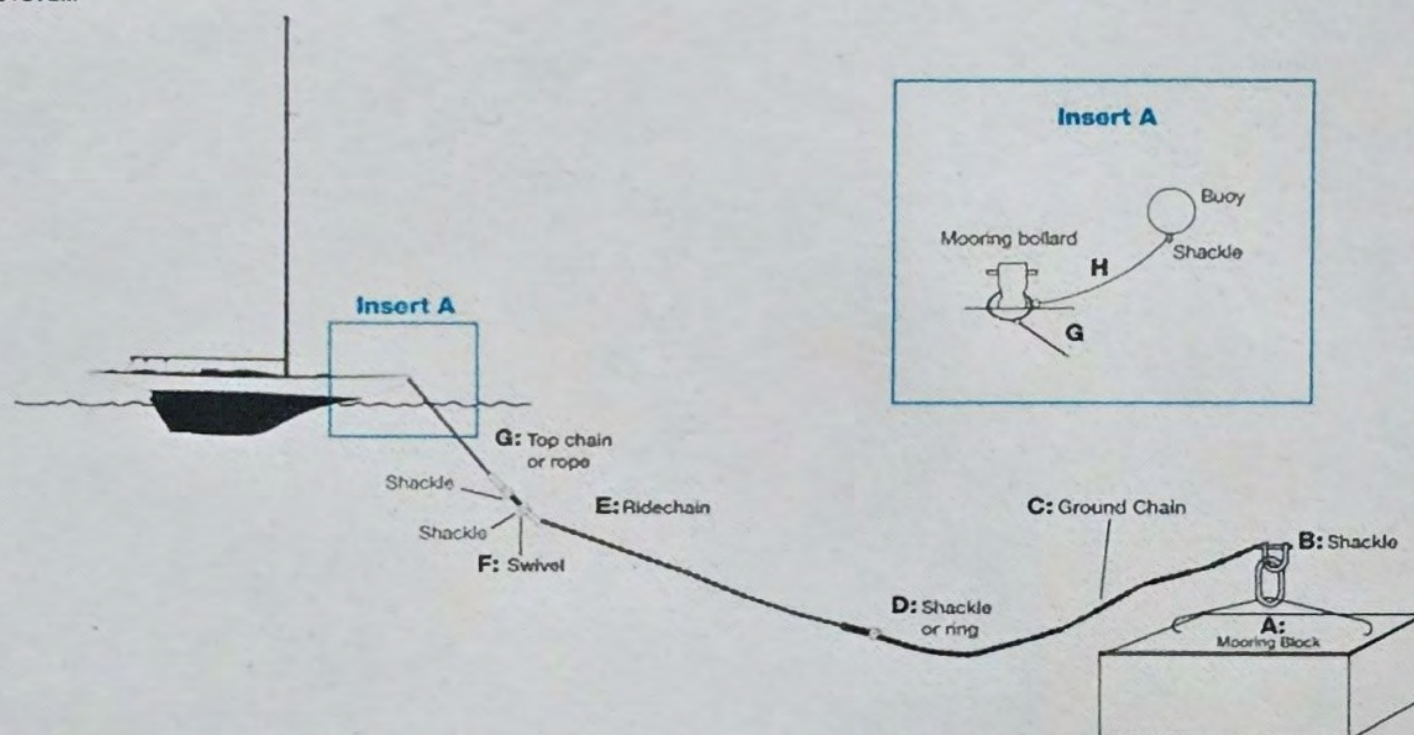
NB: If your mooring has components that have been identified as being in poor condition at the time of this inspection, I do not recommend a boat be attached to it until those issues are repaired/replaced.

