

APPLICATION AS NOTIFIED

K McMillan

(RM250593)

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:

K McMillan

What is proposed:

To lawfully establish an existing swing mooring on the bed and surface of Lake Wakatipu (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:

On the southern side of the Frankton Arm to the north of 681 Peninsula Road, Kelvin Heights, Queenstown within Whakātipu-Wai-Māori at the following GPS coordinates:

-45.044869 S, 168.684633 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 **RM250593** as the reference <https://edocs.qldc.govt.nz/Account/Login>

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

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

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

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

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

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

21 April 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 (K McMillan, kfvm@xtra.co.nz) as soon as reasonably practicable after serving your submission to Council:

C/- Burnetta Van Stipiraan
burnetta@slwp.co.nz
Southern Water and Land Planning

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: 20 March 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

TechnologyOne ECM Document Summary

Printed On 19-Mar-2026

Class	Description	Doc Set Id / Note Id	Version	Date
PUB_ACC	Application Form 9 - Mooring 51 (Amended 9.03.26)	9420970	1	09-Mar-2026
PUB_ACC	Assessment of Environmental Effects	8948510	1	08-Aug-2025
PUB_ACC	Mooring Permit 51 2025 - 2026	9062842	1	13-Oct-2025
PUB_ACC	Mooring Inspection Report - Mooring 51, 5.03.26	9420969	1	09-Mar-2026
PUB_ACC	LINZ APA	8998705	1	03-Sep-2025

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



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: **Kingsley Francis McMillan**

(Name Decision is to be issued in)

*All trustee names (if applicable):

Contact Name if Company or Trust:

*Postal Address: **11 Newcastle Street, Invercargill**

*Post code:

9810

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

*Email Address: **kfv@xtra.co.nz**

*Phone Numbers: Day **032171095**

Mobile: **0273344696**

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: **Burnetta Van Stipiraan- Southern Water and Land Planning**

Phone Numbers: Day

Mobile: **021 180 7845**

Email Address: **burnetta@slwp.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:

*Postal Address: **11 Newcastle Street, Invercargill**

*Post code:

9810

*Please provide an email AND full postal address.

*Email: **kfv@xtra.co.nz**



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:

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)

1260153 E 5003003 N (NZTM)

For any land based areas:

Legal Description: Crown land

Owners/Occupiers: The bed of Lake Wakātipu|Whakātipu-Wai-Māori is Crown land managed by

District Plan Zone: ODP: Rural General Zone, PDP: Rural Zone

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

Kingsley Francis McMillian: Mooring 51 - last invoice number of payment for the permit is 14539

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

Commercial and recreational surface water users.



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

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

Is there a dog on the property? YES NO

Are there any other hazards or entry restrictions that council staff need to be aware of? YES NO

If 'yes' please provide information below



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

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

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)

Resource consent is sought to legalise an existing swing mooring (#51)



BRIEF DESCRIPTION OF THE PROPOSAL

Consent is sought to undertake a water-based activity on **Lake Wakatipu**

(Lake / River)

The activity will operate **365 days a year**

(dates / duration)

to provide for **The mooring of a recreational vessel**

(number persons)

Brief description of activity:

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



PRIVACY INFORMATION

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

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

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



FEES INFORMATION

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

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

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

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

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

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

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

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

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

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

A [List of Charges and Fees](#) is available on our website.



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

Please wait for the initial fee invoice to be issued and 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.



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

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

Full name of person lodging this form **Tracy Louise Excell**

Firm/Company **Southern Land and Water Planning**

Dated **8/8/25**

**If this form is being completed on-line you will not be able, or required, to sign this form and the on-line lodgment 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;
- (f) an assessment of the activity against the matters set out in Part 2;
- (g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).

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

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

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

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

Information provided within the Form above

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

ADDITIONAL INFORMATION REQUIRED IN SOME APPLICATIONS

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

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

**KINGSLEY FRANCIS MCMILLAN
681 PENINSULA ROAD
EXISTING SWING MOORING
LAKE WAKATIPU | WHAKĀTIPU-WAI-MĀORI**

Application for resource (land use) consent to legalise swing mooring
(#51) located in the bed of Lake Wakātipu | Whakātipu-Wai-Māori

Resource Consent Application

August 2025



W: www.slwp.co.nz
E: tracy@slwp.co.nz
P: 0210439601

© Southern Land & Water Planning Ltd 2025

CONTENTS

1	INTRODUCTION	3
1.1	Overview/Background	3
1.2	Scope of Environmental Documentation	4
1.3	Pre-application Consultation	5
1.3.1	Pre-application consultation with Queenstown Lakes District Council (QLDC)	5
1.3.2	Pre-application consultation with affected persons/parties	5
2	DESCRIPTION OF THE PROPOSAL	6
2.1	Consent Background (Planning History)	6
2.2	Activity Location (The Site and Receiving Environment)	7
2.3	Description of Proposed Activity	9
3	CONSENT REQUIREMENTS AND ACTIVITY STATUS	11
3.1	Sections 10, 10A and 20A of the Resource Management Act (RMA)	11
3.1.1	Section 10	11
3.1.2	Section 10A	11
3.1.3	Section 20A	12
3.2	Consents Required	12
3.2.1	Operative Queenstown Lakes District Plan (ODP)	12
3.2.2	Proposed Queenstown Lakes District Plan (PDP)	13
3.2.3	Regional Plan: Water for Otago (Regional Plan)	13
3.2.4	Activity Status	14
4	ASSESSMENT OF ENVIRONMENTAL EFFECTS	15
4.1	Actual or Potential Effects	15
4.1.1	Amenity effects	15
4.1.2	Effects associated with lake bed disturbance	16
4.1.3	Effects on other users of the lake	17
4.1.4	Effects on navigation and water safety	17
4.1.5	Effects on historic values, spiritual and cultural values	18
4.1.6	Positive Effects	18
4.2	Other Matters	19
4.3	Summary of Effects	20
5	STATUTORY CONSIDERATIONS	20
5.1	Resource Management Act 1991 (RMA)	20
5.2	National Policy Statement for Freshwater Management 2020 (NPS-FM)	22
5.3	Queenstown Lakes Operative District Plan (June 2018)	22

5.4	Queenstown Lakes Proposed District Plan	23
6	ASSESSMENT OF ALTERNATIVES	25
7	THE GATEWAY TEST (S104D OF THE RMA)	26
8	SUMMARY AND CONCLUSIONS	26

APPENDICES:

- A Site plan
- B QLDC Property Administration's email to the applicant – notification and frequently asked questions relating to your Mooring or Jetty Permit
- C QLDC's email to the applicant - Section 88 of the RMA return of August 2022 application
- D Mooring Inspection Report by Wright Building and Diving Services Ltd.
- E Location plan

DOCUMENT STATUS

Version	Purpose of Document	Prepared By	Reviewer	Date
Draft B	Amended Draft	TE	SN	6/8/2025
Final	Resource Consent	TE	SN	6/8/2025

1 INTRODUCTION

1.1 Overview/Background

This application has been prepared for and on behalf of Kingsley Francis McMillan (the applicant). The applicant is seeking land use resource consent to legalise an existing swing mooring (#51) located in the bed of Lake Wakātipu |Whakātipu-Wai-Māori at Frankton Arm, which is approximately 40 years old. The swing mooring is associated with 681 Peninsula Road, Kelvin Heights, Queenstown (the applicant's property). A location plan is attached as **Appendix A**. The bed of Lake Wakātipu |Whakātipu-Wai-Māori is Crown land managed by Land Information New Zealand (LINZ).

The Otago Regional Council has delegated its responsibilities under Section 13(1)(a) of the Resource Management Act 1991 (RMA) to the Queenstown Lakes District Council (QLDC), which includes structures in the beds of lakes. Therefore, A Non-Complying activity resource consent is sought for mooring #51 under Rule 5.3.3.4(a)(ii)(b) - Surface of Lakes and Rivers, of the Operative Queenstown Lakes District Plan (ODP), and under Rule 21.15.9 - Structures and Moorings, of the Proposed Queenstown Lakes District Plan (PDP), and a Discretionary Activity resource consent is sought under Rule 13.2.3.1 of the Regional Plan: Water for Otago, for the placement of a structure fixed in the bed of Lake Wakātipu |Whakātipu-Wai-Māori.

