

APPLICATION AS NOTIFIED

Real Journeys Limited

(RM230811)

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:

Real Journeys Limited

What is proposed:

To undertake alteration and additions to the Walter Peak Wharf and construct a Dolphin mooring pile within the Whakātipu Wai-Māori (Lake Wakatipu) at Beach Bay.

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

The subject site is situated at surface of Whakātipu Wai-Māori (Lake Wakatipu) and marginal strip adjacent to Walter Peak.

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 RM230811 as the reference <https://edocs.qldc.govt.nz/Account/Login>

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

- **74 Shotover Street, Queenstown;**
- **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 Neil Harkin, who may be contacted by phone at 03 441 0499 or e-mail at neil.harkin@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:

7th February 2024

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/application-forms-and-fees#other_forms

You must serve a copy of your submission to the applicant as soon as reasonably practicable after serving your submission to Council:

Gareth Clarke
gareth.clarke@realnz.com
Real Journeys Limited
PO Box 1, Te Anau

QUEENSTOWN LAKES DISTRICT COUNCIL



(signed by Neil Harkin pursuant to a delegation given under Section 34A of the Resource Management Act 1991)

Date of Notification: 20 December 2023

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
rsubmission@qldc.govt.nz
www.qldc.govt.nz

TechnologyOne ECM Document Summary

Printed On 14-Dec-2023

Class	Description	Doc Set Id / Note Id	Version	Date
PUB_ACC	Form 9	7803887	1	27-Oct-2023
PUB_ACC	AEE	7803885	1	27-Oct-2023
PUB_ACC	Record of Title 751973	7805637	1	30-Oct-2023
PUB_ACC	Wharf Upgrade Plans	7803886	1	27-Oct-2023
PUB_ACC	Plan of Proposed Dolphin Structure	7806204	1	30-Oct-2023
PUB_ACC	Email from applicant with Record of Title - 27.10.23	7805638	1	30-Oct-2023



APPLICATION FOR RESOURCE CONSENT OR
FAST TRACK RESOURCE CONSENT

FORM 9: GENERAL APPLICATION



Under Section 87AAC, 88 & 145 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 may not be accepted for processing.



APPLICANT //

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

*Applicant's Full Name / Company / Trust: **Real Journeys Limited**
(Name Decision is to be issued in)

All trustee names (if applicable):

*Contact name for company or trust: **Gareth Clarke**

*Postal Address: **PO Box 1, Te Anau**

*Post code:
9640

*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: **gareth.clarke@realnz.com**

*Phone Numbers: Day **027 603 3766**

Mobile: **027603 3766**

*The Applicant is:



Owner



Prospective Purchaser (of the site to which the application relates)



Occupier



Lessee

Other - Please Specify:



Our preferred methods of corresponding with you are by email and phone.

The decision will be sent to the Correspondence Details by email unless requested otherwise.



CORRESPONDENCE DETAILS //

If you are acting on behalf of the applicant e.g. agent, consultant or architect please fill in your details in this section.

*Name & Company:

*Phone Numbers: Day

Mobile:

*Email Address:

*Postal Address:

*Postcode:



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: **Gareth Clarke**

*Postal Address: **PO Box 1, Te Anau**

*Post code:
9640

*Please provide an email AND full postal address.

*Email: **gareth.clarke@realnz.com**



OWNER DETAILS // Please supply owner details for the subject site/property if not already indicated above

Owner Name:

Owner Address:

Owner Email:

If the property has recently changed ownership please indicate on what date (approximately) AND the names of the previous owners:

Date:

Names:



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.

*Please select a preference for who should receive any invoices.

Details are the same as for invoicing ☒

Applicant: ☐

Landowner: ☐

Other, please specify:

*Attention:

*Email:

[Click here for further information and our estimate request form](#)



DETAILS OF SITE // Legal description field must list legal descriptions for all sites pertaining to the application. Any fields stating 'refer AEE' will result in return of the form to be fully completed.

*Address / Location to which this application relates:

Beach Bay lakebed of Whakatipu-wai-maori/Lake Whakatipu, adjacent to Walter Peak High Country Farm Park, Mount Nicholas-Beach Bay Road

*Legal Description: Can be found on the Computer Freehold Register or Rates Notice – e.g Lot x DPxxx (or valuation number)

Sections 15-18 and Sections 22-23 Block III Mid Wakatipu (Walter Peak Farm Park)

District Plan Zone(s): Rural and Rural Visitor Zone



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

Will need to arrange boat access



PRE-APPLICATION MEETING OR URBAN DESIGN PANEL

Have you had a pre-application meeting with QLDC or attended the urban design panel regarding this proposal?

☐

Yes

☒

No

☐

Copy of minutes attached

If 'yes', provide the reference number and/or name of staff member involved:



CONSENT(S) APPLIED FOR // * Identify all consents sought // ALSO FILL IN OTHER CONSENTS SECTION BELOW

☒

Land use consent

☐

Subdivision consent

☐

Change/cancellation of consent or consent notice conditions

☐

Certificate of compliance

☐

Extension of lapse period of consent (time extension) s125

☐

Existing use certificate

☐

Land use consent includes Earthworks



QUALIFIED FAST-TRACK APPLICATION UNDER SECTION 87AAC

☐

Controlled Activity

☐

Deemed Permitted Boundary Activity

If your consent qualifies as a fast-track application under section 87AAC, tick here to opt out of the fast track process

☐

BRIEF DESCRIPTION OF THE PROPOSAL // * Please complete this section, any form stating 'refer AEE' will be returned to be completed with a description of the proposal

*Consent is sought to:

Upgrade the existing passenger wharf by installing a new floating pontoon, gangway, jetty and dolphin so as to enable the safe boarding/disembarking of passengers on the Spirit of Queenstown



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



OTHER CONSENTS

Is consent required under a National Environmental Standard (NES)?

- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2012

An applicant is required to address the NES in regard to past use of the land which could contaminate soil to a level that poses a risk to human health. Information regarding the NES is available on the website

<https://environment.govt.nz/publications/national-environmental-standard-for-assessing-and-managing-contaminants-in-soil-to-protect-human-health-information-for-landowners-and-developers/>

You can address the NES in your application AEE OR by selecting ONE of the following:

☒

This application does not involve subdivision (excluding production land), change of use or removal of (part of) a fuel storage system. Any earthworks will meet section 8(3) of the NES (including volume not exceeding 25m³ per 500m²). Therefore the NES does not apply.

☐

I have undertaken a comprehensive review of District and Regional Council records and I have found no record suggesting an activity on the HAIL has taken place on the piece of land which is subject to this application.

NOTE: depending on the scale and nature of your proposal you may be required to provide details of the records reviewed and the details found.



OTHER CONSENTS // CONTINUED

☐

I have included a Preliminary Site Investigation undertaken by a suitably qualified person.

☐

An activity listed on the HAIL has more likely than not taken place on the piece of land which is subject to this application. I have addressed the NES requirements in the Assessment of Environmental Effects.

☒ Any other National Environmental Standard

☐

Yes

☒

N/A

Do you need any consent(s) from Otago Regional Council?

☐

Yes

☒

N/A

If Yes have you applied for it?

☐

Yes

☒

No

If Yes supply ORC Consent Reference(s)

If ORC Earthworks Consent is required would you like a joint site visit ?

☐

Yes

☐

No



INFORMATION REQUIRED TO BE SUBMITTED //

Attach to this form any information required (see below & appendices 1-2).

To be accepted for processing, your application should include the following:

☒

Computer Freehold Register for the property (no more than 3 months old) and copies of any consent notices and covenants
(Can be obtained from Land Information NZ at <https://www.linz.govt.nz/>).

☒

A plan or map showing the locality of the site, topographical features, buildings etc.

☒

A site plan at a convenient scale.

☐

Written approval of every person who may be adversely affected by the granting of consent (s95E).

☒

An Assessment of Effects (AEE).

An AEE is a written document outlining how the potential effects of the activity have been considered along with any other relevant matters, for example if a consent notice is proposed to be changed. 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](#) – please see Appendix 5 – [Naming of Documents Guide](#) for how documents should be named. Please ensure documents are scanned at a minimum [resolution](#) of 300 dpi. Each document should be no greater than 10mb



PRIVACY INFORMATION

The information you have provided on this form is required so that your application can be processed under the Resource Management Act 1991 and may also be used in statistics collected and provided to the Ministry for the Environment and Queenstown Lakes District Council. The information will be stored on a public register and may be made available to the public on request or on the company's or the Council's websites.



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 and granting of resource consents (including certificates of compliance and existing use certificates).

Invoiced sums are payable by the 20th of the month after the work was undertaken. If unpaid, the processing of an application, provision of a service, or performance of a function will be suspended until the sum is paid. You may also be required to make an additional payment, or bring the account up to date, prior to milestones such as notification, setting a hearing date or releasing the decision. In particular, all charges related to processing of a resource consent application are payable [prior to issuing of the decision](#). Payment is due on the 20th of the month or [prior to the issue date](#) – [whichever is earlier](#).



FEES INFORMATION // CONTINUED

If your application is notified or requires a hearing you will be requested to pay a notification deposit and/or a hearing deposit. An applicant may not offset any invoiced processing charges against such payments.

Section 357B of the Resource Management Act provides a right of objection in respect of additional charges. An objection must be in writing and must be lodged within 15 working days of notification of the decision.

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.

MONITORING FEES – Please also note that the fee paid at lodgement includes an initial monitoring fee of \$273 for land use resource consent applications and designation related 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.

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

A list of Consent Charges is available on the on the Resource Consent Application Forms section of the QLDC website. If you are unsure of the amount to pay, [please call 03 441 0499](#) and ask to speak to our duty planner.

Please ensure to [reference any banking payments correctly](#). Incorrectly referenced payments may cause delays to the processing of your application whilst payment is identified.

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 and will be invoiced monthly as work on the application continues. Please note that if the Applicant has outstanding fees owing to Council in respect of other applications, Council may choose to apply the initial fee to any outstanding balances in which case the initial fee for processing this application may be deemed not to have been paid.



PAYMENT // An initial fee must be paid prior to or at the time of the application and proof of payment submitted.

Please reference your payments as follows:

Applications yet to be submitted: RM followed by first 5 letters of applicant name e.g RMJONES

Applications already submitted: Please use the RM# reference that has been assigned to your application, this will have been emailed to yourself or your agent.

Please note processing will not begin until payment is received (or identified if incorrectly referenced).

I confirm payment by:

☐

Bank transfer to account 02 0948 0002000 00(If paying from overseas swiftcode is – BKNZNZ22)



Invoice for initial fee requested and payment to follow

☐

Manual Payment (can only be accepted once application has been lodged and acknowledgement email received with your unique RM reference number)

*Reference

*Amount Paid: Landuse and Subdivision Resource Consent fees - please select from drop down list below

Please select

(For required initial fees refer to website for Resource Consent Charges or spoke to the Duty Planner by phoning 03 441 0499)

*Date of Payment

Invoices are available on request



APPLICATION & DECLARATION

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



If lodging this application as **the Applicant:**

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

OR:



If lodging this application as **agent of the Applicant:**

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



PLEASE TICK

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



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

Full name of person lodging this form **Gareth Clarke**

Firm/Company **Realnz**

Dated **27/10/2022**

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

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

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

1 INFORMATION MUST BE SPECIFIED IN SUFFICIENT DETAIL

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

2 INFORMATION REQUIRED IN ALL APPLICATIONS

- (1) An application for a resource consent for an activity (the activity) must include the following:

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

Information provided within the Form above

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

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

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

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

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

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

ADDITIONAL INFORMATION REQUIRED IN SOME APPLICATIONS

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

ASSESSMENT OF ENVIRONMENTAL EFFECTS

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.

UNDER THE FOURTH SCHEDULE TO THE ACT:

- An application for a subdivision consent must also include information that adequately defines the following:
 - (a) the position of all new boundaries:
 - (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan:
 - (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips:
 - (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips:
 - (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A:
 - (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A):
 - (g) the locations and areas of land to be set aside as new roads.

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



Please note that some land use consents can be dealt with as fast track land use consent. This term applies to resource consents where they require a controlled activity and no other activity. A 10 day processing time applies to a fast track consent.

If the consent authority determines that 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.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the Act.

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 9

Engineering Report

Assessment of Environmental Effects (AEE)

Geotechnical Report

Computer Register (CFR)

Wastewater Assessment

Covenants & Consent Notice

Traffic Report

Affected Party Approval/s

Waste Event Form

Landscape Report

Urban Design Report

Assessment of Environmental Effects

For an application for land use consent to upgrade an
existing wharf at Walter Peak, Queenstown

OCTOBER 2023

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

To: Planning & Consents
Queenstown Lakes District Council
Private Bag 50072
Queenstown 9348

From: Real Journeys Limited
PO Box 1
Te Anau 9640

Contact: Gareth Clarke
Email: gareth.clarke@realnz.com
Phone: 027 603 3766

1. RealNZ Limited applies for the following Resource Consents:

RMA Section	Resource Consent
13	Land use consent to erect a structure on the bed of Lake Whakatipu.

Please refer below for further background as to the reasons for seeking Resource Consent for the proposed activity.

2. The activity to which this Resource Consent relates is:

To construct an extension to the existing eastern passenger wharf at Walter Peak, including driving three new piles and one new dolphin structure into the lakebed.

3. The site to which this application relates is located at:

Location: Bed of Whakatipu-Wai-Māori/Lake Whakatipu at Walter Peak
High Country Farm, Mount Nicholas-Beach Bay Road,
Queenstown 9793

Latitude & Longitude: 1249440E 4994993N

Legal Description: Section 15-18 Block III Mid Wakatipu SD held in Record of Title 751973

4. The other activities that are part of the proposal to which the application relates are as follows:

The operation of a motorised commercial boating activity on Lake Whakatipu using the 26m Spirit of Queenstown vessel.