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

FIGURE 1
MOORING SYSTEM



Pictures – (Mooring Inspector To Complete)

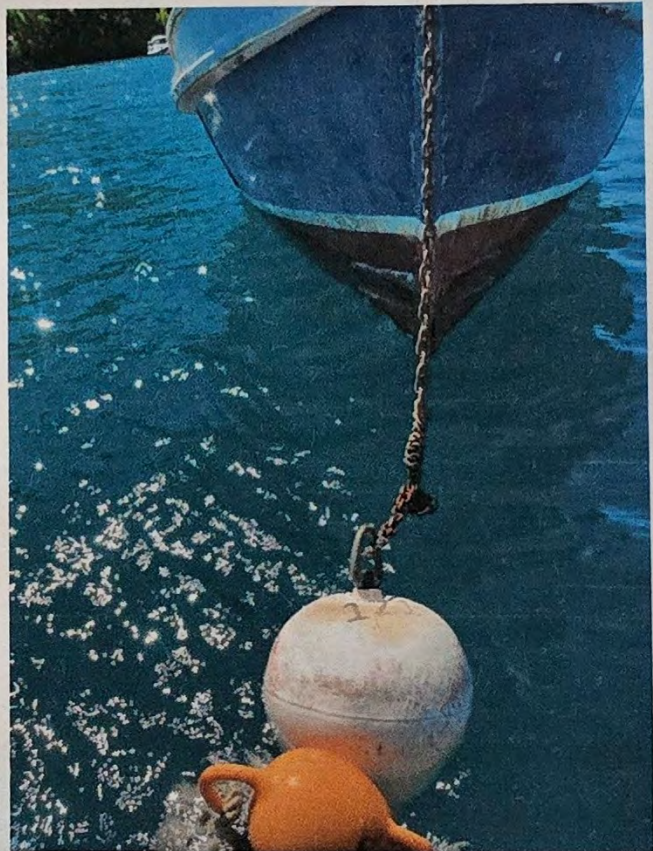
Insert Pictures of mooring components here, please include updated photo of vessel intending to be moored on this morning if available:

The first photo shows standard mooring components used on most standard moorings but can vary

The second photo is components that are needed for a larger vessel



Mooring 121



Declaration – (Mooring Inspector To Complete)

103

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 -

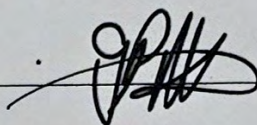
Company undertaking Inspection: ___ Wright Building and Diving Services Ltd ___

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: ___ 05/3/2026 ___

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.



MOORING PERMIT

Issued under the Navigation Safety Bylaw 2025

Mooring Number: 25

Name to whom permit is granted: AJ & J Kirker

Waterway: Lake Wakatipu

Resource Consent: RM260476

Status: Processing

Description of mooring: Swing Mooring

Position of Mooring: Longitude: 168.678227

Latitude: -45.041691

Date of issue: 01 July 2026

Expiry of permit: 30 June 2027



Signed for and on behalf of Queenstown Lakes District Council:

Duty of Permittee:

Please be advised that if at any time during the term of this permit, the mooring to which this permit refers to is sold or transferred, please contact Council: property@qldc.govt.nz or Queenstown: 03 441 0499 or Wanaka: 03 443 0024

Conditions of permit

The terms and conditions on which this mooring permit is granted include, but are not limited to the following:

- (1) The mooring must remain in the "position of mooring" described within the permit;
 - a. the design, specifications and maintenance of the mooring must comply with any guidelines issued by the Council;
 - b. the permit holder must mark the location of the mooring with a buoy or float that displays the permit number;
- (2) The permit holder must pay to the Council all permit renewal costs as specified in the Navigation Safety Bylaw 2025.

Maintenance and construction requirements

- (1) The owner of a swing mooring or a pile mooring must maintain his or her mooring in a proper state of condition and repair and must comply with any guidelines adopted by Council.
- (2) A mooring owner may carry out maintenance after removing the mooring from the water, provided the inspection fee has been paid and arrangements are made by the mooring owner for inspection of the mooring by suitably qualified person and the payment of any permit fee prior to the mooring being reinstated.
- (3) The Council or the Harbourmaster may require the mooring owner to remove the mooring in a specified time frame if:
 - a. the permit has been cancelled, or
 - b. where the mooring permit fee is unpaid for a period greater than 2 months from the due date,
 - c. the mooring does not comply with the Resource Management Act 1991.
- (4) All costs associated with the inspection, maintenance and replacement of moorings or mooring components must be borne by the mooring permit holder.