No additional resource consents are required for the proposed activity.

Bed disturbance activity associated with minor repairs, maintenance or alterations of a mooring is permitted under Rule 21.15.4 of the PDP, while the use, maintenance, repair and replacement of a mooring is permitted under Rules 13.1.1.1, 13.3.1.1, 13.3.1.2, 13.5.1.1 of the Regional Plan: Water Otago, therefore as the ongoing use, maintenance and the replacement of mooring #51 is a permitted activity, in accordance with Section 123(c) of the Resource Management Act 1991 a land use consent is sought for a duration of 35 years.

Table 1: Key information

Application details	
Applicant	Kingsley Francis McMillan
Applicant's Property	681 Peninsula Road, Kelvin Heights, 9300
Legal Description of Applicant's Property	Lot 14 DP 9769 Kawarau Falls Township Extn No 1 held in Record of Title OT/A1/1311 (Appendix B)
Address (Application Site)	Frankton Arm of Lake Wakātipu Whakātipu-Wai-Māori (Appendix A)
Location (NZTM)	Bed and surface of Lake Wakātipu Whakātipu-Wai-Māori at: 1260153 E 5003003 N

Legal Description	N/A Crown land – lake bed
Site Area	N/A
Owner/s	The bed of Lake Wakātipu Whakātipu-Wai-Māori is Crown land managed by LINZ
Operative District Plan (ODP) Zoning	Rural General Zone
Proposed District Plan (PDP) Zoning (Revision 17 July 2025)	Rural Zone
PDP Designations and Special Provisions (Revision 17 July 2025)	Wāhi Tūpuna Name: Whakātipu-Wai-Māori (Lake Wakātipu) Manawhenua Values: Wāhi taoka, mahika kai, ara tawhito Reference Number: 33
Proposed Activity	The applicant is seeking resource consent to legalise an existing swing mooring (#51) located in the bed of Lake Wakātipu Whakātipu-Wai-Māori at Frankton Arm to moor a single recreational vessel on the surface of Lake Whakātipu Whakātipu-Wai-Māori. The mooring will be for the personal use of the applicant.
Consents sought	Under the ODP, Non-Complying activity resource consent under Rule 5.3.3.4(a)(ii)(b), for the mooring (Surface of Lakes and Rivers). Under the PDP, Non-Complying activity resource consent under Rule 21.15.9, for the mooring (Structures and Moorings). Under the Otago Regional Council Regional Plan: Water, Discretionary Activity resource consent under Rule 13.2.3.1 for the placement of a structure fixed in the bed of Lake Wakātipu Whakātipu-Wai-Māori.
Bundled activity status:	Non-Complying

1.2 Scope of Environmental Documentation

This application for resource consent has been prepared in accordance with Section 88 of the Resource Management Act 1991 (RMA). This document provides an Assessment of Environmental Effects (AEE) for the proposal. The document describes the following:

- **Section 1:** Provides an overview/background of the proposed activity, sets out the scope of environmental documentation and lists the affected parties/persons with whom there has been pre-application consultation.
- **Section 2:** Provides an outline of the activity location and presents a detailed discussion on the proposed activity.
- **Section 3:** Provides a description of the regulatory framework, setting out the consent requirements and activity status.
- **Section 4:** Provides an assessment of the actual or potential environmental effects of the proposed activity and proposed measures to avoid, remedy or mitigate those effects, as

required by the Fourth Schedule of the RMA and provides an assessment of the proposed activity against other matters

- **Section 5:** Provides an assessment of the proposed activity against statutory planning considerations.
- **Section 6:** Considers alternative locations or methods and is part of the assessment of the activity's effects on the environment.
- **Section 7:** Provides a summary and conclusions.

1.3 Pre-application Consultation

1.3.1 Pre-application consultation with Queenstown Lakes District Council (QLDC)

In June 2022, QLDC Property Administration emailed the applicant “notification and frequently asked questions relating to your Mooring or Jetty Permit”, which informed the applicant a resource consent was required for mooring #51. In response to the email, in August 2022, the applicant applied to QLDC for an Existing Use Certificate, which was returned under Section 88 of the RMA.

There has been no subsequent pre-application consultation about the proposal with QLDC.

1.3.2 Pre-application consultation with affected persons/parties

Pre-application consultation has been undertaken with affected persons/parties that were identified by QLDC in relation to the applicant's August 2022 application (refer **Appendix C**). Pre-application consultation with these and other affected persons/parties has been in the form of providing them consultation material about the proposed activity. At the time of preparing this document, no responses have been received from affected parties/persons as summarised in Table 2.

Table 2: Parties/persons with whom pre-application consultation about the proposed activity has been undertaken and responses (if any) received at time of preparing this document

Affected party/person	Pre-application consultation response
Aukaha	Response awaited
Department of Conservation (DOC) Te Papa Atawhai	Response awaited
LINZ	Response awaited
Te Ao Marama Incorporated (TAMI)	Response awaited
QLDC Harbourmaster	Response awaited

Given mooring #51 has existing use rights (refer to section 3.1.1), Rule 39.4.2 of the PDP permits structures within an identified wāhi tūpuna area, and as the use, maintenance, repair and replacement of a mooring is permitted under Rules 13.1.1.1, 13.3.1.1, 13.3.1.2, 13.5.1.1 of the Regional Plan: Water

Otago, it is considered the proposal will not adversely affect any other person or party. It is anticipated the Harbour Master will comment on this application through the Council's resource consent process.

2 DESCRIPTION OF THE PROPOSAL

In this section, the consent background is summarised, an outline of the activity location including receiving environment provided, and a detailed discussion on the proposed activity presented.

2.1 Consent Background (Planning History)

The relevant planning history for the site is:

- RM220695: The applicant's August 2022 application for an Existing Use Certificate, which was returned under Section 88 of the Resource Management Act 1991.

The following is noted:

- History of use: The mooring pre-dates the RMA. The applicant advises that the mooring #51 is at least 40 years old and that the previous Harbour Master, Mr Marty Black was involved with the original positioning of it. The photographs below are historical images that identify moorings in the area pre dated the RMA and have been a feature of this shoreline since at least 1984.



Photo 1: Historic imagery showing the activity location taken 31/12/1984 (Source: Retrolens Historical Image Resource)



Photo 2: Historic imagery showing the activity location taken 16/12/1988 (Source: Retrolens Historical Image Resource)

2.2 Activity Location (The Site and Receiving Environment)

2.2.1 The Receiving Environment

The receiving environment is comprised of Lake Wakātipu | Whakātipu-Wai-Māori, which is a Statutory Acknowledged area under Schedule 75 of the Ngāi Tahu Claims Settlement Act 1998. The Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Whakātipu-Wai-Māori. The receiving environment includes urban residential development and recreational areas, such as the Kelvin Heights Golf Course. Schedule 1A: Natural Values of the Regional Plan: Water, for Lake Whakātipu identifies the lake has outstanding values for matters such as a fishery, for its scenery and scientific value, for recreational purposes, in particular boating, for historical purposes, and for significance in accordance with tikanga Māori. Schedule 1A also identifies the lake is significant habitat for koaro and that it has ecosystem values for species such as Eel, trout and salmon.

Lake Wakātipu | Whakātipu-Wai-Māori is subject to berths and moorings for commercial and recreational surface water vessels, and during the summer months is used for recreational activities e.g., boating, paddle boarding and kayaking. The shoreline surrounding the Frankton Arm is highly modified, with walking tracks, urban residential development and roads being the predominant features adjacent to the shoreline.

2.2.2 The site

Swing mooring #51 is located in the Frankton Arm of Lake Wakātipu | Whakātipu-Wai-Māori at NZTM 1260153 E 5003003 N, which is adjacent to land designated for the purpose of being a recreation reserve and esplanade reserve that is largely used as a walking track along Kelvin Heights. This stretch of shoreline features several moorings with approximately 7-8 vessels berthed at any one time, which have been a feature of the shoreline since at least 1984 (refer to Photo 1 and Photo 2). Figure 1 below shows the location of mooring #51 in Lake Wakātipu | Whakātipu-Wai-Māori.