5. The following additional resource consents are needed for the proposal to which this application relates and have been applied for:

Land use consent to operate the 26m Spirit of Queenstown on Lake Whakatipu, including utilising Walter Peak as an approved berthing location.

6. Included in this application for the proposed activity is an assessment of:
- a) actual and /or proposed potential environmental effects (AEE) as required by the Fourth Schedule of the RMA. The AEE corresponds to the scale and significance of the potential effects on the environment;
 - b) the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991; and
 - c) the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of schedule 4 of that Act.
7. Information, as required by the relevant District Plan and Regional Plan and other applicable planning documents, is contained in the attached AEE.

Contents

1.0 INTRODUCTION	6
2.0 BACKGROUND INFORMATION	6
3.0 DESCRIPTION OF THE ACTIVITY	7
4.0 RESOURCE CONSENTS REQUIRED	8
5.0 DESCRIPTION OF THE ENVIRONMENT	10
6.0 ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS	10
6.1 ASSESSMENT MATTERS	133
6.2 LANDSCAPE AND VISUAL AMENITY EFFECTS	133
6.3 CULTURAL AND HERITAGE EFFECTS	143
6.4 NATURAL HAZARDS	144
6.5 TRANSPORT EFFECTS	ERROR! BOOKMARK NOT DEFINED.
6.6 AMENITY EFFECTS	ERROR! BOOKMARK NOT DEFINED.
6.7 CUMULATIVE EFFECTS	15
6.8 POSITIVE EFFECTS	15
7.0 STATUTORY FRAMEWORK	16
7.1 RESOURCE MANAGEMENT ACT 1991	16
7.2 NATIONAL POLICY STATEMENTS	17
7.3 NATIONAL ENVIRONMENTAL STANDARDS	17
7.4 OTAGO REGIONAL POLICY STATEMENT	18
7.5 IWI MANAGEMENT PLANS	18
7.6 PROPOSED DISTRICT PLAN	19

7.7	SIO4D "GATEWAY TEST"	30
8.0	S95 ASSESSMENT	31
9.0	CONCLUSION	32

1.0 Introduction

This AEE has been prepared by Real Journeys Limited (trading as Realnz) in support of a resource consent application to upgrade an existing wharf structure on the shores of Whakatipu-Wai-Māori/Lake Whakatipu at Walter Peak. This AEE has been prepared in accordance with Schedule 4 of the RMA and includes:

- A description of the affected environment and the proposed activity;
- An assessment of the actual or potential effect on the environment of the activity, including proposed management measures to help mitigate actual or potential effects;
- Identification of the persons affected by the activity and consultation undertaken.

Upon consideration of the relevant statutory assessment matters, it is considered the activity subject to this application would have less than minor effects on the environment and will not adversely affect any person. The application is considered consistent with the most relevant objectives and policies of the Proposed Queenstown Lakes District Plan and the Regional Plan: Water for Otago, the provisions of the two relevant iwi management plans, the objectives of the National Policy Statement for Freshwater, and the purpose of the Resource Management Act 1991.

It should be noted that the transfer of the Spirit of Queenstown from its existing owners to Realnz is conditional on all consents, permits and approvals that are required to enable the vessel to operate between Queenstown Bay and Walter Peak, being obtained in sufficient time to allow the activity to commence at the beginning of the 2023/2024 summer season.

2.0 Background Information

Realnz and its predecessors have been operating in Fiordland National Park for nearly 70 years, and in Queenstown since 1969. It is the largest tourism operator in the region and has a well-earned reputation for providing high quality excursions, enjoyed by visitors from around the world.

Part of the Realnz portfolio of experiences includes the Walter Peak High Country Farm, 155 hectares of rural land formally part of Walter Peak Station. Within this site Realnz currently operates a restaurant and bar facility (the Colonel's Homestead) and High-Country Farm Tours, all operated in conjunction with cruises on Lake Whakatipu aboard the vintage steamship "TSS Earnslaw".

Prior to the Covid 19 pandemic in 2020 the Earnslaw and Walter Peak activities were operating at or near capacity, with capacity being limited by the maximum number of passengers the vessel was surveyed to carry, which at the time was 410 passengers. However, late in 2019 a suite of amendments were made to Maritime Rules administered by Maritime NZ which had the effect of significantly reducing the passenger carrying capacity of the Earnslaw down to a maximum of 250. As these changes coincided with the downturn in tourism as a result of the pandemic and associated closure of international borders, the reduction in capacity did not have a significant impact at the time. However, now that the borders are open again and tourism is recovering, the reduction in capacity has put significant constraints on operations at Walter Peak, which in turn has significant financial implications for the Company.

In order to regain some of the capacity lost by the changes to the Maritime Rules, Realnz has entered into an agreement with Southern Discoveries Limited to purchase the Spirit of Queenstown, a 26m high-speed catamaran passenger ferry that has been operated on Lake Whakatipu by Southern Discoveries since 2013. The vessel is currently consented under RM110038 (as amended by RM110227 and RM120426) to operate anywhere on Lake Whakatipu, though under Realnz ownership the vessel will be mainly utilised as a complementary service to the TSS Earnslaw, undertaking multiple sailings each day between Queenstown Bay and Walter Peak

In addition to the TSS Earnslaw, Realnz also has a resource consent (RM220756) to operate up to two Fiordlander Class vessels on Lake Whakatipu, principally the "Explorer" and "Fiordlander II". The main use of the Fiordlander Class vessels in the past has been as a substitute for the Earnslaw during her annual survey and maintenance periods, including shepherding her to and from the Kelvin Peninsula slipway, and during extended surveys and refits. However, the RM220756 also authorises Realnz to operate the Fiordlander class vessels as a Public Water Ferry Service operating scheduled passenger services between Queenstown Bay and Walter Peak for up to 14 sailings per day, typically between the hours of 8am and 10pm.

3.0 Description of the Activity

The application seeks land use consent to enable an upgrade to the existing passenger wharf at Beach Bay to enable safe berthing and embarking and disembarking of passengers from the aft of the Spirit of Queenstown. As shown in the plans attached as Appendix 2, works in relation to the upgrade of the wharf will include:

- The installation of a new 4.5 x 6.22m floating pontoon to the west of the existing eastern wharf); and
- Installation of three new 457 mm diameter steel cased concrete piles; and
- Installation of new 9m x 1.8m aluminium gangway fixed to a new 8m x 6m timber jetty; and
- Installation of one new 3m x 3m dolphin mooring pile on the eastern side of the wharf; and

The depth of the piles and dolphin structures is yet to be confirmed but they will have a maximum height of 4.8 m above the minimum design lake level (RL 309.3m), and 2.8m above the maximum design lake level (RL 311.3).

No new lighting or services are proposed.

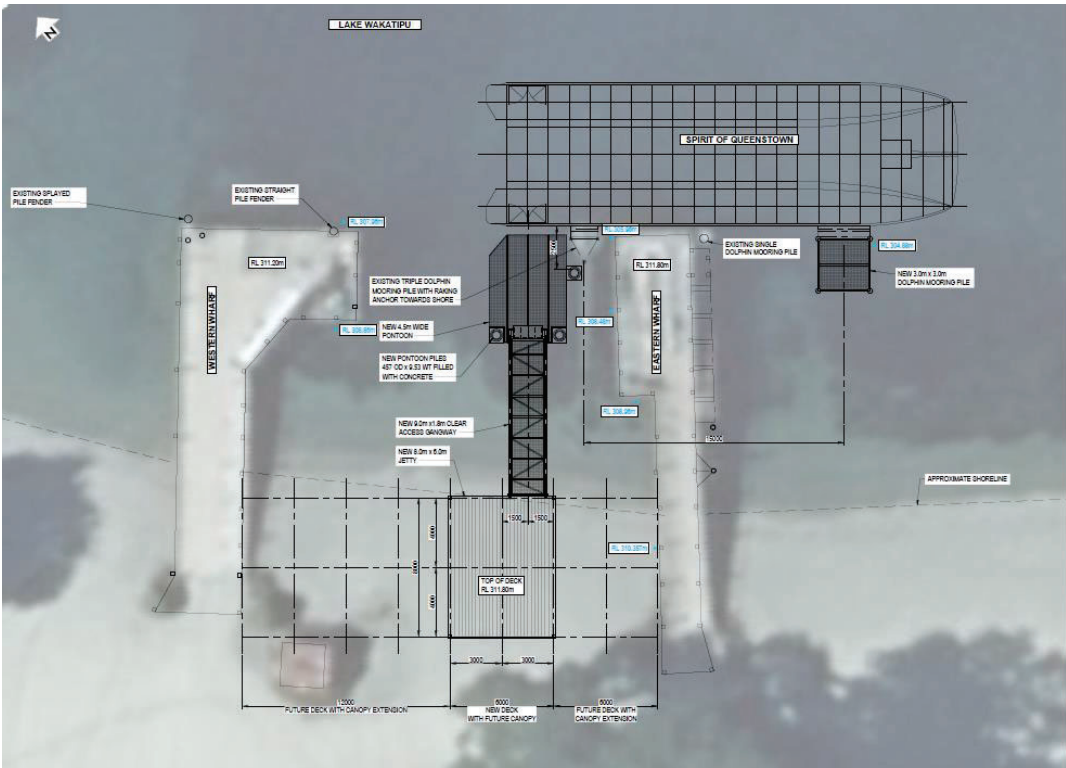


Figure 4: Mockup showing the Spirit of Queenstown docked at Walter Peak with the proposed upgrade to the existing passenger wharf.

4.O Resource Consents Required

Lake Whakatipu is identified as being within the Rural Zone of the PDP. The Council has made decisions on the Rural Zone section of the PDP and the zoning of Lake Whakatipu has not been appealed, meaning the majority of the activities and standards for the Rural Zone are beyond challenge and can therefore be treated as operative.

The existing wharf structures are also identified as being located entirely within the Walter Peak Water Transport Infrastructure overlay, the underlying zoning of which is also the Rural Zone (although the rules pertaining to the overlay sit within Chapter 46 – Rural Visitor Zone of the PDP).

The proposed activity is assessed under the relevant activity rules and standards of the PDP below:

Table 1: PDP Activities

Rule	Activity	Activity Status
Chapter 21 – Rural		

21.15.4	Minor repairs, maintenance or alterations of existing operational jetties and moorings	Permitted
Chapter 39 – Wāhi Tūpuna		
39.4.2	Structures within an identified wāhi tūpuna	Permitted
39.4.3	Buildings within an identified wāhi tupuna area	Permitted
Chapter 46 – Rural Visitor Zone		
46.4.9	At Walter Peak within the Water Transport Infrastructure Overlay as identified on the District Plan web mapping application, a jetty or wharf, weather protection features and ancillary infrastructure	Restricted Discretionary

Table 2: PDP Standards

Rule	Activity	Activity Status	Consent Required
Chapter 21 – Rural			
21.16.4	<p>Minor repairs, maintenance or alterations of existing operational jetties and moorings shall comply with the following standards:</p> <p>21.16.4.1 any materials used must be the same, or where different, substantially similar in terms of texture and appearance, including colour; and</p> <p>21.16.4.1 any change to the scale of the jetty or mooring must not exceed 5% in any consecutive 5 year period.</p>	Discretionary	Yes – the alterations to the passenger jetty will increase the scale of the structure by more than 5%.
Chapter 39 – Wāhi Tūpuna			
39.5.3	<p>Any building within an identified wāhi tūpuna area is a permitted activity subject to the following standards:</p> <p>39.5.3.1 The building is not located within 20m of the boundary of any</p>	Restricted Discretionary	Yes – The proposed upgrade to the existing passenger wharf will

	<p>wetland, or the bed of any river or lake within the following zones:</p> <ol style="list-style-type: none"> Rural; Rural Residential and Rural Lifestyle; Gibbston Character; or <p>39.5.3.2 The building is not located within 30m of the boundary of any wetland, or the bed of any river or lake within the following zones:</p> <ol style="list-style-type: none"> Wakatipu Basin Rural Amenity; Open Space and Recreation. 		<p>increase the footprint of buildings located within a wāhi tupuna area and within 20m of the bed of a lake (being Lake Whakatipu) within the Rural Zone.</p>
Chapter 46 – Rural Visitor Zone			
46.5.1	<p>Building Height</p> <p>46.5.1.2 Within the Water Transport Infrastructure overlay identified on the District Plan web mapping application the maximum height of buildings shall be 4m.</p>	Non-complying	<p>Yes – the highest point of the proposed extension to the passenger wharf will be 4.8 m above the minimum design lake level.</p>

4.1 Summary of Consents Required

In summary, the following consents are required for the proposal:

- **Non-Complying** activity under Rule 46.5.1 for a building within the Water Transport Infrastructure overlay with a maximum height greater than 4 m.
- **Discretionary** activity under Rule 21.16.4 for alterations to an existing operational jetty that will increase the scale of the structure by more than 5%.
- **Restricted Discretionary** activity under Rule 46.4.9 for alterations to increase the footprint of a wharf within the Walter Peak Water Transport Infrastructure overlay.
- **Restricted Discretionary** activity under Rule 39.5.3 for alterations to increase the footprint of a building within an identified wāhi tupuna area that will be within 20 m of the bed of a lake located in the Rural Zone.

The application also seeks any other consents necessary to enable the proposal.

Overall, resource consent is required for a **Non-Complying** activity.

5.0 Description of the Environment

Whakatipu-Wai-Māori/Lake Whakatipu

The application site is Whakatipu-Wai-Māori/Lake Whakatipu ("the lake"). We understand the lake is "Crown Land".

The lake is New Zealand's longest lake with a length of 80 km, and at 291 km², is the country's third largest lake by area. The lake level is at an altitude of approximately 310m amsl. The general topography of the lake is a narrow "S" shape. The Dart River/Te Awa Whakatipu and Rees/Puahiri/Puahere Rivers are the main rivers that feed the lake and flow into its northern end. The lake is drained by the Kawarau River, which flows out from the northeastern end of the lake's Frankton Arm, east of central Queenstown. Because the lake has only one outlet, the lake level can rise significantly during major rain events, flooding adjoining towns.