Liability of the Council

- (1) Permit holders shall take all care to ensure that the mooring is used in a lawful manner and use moorings at their own risk.
 - a. The Harbourmaster and Council are not liable for: Any damage to a craft whether the damage is caused by a third party, a natural disaster event, natural processes or by any other cause;
 - b. Any damage to a craft which has not been securely moored;
 - c. Any damage to a craft which results from any actions taken by the Harbourmaster to secure a craft, in the event of a storm or other adverse event;
 - d. Any actions or omissions of the Harbour master or any other officer of the Council in the performance of any duties, functions or powers in respect of this bylaw.

Transfer of permit

- (1) The permit may be transferred where application is made and is accompanied by the payment of the application and processing fees along with a completed transfer request form by post to Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348 or by email to property@qldc.govt.nz

Surrender of permit

- (1) If no longer required, the permit may be surrendered by returning it to the Council together with confirmation that the mooring has been removed.



MOORING PERMIT

Issued under the Navigation Safety Bylaw 2025

Mooring Number: 121

Description of mooring: Swing Mooring

Name to whom permit is granted: AJ & J Kirker

Waterway: Lake Wakatipu

Status: Unconsented

Date of issue: 01 July 2025

Expiry of permit: 30 June 2026

Signed for and on behalf of Queenstown Lakes District Council:

Duty of Permittee:

Please be advised that if at any time during the term of this permit, the mooring to which this permit refers to is sold or transferred, please contact Council: property@qldc.govt.nz or Queenstown: 03 441 0499 or Wanaka: 03 443 0024

Conditions of permit

The terms and conditions on which this mooring permit is granted include, but are not limited to the following:

- (1) The mooring must remain in the "position of mooring" described within the permit;
 - a. the design, specifications and maintenance of the mooring must comply with any guidelines issued by the Council;
 - b. the permit holder must mark the location of the mooring with a buoy or float that displays the permit number;
- (2) The permit holder must pay to the Council all permit renewal costs as specified in the Navigation Safety Bylaw 2025.

Maintenance and construction requirements

- (1) The owner of a swing mooring or a pile mooring must maintain his or her mooring in a proper state of condition and repair and must comply with any guidelines adopted by Council.
- (2) A mooring owner may carry out maintenance after removing the mooring from the water, provided the inspection fee has been paid and arrangements are made by the mooring owner for inspection of the mooring by suitably qualified person and the payment of any permit fee prior to the mooring being reinstated.
- (3) The Council or the Harbourmaster may require the mooring owner to remove the mooring in a specified time frame if:
 - a. the permit has been cancelled, or
 - b. where the mooring permit fee is unpaid for a period greater than 2 months from the due date,
 - c. the mooring does not comply with the Resource Management Act 1991.
- (4) All costs associated with the inspection, maintenance and replacement of moorings or mooring components must be borne by the mooring permit holder.

Liability of the Council

- (1) Permit holders shall take all care to ensure that the mooring is used in a lawful manner and use moorings at their own risk.
 - a. The Harbourmaster and Council are not liable for: Any damage to a craft whether the damage is caused by a third party, a natural disaster event, natural processes or by any other cause;
 - b. Any damage to a craft which has not been securely moored;
 - c. Any damage to a craft which results from any actions taken by the Harbourmaster to secure a craft, in the event of a storm or other adverse event;
 - d. Any actions or omissions of the Harbour master or any other officer of the Council in the performance of any duties, functions or powers in respect of this bylaw.

Transfer of permit

- (1) The permit may be transferred where application is made and is accompanied by the payment of the application and processing fees along with a completed transfer request form by post to Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348 or by email to property@qldc.govt.nz

Surrender of permit

- (1) If no longer required, the permit may be surrendered by returning it to the Council together with confirmation that the mooring has been removed.

THIS DEED is made the

23rd 107 day of March 1998~~4~~

BETWEEN THE OTAGO REGIONAL COUNCIL ("the Region") of the one part

AND THE QUEENSTOWN-LAKES DISTRICT COUNCIL ("the District") of the other part.

both being bodies corporate constituted under S.37L of the Local Government Act 1974, the Region being a regional council and the District being a territorial authority.

WHEREAS the regional boundary of the Region includes an area that is also within the boundary of the District ("the Land")

AND WHEREAS pursuant to S.33 of the Resource Management Act 1991 ("the Act") the Region has agreed to transfer in respect of the Land certain of its functions, powers or duties as defined below to the District.