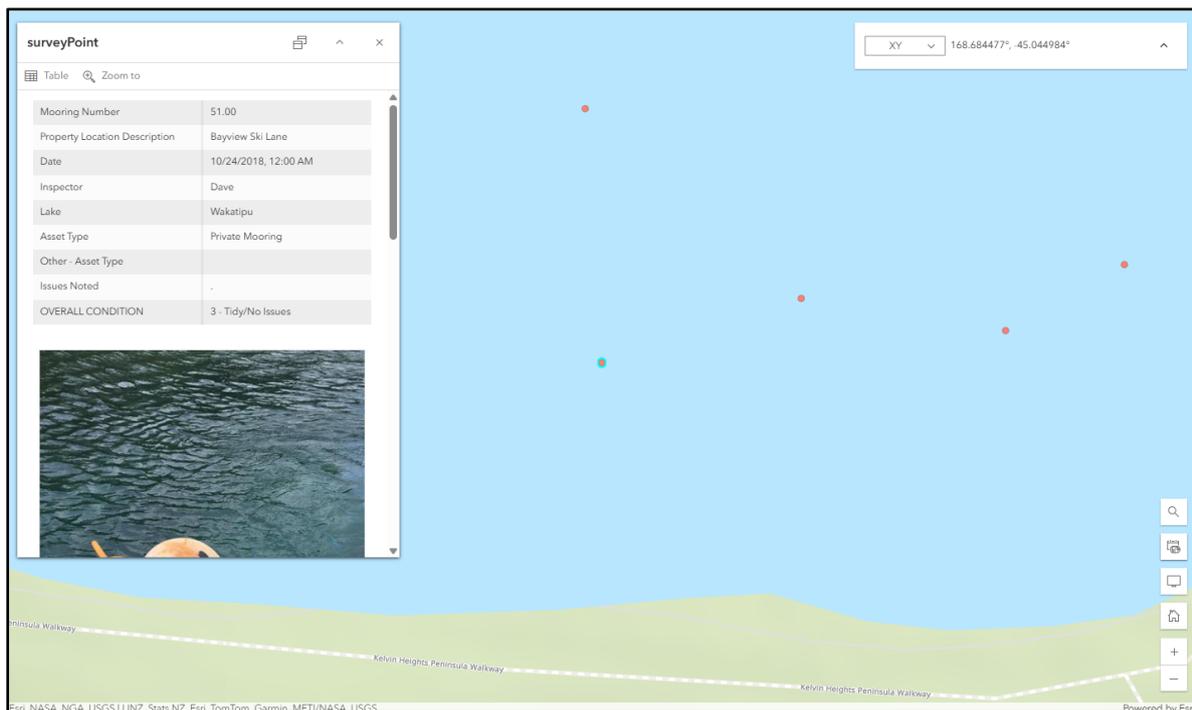


Figure 1: The location of Mooring #51 (red dot with blue outline) (Source: arcgis.com¹)

¹ <https://www.arcgis.com/apps/mapviewer/index.html?layers=4fe71d086f91409587a417aee6d357b9>



Figure 2: The location of Mooring #51 (red dot with blue outline) (Source: Arcgis.com)

2.3 Description of Proposed Activity

Resource consent is sought to legalise an existing swing mooring (#51) located in the bed of Lake Wakātipu | Whakātipu-Wai-Māori at Frankton Arm. The mooring is associated with the applicant's property at 681 Peninsula Road, Kelvin Heights, Queenstown. Mooring #51 was placed within and fixed to the bed of of Lake Wakātipu | Whakātipu-Wai-Māori in the early 1980's.

Mooring #51 is comprised of a mooring block made out of a 44 gallon drum of concrete, which is half buried in the bed of the lake. The mooring block is attached to the ground with a 5 metre in length 20mm chain. The mooring block is connected to an A4 windy buoy (refer to photo 1 below) on the surface of the water with a 13mm chain. The A4 windy buoy was replaced on 19 December 2021. The A4 windy buoy is connected to a rope with thimble and eyelet, which a vessel uses to connect to the mooring. The mooring is considered to be suitable for a vessel up to 6 – 8 metres in length (refer to **Appendix D** for an inspection report on mooring #51). Photo 1 below shows the location of mooring #51 within the Frankton Arm of Lake Wakātipu | Whakātipu-Wai-Māori.



Photo 1: View towards mooring #51 (red) (Source: the Applicant).

The purpose of the mooring is for the personal use of the applicant for a recreational vessel.

In accordance with Section 123(c) of the Resource Management Act 1991 a land use consent for mooring #51 is sought for a duration of 35 years.

The applicant does not request that the application be publicly notified (Section 95(3)(a) of the RMA).

3 CONSENT REQUIREMENTS AND ACTIVITY STATUS

3.1 Sections 10, 10A and 20A of the Resource Management Act (RMA)

RMA Section 139A (Consent authorities to issue existing use certificates) refers to Sections 10, 10A and 20A. The activity is not allowed by RMA Sections 10 and 10A as assessed below. Section 20A is addressed below.

3.1.1 Section 10

Section 10(1) prescribes (with emphases added) that:

*“Land may be used in a manner that contravenes a rule in a district plan or proposed district plan if—
(a)...*

- (i) the use was lawfully established before the rule became operative or the proposed plan was notified; and*
- (ii) the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified”.*

Comment

As mooring #51 was fixed to the lake bed and placed on the surface of Lake Wakātipu |Whakātipu-Wai-Māori in approximately 1980, the mooring existed prior to the RMA and it is considered to have been lawfully established. In addition, as mooring #51 remains of similar character, intensity and scale, it is considered to have existing use rights pursuant to section 10 of the RMA.

3.1.2 Section 10A

Section 10A prescribes (with emphases added) that:

“In respect of the use of the surface of water in lakes and rivers where, as a result of a rule in a district plan becoming operative, or a rule in a proposed district plan taking legal effect in accordance with section 86B or 149N(8), an activity that formerly was a permitted activity or that otherwise could have been lawfully carried out without a resource consent requires consent, the activity may continue to be carried on after the rule in the plan becomes operative, or the rule in the proposed plan takes legal effect in accordance with section 86B or 149N(8), if—

- (a) the activity was lawfully established before the rule in the plan became operative or the rule in the proposed plan took legal effect in accordance with section 86B or 149N(8); and*
- (b) the effects of the activity are the same or similar in character, intensity, and scale to those which existed before the rule in the plan became operative or the rule in the proposed plan took legal effect in accordance with section 86B or 149N(8); and*
- (c) the person carrying on the activity applies for a resource consent from the appropriate consent authority within 6 months of the rule in the plan becoming operative.”*

Comment

Section 10A(c) identifies although mooring #51 was lawfully established and has exiting use rights that its activity on the surface of the water requires a resource consent under the ODP and PDP.

3.1.3 Section 20A

Section 20A(2) prescribes (with emphases added) that:

“If, as a result of a rule in a regional plan becoming operative, an activity requires a resource consent, the activity may continue after the rule becomes operative if,—

- (a) before the rule became operative, the activity—*
 - (i) was a permitted activity or allowed to continue under subsection (1) or otherwise could have been lawfully carried on without a resource consent; and*
 - (ii) was lawfully established; and*
- (b) the effects of the activity are the same or similar in character, intensity, and scale to the effects that existed before the rule became operative; and*
- (c) the person carrying on the activity has applied for a resource consent from the appropriate consent authority within 6 months after the date the rule became operative and the application has not been decided or any appeals have not been determined.”*

Comment

Section 20A(2)(c) identifies that although mooring #51 was lawfully established that its bed disturbance activity requires a resource consent under the Regional Plan: Water for Otago.

3.2 Consents Required

The Operative Queenstown Lakes District Plan, the Proposed Queenstown Lakes District Plan, and the the Regional Plan: Water for Otago are the plans with respect to this application. The following consents are required.