Lake Whakatipu is flanked to the east by the Richardson Mountains and The Remarkables/Kawarau, and to the west by Humboldt and Ailsa Mountain ranges of the Mount Aspiring National Park. To the south are the Eyre Mountains.

The land around the margins of the lake is in both private and Crown ownership.

Glenorchy, Queenstown, and Kingston towns are located at the northern, eastern and southern extremities of the lake respectively. These towns are connected by a round following the eastern/northern edge of the lake. There is limited roading along the western edge of the lake.

The lake is a highly significant natural resource and a highly valued cultural resource to the people of Ngāi Tahu. It is recognised as a Statutory Acknowledgement Area under the Ngāi Tahu Claims Settlement Act, and Wāhi Tupuna under the PDP.

The entire lake (excluding Queenstown Bay and Frankton Arm) is identified in the PDP as an Outstanding Natural Landscape (ONL), with Queenstown Bay subsequently having been identified as an ONL in a variation to the PDP currently under consideration by the Council.

The lake is a known habitat for various indigenous taonga species (including rare and threatened species), and trout and salmon. The lake is also highly valued for its recreational attributes, with adjoining settlements popular tourist and holiday destinations. Many types of tourism and recreation activities, including boating, fishing and swimming, are undertaken on the lake, and the shores of the lake are well utilised for activities such as picnicking, walking, cycling, sightseeing and fishing.

Realnz and its predecessors have been operating water-based transport and recreation activities on the lake for over 50 years. These operations, particularly the services provided by the TSS Earnslaw, represent an important and iconic component of Queenstown's history.

Walter Peak/Beach Bay

Realnz's Walter Peak property is the location of a commercial tourism activity that has been operating from the site for several decades, in addition to associated agricultural activities. These activities include a restaurant and bar facility and High-Country farm tours, which are all operated in conjunction with "TSS Earnslaw" Lake Whakatipu cruises.

The Walter Peak operations are served by two existing jetties on the shoreline of Beach Bay, both of which are utilised by the Earnslaw each time it berths at Walter Peak, the western wharf being a cargo wharf, the eastern wharf being for embarking/disembarking

passengers. These existing wharves are owned by Realnz and comprise tubular steel, concrete filled piles with a timber deck. The passenger wharf also has an existing galvanized steel grating gangway and pontoon structure attached to its eastern side to enable safe berthing of Fiordlander class vessels.

A third jetty structure is located on the eastern side of the bay. This jetty is owned by the neighbouring Walter Peak Station and provides boat access for their high-country farming operation.

Realnz's Walter Peak property is legally described as Section 15-18 and Section 22-23 Block III Mid Wakatipu Survey District. It is held in Record of Title 751973. The land is separated from the lake by a narrow strip of Crown land that is managed by the Department of Conservation (DOC) as Marginal Strip. Realnz holds existing easement concessions from DOC (387O2-OTH and 387O2-OTH) to enable staff, passengers and services to pass over a section of Marginal Strip between the wharves and the Homestead.

The site contains a number of existing and well-established buildings, including an extensive homestead and restaurant building, two former dwellings (known as Middle House and Ardmore House), staff accommodation, a woolshed, an amphitheater and a number of other farm and utility buildings, as well as extensive gardens and farmyards. This existing built development is predominantly located within close proximity to the lake front at Beach Bay.

The land immediately adjacent to the main Walter Peak homestead site was until recently dominated by wilding pines and overall, the site can be considered a highly modified environment. In recent years Realnz has undertaken an extensive ecological restoration program that has resulted in the removal of the majority of exotic species and trapping of pests, along with extensive replanting of native species.



Figure 5: Aerial Image of the Beach Bay area Source: QLDC Map Navigator



Figure 6: Image showing the existing Real Journeys owned wharves at Walter Peak

6.0 Assessment of Actual and Potential Effects

This Assessment of Environmental Effects has been carried out in accordance with Schedule 4 of the Act in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

6.1 Assessment Matters

In considering applications for activities under Rule 46.4.9 of the PDP the Council restricts its discretion to the matters listed in the table below and addressed further in sections 6.2 to 6.8 below.

Table 3: Assessment Matters

Matters of Discretion
Rule 46.4.9
<ul style="list-style-type: none"> • Effects on natural character • Effects on landscape and amenity values • Lighting • Effects on Public Access to and along the lake margin; and • External appearance colour and materials

6.2 Landscape and visual amenity effects

It is noted that Lake Whakatipu is identified in the PDP as an ONL. Large areas of land around the lake are also identified as ONLs.

The Kawarau River Water Conservation Order (WCO) also applies to Lake Whakatipu. Outstanding characteristics identified in the WCO include the lake's fishery; scenic characteristics; scientific value, in particular water clarity and bryophyte (non-vascular plant) community; recreational purposes, in particular boating; as well as its significance in

accordance with tikanga Māori. The lake and wider area are also a popular location for adventure tourism, with many and varied activities located within easy reach of the lake.

The upgrades to the existing wharf structures that are proposed by this application will be discretely located in the approximately 15 m wide gap between the two existing wharf structures, and directly adjacent to the existing passenger wharf to the east. The proposed structure is of a relatively low profile, with its highest point (the top of the three concrete filled steel piles) being approximately 2.3 m above the deck of the adjoining eastern passenger wharf, and the deck of the new timber jetty to which the proposed gangway will be attached. The bulkiest element of the proposed structure will be the 9 m long by 1.2 m high steel gangway with wire rope sides. At the maximum design level of the lake, the top of this gangway structure would sit at roughly the same height as the top handrail along the edge of the existing passenger wharf. Therefore, while the proposed structure will certainly be visible to some extent, overall it will be well screened in all directions around Beach Bay, with the visual effects of the structure largely absorbed by the existing structures.

Overall, the effects on landscape and visual amenity values of Queenstown Bay, the Beach Bay/Walter Peak area and the wider Lake Whakatipu landscape will be less than minor. The upgraded wharf structure will sit in the environment as a subservient addition to the existing wharf structure. From a distance it will not be readily distinguishable from the main structure, and cumulatively the additional impact of the extension on the landscape and visual amenity will be minimal.

6.3 Cultural and heritage effects

It is noted that Lake Whakatipu is a Statutory Acknowledgement Area with which the Resource Management Act recognises Ngai Tahu have a special relationship.

The Walter Peak site is a highly modified site having originally been developed for agricultural land uses and latterly for tourism operations. There are no cultural or heritage values specific to the area identified in the PDP. The site presently includes two existing wharf structures which service multiple visits daily from Realnz's vessels on Lake Wakatipu. The upgrades to proposed to those existing structures by this application are relatively small scale, low profile and subservient to the existing structures, meaning they will have less than minor impacts on any cultural or heritage values of the area, or Ngai Tahu's special relationship with Lake Whakatipu.

6.4 Natural hazards

While the Walter Peak site itself is subject to debris flow hazards, this should not affect, or be affected by, the upgrade of the existing passenger wharf in Beach Bay. Furthermore, to mitigate the natural hazard risk on the site, Realnz has undertaken extensive works to construct rock culverts, rock armoring and deepen stream beds in the Beach Bay Reserve (approved under Department of Conservation Concession No: OT-13241-OTH (PAC 13-O4-70)). Overall, the natural hazard risk associated with the proposed activity is less than minor.

6.5 Transport Effects

The proposal essentially enables the existing berthing point for the TSS Earnslaw at Walter Peak to be retained and used for the additional vessel, Spirit of Queenstown, rather than

requiring a completely separate berth to be constructed and a separate location. This ensures the vessels use essentially the same approach and departure routes in and out of the bay, and the wharf structures are consolidated and contained in one area, where there are already existing structures, rather than spreading in a more dispersed manner around the edges of the bay. This ensures any effects on the movement of marine traffic in and out of the bay and public access to the lake is not adversely affected to any material degree.

Overall, the potential adverse effects on the transport network are considered less than minor.

6.6 Amenity Effects

Amenity values are 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. In this case, the proposal will result in the upgrade of an existing structure on the lake at Walter Peak, which will help enhance public access to and across the lake for people's enjoyment and recreational benefits. The proposed structure of small scale, low profile and located in a way that will ensure it is well absorbed by the Company's existing wharf structures. The structure itself will not generate any noise or glare nuisance, and visibility of the structure will be low, ensuring there are undue adverse effects on amenity values.

6.7 Cumulative Effects

The proposal will further increase the footprint of structures occupying the lakebed of Beach Bay. However, the increase is considered modest and is well separated from the nearest lakebed structure not owned and operated by Realnz, being the Walter Peak Station jetty approximately 320 m away. The visibility of the structure proposed as part of the wharf upgrade will be subservient to, and well absorbed by, the existing wharf structures on either side of it, particularly the existing passenger wharf to which it is directly adjacent. As a result, any cumulative natural character, landscape and visual amenity effects are considered less than minor, as are any effects on public access.

6.8 Positive Effects

The proposal will have substantial positive social and economic effects, primarily in that the increased passenger capacity between Queenstown and the popular experiences at Walter Peak that will be enabled by the upgraded wharf structure will see commercial activity return to the levels achieved prior to the changes in Maritime rules. And as most of the visitors travelling to Walter Peak also overnight in the Queenstown area, the proposal will contribute to the wider economy through spending on other goods and services in the area.

The upgrades to the wharf infrastructure at Walter Peak will also facilitate improvements to public access for people to view and experience the area, providing increased opportunities for recreation and a positive social experience of the natural environment and surrounding landscapes, thereby improving social outcomes for the community.

Another positive effect is that the increase in passenger carrying capacity to Walter Peak will support the ability of Realnz to continue the ongoing ecological restoration projects at the site. This will potentially include enabling visitors to become directly involved in the projects by partaking in ecotourism products designed to educate guests and showcase the work being done. This will help to connect people with and experience the natural environment, promoting greater conservation awareness and developing pro-environmental behaviours.

7.0 Statutory Framework

7.1 Resource Management Act 1991

Part 2 of the Act sets out its purpose and principles. The purpose of the Act is described in Section 5 as being to promote the sustainable management of natural and physical resources. Sustainable management is defined in the same section as meaning 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 well-being while:

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

Realnz's Walter Peak experiences, supported by the Company's vessels and the wharf infrastructure at Beach Bay, help provide for the economic wellbeing of the Queenstown Lakes community. The addition of Walter Peak as an authorised berthing location for the Spirit of Queenstown, and the associated upgrades to the Walter Peak wharf, will not adversely impact on the life-supporting capacity of air, water, soil, or ecosystems, and will not prevent future generations from meeting their social, economic and cultural needs. Any potential adverse effects on the environment have been appropriately avoided or mitigated and the activity is considered to achieve the sustainable management purpose of the Act.

Section 6 of the Act lists the matters of national importance that a consent authority shall recognise and provide for when considering applications for resource consent. The matters under Section 6 that are considered to be relevant to this proposal and therefore need to be specifically recognized or provided for are:

- (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;
- (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 and waahi tapu, and other taonga;

The activity proposed by this application represents a relatively minor upgrade to an existing structure. The nature and scale of the proposed changes are such that they are considered appropriate within the existing environment as they will not give rise to any degradation of any outstanding natural features or landscapes, or the natural character of the lake. The proposal also enhances public access to the lake and does not affect the relationship of Maori to the water.

Section 7 of the Act lists a number of other matters that a consent authority must have particular regard to when considering applications for resource consent. The matters in Section 7 that are considered relevant to this application are:

- (a) *Kaitiakitanga:*
 - (aa) *the ethic of stewardship:*
- (b) *The efficient use and development of natural and physical resources:*
 - (ba) *the efficiency of the end use of energy:*
- (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:*
- (h) *The protection of the habitat of trout and salmon:*
- (i) *The effects of climate change:*
- (j) *The benefits to be derived from the use and development of renewable energy.*

For the reasons discussed in the Assessment of Environmental Effects above, the application as lodged is considered consistent with the provisions of Section 7 of the RMA.

Section 8 sets out a consent authority's responsibilities in relation to the Treaty of Waitangi. The proposal is considered consistent with section 8 of the Act.

7.2 National Policy Statements

There is one National Policy Statement in effect that is of some relevance to the activity subject to this application, being the National Policy Statement for Freshwater Management (NPS-FM). The NPSFM applies to all freshwater and receiving environments that are affected by freshwater. The objective of the NPS-FM is to ensure that natural and physical resources are managed in a way that prioritises:

- a) First, the health and well-being of water bodies and freshwater ecosystems;
- b) Second, the health needs of people (such as drinking water); and
- c) Third, the ability of people and communities to provide for their social, economic and cultural well-being, now and in the future.

The proposal will not result in adverse effects on health and well-being of the lake and its freshwater ecosystems, other than in a very minor temporary manner during the construction phase. These effects will quickly assimilate in the environment and will not cause any long-term or ongoing impacts on the health and well-being of the lake or its ecosystems. The proposal also helps the Queenstown Lakes community to provide for their social, economic and cultural well-being by enabling the ongoing operation of a longstanding and popular commercial recreation operation. The proposal therefore aligns with the objective of the NPS-FM.

7.3 National Environmental Standards

There is one National Environmental Standard (NES) in effect that is potentially relevant to the activity subject to this application, being the NES for freshwater (NESFW). The NESFW sets requirements for carrying out certain activities that pose risks to freshwater ecosystems. The regulations generally apply to wetlands, culverts, weirs and passive flap gates, and there is nothing in the proposal that requires consent under the NESFW.

7.4 Otago Regional Policy Statement

The Otago Regional Policy Statement (RPS) sets the direction for future management and promotion of the sustainable management of the region's natural and physical resources, as well as providing the policy context for regional plans and establishing the framework for district plans.