AND WHEREAS the District has agreed to assume such functions, powers or duties on the terms and conditions as are agreed herein the Region and the Council being satisfied that the transfer is desirable on all of the following grounds, namely the District to which the transfer is made represents the appropriate community of interest relating to the exercise or performance of the function, power or duty and efficiency and technical or special capability or expertise

AND WHEREAS the Region duly served notice on the Minister for the Environment

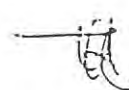
AND WHEREAS the Region has duly completed the special consultative procedure specified in S.716A of the Local Government Act 1974 and no submissions to the proposed transfer have been received

AND WHEREAS the proposed transfer is made expressly on the terms and in accordance with the said S.33 in particular subss (1), (3), (8) and (9) thereof

NOW THEREFORE THIS DEED WITNESSETH

1. THE region DOTH HEREBY TRANSFER to the District in respect of the Land the functions, powers or duties of:

- (a) determining applications for land use consent, consent for which is required to be obtained pursuant to S.13(1)(a) of the Act within the land;



- (b) administering, monitoring and supervising the implementation of consents given by the District pursuant hereto;
- (c) issuing of any consent required under bylaws promulgated under the Harbours Act 1950 in respect of any of the structures mentioned in subclause (a) hereof;
- (d) enforcement as provided in Part XII of the Act and as provided in the Harbours Act 1974 in respect of any of the above structures.

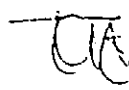
2. THE District HEREBY AGREES TO AND ACCEPTS to undertake these functions, powers and duties subject to the terms of this agreement and the said S.33.

3. ON receipt of land use consent applications in respect of structures which:

- (a) are located or proposed to be located on the bed of rivers; or
- (b) are solid or effectively solid structures (as distinct from open, piled structures); or
- (c) involve excavation of the bed, disturbance of the shoreline or significant disturbance of the lake bed; or
- (d) are owned or proposed by the District

the District will forthwith advise the Region of the receipt and nature of the application and the Region may at its discretion in any particular case resume the functions, powers and duties of processing and determining any application and of administering the consents at any time prior to the commencing of a hearing where such is held prior to determination of an application where no hearing is held.

4. THE District shall have all of the functions, powers and duties given under the Act or Local Government Act 1974 or any other power thereunto enabling to recover all costs incurred by it in the carrying out of the functions, powers and duties hereby transferred but shall have no right to call on a contribution to costs in respect thereof from the Region.

5. THE District shall report to the Region at six monthly intervals in such manner as may be agreed from time to time between the parties on the exercise of the functions, powers and duties hereby transferred.

6. THE District may relinquish the transfer of the functions, powers and duties agreed hereby following consultation with the Region and upon one month's notice following such consultation.

7. THIS agreement may be modified or varied by agreement in writing made between the parties.

8. THE Region may change or revoke the transfer of any function or power transferred hereby at any time by notice in writing to the District.

IN WITNESS WHEREOF the parties have executed this deed the day and year first before written.

THE COMMON SEAL of THE
OTAGO REGIONAL COUNCIL

was hereunto affixed in the
presence of:

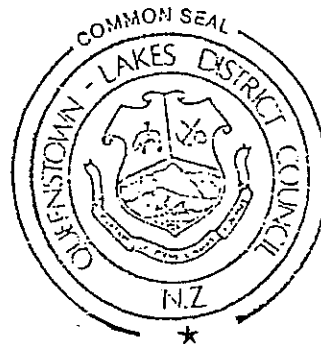


Chairperson

[Signature]
.....
[Signature]
.....