3.2.1 Operative Queenstown Lakes District Plan (ODP)

Under the ODP, the following consent is required:

- **Non-Complying activity** under Rule 5.3.3.4(a)(ii)(b) – Surface of Lakes and Rivers, because the mooring is located in an area of a District Plan Map² where moorings are shown as being non-complying. The activity is not listed as a Prohibited activity under Rule 5.3.3.5 - Prohibited Activities.

² Operative District Plan ePlan, accessed on 29 July 2025.

3.2.2 Proposed Queenstown Lakes District Plan (PDP)

Under the PDP, the following consent is required:

- **Non-Complying activity** under Rule 21.15.9 - Structures and Moorings, because the mooring is located in an area of a District Plan Map³ where moorings are shown as being non-complying.

3.2.3 Regional Plan: Water for Otago (Regional Plan)

Under the Regional Plan, the following consent is required:

- **Discretionary activity** under Rule 13.2.3.1 for the placement of a structure fixed in the bed of Lake Wakātipu |Whakātipu-Wai-Māori, as the placement of mooring #51 in the bed of the Lake is not provided for by Rules 13.2.1.1 to 13.2.2.1, and because although it was lawfully established and the use, maintenance, repair and replacement of a mooring is permitted under Rules 13.1.1.1, 13.3.1.1, 13.3.1.2, 13.5.1.1, Section 20A(2)(c) of the RMA states the existing mooring requires a resource consent.

No other consents are required. There is no permitted criteria for a mooring in ODP. A full assessment under the relevant permitted activity criteria of PDP and the Regional Plan is shown in Table 3 and Table 4 below. As stated above, mooring #51 was lawfully established as it was placed within and fixed to the bed of of Lake Wakātipu |Whakātipu-Wai-Māori in the early 1980's, which pre dates the RMA.

Table 3: Assessment of the proposal under the permitted activity criteria in the PDP

Rule	
Rule 21.15.4: Minor repairs, maintenance or alterations of existing operational jetties and moorings.	Complies
Rule 39.4.2: Structures within an identified wāhi tūpuna area are permitted.	Complies

Table 4: Assessment of the proposal under the permitted activity criteria in the Regional Plan

Rule	
Rule 13.1.1.1: The use of any structure that is fixed in, on, under, or over the bed of any lake or river, or any Regionally Significant Wetland, is a permitted activity, providing: (a) The structure is lawfully established; and (b) In the case of a change in use, the effects of the new use of the structure are the same or similar in	Complies Any maintenance of the mooring will not change the scale of the mooring. Mooring #51 will be maintained in good repair.

³ PDP Decisions Version Map 37 - Kelvin Peninsula

<p>character, intensity and scale as the preceding use; and (c) Measures are taken to avoid animal waste entering the lake, river or Regionally Significant Wetland; and (d)The structure is maintained in good repair.</p>	
<p>Rule 13.3.1.1: The repair or maintenance of any lawful structure in, on, under or over the bed of a lake or river, or any Regionally Significant Wetland, is a permitted activity providing: (a) There is no permanent change to the scale, nature or functions of the structure</p>	<p>Complies The repair and maintenance of the mooring will not change the scale of the mooring or its function.</p>
<p>Rule 13.3.1.2: The extension, alteration, replacement or reconstruction of any lawful structure in, on, under or over the bed of a lake or river, or any Regionally Significant Wetland, is a permitted activity providing: (a) In the case of a replacement or reconstruction, the structure is replaced or reconstructed in the same location as the original structure; and (b) There is no permanent change to the scale, nature or functions of the structure, except where a rule under 13.2.1 applies to that structure and the conditions of that rule are met.</p>	<p>Complies Maintenance work on the mooring will not change the scale of the mooring. If replaced the new mooring will be placed in the same location and at the same scale as the existing mooring.</p>
<p>Rule 13.5.1.1: The disturbance of the bed of any lake or river, or any Regionally Significant Wetland, and any resulting discharge or deposition of bed material associated with: (i) 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 or river, or the wetland.</p>	<p>Complies Any lake bed disturbance and discharge activity will be limited to the matters identified in Rule 13.5.1.1(i).</p>

3.2.4 Activity Status

In summary, the consent proposal is:

- A Non-Complying Activity under Rule 5.3.3.4(a)(ii)(b) of the ODP for a mooring;
- A Non-Complying Activity under Rule 21.15.9 of the PDP for a mooring; and
- A Discretionary Activity under Rule 13.2.3.1 of the Regional Plan for the placement of a structure fixed in the bed of a lake.

Bundled consent is sought for a **Non-Complying Activity**.

4 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Section 88 and Schedule 4 of the RMA require an assessment of any actual or potential effects **in such detail as corresponds with the scale and significance of the effects** that the proposed activity may have on the environment, and the ways in which any adverse effects may be avoided, remedied or mitigated.

The following environmental effects are considered relevant to this application:

- Amenity effects;
- Effects associated with lake bed disturbance;
- Effects on other users of the lake;
- Effects on navigation and water safety;
- Effects on cultural values ; and
- Positive Effects

These effects are discussed in detail below. Other matters (schedule 4 of the RMA) are then discussed before a summary of effects.

4.1 Actual or Potential Effects

4.1.1 Amenity effects

The placement of structures within a lake can adversely affect the amenity values of the receiving environment when the structure changes the pattern of the landscape and the pleasantness of the area. In addition, structures have the potential to adversely affect the visual amenity of the receiving environment when they stand out from the surrounding area, rather than blend in with it.

The proposal is to legalise an existing swing mooring (#51) located in the bed of Lake Wakātipu |Whakātipu-Wai-Māori at Frankton Arm, which is described in Section 2.3 of this AEE.

Amenity values are interpreted in the RMA as *‘those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes’*. A wide range of people utilise the walkway adjacent to the Frankton Arms shoreline for recreational purposes. In addition, Lake Wakātipu |Whakātipu-Wai-Māori is utilised by commercial operators and the public for surface water activities with vessels use and the subsequent use of moorings being a key commercial and recreational surface water activity. Cultural values are considered further below and under Rule 39.4.2 of the PDP, structures within an identified wāhi tūpuna area are permitted.

In considering the actual and potential amenity effects of the proposal, it is recognised that mooring #51 has been a consistent feature within Lake Wakātipu | Whakātipu-Wai-Māori at the Frankton Arm since at least 1984, and that it is part of a wider cluster of moorings, which have formed part of the receiving environment for over 40 years (refer to Photo 1 and Photo 2). As Mooring #51 forms part of the receiving environment, and because vessel use continues to be an activity that contributes to the area's recreational attributes, it is considered that the legalisation and continued use of the mooring will have a less than minor effect on the receiving environments amenity values.

Moorings have the potential to reduce the visual amenity of the receiving environment as for navigational safety reasons they are required to be brightly coloured. However, the location and colour of moorings on the surface of the lake are anticipated by users of the environment because their location, colour and use has formed part of the receiving environment since at least the late 1980's when recreational and tourist use of the area increased due to the start of adventure tourism in the district.

It is considered that because mooring #51 has formed part of the receiving environment for over 20 years and because the moorings colour is required for navigational safety that the visual appearance of mooring #51 on the surface of Lake Wakātipu | Whakātipu-Wai-Māori is anticipated and that it will have a less than minor effect on the receiving environments visual amenity values.

Overall, it is considered that because mooring #51 has formed part of the receiving environment for over 20 years that the legalisation and ongoing use of the mooring will have a less than minor effect on the receiving environments amenity and visual amenity values.

4.1.2 Effects associated with lake bed disturbance

Mooring #51 inspection report (Appendix D) confirms it is existing in the bed of Lake Wakātipu | Whakātipu-Wai-Māori. Any future lake bed disturbance and incidental discharge associated with mooring #51 will be limited to the maintenance, repair and potential future replacement of the mooring at the same location and at the same scale as the existing mooring. Bed disturbance activity associated with minor repairs, maintenance or alterations of a mooring is permitted under Rule 21.15.4 of the PDP, while the use, maintenance, repair and replacement of a mooring is permitted under Rules 13.1.1.1, 13.3.1.1, 13.3.1.2, 13.5.1.1 of the Regional Plan: Water Otago.

Due to mooring #51's lake bed disturbance activity being permitted, it is considered the moorings actual and potential lake bed disturbance activity will have a negligible effect on the receiving environment.