The Partially Operative RPS 2019 (PORPS19) was declared partially operative on 15 March 2021, at which time the RPS 1998 was also revoked. Following a 2019 review of the region's freshwater management framework and the introduction in 2020 of new national regulations, the PORPS19 has now been reviewed, and the Proposed Otago Regional Policy Statement 2021 (PRPS21) was notified on 26 June 2021. Hearings are scheduled to be completed by the end of 2023.

The proposed development has been considered against the objectives and policies of the PORPS19 and the PRPS21. The proposal ensures that the waters of Lake Whakatipu are protected from any significant adverse effects as the proposal involves no take, diverting of, or discharge into the water. The existing Beach Bay wharves have been a fixture within the Lake Whakatipu environment for a considerable period of time and the proposal will not result in any new adverse landscape and amenity effects of any significance. The development is generally consistent with the broad policy direction of both Regional Policy Statements, particularly in relation to natural features and landscapes, and the impacts of activities on nature conservation values.

7.5 Iwi Management Plans

7.5.1 Te Tangi a Tauira – Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008

The application site is located in an area that comes under the High Country and Foothills section of the Te Tangi a Tauira, though it is noted that the Ngāi Tahu ki Murihiku General water policy and water quality policies for the Southland Plains and Fiordland are also applicable to activities occurring in, around, on or affecting high country waterways. Broadly speaking, in relation to tourism activities these policies seek to ensure that the significance of landscapes and sites of cultural significance to Ngāi Tahu are taken into account and protected; access to and use of landscapes, wāhi tapu and mahinga kai sites is retained; and the education of tourists and visitors about the cultural significance of landscapes and sites is encouraged.

Overall, the application is considered consistent with the relevant policies of Te Tangi a Tauira. The proposal is not considered to result in any adverse effects on the relationship between iwi and any landscapes and sites of cultural significance. The proposal is for a relatively minor upgrade to an existing structure, and so the ability for iwi to access sites and landscapes of significance to their culture will not be compromised.

7.5.2 Kāi Tahu ki Otago Natural Resource Management Plan 2005

The Kāi Tahu ki Otago Natural Resource Management Plan sets out Kāi Tahu ki Otago's overall objectives and policies in regard to resource management for the Otago region. Within Chapter 10 Clutha/Mata-au Catchments, the extensive spread of jetties and moorings in Lake Whakatipu has been identified as a particular cultural landscape issue for Kāi Tahu ki Otago,

as has the increase in tourism ventures taking clients to culturally significant sites and the limited recognition of cultural landscapes and Runanga interests and values in the landscape. Policies 10.5.3.8 and 10.5.3.9 require jetties to be at a fixed location where they will not impede or restricted access to lakes, rivers or wetlands, and for any effects from earthworks or the ongoing operation of the jetty remedied or mitigated.

The structure proposed by this application is an upgrade to an existing jetty structure at a fixed location that does not impede or restrict access to the lake or any rivers or wetlands. Adverse sedimentation effects resulting from the disturbance of the lakebed during the construction phase will be temporary in nature and quickly dispersed within the lake, ensuring they are localised effects only. Any effects associated with the ongoing operation of the new extension will be in line with effects from the operation of the existing structure and will largely be limited to any effects generated during ongoing maintenance or repair work.

Policies 5.6.4.1, 5.6.4.3, 5.6.4.4 and 5.6.4.5 of Chapter 5 Otago Region require that landscape features of significance to Kāi Tahu ki Otago are protected, the effects of visitor and recreational activities on these landscapes are controlled, and tourist operators ensure interpretation of Kāi Tahu ki Otago histories are appropriate and developed in collaboration with Kāi Tahu ki Otago. Policy 5.6.4.32 requires adequate provision is made for the storage and collection of litter and refuse, and disposal is in an approved matter. Similarly, policy 5.6.4.35 requires all liquid waste products to be disposed of to an appropriate sewer reticulation system, while policy 5.6.4.36 requires refueling of any vessels to be carried out at an approved refuelling facility only.

Neither the existing or upgraded wharf structure are serviced by reticulated sewerage services. Any solid or liquid wastes associated with the vessels that routinely use the structure are disposed of at the Queenstown Bay berths for those vessels. Refueling is also undertaken from the approved marine fuel stop at Queenstown Bay. These elements of the vessels operations are managed via existing conditions of consents for those vessels.

Overall, the application is not inconsistent with, or contrary to, any of the objectives or policies in either of the relevant iwi management plans.

7.6 Proposed Queenstown Lakes District Plan

The following objectives and policies of the PDP are considered the most relevant to this application:

Table 4: PDP provisions

Provision	Detail	Comment
Chapter 3 – Strategic Direction		
3.2.4	The distinctive natural environments and ecosystems of the District are protected.	The proposal will have a less than minor impact on the natural character and ecosystems of the Beach Bay area, an area that has already been modified by existing land use activities. In fact, over the last eight years Realnz has undertaken a significant ecological restoration project

		that will help improve the natural environment of the Beach Bay/Von Peninsula area. The additional guest capacity enabled by the wharf upgrade will help to enable and showcase ongoing restoration and planting projects.
3.2.4.4	The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced.	The proposal will not affect the functions of Lake Whakatipu.
3.2.4.5	Public access to the natural environment is maintained or enhanced.	The proposal will enhance public access to the natural environment by enabling additional passenger capacity to be provided for people to travel to Walter Peak and experience the natural environment, including the Beach Point Camping and Picnic Area and the company's ecological restoration projects.
3.2.5	The retention of the District's distinctive landscapes.	The proposal will not have any additional detrimental impact on the District's distinctive landscapes. The Beach Bay/Walter Peak area is already an area frequented by passenger vessels and occupied by associated wharf structures, which contribute to the character of the area. The changes resulting from the upgrade to the existing passenger wharf are small scale and subservient to the existing structures, and will have less than minor effects on the distinctive landscapes of the District.
3.2.5.2	<p>Within the Rural Zone, new subdivision, use and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes, unless:</p> <p>a. Where the landscape values are Priority Areas of Outstanding Natural Features and Outstanding Natural Landscapes are specified in Schedule 21.22,</p>	Lake Whakatipu is identified as an Outstanding Natural Feature, but the Beach Bay section of the lake is not identified as a Priority Area. For the reasons already discussed above, the values identified according to SP 3.3.45 will be protected.

	<p>those values are protected; or</p> <p>b. Where landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are not specified in Schedule 21.22, the values identified according to SP 3.3.45 are protected.</p>	
3.2.7	The partnership between Council and Ngāi Tahu is nurtured.	As discussed above, tangata whenua values have been considered when preparing this application, including reference to the relevant iwi management plans.
3.2.7.1	Ngāi Tahu values, interests and customary resources, including taonga species and habitats, and wāhi tupuna, are protected.	As discussed above, tangata whenua values have been considered when preparing this application, including reference to the relevant iwi management plans. The proposal has been assessed as having less than minor effects overall, and specifically in terms of mahinga kai, and the mauri of the water.
3.3.2	<p>In rural areas, provide for commercial recreation and tourism related activities that enable people to access and appreciate the District's landscapes provided that those activities are located and designed and are of a nature that:</p> <p>a. Protects the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes; and</p> <p>b. Maintains the landscape character and maintains or enhances the visual amenity values of Rural Character Landscapes.</p>	The proposal is for a relatively minor upgrade to existing infrastructure servicing a well-established commercial recreation activity. These changes will enable improved access for people to be able to appreciate the District's landscapes without having undue impacts on landscape values, rural character and visual amenity.
3.3.2O	Manage subdivision and/or development that may have	As discussed above, the proposal is for a relatively minor upgrade to an existing

	adverse effects on natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity is safeguarded; and the natural character is maintained or enhanced as far as practicable.	wharf structure and any adverse effects on natural character and conservation values, and the life-supporting capacity of the lake and its margins, will be less than minor. In fact, effects on nature conservation values will be positive as the proposal will help facilitate the ongoing ecological restoration projects at Walter Peak, enhance the natural character of the area.
3.3.30	Protect the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes.	As discussed above, the proposal is for a relatively minor change to an existing wharf structure and the landscape values of the Outstanding Natural Landscape will be protected.
3.3.49	Avoid significant adverse effects on wāhi tupuna within the District.	The proposal is for relatively minor changes to an existing wharf structure within a wāhi tūpuna area. The impacts on the wāhi tūpuna are considered less than minor.
3.3.50	Avoid remedy or mitigate other adverse effects on wāhi tupuna within the District.	As discussed above, the proposal is for relatively minor changes to an existing wharf structure within a wāhi tūpuna area. The impacts on the wāhi tūpuna are considered less than minor.
Chapter 5 – Tangata Whenua		
5.3.5	Wāhi Tūpuna and all their components are appropriately managed and protected.	The proposal is for a relatively minor upgrade to an existing structure within a wāhi tūpuna area. The impacts on the wāhi tūpuna are considered less than minor.
5.3.5.5	Avoid where practicable, adverse effects on the relationship between Ngāi Tahu and the wāhi tupuna.	As the proposal is for an upgrade to an existing structure already located within the wāhi tūpuna, and the upgrades proposed maintain the ability for iwi to access sites and landscapes of cultural significance, any unavoidable adverse effects the proposal will have on the relationship between Ngāi Tahu and the wāhi tupuna will be less than minor.
Chapter 6 – Landscapes		

6.3.3.1	<p>Recognise that subdivision and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes unless:</p> <ul style="list-style-type: none"> a. Landscape values are protected; and b. In the case of any subdivision or development, all buildings and other structures and all changes to landform or other physical changes to the appearance of land will be reasonably difficult to see from beyond the boundary of the site in question. 	The well-established nature of the existing wharf structures in Beach Bay, means that the changes proposed by this application will protect landscape values and be difficult to discern in the environment.
6.3.3.2	Ensure that the protection of Outstanding Natural Features and Outstanding Natural Landscapes includes recognition of any values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenu, including tōpuni and wāhi tupuna.	The two relevant iwi management plans relating to the Walter Peak and Whakatipu-wai-Māori areas have been considered in the preparing this application. The cultural significance of the landscapes and sites within the surrounding area is provided for. There are no geological or historic heritage features affected by the proposal.
6.3.5.4	Provide for appropriate commercial and recreational activities on the surface of water bodies that do not involve construction of new structures.	While the addition of the Spirit of Queenstown to Realnz's Walter Peak operations will result in an additional berthing structure being needed at Beach Bay, this will be located discretely between the two existing structures rather than as a new standalone structure. The proposal is therefore considered to be in keeping with the intent of the policy.
Chapter 21 – Rural		
21.2.1	<p>A range of land uses, including farming are enabled while:</p> <ul style="list-style-type: none"> a. Protecting the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes; 	Commercial surface water activities and associated wharf and jetty structures are a well-established and anticipated use of this part of the Rural Zone. As outlined above, the activity proposed by this application is of such a scale as to protect existing landscape values. The improved public access to Walter Peak resulting

	<p>b. Maintaining the landscape character of Rural Character Landscapes and maintaining or enhancing their visual amenity values;</p> <p>c. Maintaining or enhancing amenity values within the rural environment; and</p> <p>d. Maintaining or enhancing nature conservation values.</p>	from the proposal will help to enhance nature conservation values associated with the area. The proposal is therefore considered to be consistent with this objective.
21.2.1.6	Avoid adverse cumulative impacts on ecosystem services and nature conservation values.	Cumulative impacts on ecosystem services and nature conservation values from the upgrade to the existing passenger wharf structure, are considered to be negligible. The proposal is considered to be consistent with this policy.
21.2.1.7	Have regard to the spiritual beliefs, cultural traditions and practices of Tangata whenua.	As discussed above, the two relevant iwi management plans relating to the Walter Peak and Whakatipu-wai-Māori areas have been considered in the preparing this application. The relationship of tangata whenua to the landscapes and sites in the area, and the ability to access and use the area is protected.
21.2.1.10	Commercial activities in the Rural Zone should have a genuine link with the rural land or water resource, farming, horticulture or viticulture activities, or recreation activities associated with resources located within the Rural Zone.	Realnz's Walter Peak experience and the passenger vessels that serve it are commercial activities with a genuine link to both the rural land and surface water resource. The proposal is considered to be consistent with this policy.
21.2.12	The natural character of lakes and rivers and their margins is protected, or enhanced, while also providing for appropriate activities, including recreation, commercial recreation and public transport.	Realnz's Walter Peak operations, and the passenger vessels and infrastructure that serve it, are a well-established part of the environment of Lake Whakatipu and Beach Bay/Walter Peak. The scale, nature and location of changes proposed by this application are such that they will not result in any notable further degradation of the natural character of the lake and its margins, and are therefore considered to

		be appropriate activities in this environmental context. The proposal is considered to be consistent with this policy.
21.2.12.1	Have regard to statutory obligations, Wāhi Tūpuna and the spiritual beliefs, and cultural traditions of tangata whenua where activities are undertaken on the surface of lakes and rivers and their margins.	As discussed above, the Whakātipu-wai-Māori Statutory Acknowledgement and wāhi tupuna have been had regard to in preparing this application, as has the relationship of tangata whenua with the lake and the surrounding area, including through reference to the two relevant iwi management plans for the area.
21.2.12.2	Enable people to have access to a wide range of recreational experiences on the lakes and rivers, and their margins, while having regard to environmental and safety constraints of the various parts of each lake and river.	The proposal will enhance the ability of the public to access recreational experiences in the Walter Peak/Beach Bay area, and on Lake Whakatipu for sightseeing purposes. The proposal is considered to be consistent with this policy.
21.2.12.3	Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorized craft, in areas of high passive recreational use, significant conservation values and wildlife habitat.	This part of Lake Whakatipu does not experience a high level of passive recreation use. While the vessels that routinely visit the Walter Peak wharf do generate some noise and wash, these effects are managed through conditions of associated consents to ensure their impact on the environment is no more than minor. The proposal is considered to be consistent with this policy.
21.2.12.5	Protect, maintain or enhance the natural character and nature conservation values of lakes, rivers and their margins from inappropriate activities with particular regard to nest and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.	As discussed above, the proposal will maintain the natural character and nature conservation values of the lake and its margins, and will not impact on any nest and spawning areas, ecosystem services or areas of indigenous fauna habitat and recreation values. The proposal is considered to be consistent with this policy.
21.2.12.6	Recognise and provide for the maintenance and enhancement of public access to and enjoyment of the margins of the lakes and rivers.	The proposal will improve public access to the margins of Lake Whakatipu in the Beach Bay area. The proposal is considered to be consistent with this policy.