Director Corporate Services

THE COMMON SEAL of THE
QUEENSTOWN-LAKES DISTRICT
COUNCIL was hereunto affixed in the
presence of:



[Signature]
.....
[Signature]
.....
lkl cs



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




 R. W. Muir
 Registrar-General
 of Land

Identifier **OT8C/789**

Part-Cancelled

Land Registration District **Otago**

Date Issued 05 September 1980

Prior References

GN 453005

Estate	Fee Simple
Area	4.9110 hectares more or less
Legal Description	Section 25 Block I Coneburn Survey District
Purpose	Recreation Reserve
Registered Owners	
Her Majesty The Queen	

Interests

Subject to Section 116(3) Reserves Act 1977

615583 Gazette Notice declaring the within Reserve shall hereafter be known as the Kelvin Peninsula Recreation Reserve - 29.5.1984 at 11.49 am

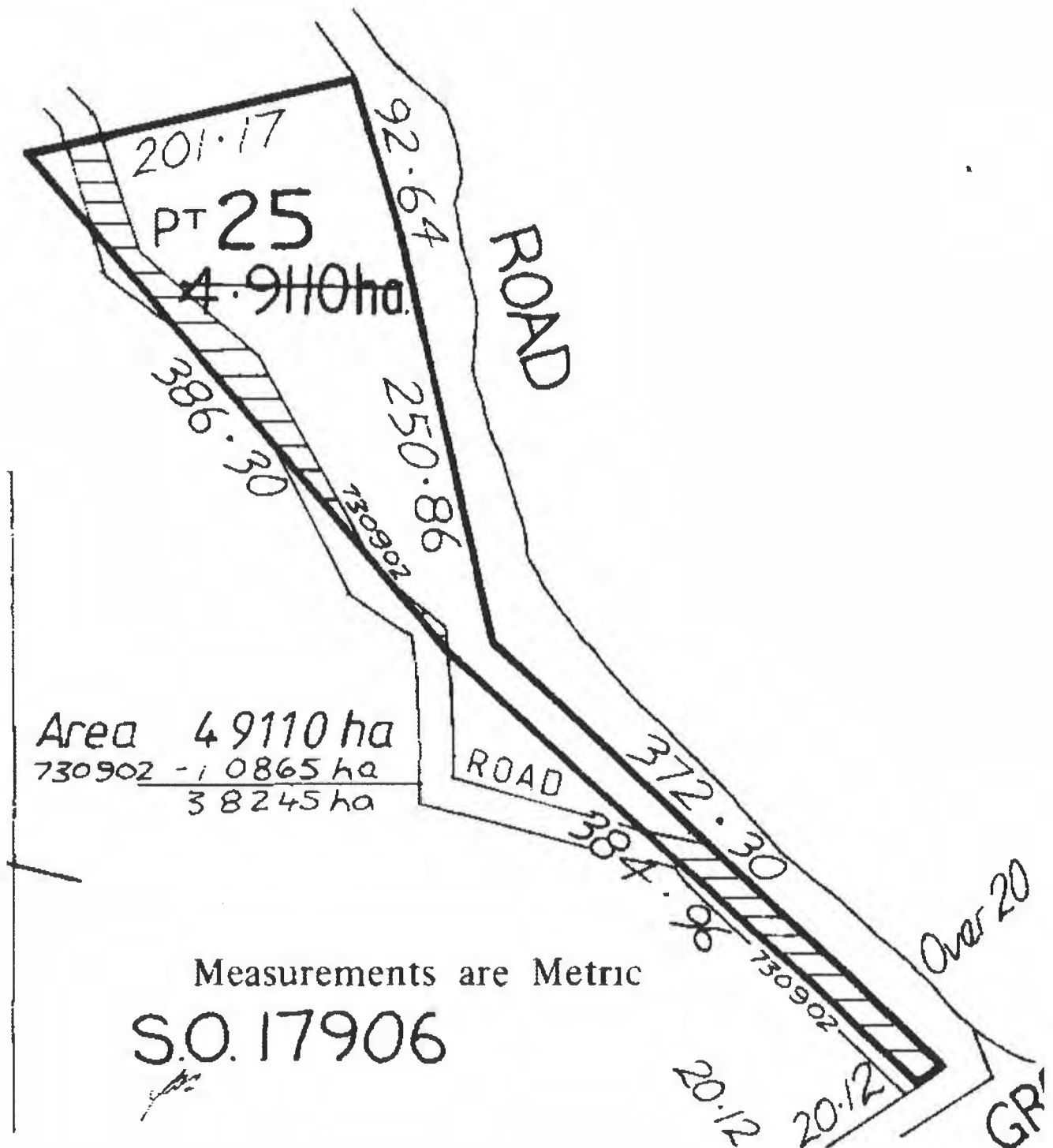
730902 Gazette Notice declaring part of the within land (1.0865 ha) hatched black on the diagram hereon to be taken for road and vested in the Queenstown Lakes District Council - 14.6.1989 at 10.22 am