4.1.3 Effects on other users of the lake

Photo 1 and Photo 2 identify mooring #51 has been located within Lake Wakātipu | Whakātipu-Wai-Māori at the Frankton Arm for over 40 years.

Mooring #51 inspection report (Appendix D) confirms the swing moorings design and system at its location is appropriate and safe for its intended use. A new maintenance check of the mooring and an inspection report will be commissioned if consent is granted. As mooring #51 has been at this location within a cluster of other existing moorings for over 40 years, its continued use will have a less than minor effect on the users of the other moorings near mooring #51.

It is not considered that the legalisation and continues use of mooring #51 will diminish the recreational experience of other persons using Lake Wakātipu | Whakātipu-Wai-Māori, as it forms part of the receiving environment and moorings are an anticipated part of the bay environment in this particular location. In addition, the location of mooring #51 is outside of the utilised general public swimming and recreational areas, such as the yacht club area near the entrance to Frankton Arm, meaning its location and use will not impede recreational use of the lake by other users.

Due to the above, it is considered mooring #51 will have a less than minor effect on other users of the Lake Wakātipu | Whakātipu-Wai-Māori.

4.1.4 Effects on navigation and water safety

Mooring #51 is located within 200 metres of the shoreline, in a low speed environment and outside of the areas general public swimming and recreational areas. As noted earlier was located as directed by the Queenstown Lakes District Council Harbour Master at the time, Mr Marty Black. Under Clause 9.1 of the QLDC Navigational Safety Bylaw 2025, within 200 metres of the shore or any structure (mooring), a vessel must not travel at a speed greater than 5 knots.

It is expected that the new Queenstown Lakes District Council Harbour Master will provide formal feedback directly to Council once this application is lodged.

Due to mooring #51 being located in a low speed environment and away from primary recreational areas within the Frankton Arm, it is considered adverse effects on the receiving environment in respect to navigation and water safety will be less than minor.

4.1.5 Effects on historic values, spiritual and cultural values

Whakatipu-wai-māori (Lake Wakatipu) is an area of Statutory Acknowledgment under schedule 75 of the Ngai Tahu Claims Settlement Act 1998. Lake Wakātipu | Whakātipu-Wai-Māori contains significant cultural values. This includes that the lake once supported nohoanga and villages which were the seasonal destinations of Otago and Murihiku (Southland) whānau and hapū for many generations, exercising ahi kā and accessing mahinga kai and providing a route to access the treasured pounamu located beyond the head of the lake within the Dart and Routeburn River catchments.⁴ Furthermore, Whakatipu-wai-māori is one of three principal lakes feeding the Clutha/Mata-au River and it is acknowledged that water plays a significant role in cultural and spiritual beliefs, including that *He taura whiri kotahi mai anō te kopunga tai nō i te pu au* (from the source to the mouth of the sea all things are joined together as one).⁵

A review of the Kai Tahu ki Otago Natural Resource Management Plan has been undertaken, and the proposal is not considered to be inconsistent with the issues and objectives within the plan. This includes that there is no sediment release from the activity as the moorings are existing, there is no discharge of human waste from the activity into water, no contaminants are discharged to water and the proposal does not alter flow within the Lake. In addition, the proposed activity does not require any earthworks to be undertaken as the mooring is existing and under Rule 39.4.2 of the PDP, structures within an identified wāhi tūpuna area are permitted.

Due to the above, effects on historic values, spiritual and cultural values are considered to likely be less than minor.

4.1.6 Positive Effects

The legalisation and continued use of mooring #51 will have a positive effect on the applicant through providing for their social wellbeing.

⁴ Details sourced from www.legislation.govt.nz/act/public/1998/0097/latest/DLM431308.html

⁵ Kai Tahu ki Otago Natural Resource Management Plan 2005, Chapter 5.3 Wai Maori.

4.2 Other Matters

Pursuant to schedule 4 of the RMA, there are several other matters that must be addressed by an Assessment of Environmental Effects as set out below:

- a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:***

This mooring is existing and thus the proposal seeks to operate at the same scale as currently exists. These matters have been addressed above.

- b) any physical effect on the locality, including any landscape and visual effects:***

This matter has been addressed above.

- c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:***

No adverse effect on ecosystems is expected as the bed disturbance activity associated with the mooring is permitted in the Regional Plan.

- 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:***

This matter has been addressed above.

- e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:***

There is no proposed discharge of contaminants into the environment.

- f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations:***

Given that the application is within the lake, the mooring is subject to natural hazards such as flooding, there are no additional risks to the neighbourhood, the wider community or the environment than what currently exists, so the effects through natural hazards are less than minor.

4.3 Summary of Effects

The proposal is considered to be appropriate in this location. Overall, the proposal will have no more than minor effects on the environment.

5 STATUTORY CONSIDERATIONS

5.1 Resource Management Act 1991 (RMA)

Resource consent applications must be considered under Part 2 of the Act. Part 2 includes the purpose and principles of the Act. As provided in Section 5, the purpose of the Act is “...to promote the sustainable management of natural and physical resources.” The Act defines the term sustainable management as follows:

...means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

There is no intensification in respect of the size of the mooring, and the proposal will have a no more than minor effect on the environment, subject to conditions, and potential adverse effects associated with the proposal are expected to be avoided or otherwise mitigated (refer section 4). The proposal is considered to be consistent with Section 5.

Sections 6, 7 and 8 list a number of matters to which decision makers under the Act must pay special attention. Matters of national importance must be provided for (Section 6), other matters must have particular regard paid to them (Section 7) and the principles of the Treaty of Waitangi must be taken into account (Section 8).

Section 6 of the Act – Matters of National Importance states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognize and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*

- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of recognised customary activities:*
- (h) *the management of significant risks from natural hazards.*

With regard to RMA Sections 6(a) and 6(d), public access to the lake and the walking track is maintained. The natural character within this area is modified as has been described above and this proposal forms part of the receiving environment. RMA Section 6(b) is not applicable, and there are no known areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (RMA Section 6(c)). The proposal is not inconsistent with RMA Section 6(e) matters (refer Section 4), including Section 6(g), and is not considered inappropriate (RMA Section 6(f)). Overall, the proposal is considered to be consistent with RMA Section 6.

Section 7 – Other Matters prescribes other matters to which persons shall “have particular regard”, and of relevance to the proposal are the following:

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (f) *the maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*

Section 4 provides an assessment of effects. Overall, the proposal is considered to be consistent with RMA Section 7.

Section 8 – Treaty of Waitangi relates to the Treaty and states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The proposal is not considered inconsistent with RMA Section 8. Refer the assessment in relation to Section 6(e). The iwi management plans, Kāi Tahu ki Otago Natural Resource Management Plan and Te Tangi a Tauria – The Cry of the People (Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008), are further considered below in Sections 5.6 and 5.7. Overall, the proposal is not considered inconsistent with the provisions relevant to the proposal.

Overall, the proposal is considered to be consistent with Part 2 of the Act.

5.2 National Policy Statement for Freshwater Management 2020 (NPS-FM)

The National Policy Statement for Freshwater Management 2020 (NPS-FM) provides local authorities with direction on how to manage freshwater under the RMA. It applies to all freshwater (including groundwater) and, to the extent they are affected by freshwater, to receiving environments (which may include estuaries and the wider coastal marine area).

The following policies of the NPS-FM are relevant to this application:

- The objective of the policy statement seeks to ensure that natural and physical resources are managed in a way that first prioritises the health and well-being of water bodies and freshwater ecosystems.
- **Policy 2:** *...Māori freshwater values are identified and provided for.*
- **Policy 15:** *Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.*

Comment

The proposal is consistent with the objective and policy direction in the NPS-FM. It is considered that the legalisation and the continued use of mooring #51 will not adversely affect the health and wellbeing of Lake Wakātipu |Whakātipu-Wai-Māori and that it will provide for the social wellbeing of the applicant. As identified in Sections 5.6 and 5.7 below, it is considered the legalisation and continued use of the mooring is consistent with the issues and objectives within the areas iwi management plans.