21.2.12.8	<p>Encourage development and use of water based public ferry services, and provide for water based transport, including necessary infrastructure and marinas, in a way that:</p> <ol style="list-style-type: none"> Avoids adverse effects on the environment as far as practicable; or Otherwise, remedies and mitigates such adverse effects. 	<p>The proposal will help to provide for additional water based passenger transport capacity on Lake Whakatipu, providing a transport link for commuters from Queenstown to access important recreational and conservation values in the Walter Peak/Mount Nicholas area. The proposal is considered to be consistent with this policy.</p>
Chapter 39 – Wāhi Tūpuna		
39.2.1	Manawhenua values, within identified wāhi tupuna areas, are recognised and provided for.	<p>The manawhenua values for the Whakātipu-wai-Māori wāhi tupuna, being wāhi taoka, Mahika kai and ara tawhito, have been recognised and provided for in the preparation of this application.</p>
39.2.1.3	<p>Within identified wāhi tupuna areas:</p> <ol style="list-style-type: none"> 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. 	<p>As discussed above, the proposal is for relatively minor upgrades to an existing structure within a wāhi tūpuna area. The impacts on the manawhenua values of wāhi tūpuna are considered less than minor.</p>
Chapter 46 – Rural Visitor Zone		
46.2.1	<p>The Rural Visitor Zone provides for visitor accommodation, commercial recreational activities and ancillary commercial activities to occur at a small scale and low intensity in rural locations in a manner that:</p> <ol style="list-style-type: none"> Protects the landscape values of Outstanding Natural Features and 	<p>The proposal will complement the Company's existing commercial recreation activities at Walter Peak, including the TSS Earnslaw, and will do so in a manner that will not have any undue adverse effect on landscape values, landscape character, and visual amenity values, and the rural amenity values of the surrounding environment. The proposal is therefore considered consistent with this objective.</p>

	<p>Outstanding Natural Landscapes;</p> <p>b. Maintains landscape character, and maintains or enhances visual amenity values in areas not within Outstanding Natural Features or Outstanding Natural Landscapes;</p> <p>c. Avoids adverse effects, including cumulative effects in conjunction with other activities, buildings and development, which do not protect the values specified in a. or maintain or enhance the values specified in b;</p> <p>d. Maintains amenity values of the surrounding environment;</p> <p>e. Does not compromise the operation of existing activities or those enabled by the zones in the surrounding environment as a result of reverse sensitivity effects;</p> <p>f. Activities anticipated within each Zoned area can be adequately serviced with wastewater treatment and disposal, potable and firefighting water supply, and safe vehicle access or alternative water or air-based transport; and</p> <p>Avoids significant or intolerable risks from natural hazards to people and the community.</p>	
46.2.1.3	<p>Ensure the location, nature, scale and intensity of visitor accommodation, commercial recreational activities, and associated aspects such as traffic generation, access and</p>	<p>The proposal will compliment, not compromise, the Company's existing commercial recreation activities at Walter Peak; nor will it compromise the existing rural and recreation activities occurring in the surrounding environment.</p>

	<p>parking, informal airports, noise and lighting:</p> <p>a. Maintain amenity values beyond the Zone; and</p> <p>Do not compromise the operation of existing activities or those enabled by the zones in the surrounding environment as a result of reverse sensitivity effect</p>	
46.2.2	<p>Buildings and development that have a visitor industry related use are provided for at a small scale and low density within the Rural Visitor Zone in areas of lower landscape sensitivity where:</p> <p>a. The landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected;</p> <p>b. In rural areas not within Outstanding Natural Features or Outstanding Natural Landscapes, the landscape character is maintained and the visual amenity values maintained or enhanced;</p> <p>c. Adverse effects, including cumulative effects in conjunction with other activities, buildings and development, which do not protect the values specified in a. or maintain or enhance the values specified in b. are avoided; and</p> <p>Amenity values of the surrounding environment are maintained.</p>	<p>The proposed upgrade to the passenger wharf will be of relatively small scale, subservient to the existing wharf structure, and within an area that is not identified as having any elevated landscape sensitivity. Landscape, character and visual and rural amenity values will all be protected. The proposal is therefore considered consistent with this objective.</p>
46.2.2.1	<p>Enable and consolidate buildings outside of areas that are</p>	<p>The proposal is for an upgrade to an existing wharf structure, thereby</p>

	identified on the District Plan web mapping application as a High Landscape Sensitivity Area or Moderate-High Landscape Sensitivity Area.	consolidating buildings to an area that sits outside of any areas identified as having landscape sensitivity.
46.2.2.4	<p>Manage the effects of buildings and development on landscape values, landscape character and visual amenity values by:</p> <p>a. Controlling the colour, scale, design and height of buildings and associated infrastructure, vegetation and landscape elements; and</p> <p>In the immediate vicinity of the Homestead Area at Walter Peak, and the historic homestead at Arcadia, provide for a range of external building colours that are not as recessive as required generally for rural environments, but are sympathetic to existing development.</p>	As discussed above, the effects of the proposal on landscape values, character and visual amenity values are considered to be less than minor. The proposal is therefore considered consistent with this policy.
46.2.2.5	<p>Provide for buildings that exceed the bulk and scale standards, only when adverse effects, including cumulative effects, are minimized, including through:</p> <p>a. In Outstanding Natural Landscapes, siting buildings so they are reasonably difficult to see from beyond the boundary of the Zone;</p> <p>b. Outstanding Natural Landscapes and Outstanding Natural Features, siting buildings so they are not highly visible from public places, and do not form the foreground of Outstanding Natural Landscapes and Outstanding Natural Features;</p>	While a small part of the structure proposed in the upgrade will exceed the maximum height limits for buildings within the Water Transport Infrastructure overlay, this breach is more technical in nature and the structure is in keeping with the scale and character of the existing structure, and will be difficult for any person to distinguish. Therefore, the adverse effects, including cumulative effects, are considered to be less than minor and the proposal is considered consistent with this policy.

	<p>c. The design and location of buildings and opportunities for mitigating bulk, form and density;</p> <p>Management of the associated aspects of the building(s) such as earthworks, car parking, fencing, and landscaping.</p>	
46.2.2.7	Encourage enhancement of nature conservation values as part of the use and development of the Zone	It should be noted that Realnz have been actively investing in the enhancement of nature conservation values at Walter Peak via a land restoration project involving the removal of around 15ha of wilding pines and other pest species, the replanting of key pockets of native trees, and subsequent weed control and extensive pest trapping. This work is ongoing. The proposal subject to this application will help to showcase this work and enable it to continue into the future. The proposal is therefore considered consistent with this policy.
46.2.2.9	<p>Within the Walter Peak Water Transport Infrastructure overlay, provide for a jetty or wharf, weather protection features and ancillary infrastructure at Beach Bay while:</p> <p>a. Maintaining as far as practical natural character and landscape values of Beach Bay while recognizing the functional need for water transport infrastructure to locate on the margin of an on Lake Wakatipu.</p> <p>b. Minimising the loss of public access to the lake margin; and</p> <p>Encouraging enhancement of nature conservation and natural character values.</p>	The upgrade to the existing passenger wharf is of modest proportions that will ensure it is subservient to, and its visual effects largely absorbed by, the existing wharf structures. The natural character and landscape values of Beach Bay will be maintained, and there will be no loss of public access to the lake margin. Nature conservation and natural character values will be enhanced as described above. The proposal is therefore considered consistent with this policy.

7.7 Section 104D "Gateway Test"

Under Section 104 of the Resource Management Act 1991, before making a decision whether or not to grant a resource consent for a non-complying activity, a consent authority must be satisfied that either the adverse effects of the activity on the environment will be minor (s104(1)(a)), or the proposed activity will not be contrary to the objectives and policies of a proposed plan and/or plan (s104(1)(b)). This consideration for non-complying activities is commonly known as the 'threshold test' or 'gateway test'. If either of the limbs of the test can be passed, then the application is eligible for approval, but the proposed activity must still be considered under Section 104.

Overall, in our opinion, this application passes both arms of the gateway test. The upgraded wharf structure will sit in the environment as a subservient addition to the existing wharf structure. From a distance it will not be readily distinguishable from the main structure, and cumulatively the additional impact of the extension on the landscape and visual amenity will be minimal. As such, it is considered that overall, the effects of the activity on the environment will be less than minor and the application is consistent with the objectives and policies of the District Plan, the Regional Policy Statement, and the purpose and principles of the Act.

8.O Section 95 Assessment

Section 95A of the Act requires that the consent authority must publicly notify an application if:

- The applicant requests it; or
- It decides under section 95D of the Act that the activity will have or is likely to have adverse effects on the environment that are more than minor; or
- There are special circumstances that require notification.

The only exception to this is when a rule or NES precludes public notification of the application and there are no special circumstances that would warrant such a rule or NES being dispensed with, or the application is for an activity listed in section 95A(5).

In this instance there is no rule or NES that precludes public notification of the application, nor is it an application for an activity listed in Section 95A(5). Realnz is not requesting notification of the application, and there are no apparent special circumstances that would require public notification. Therefore the 'more than minor effect on the environment' test provided by Section 95D of the Act applies.

In deciding whether an activity will have adverse effects on the environment that are more than minor, Section 95D of the Act states that consent authority must disregard:

- Any effects on persons who own or occupy the site or adjacent land;
- Trade competition and its effects;
- Any effects on persons who had given written approval of the application;
- Any adverse effect that does not relate to a matter which a rule or NES reserves control or restricts discretion.

Section 95D also states that a consent authority may disregard any adverse effect if a rule or NES permits an activity with that effect.

For the reasons described in the Assessment of Environmental Effects above, the adverse effects of this proposal are considered less than minor. As a consequence, it is considered that the application does not require public notification under Section 95A of the Act.

If a consent authority does not publicly notify an application for resource consent, section 95B of the Act states that it must decide whether limited notification is appropriate by confirming if there are any affected protected customary rights groups, affected person or affected order holders in relation to the activity. The exception to this is that if there is a rule or NES that precludes limited notification of the application, or the application is for an activity listed in Section 95B(6).

In this instance there is no rule or NES that precludes limited notification of the application, and the application is not one for an activity listed in Section 95B(6).

Section 95E states that a person is 'affected' if the adverse effects of an activity on a person are minor or more than minor (but not less than minor). In deciding this, Section 95E(2) of the Act states that a consent authority:

- May disregard any adverse effect if a rule or NES permits an activity with that effect;
- Must disregard any adverse effect that does not relate to a matter which a rule or NES reserves control or restricts discretion;
- Must have regard to any relevant statutory acknowledgement;
- Must disregard any effects on persons who have given written approval of the application.

In our view and for the reasons described in the Assessment of Environmental Effects above, the potential adverse effects of this proposal are considered less than minor and therefore there are no parties that meet the threshold under Section 95E of the Act to be considered affected parties to the proposed change in vessel operations.

The application does not require notification under Sections 95A and 95B, and having regard to the nature and location of the activity, no potentially affected parties have been identified. The application can therefore be processed on a non-notified basis.

9.0 Conclusion

In order to replace some of the capacity lost on Realnz's flagship passenger vessel on Lake Whakatipu, the TSS Earnslaw, the Company is in the process of purchasing the Spirit of Queenstown catamaran currently operated by Southern Discoveries. The vessel will operate as a complimentary service to the Earnslaw between Queenstown Bay and Walter Peak, and to enable the vessel to berth in a manner that will facilitate the safe loading and unloading of passengers, land use consent is sought to construct an extension to the existing passenger wharf at Walter Peak.

The upgrade to the Walter Peak passenger wharf is considered a non-complying activity under Rule 46.5.1 (and is also discretionary under Rule 21.16.4 and restricted discretionary under Rules 46.4.9 and 39.5.3)

As outlined in the Assessment of Effects contained in Section 6 above, it is considered the proposed upgrades to the Walter Peak wharf structure will have a less than minor effect on rural character and amenity values, the landscape values of the wider area, and the

relationship of Māori with the lake. The proposed activity is considered to be an appropriate use of the lake that will contribute to significant positive social and economic effects.

Given the relatively minor scale and nature of the proposed changes and the low level of effects they will have on the environment, Realnz considers that there are no parties meeting the threshold to be considered affected parties under Section 95E of the Act.

Having considered the objectives and policies of both District Plans, particularly those relating to the Rural and Rural Visitor Zones, Tangata Whenua, Wāhi Tūpuna and Landscapes, we have concluded that the application is consistent with the current planning framework. It is therefore submitted that, pursuant to sections 95, 95A, 95B, 104 and 104B of the RMA, the application can be processed on a non-notified basis and be granted.