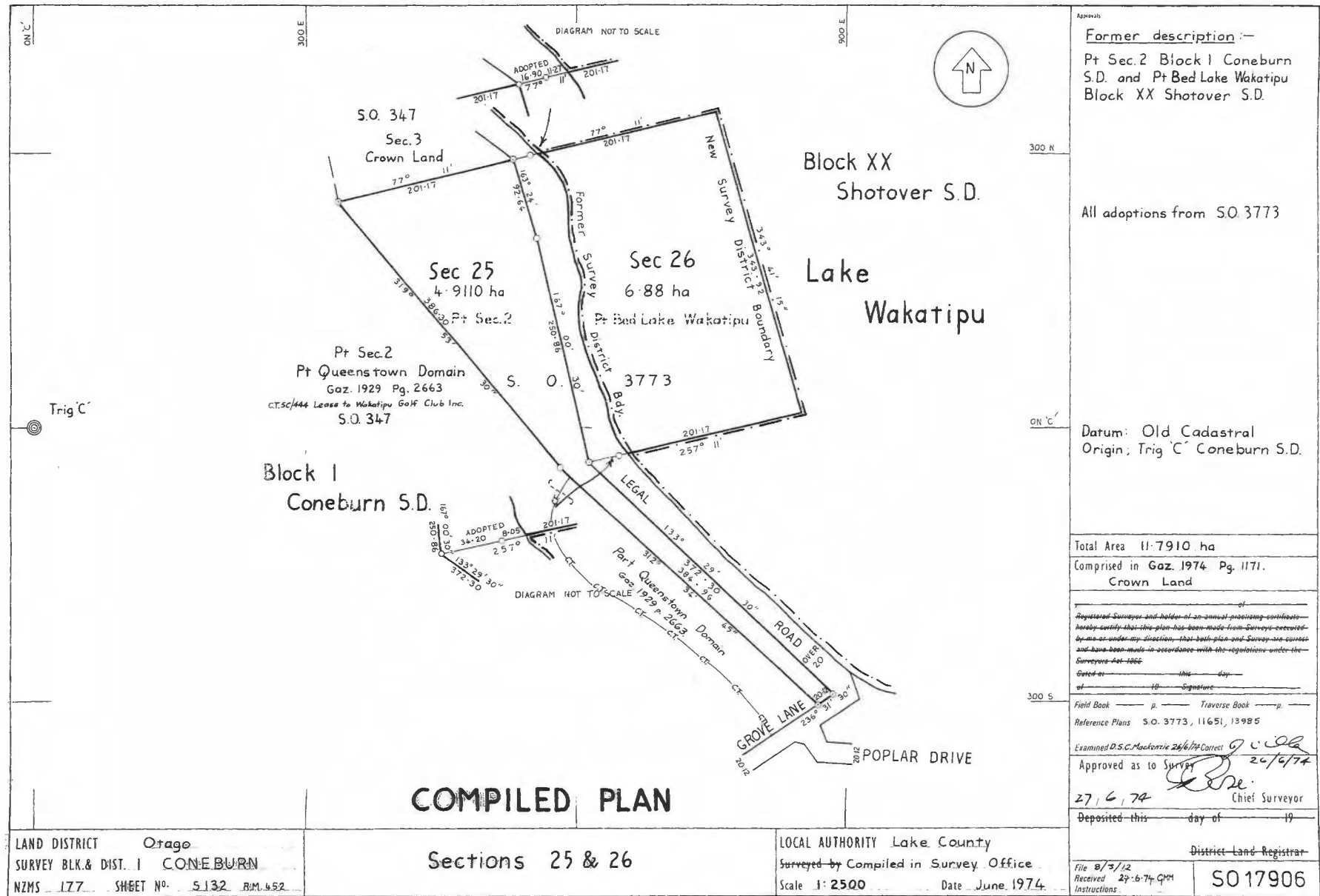
960279.1 SUBJECT TO PART 9 OF THE NGAI TAHU CLAIMS SETTLEMENT ACT 1998 (WHICH PROVIDES FOR CERTAIN DISPOSALS RELATING TO LAND TO WHICH THIS CERTIFICATE OF TITLE RELATES TO BE OFFERED FOR PURCHASE OR LEASE TO TE RUNANGA O NGAI TAHU IN CERTAIN CIRCUMSTANCES) - 11.1.1999 AT 9.03 AM