5.3 Queenstown Lakes Operative District Plan (June 2018)

Section 4.6 – Surface of Lakes and Rivers, addresses the objectives policies that relate to this application. These are as follows:

<i>Objectives</i>	<p><i>Recreational activities undertaken in a manner which avoids, remedies or mitigates, their potential adverse effects on:</i></p> <ul style="list-style-type: none"> • <i>natural conservation values and wildlife habitats,</i> • <i>other recreational values,</i> • <i>public health and safety,</i> • <i>takata whenua values, and</i> • <i>general amenity values.</i>
<i>Policy 2</i>	<p><i>To enable people to have access to a wide range of recreation experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.</i></p>

- Policy 3* *On each lake and river, to provide for the range of recreational experiences and activities which are most suited to and benefit from the particular natural characteristics.*
- Policy 12* *To avoid adverse effects on the public availability and enjoyment of the margins of the lakes and rivers.*
- Policy 13* *To ensure that the location, design and use of structures and facilities which pass across or through the surface of any lake and river or are attached to the bank of any lake and river, are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided or mitigated.*

Comment

The proposal is consistent with the above objective and policy direction as identified in section 4 above it avoids or mitigates adverse effects on habitats, other recreational values, public health and safety, takata whenua values, and general amenity values.

Mooring #51 is within a cluster of moorings that form part of the receiving environment, which have been at the existing location for approximately 40 years. Mooring #51 is used by the applicant to moor a recreational vessel for recreational experiences on Lake Wakātipu |Whakātipu-Wai-Māori. The A4 windy buoy that is visible of the surface of the lake is brightly coloured for navigational safety purposes. Mooring #51 it is located within 200 metres of the shoreline and away from the area frequented by the public on the Frankton Arm (near the yacht club), which avoids adverse safety effects associated with other users of the lake, including the speed of other vessels, because within 200 meters of the mooring or shore a maximum speed of 5 knots must be adhered to. As the mooring forms part of the receiving environment and because moorings are anticipated structures on the lake, the mooring will not detract from the enjoyment of the public using the margin of the lake for recreational purposes.

5.4 Queenstown Lakes Proposed District Plan

Chapter 5 and Chapter 39 address the direction for activities within identified Wāhi Tūpuna areas.

The following provisions of Chapter 5 (Tanagta Whenua) are considered relevant to this application:

- Objective 5.3.5* *Wāhi tūpuna and all their components are appropriately managed and protected*
- Policy 5.3.5.5* *Avoid where practicable, adverse effects on the relationship between Ngāi Tahu and the wāhi tūpuna.*

The following provisions of Chapter 39 are considered are relevant to this application:

- Objective 39.2.1* *Manawhenua values, within identified wāhi tūpuna areas, are recognised and provided for.*
- Policy 39.2.1.2* *Recognise that the effects of activities may be incompatible with Manawhenua values when that activity is listed as a potential threat within an identified wāhi tūpuna area, as set out in Schedule 39.6.*
- Policy 39.2.1.3* *Within identified wāhi tūpuna areas:*
a. avoid significant adverse effects on Manawhenua values and avoid, remedy or mitigate other adverse effects on Manawhenua values from subdivision, use and development listed as a potential threat in Schedule 39.6; and
b. avoid, remedy or mitigate adverse effects on Manawhenua values from subdivision, use and development within those identified wāhi tūpuna areas where potential threats have not been identified in Schedule 39.6.
- Policy 39.2.1.4* *Encourage consultation with Manawhenua as the most appropriate way for obtaining understanding of the effects of any activity on Manawhenua values in a wāhi tūpuna area.*

Comment

The proposed activity is not listed as a potential threat within Lake Wakātipu | Whakātipu-Wai-Māori, as set out in Schedule 39.6 (Number 33). Pre-application consultation with Aukaha and Te Ao Marama Inc. has been undertaken by the applicant, at the time of writing this AEE no response has been received.

5.5 Regional Plan: Water for Otago

Chapter 8 of the Regional Plan: Water for Otago addresses the beds and margins of lakes and rivers. The relevant objective and policy direction is addressed below.

- Objective 8.3.1(a)* *To maintain: The stability and function of existing structures located in, on, under or over the bed or margin of any lake or river;*
- Policy 5.5.1* *To require, where necessary, desirable and practicable, any structure in or on the bed of any lake or river to provide for fish migration through or past it, or alternative remedial measures where fish migration is not practicable.*
- Policy 8.6.2* *To promote best management practices for activities that occur within or adjacent to the bed of lakes and rivers in order to avoid, remedy or mitigate any adverse effect.*

Comment

The legalisation and continues use of mooring #51 is considered to be consistent with the objective and policy direction of the plan. This is because rules are written to give effect to policies and objectives, and the use, maintenance, repair and replacement of a mooring within Lake Wakātipu

|Whakātipu-Wai-Māori is permitted under Rules 13.1.1.1, 13.3.1.1, 13.3.1.2, 13.5.1.1 of the Regional Plan: Water Otago.

5.6 Kāi Tahu ki Otago Natural Resource Management Plan 1995

Lake Wakātipu |Whakātipu-Wai-Māori is located within the Clutha/Mata-au Catchment of the plan. Section 10.3.1 addresses Wāhi Tapu in the Clutha/Mata-au Catchments and Section 10.5.3 addresses Cultural Landscapes Policies in the Clutha/Mata-au Catchments.

Section 10.3.1 - Wāhi Tapu

Policy 1 To require that wāhi tapu sites are protected from further loss or destruction.

Policy 2 To require accidental discovery protocols for any earth disturbance activities.

Section 10.5.3 Cultural Landscapes Policies in the Clutha/Mata-au Catchments

Policy 7 To require that all moorings situated in the vicinity of nohoaka and camping sites to be publicly available.

Policy 9 To require jetties and moorings to be located where they will not impede or restrict access to lakes, rivers and wetlands.

Comment

The proposal is considered to be consistent with Policy 1 and 2 above as under Rule 39.4.2 - Structures within an identified wāhi tūpuna area, of the PDP moorings are permitted. In addition, as the mooring is existing no earthworks are required. Regarding Policy 7 and 9 above, Map 13 of the plan identifies the Frankton Arm of Lake Wakātipu |Whakātipu-Wai-Māori is not within the vicinity of a nohoaka site. Mooring #51 is not located where it will impede or restrict access to Lake Wakātipu |Whakātipu-Wai-Māori

5.7 Te Tangi a Tauira

In Te Tangi a Tauira there is no direct policy that provides direction for structures and moorings in Lake Wakātipu |Whakātipu-Wai-Māori.

6 ASSESSMENT OF ALTERNATIVES

Where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity is required

(Schedule 4 clause 6 (1)(a)), and where an activity includes the discharge of any contaminant, a description of any possible alternative methods of discharge including discharge into any other receiving environment is required (Schedule 4 clause 6 (1)(d)(ii)). The proposed activity is not expected to result in any significant adverse effect on the environment however, therefore no description of alternative locations is considered. Nor are alternative methods considered.

7 THE GATEWAY TEST (s104D of the RMA)

Under Section 104D of the RMA a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- (a) the adverse effects of the activity on the environment will be minor; or
- (b) the activity is not contrary to the objectives and policies of the relevant plan and the relevant proposed plan.

It is considered in section 4 and 5 above that the actual and potential adverse effects of the legalisation and continues use of mooring #51 within Lake Wakātipu |Whakātipu-Wai-Māori will have a less than minor effect on the environment, and that the proposal is not contrary to the relevant objectives and policies in the ODP, PDP and the Regional Plan: Water Otago. Due to this consent can be granted to legalise mooring #51 in Lake Wakātipu |Whakātipu-Wai-Māori.

8 SUMMARY AND CONCLUSIONS

Resource consent is sought to legalise an existing swing mooring (#51) located in the bed of Lake Wakātipu |Whakātipu-Wai-Māori at Frankton Arm. The mooring is associated with the applicant's property at 681 Peninsula Road, Kelvin Heights, Queenstown and was placed within and fixed to the bed of of Lake Wakātipu |Whakātipu-Wai-Māori in the early 1980's.