Appendix 1 – Plans of Proposed Wharf Upgrade



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




R. W. Muir
Registrar-General
of Land

Identifier 751973
Land Registration District Southland
Date Issued 10 October 2016

Prior References

750716 SL8A/211

Estate Fee Simple
Area 7.6948 hectares more or less
Legal Description Section 15-18 Block III Mid Wakatipu
Survey District and Section 2 Survey
Office Plan 496777

Registered Owners

Real Journeys Limited

Interests

Land Covenant in Deed 6834919.2 - 21.4.2006 at 9:00 am (Affects Section 15 - 18 Block III Mid Wakatipu Survey District)

Land Covenant in Easement Instrument 10155841.2 - 22.12.2015 at 9:29 am (Affects Section 15 - 18 Block III Mid Wakatipu Survey District)

Land Covenant in Easement Instrument 10155841.3 - 22.12.2015 at 9:29 am (Affects Section 15 - 18 Block III Mid Wakatipu Survey District)

Subject to Part IVA Conservation Act 1987 (Affects Section 2 SO 496777)

Subject to Section 11 Crown Minerals Act 1991 (Affects Section 2 SO 496777)

11286520.1 Encumbrance to Queenstown Lakes District Council - 15.11.2018 at 11:31 am

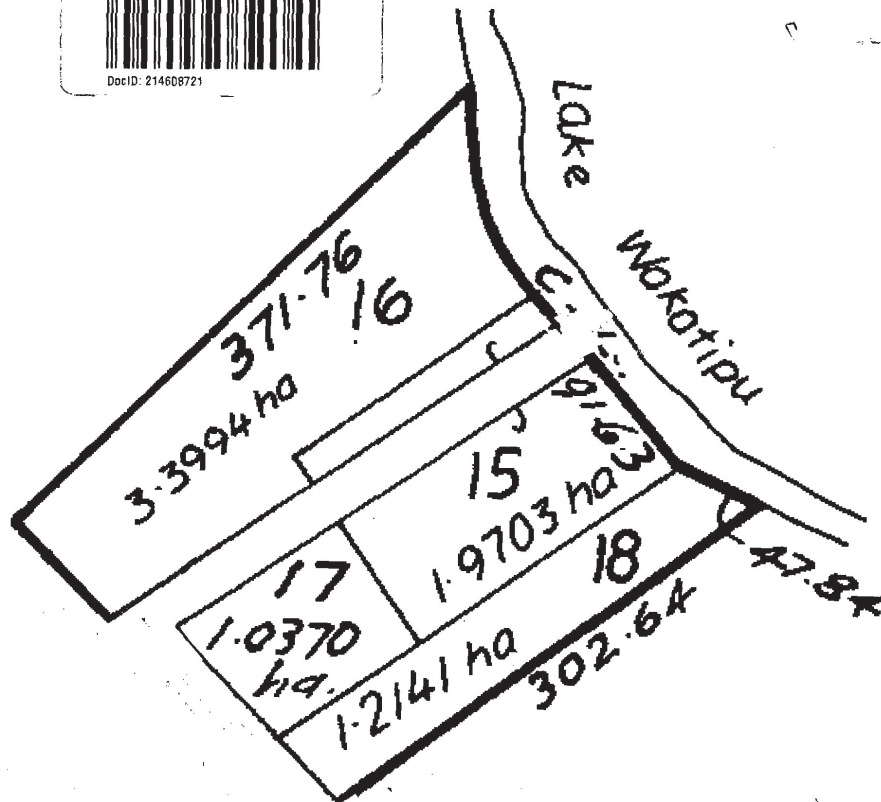
11512052.2 Mortgage to Bank of New Zealand - 13.11.2019 at 1:56 pm

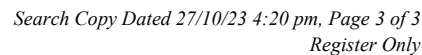
Title Diagram CT 751973

Cpy - 01/01, Pgs - 001, 07/11/16, 10:47



DocID: 214608721







Stantec



REAL NZ - WALTER PEAK WHARF UPGRADE

DRAWINGS INDEX

DWG No.	DRAWING TITLE
G001	SITE LOCALITY PLAN & DRAWING INDEX
G002	GENERAL STRUCTURAL NOTES
S001-1	GENERAL ARRANGEMENT - SPIRIT OF QUEENSTOWN
S001-2	GENERAL ARRANGEMENT - TSS EARNSLAW
S002	LAKE LEVEL ELEVATIONS
S003	JETTY FRAMING PLAN AND ELEVATIONS
S004	JETTY FRAMING DETAILS
S005	GANGWAY PLAN, ELEVATION AND DETAILS
S006	GANGWAY DETAILS
S007	PONTOON DETAILS

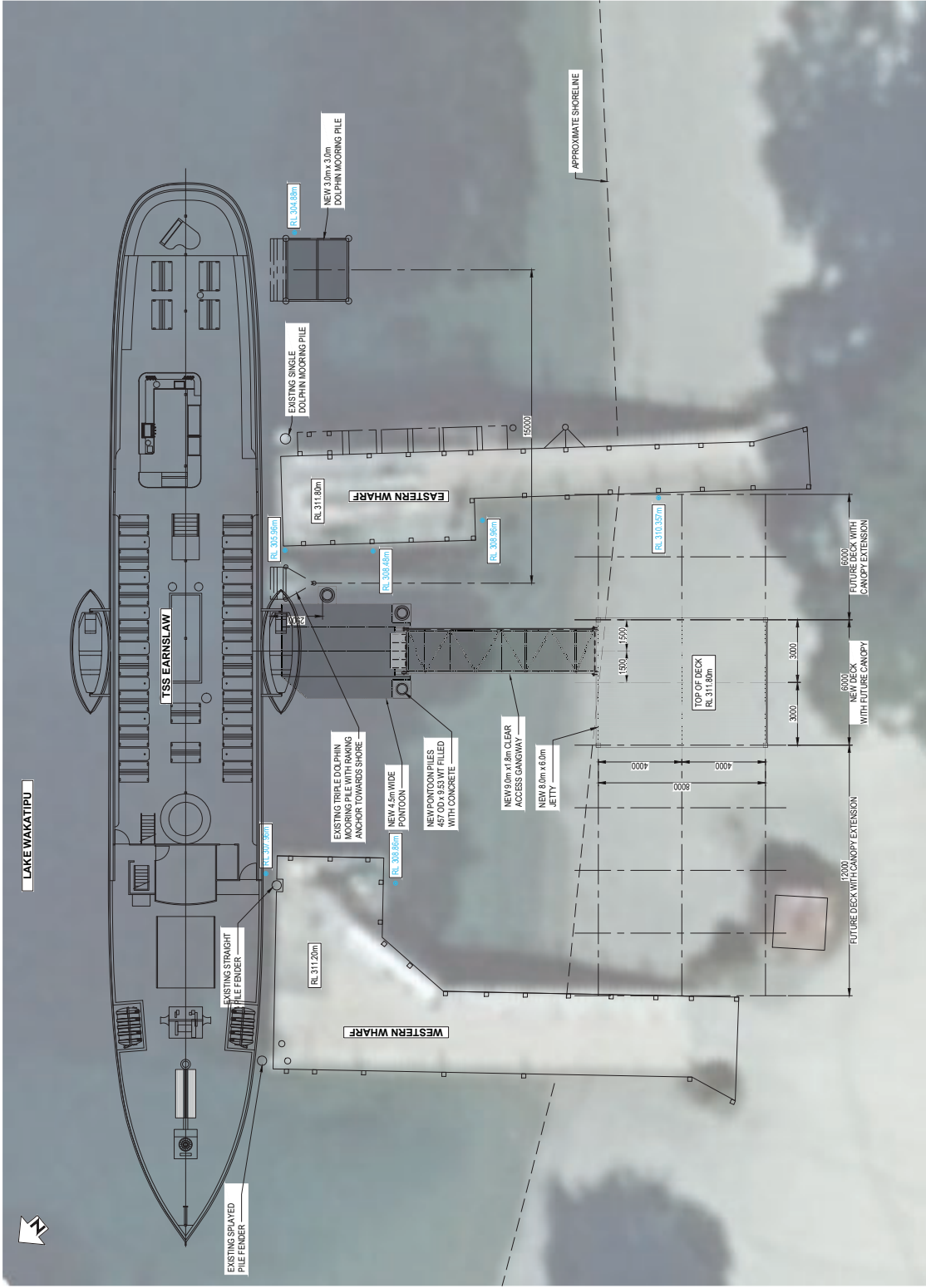
LOCALITY PLAN



WORKING PLOT

Design with community in mind

Sheet No. 310104168-01-001-G001 Rev. A



- KEY DESIGN CRITERIA**
1. OPERATIONAL DESIGN LAKE LEVELS:-
 - MINIMUM DESIGN LAKE LEVEL = RL 309.30m
 - MAXIMUM DESIGN LAKE LEVEL = RL 311.30m
 - ULTIMATE FLOOD DESIGN LAKE LEVEL = RL 312.30m
 2. GRADE OF GANGWAY:-
 - AT MINIMUM DESIGN OPERATIONAL LAKE LEVEL = APPROX. 1 (V) 8 (H)
 - AT MAXIMUM DESIGN OPERATIONAL LAKE LEVEL = APPROX. 1 (V) 9 (H)
 - >85% OF THE TIME (BASED ON NIWA DATA)
 3. DESIGN IMPOSED LOADS:-
 - FLOORS - 30kPa (UNRESTRICTED)
 - GANGWAY - 30kPa (UNRESTRICTED)
 - FLOATING PONTOON - 30kPa (UNRESTRICTED)

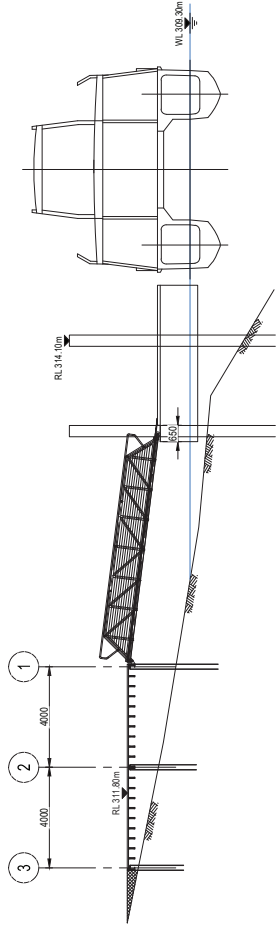
LAKEBED LEVELS

- RL 304.50m

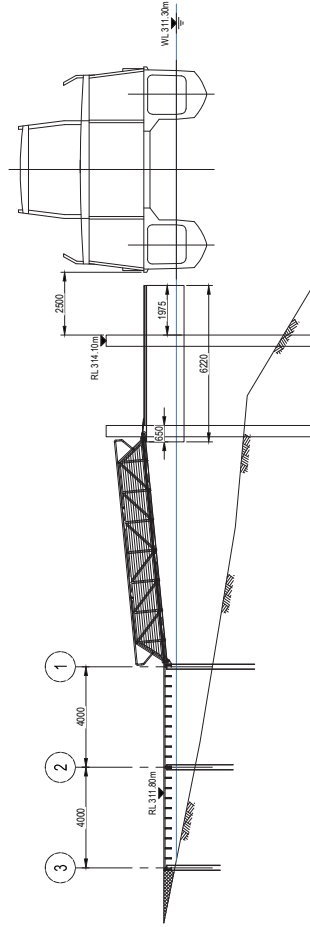
SITE PLAN
SCALE 1: 100 (A1) 1: 200 (A3)



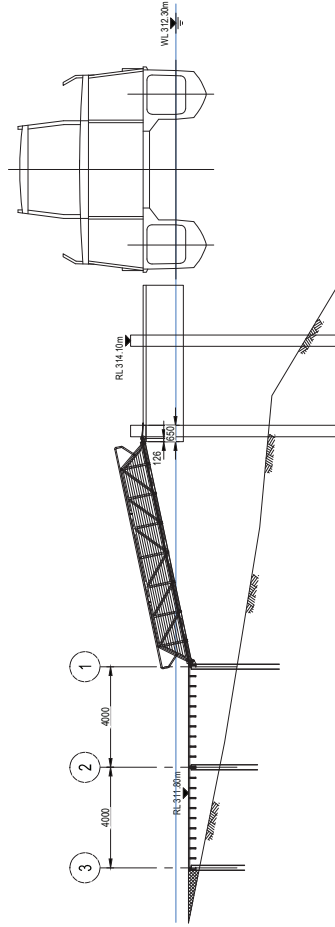
NOT FOR CONSTRUCTION				REAL NZ - WALTER PEAK WHARF UPGRADE				GENERAL ARRANGEMENT			
WORKING PLOT				TSS EARNSLAW				AS SHOWN			
310104188-01-001-S001-2				310104188-01-001-S001-2				A			
DATE: 27/10/2023				DRAWN: JIM HART				CHECKED: JIM HART			
DESIGNED: LACHLAN COLEMAN				DESIGNED: LACHLAN COLEMAN				DESIGNED: LACHLAN COLEMAN			
SURVEYED: 09/23				SURVEYED: 09/23				SURVEYED: 09/23			
NOT APPROVED				NOT APPROVED				NOT APPROVED			
PROF. REGISTRATION				PROF. REGISTRATION				PROF. REGISTRATION			
REV				REV				REV			
CON				CON				CON			
APP				APP				APP			
DATE				DATE				DATE			



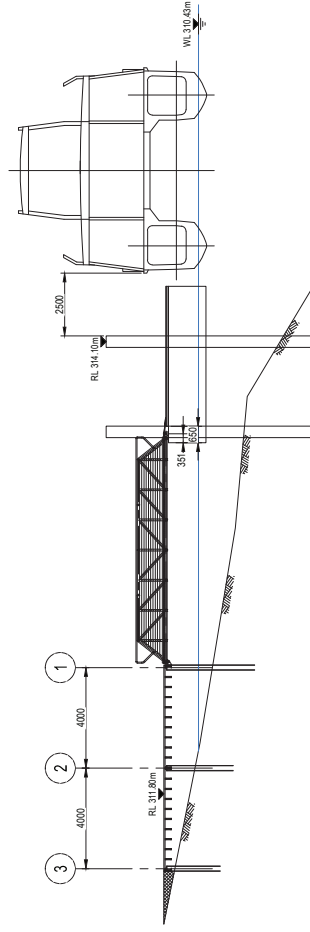
ELEVATION - MINIMUM DESIGN LAKE LEVEL (RL 309.3m)
SCALE 1: 100 (A1) 1: 200 (A3)