9172311.1 Notice pursuant to Section 195(2) Climate Change Response Act 2002 - 14.9.2012 at 12:15 pm

Identifier

OT8C/789





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1/5.8000 Surveyor-General, Department of Lands and Survey, Wellington

L65 FORM N 93



AFFECTED PERSON'S APPROVAL

FORM 8A



Resource Management Act 1991 Section 95



RESOURCE CONSENT APPLICANT'S NAME AND/OR RM

Alan Kirker - RM260476



AFFECTED PERSON'S DETAILS

I/We Toitu Te Whenua - Land Information New Zealand (LINZ)

Are the owners/occupiers of

The lakebed is administered by LINZ on behalf of the commission of Crown Lands



DETAILS OF PROPOSAL

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

Retrospective resource consent is being sought from Queenstown Lakes District Council to retain 2 x swing moorings on the bed of Lake Wakatipu.

at the following subject site(s):

M25 is located on the southern shores of the Frankton Arm near Kelvin Peninsula and can be identified using GPS Co-ordinates: Latitude: 45° 02.501"S// Longitude: 168°40.702"E

M121 is located on the northern shores of the Frankton Arm near the Frankton Marina and can be identified using the GPS co-ordinates: Latitude: 45°01' 13.56"S // Longitude: 168°42'45.00"E



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.

AEE



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)

Mark Hayden on behalf of the Commissioner of Crown Lands

Contact Phone / Email address

crownproperty@linz.govt.nz

Signature

Date

25/05

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.



7 May 2026

Queenstown Lakes District Council
C/- Rebecca Holden
rebecca.holden@qldc.govt.nz

Dear Rebecca,

RM260476 AJ & J Kirker: *Retrospective consent of an existing mooring at Kelvin Grove – Queenstown Lakes District Council (QLDC) s176 requiring authority approval*

The QLDC Parks and Reserves Team received a resource consent application (RM260476), to retrospectively approve an existing swing mooring within Kelvin Grove recreation reserve (Section 26 Block I Coneburn SD). It is understood the mooring was first established by the Wakatipu Yacht Club, but it is unclear when as there are no clear records of its approval available. The mooring is known as M25 (WAK616 in Council records).

The application is subject to designation #182, which is designated as the Kelvin Peninsula Recreation Reserve. The location of the mooring within the designation is shown below:



In accordance with s176(b) of the Resource Management Act (RMA) 1991, QLDC Parks and Reserves as the requiring authority over designation #182, provide approval for AJ & J Kirker to establish a swing mooring as described in resource consent RM260476.

Should you have any queries please contact the Parks and Reserves team on phone (03) 450 0499.

Yours sincerely, Nāku noa nā

Christine Skipworth
Team Leader – Parks Planning

7 May 2026

Queenstown Lakes District Council
C/- Rebecca Holden
rebecca.holden@qldc.govt.nz

Dear Rebecca,

RM260476 AJ & J Kirker: Retrospective consent of an existing mooring at Kelvin Grove – Queenstown Lakes District Council (QLDC) landowner approval

This letter gives written landowner approval to AJ & J Kirker for the activity that is the subject of Queenstown Lakes District Councils resource consent application RM260476. The activity comprises the following activity requiring resource consent on reserve land administered by QLDC:

- To retrospectively approve an existing swing mooring within Kelvin Grove recreation reserve (Section 26 Block I Coneburn SD), which was first established by the Wakatipu Yacht Club.

Landowner approval is granted based on the application for resource consent, including the Assessment of Environmental Effects dated 21 April 2026 and the location of the mooring, shown in the aerial below:



Please note that any amendments to the application and location described above, require updated landowner approval from QLDC.

Should you have any queries please contact the Parks and Reserves team on phone (03) 450 0499.

Yours sincerely, Nāku noa nā

Christine Skipworth
Team Leader – Parks Planning