Bundled the proposal is a **Non-Complying Activity** because the proposed activity breaches Rule 5.3.3.4(a)(ii)(b) – Surface of Lakes and Rivers of the ODP, Rule 21.15.9 - Structures and Moorings of the PDP, and Rule 13.2.3.1 for the placement of a structure fixed in the bed of Lake Wakātipu |Whakātipu-Wai-Māori in the Regional Plan, because although mooring #51 was lawfully established an has existing use rights under Section 10 of the RMA, Section 10A(c) and Section 20A(2)(c) of the RMA states the existing use of surface water and lake bed disturbance activity requires a resource consent.

The application includes an assessment of the likely effects of the proposal on the environment and an assessment of the plans objective and policy framework. Overall, it is considered that mooring #51

effects will be no more than minor and that the legalisation of mooring #51 is consistent with the objective and policy direction of the relevant plans.

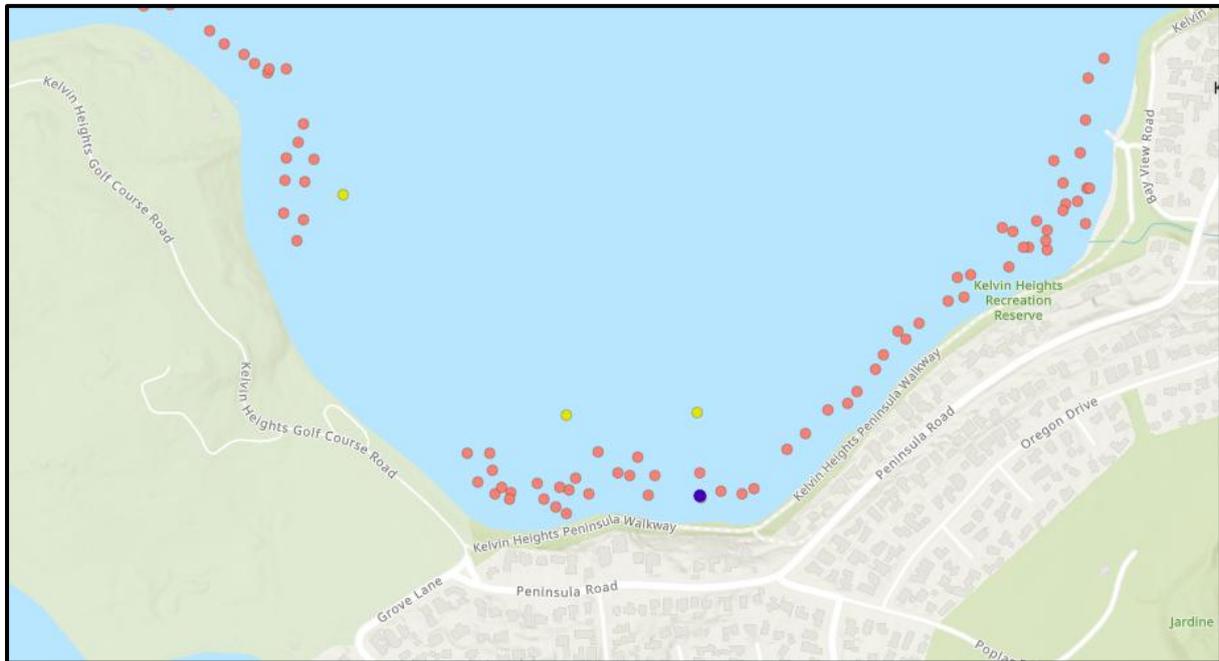
As bed disturbance activity associated with minor repairs, maintenance or alterations of a mooring is permitted under Rule 21.15.4 of the PDP, while the use, maintenance, repair and replacement of a mooring is permitted under Rules 13.1.1.1, 13.3.1.1, 13.3.1.2, 13.5.1.1 of the Regional Plan: Water Otago, in accordance with Section 123(c) of the Resource Management Act 1991 it is considered appropriate that a land use consent for mooring #51 is granted for the maximum duration of 35 years.

The proposal is consistent with the purpose and principles of the RMA and passes the Gateway Test (s104D of the RMA). It is therefore considered appropriate that the proposal is granted.

APPENDICES

APPENDIX A – SITE PLAN

Site Plan of Mooring #51 within Lake Wakātipu | Whakātipu-Wai-Māori and a cluster of other moorings shown as a blue dot (other moorings are shown as a red dot) (Source: Achgis⁶)



⁶ <https://www.arcgis.com/apps/mapviewer/index.html?layers=4fe71d086f91409587a417aee6d357b9>

APPENDIX B – QLDC Property Administrations email to the applicant

FW: Notification for Mooring and Jetty owners

 **kfvn@xtra.co.nz**
To: Sonya Nicol

 You replied to this message on 7/09/2022 10:08 am.
Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

 Mooring-Jetty owner communication & FAQ June 2022.pdf
.pdf File

From: QLDC Property Administration <property@qldc.govt.nz>
Sent: Wednesday, 22 June 2022 1:21 PM
To: kfvn@xtra.co.nz
Subject: Notification for Mooring and Jetty owners

Kia Ora K

Please find attached notification and frequently asked questions relating to your Mooring or Jetty permit.

Kind Regards,

Quintin Howard

Queenstown Lakes District Council

 Right-click or tap and hold here to download pictures. To help protect your privacy, Outlook prevented automatic download of this picture fr...

QUEENSTOWN LAKES DISTRICT COUNCIL
Private Bag 50072
Queenstown 9348
New Zealand
+64 (3) 441 0499
property@qldc.govt.nz

APPENDIX C – Section 88 of the RMA return email



RE: Application Returned - RM220695 (K McMillan)

Meggan Bain <Meggan.Bain@qldc.govt.nz>
 To: K McMillan <kfm@xtra.co.nz>



From: Meggan Bain
 Sent: Wednesday, 24 August 2022, 10:04 AM
 To: 'kfm@xtra.co.nz' <kfm@xtra.co.nz>
 Subject: Application Returned - RM220695 (K McMillan)

Morning Kingsley

Thanks for your time on the phone – sorry to hear about your wife and sister and apologies for the insensitive timing of my call. As mentioned, feel free to give me a call or drop me an email regarding your application but in the meantime I need to let you know I am unable to process any further. I have the following summary for you which I'll need from you in order to consider your application for **Mooring 51 (RM220695)** complete:

- A **comprehensive and complete resource consent application** – This should contain a Form 9 (which you have already completed), but also **location and structural plans** of the mooring, an **assessment of environmental effects (AEE)** and any **written approvals**. An AEE is a comprehensive report outlining your proposal followed by an assessment against the provisions of our District Plan and the RMA. **Attached** you will find a document of which further outlines the information expected and a further guidance document on the AEE from the Ministry for the Environment. In addition to the plans and AEE, it is also recommended you obtain written approvals from the following parties:

Iwi Authorities – Te Aro Marama and Aukaha
 Fish and Game (otara@fishandgame.org.nz)

I further recommend consultation with the following parties:

QLDC Parks and Reserves Team (parkshunting@qldc.govt.nz)
 QLDC Harbourmaster (tlc@hunting@qldc.govt.nz)
 LINZ (<https://www.linz.govt.nz/contact-us>)
 DOC – depending on the location of the activity (<https://www.doc.govt.nz/footer-links/contact-us/>)

- Information required in all applications that can be included on the Form 9 or Form 10:
 According to Section 223 of the Resource Management Act, an application for resource consent for an activity must include the following:
 A description of the activity.
 A description of the site at which the activity is to occur, including legal description and District Plan zoning.
 A description of any other activities that are part of the proposal to which the application relates (including whether permissions or licensing is needed outside of the RMA process).
 Identification of all relevant District Plan rules applicable to the proposal.
 A description of any other resource consents required for the proposal to which the application relates.

Information required in all applications that can be included in the supporting Assessment of Environmental Effects report:

- An assessment of the activity against the relevant objectives and policies of the District Plan, Otago Regional Plan(s), and National Policy Statement(s) or Plan(s).
- An assessment of the activity against the matters set out in Part 2 of the RMA.
- An assessment of the activity's environmental effects (known as the Assessment of Environmental Effects of AEE. Most refer to the supporting documentation as an AEE report as discussed above). This assessment must include the information required by clause 6 and address matters specified in clause 7 (outlined below) in such detail that corresponds with the scale and significance of the effects that the activity may have on the environment.