ELEVATION - MAXIMUM DESIGN LAKE LEVEL (RL 311.3m)
SCALE 1: 100 (A1) 1: 200 (A3)



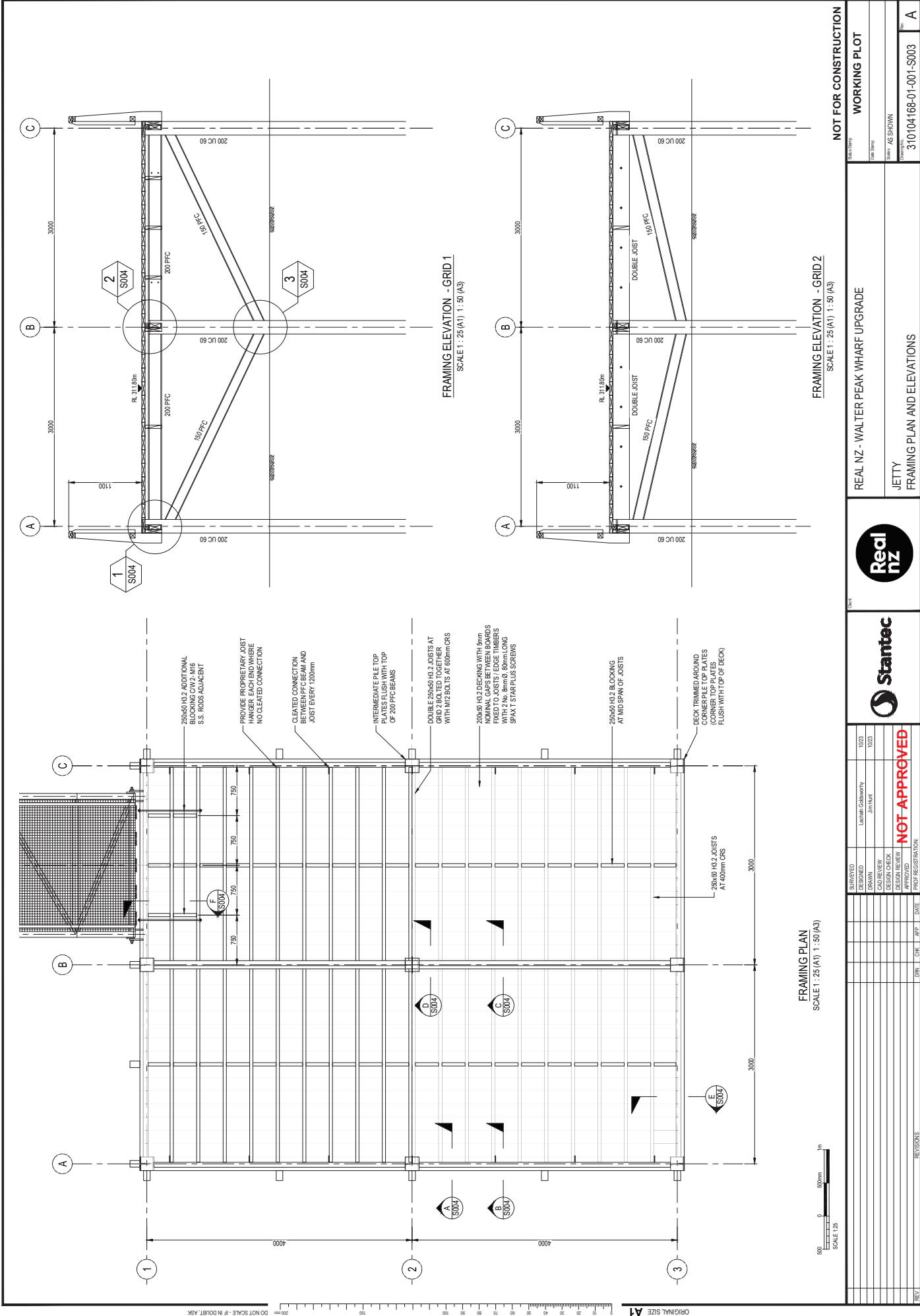
ELEVATION - FLOOD LAKE LEVEL (RL 312.3m)
SCALE 1: 100 (A1) 1: 200 (A3)



ELEVATION - LEVEL GANGWAY (RL 310.43m)
SCALE 1: 100 (A1) 1: 200 (A3)



NOT FOR CONSTRUCTION									
REAL NZ - WALTER PEAK WHARF UPGRADE					WORKING PLOT				
LAKE LEVEL ELEVATIONS					310104168-01-001-S002				
SPIRIT OF QUEENSTOWN					A				
SURVEYED					DESIGNED				
DRAWN					CHECKED				
CALCULATED					APPROVED				
NOT APPROVED					PROF. REGISTRATION				
DATE					DATE				
APP					APP				
CHK					CHK				
REV					REV				
REVISIONS					REVISIONS				
THESE DRAWINGS SHALL ONLY BE USED FOR THE PURPOSES FOR WHICH THEY WERE DESIGNED AND FOR WHICH THE VENDOR HAS BEEN RESPONSIBLE. ANY REUSE OF THESE DRAWINGS FOR OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF STANTEC IS PROHIBITED.					THESE DRAWINGS SHALL ONLY BE USED FOR THE PURPOSES FOR WHICH THEY WERE DESIGNED AND FOR WHICH THE VENDOR HAS BEEN RESPONSIBLE. ANY REUSE OF THESE DRAWINGS FOR OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF STANTEC IS PROHIBITED.				

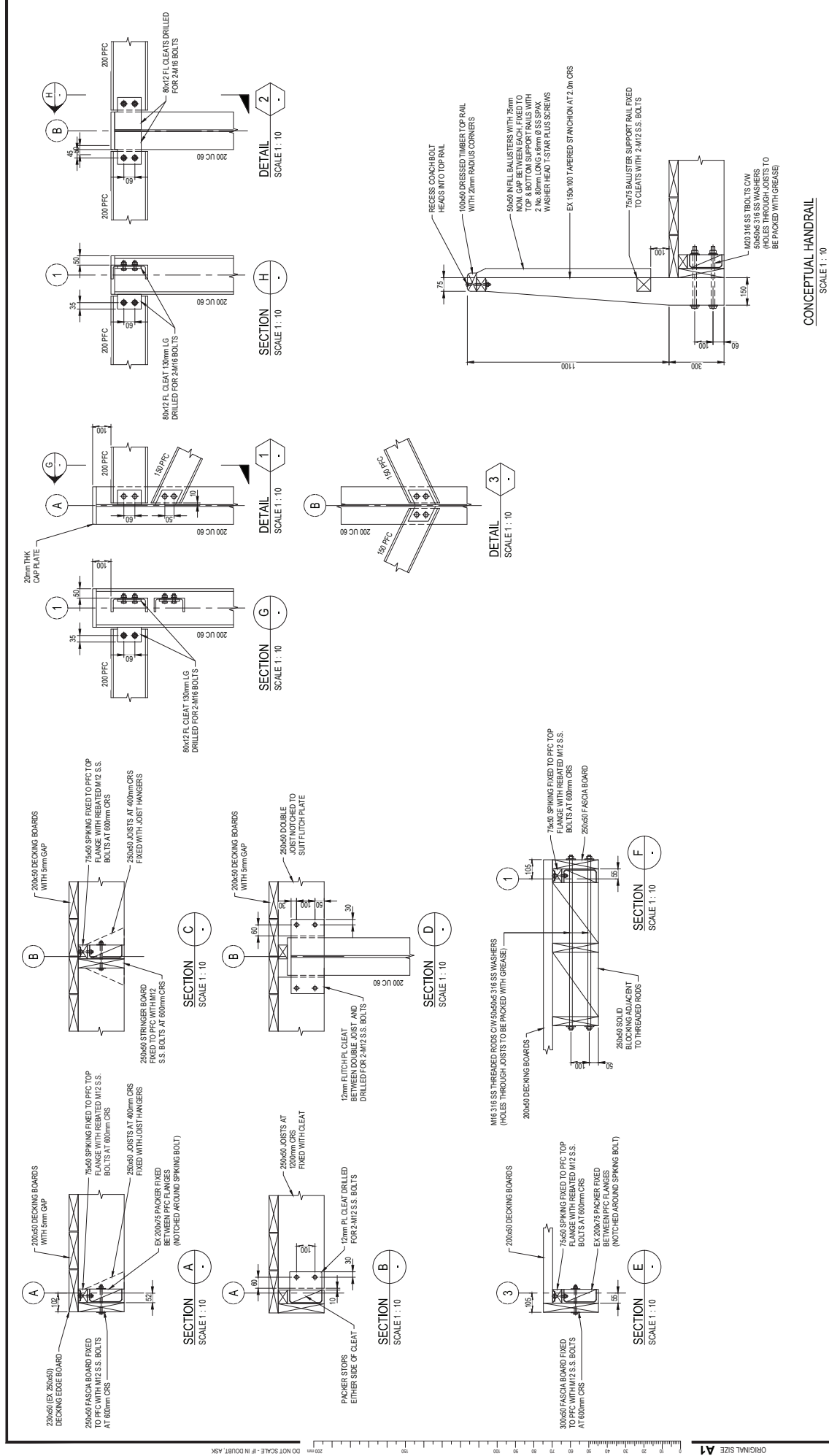


FRAMING PLAN
SCALE 1 : 25 (A1) 1 : 50 (A3)

FRAMING ELEVATION - GRID 1
SCALE 1 : 25 (A1) 1 : 50 (A3)

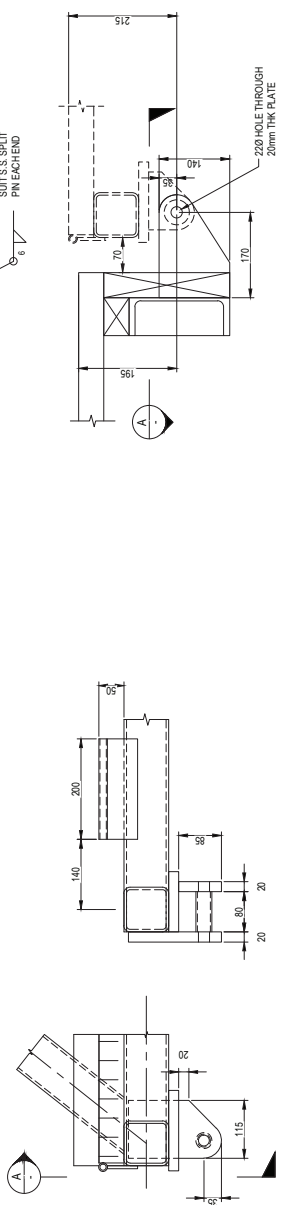
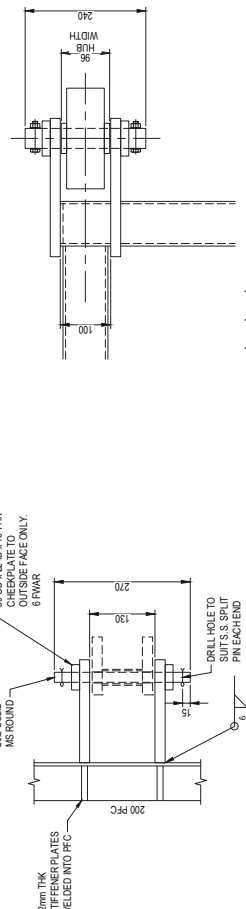
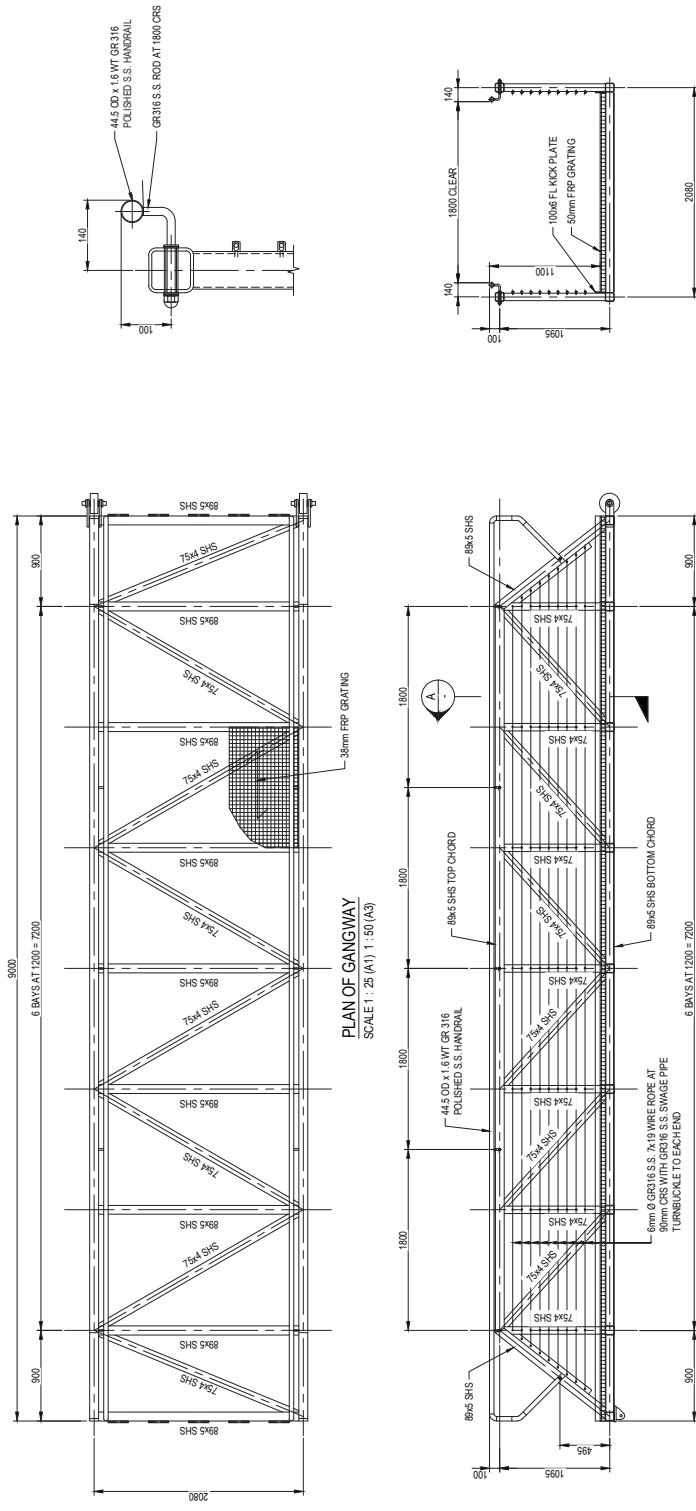
FRAMING ELEVATION - GRID 2
SCALE 1 : 25 (A1) 1 : 50 (A3)

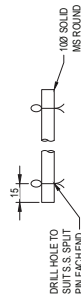
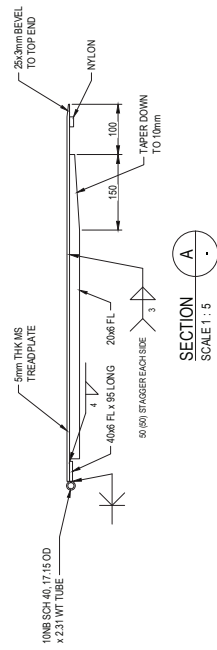
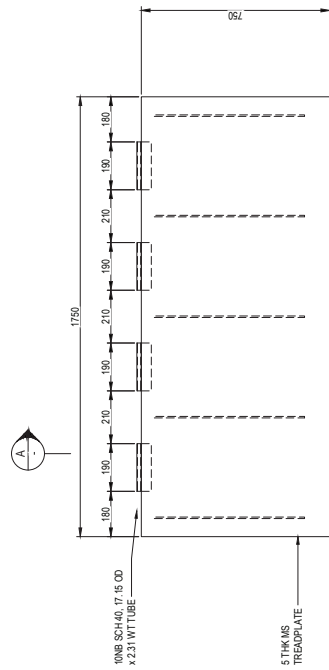
NOT FOR CONSTRUCTION				WORKING PLOT			
REAL NZ - WALTER PEAK WHARF UPGRADE				JETTY			
FRAMING PLAN AND ELEVATIONS				310104168-01-001-S003			
A				A			

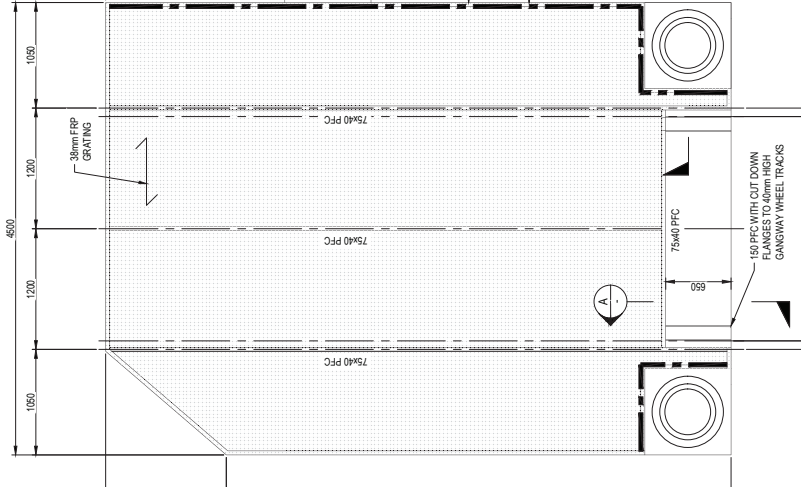


CONCEPTUAL HANDRAIL

[illegible][illegible]

[illegible]

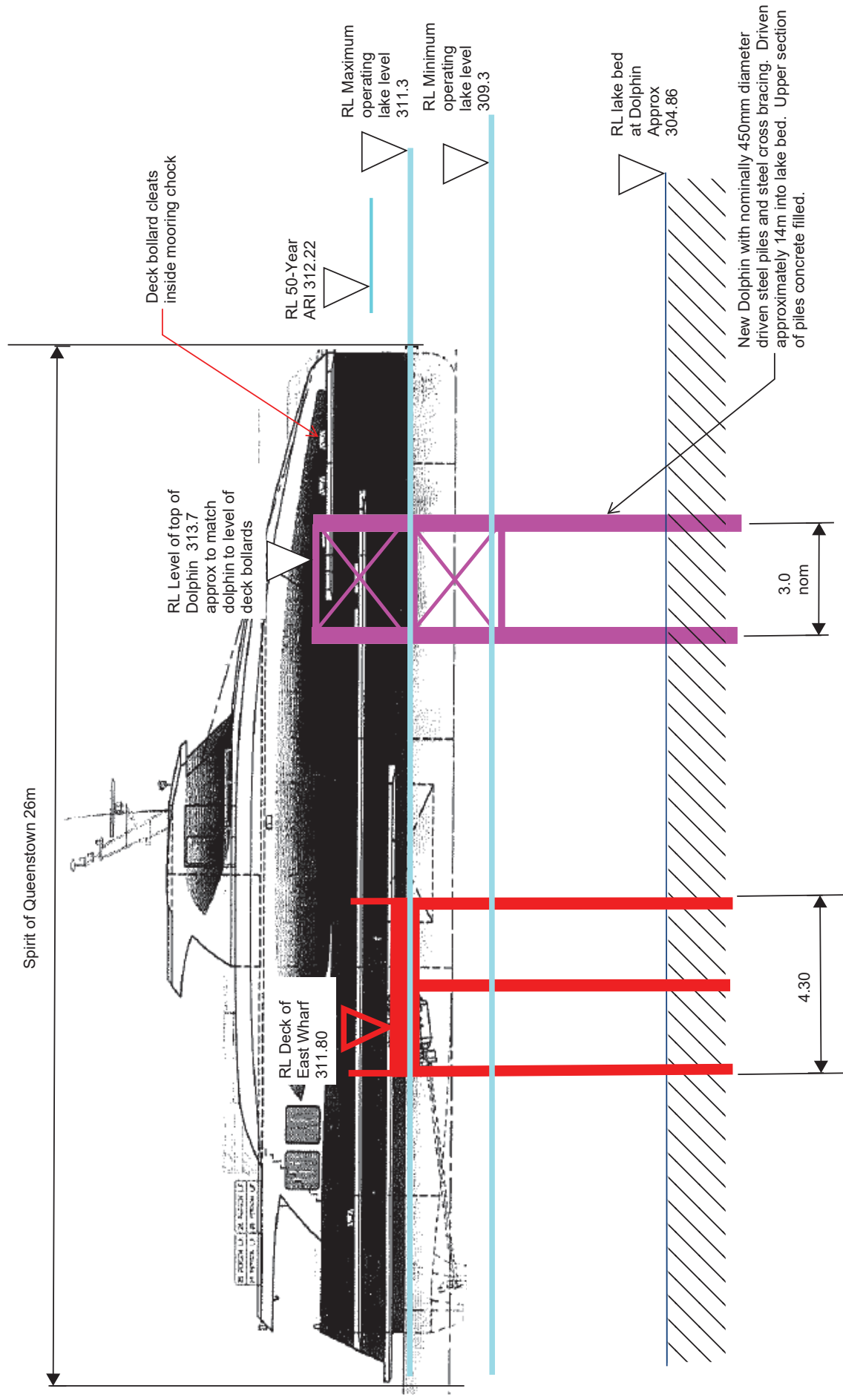
[illegible]



PLAN OF PONTOON

[illegible]

Spirit of Queenstown 26m



SURVEYED				DESIGNED				DRAWN				CAD REVIEW				DESIGN CHECK				APPROVED				PRICE REGISTRATION			
DATE				DATE				DATE				DATE				DATE				DATE				DATE			
BY				BY				BY				BY				BY				BY				BY			
REV				REV				REV				REV				REV				REV				REV			
DESCRIPTION				DESCRIPTION				DESCRIPTION				DESCRIPTION				DESCRIPTION				DESCRIPTION				DESCRIPTION			
REVISIONS				REVISIONS				REVISIONS				REVISIONS				REVISIONS				REVISIONS				REVISIONS			
CONCEPT				CONCEPT				CONCEPT				CONCEPT				CONCEPT				CONCEPT				CONCEPT			
SKETCH				SKETCH				SKETCH				SKETCH				SKETCH				SKETCH				SKETCH			
CONCEPT FOR CONSENT				CONCEPT FOR CONSENT				CONCEPT FOR CONSENT				CONCEPT FOR CONSENT				CONCEPT FOR CONSENT				CONCEPT FOR CONSENT				CONCEPT FOR CONSENT			
27 OCTOBER 2023				27 OCTOBER 2023				27 OCTOBER 2023				27 OCTOBER 2023				27 OCTOBER 2023				27 OCTOBER 2023				27 OCTOBER 2023			
310103545-01				310103545-01				310103545-01				310103545-01				310103545-01				310103545-01				310103545-01			
SK-01				SK-01				SK-01				SK-01				SK-01				SK-01				SK-01			

Real NZ- WALTER PEAK WHARF UPGRADE

CONCEPT LEVEL AND SIZE OF PROPOSED DOLPHIN STRUCTURE



CONCEPT SKETCH

From: "Gareth Clarke" <Gareth.Clarke@realnz.com>
Sent: Fri, 27 Oct 2023 16:28:29 +1300
To: "Resource Consent" <resourceconsent@qldc.govt.nz>
Subject: RE: Application File Upload for Walter Peak Wharf (UAFv1_2327145) - Please provide the Record or Title
Attachments: 751973_Title_Search_Copy.pdf

Thanks Juanita, please find the Record of Title attached. Please note the piece of land affected by the application is lakebed that doesn't have a Record of Title, and I wasn't clear from your website or Form 9 how to deal with such situations. The RT I have attached is for the adjoining Walter Peak High Country Farm site, to which the structure that is subject to the application is directly related.

Thanks

Gareth Clarke
Concessions & Consents Manager
Realnz
Gareth.Clarke@realnz.com

From: Resource Consent <resourceconsent@qldc.govt.nz>
Sent: Friday, October 27, 2023 4:04 PM
To: Gareth Clarke <Gareth.Clarke@realnz.com>
Subject: RE: Application File Upload for Walter Peak Wharf (UAFv1_2327145) - Please provide the Record or Title

Caution: This email originated from outside RealNZ. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon Gareth,

Thank you for your application on behalf of Real Journeys Limited.

I note you have not supplied a Certificate of Title / Record of Title with the documents you have supplied.

Can you please email me a Certificate of Title / Record of Title so I can proceed with entering your application?

For future reference our website <https://www.qldc.govt.nz/services/resource-consents/resource-consent-process> and the Information Required to Be Submitted on your Form 9 advises we require the further information before we can accept your application:

- plans (at a convenient scale)
- a recent Certificate of Title
- an Assessment of Effects on the Environment (AEE)
- if required, a signed Affected Persons forms

Once I have received your CFR / Record of Title I will be able to proceed with entering your application, many thanks.

Ngā mihi,

Juanita Jones | P&D Technical Officer | Planning and Development
Queenstown Lakes District Council
DD: +64 3 450 1750 | P: +64 3 441 0499
E: juanita.jones@qldc.govt.nz



From: noreply@qldc.govt.nz <noreply@qldc.govt.nz>
Sent: Friday, October 27, 2023 9:07 AM
To: Resource Consent <resourceconsent@qldc.govt.nz>
Subject: Application File Upload for Walter Peak Wharf (UAFv1_2327145)

Hi Planning Support,

Please review the P&D Inbound Application Files dashboard to start processing the following:

The Upload Form does not have notes for review

Upload Application Files

UAFv1_2327145

Submitted:

27-Oct-2023 09:07:05

SUBMITTED

Gareth Clarke

Question

Answer

First Name

Gareth

Last Name

Clarke

Contact Number

027 603 3766

Email

GARETH.CLARKE@REALNZ.CO
[M](#)

Application Type

Is this a New application or files for a Current application?

Your reference until we issue an Application Id e.g. Street Address or
Lot #

Resource Consent

New Application

Walter Peak Wharf

This is an overview of the Form. Table and Attachment questions are not displayed.

Kind regards,

QLDC Business Process



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




R. W. Muir
Registrar-General
of Land

Identifier 751973
Land Registration District Southland
Date Issued 10 October 2016

Prior References

750716 SL8A/211

Estate Fee Simple
Area 7.6948 hectares more or less
Legal Description Section 15-18 Block III Mid Wakatipu
Survey District and Section 2 Survey
Office Plan 496777

Registered Owners

Real Journeys Limited

Interests

Land Covenant in Deed 6834919.2 - 21.4.2006 at 9:00 am (Affects Section 15 - 18 Block III Mid Wakatipu Survey District)

Land Covenant in Easement Instrument 10155841.2 - 22.12.2015 at 9:29 am (Affects Section 15 - 18 Block III Mid Wakatipu Survey District)

Land Covenant in Easement Instrument 10155841.3 - 22.12.2015 at 9:29 am (Affects Section 15 - 18 Block III Mid Wakatipu Survey District)

Subject to Part IVA Conservation Act 1987 (Affects Section 2 SO 496777)

Subject to Section 11 Crown Minerals Act 1991 (Affects Section 2 SO 496777)

11286520.1 Encumbrance to Queenstown Lakes District Council - 15.11.2018 at 11:31 am

11512052.2 Mortgage to Bank of New Zealand - 13.11.2019 at 1:56 pm

Title Diagram CT 751973

Cpy - 01/01, Pgs - 001, 07/11/16, 10:47



DocID: 214608721