APPENDIX D – Mooring Inspection

WRIGHT BUILDING AND DIVING SERVICES LTD

Registered Commercial Diver and Qualified Builder

10 ELIZABETH PLACE

KELVIN HEIGHTS

QUEENSTOWN

E: diving.pet@extra.co.nz

Cell: 027 221 8778

MOORING INSPECTION REPORT

Owner: Kingsley McMillan
Date of Inspection: 16 December 2021
Mooring Number: 51
Location: Kelvin Grove
GPS Co-ordinates: 45 02 695 S
 168 41 080 E

An inspection was carried out on the mooring chain, block, buoys and attachments.

MOORING BLOCK:

The mooring block is a 44 gallon drum of concrete half buried in lake bed. Has a good attachment for ground chain.

ATTACHMENTS:

The ground chain is 20mm and approximately 5m long in good condition. The up chain is 13mm to the buoy. Has some wear areas on it and still adequate for approximately 18 months yet. From the A4 buoy is a rope with thimble and eyelet connected to the mooring buoy – this are in good condition.

BUOYS:

The A4 windy buoy may need to be replaced within the next 18 months due to UV damage. The owner has asked for this to be replaced as of the date of this report. The smaller buoy is in good condition. **New Buoy attached 19 December 2021.**

I consider this mooring to suitable for a boat up to 6-8 metres.

This is a visual inspection only and can not be fully guaranteed.

Garry Wright
 Registered Commercial Diver and Qualified Builder

APPENDIX E – LOCATION PLAN

Site Plan of Mooring #51 within Lake Wakātipu | Whakātipu-Wai-Māori (red dot) (Source topomap.co.nz)





MOORING PERMIT

Issued under the Navigation Safety Bylaw 2025

Mooring Number: 51

Description of mooring: Swing Mooring

Name to whom permit is granted: K F McMillan

Waterway: Lake Wakatipu

Position of mooring: Longitude: 168.684667

Latitude: -45.044906

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 2026.

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.

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 #: **51**

Mooring Owners Name: Kingsley Francis McMillan

Mooring Owners Address: 11 Newcastle Street, Invercargill

Mooring Owners Postal Address (if different): 11 Newcastle Street, Invercargill, 9810

Mooring Owners Phone No: 0273344696

Mooring Owners Email Address: fvm@xtra.co.nz

Emergency contact Number: 032171095

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

Name of vessel using mooring: The mooring is currently vacant, should this resource consent be granted the family will purchase a new vessel that will use the mooring.

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.

Weight of Vessel: approx.

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' 41.53 S \(-45.04484\)](#)

LON: [168*41' 04.68 E \(168.68469\)](#)

IS THIS A CONFIRMED TRUE BLOCK LOCATION?: [Yes](#)

Inspection Date: [23/01/2026](#) Water Depth at location at time of inspection: [5m](#)

Calculated total swing radius of mooring at lowest lake level: [6.5m](#)

Lake level at time of inspection **310.077m**

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: **No**

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
TOP SECTION	✓	Floats	Numbered: Yes	Type: A4 Pink	OK	✓	
			No boat attachment buoy	Type: N/A			
	✓	Shackle(s)	Number: 1 st Diameter: 16mm std	Moused: Y	Condition: OK	✓	
	✓	Shackle(s)	Number: Diameter:	Moused:	Condition:		
	✓	Chain	Length: 2.5m	Diameter: 13mm Min D : 10mm	Condition OK	✓	
MIDDLE /RISER/ RIDE	✓	Shackle(s)	Number: 2nd Diameter: 10mm tested	Moused: Y	Condition OK	✓	
	✓	Swivel	Diameter: 16mm steel		Condition OK	✓	
	✓	Shackle(s)	Number: 3rd Diameter: 10mm tested	Moused: Y	Condition OK	✓	
	✓	Riser/Ride/Middle chain	Length: 2.5m	D: 13mm Min D: 8mm	Condition: Poor	✓	
	✓	Shackle(s)	Number: 4th Diameter: 16mm tested	Moused: Y	Condition OK	✓	
BOTTOM	✓	Ground chain	Length: 3m	D: 20mm Min D: 17mm	Condition OK	✓	
	✓	Block Shackle	Diameter: 20mm std	Moused: Y	Condition OK	✓	
	✓	Block Ring	Diameter: Rusty 30mm Rebar ring cast into drum of concrete		OK	✓	
	✓	Block(s)	Is block visible?: Y	Weight (dry) est : U/K	210L Steel drum filled with concrete half buried	✓	
		Dimensions: 210L drum dimensions	Type: Drum of Concrete				

details and observations can be provided on a separate page.

Inspectors Observations

Has Block Shifted or become buried? **Yes - 1/2 Buried**

Inspectors Further Comments:

No boat attachments

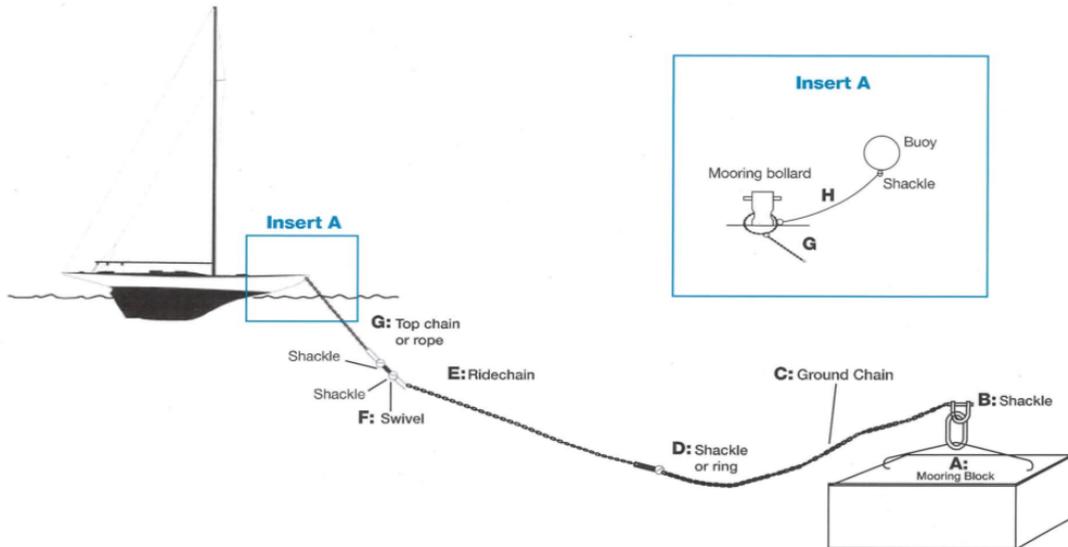
To upgrade this mooring any defects identified in this report, ie chains, shackles, mooring blocks (changed to concrete blocks as per Councils request) will be replaced and upgraded sometime in the future. The timeframe to get the upgrade completed could take some time as mooring inspections are currently taking priority.

Mooring Diagram – (Mooring Inspector To Complete)

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

As per table above

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 51**



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: ____ _23/01/2026_____.

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.

AFFECTED PERSON'S APPROVAL

FORM 8A

Resource Management Act 1991 Section 95

RESOURCE CONSENT APPLICANT'S NAME AND/OR RM

RM250593 - Kingsley Francis McMillan

PERSON AFFECTED PERSON'S DETAILS

I/We Land Information New Zealand

Are the owners/occupiers of
The bed of Lake Wakatipu at 1260153 E 5003003 N (NZTM)

DETAILS OF PROPOSAL

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

Legalise an existing swing mooring (#51) located in the bed of Lake Wakātipu | Whakātipu-Wai-Māori at Frankton Arm. Mooring #51 was placed within and fixed to the bed of Lake Wakātipu | Whakātipu-Wai-Māori in the early 1980's.

at the following subject site(s):
1260153 E 5003003 N (NZTM)



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.



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) HMK - under delegated authority	
	Contact Phone / Email address Crownproperty@linz.govt.nz	
	Signature <i>D Thompson</i>	Date 03/09/2025

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.