

**DECISIONS OF OTAGO REGIONAL COUNCIL AND  
QUEENSTOWN LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	<b>LAKES MARINA PROJECTS LIMITED</b>
<b>RM Reference:</b>	RM 14.026.01-03 (ORC) & RM 140061 (QLDC)
<b>Location:</b>	Frankton Marina Local Purpose Reserve and the Frankton Arm of Lake Wakatipu/Whakātipu-wai-māori (Lake Wakatipu) at Sugar Lane off Frankton Road (State highway 6A), Frankton, Queenstown.
<b>Proposal:</b>	A land use consent from the Otago Regional Council (ORC) to disturb, reclaim, remove and place structures and deposit material on, over or under the bed of Lake Wakatipu and Marina Creek, water permit to permanently divert the flow of Marina Creek, and discharge permit to discharge sediment to water (all for the purpose of constructing a marina); land use consent from the Queenstown Lakes District Council (QLDC) to establish and operate a 195 berth marina, with associated wave attenuator (breakwater), ancillary commercial buildings, carparking, public open space, landscaping and earthworks, and subdivision consent for a two lot subdivision to establish areas to be leased from the QLDC and Land Information New Zealand.
<b>Types of Consent:</b>	Land use consent, water permit and discharge permit (from ORC); land use consent and subdivision consent (from QLDC)
<b>Legal Description:</b>	Part of Sections 48, 52 and 53 Block XXI Shotover Survey District, CFR OT 7B/844; Section 1 SO 24208, CFR OT 15C/965; unoccupied Crown land, no CFR
<b>Valuation Number</b>	2910331501
<b>Zoning:</b>	Rural General & Low Density Residential
<b>Activity Status:</b>	Discretionary Activity & Non-Complying Activity
<b>Notification:</b>	20 February 2014
<b>Commissioners:</b>	Denis Nugent, Martin Ward & David Whitney
<b>Date of Decisions:</b>	20 February 2015
<b>Decisions:</b>	<b>Consent is granted to all applications subject to conditions.</b>

## **A. INTRODUCTION**

### **A.1 Background**

1. Lakes Marina Projects Limited has applied to the Otago Regional Council (ORC) for a land use consent, water permit and discharge permit for the purpose of constructing a marina in the Frankton Arm of Lake Wakatipu. Applications have also been made to the Queenstown Lakes District Council (QLDC) with respect to this land use activity and with respect to a subdivision to establish areas to be leased from the QLDC and Land Information New Zealand (LINZ). The land subject to the applications is described as part of Sections 48, 52 and 53 Block XXI Shotover Survey District as held in Computer Freehold Register Identifier (CFR) OT 7B/844 in the Otago Land Registration District; Section 1 SO 24208 as held in CFR OT 15C/965; and unoccupied Crown land (being the area that surrounds Section 1 SO 24208) in respect of which no CFR exists.
2. Pursuant to section 34A(1) of the Resource Management Act 1991 (the Act) the ORC and the QLDC have delegated their powers and functions with respect to considering the applications and the submissions received thereto and for making a decision on the respective applications for resource consent. Commissioners Denis Nugent, Martin Ward and David Whitney were appointed by the ORC and Commissioners Denis Nugent and David Whitney were appointed by the QLDC. The applications to the respective Councils have been jointly heard and considered pursuant to section 102(1) of the Act. All three Commissioners have decided the applications to the ORC; and Commissioners Nugent and Whitney have decided the applications made to the QLDC.

### **A.2 The Site and Environs**

3. The area subject to the application includes part of the Frankton Marina Local Purpose Reserve and the adjacent surface and bed of Lake Wakatipu. For the purposes of these decisions “the site” comprises 7660m<sup>2</sup> of land and 6.924 hectares of Lake Wakatipu/Whakātipu-wai-māori (Lake Wakatipu) as shown on the plan of subdivision.<sup>1</sup>
4. Access to the site is achieved via Sugar Lane off Frankton Road (State highway 6A). The first portion of Sugar Lane is legal road and the balance of Sugar Lane is a right of way that serves adjacent properties. Sugar Lane has a sealed carriageway which

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<sup>1</sup> The Commissioners acknowledge that the term “Site” is defined in the Operative Queenstown Lakes District Plan on page D-12 and that any site crossed by a zone boundary is deemed to be divided into two or more sites by that zone boundary. Thus, in terms of the District Plan the land portion comprises two sites.

terminates in the vicinity of the existing boat ramp that is located immediately to the west of the site.

5. The site contains an existing parking area between Sugar Lane and Lake Wakatipu, public toilets and a small man-made inlet which is used as a marina. The site also contains a small creek known as Marina Creek which passes under Sugar Lane via a culvert. The site has a somewhat unkempt appearance and willow trees and other vegetation exist along the lake margin. The QLDC is the registered owner of the Local Purpose Reserve and Lake Wakatipu is owned by the Crown and administered by LINZ. The applicant proposes to lease the areas of the reserve and lake that are required for the marina being Lots 1 and 2 as shown on the plan of subdivision.
6. Sugar Lane provides access to a variety of commercial and residential activities. Land immediately to the north-west of Sugar Lane includes a commercial area occupied by a mixture of commercial activities some of which are marine related, including offices occupied by Kowarau Jet Holdings Ltd and the Harbourmaster. It appears that such commercial development was first established when part of the land concerned was a Recreation Reserve.
7. Sugar Lane provides access to the historic boat shed which is now operated as a café and which is located generally to the west of the boat ramp and Fishermans Pier. The Boatshed, Slipway and original Old Ticket Office are identified as Item 16 in Appendix 3 – Inventory of Protected Features in the Operative District Plan. Sugar Lane also provides access to the boat ramp, public jetty and pontoon and associated carparking area which is located generally to the north of the Scout Den. Sugar Lane provides access to two dwellings owned by the Warrington family which are located at 819 and 823 Frankton Road. The Warrington properties are located between the existing commercial area and the carparking area associated with the boat ramp.
8. Sugar Lane is also used to provide access to the Mantra Marina Apartments which are located immediately to the east of Sugar Lane.
9. The Frankton Track that forms part of the Queenstown Trail passes through the site albeit that the Trail does not have a defined pathway within the site. The trail connects to Frankton to the east via a formation that is located to the south of the Mantra Marina

Apartments complex; and to Queenstown (to the west) via a formation that is located immediately to the west of the entrance to the boat ramp carpark.

10. The existing public jetty and pontoon is located at the western extreme of the site.

### **A.3 The Proposal**

11. Consents are sought to establish and operate a marina in the Frankton Arm of Lake Wakatipu. The fully completed marina will consist of 195 berths, a jetty and breakwater.

#### **A.3.1 Marina Components**

12. The marina will be constructed in two stages over ten years. Stage 1 is proposed to be completed within 5 years, and includes the construction of a wave attenuator (breakwater) that will extend 170 metres into the lake; 85 berths, a 150 metre retaining wall, jetty and associated features along the margin of the lake, a carpark, and buildings. Stage 2 involves the extension of the wave attenuator (breakwater) to its full length of 320 metres and the addition of 110 berths and further buildings on the eastern side of the marina development. The application has noted that, depending on funding, the wave attenuator may be fully completed in Stage 1.

13. Upon completion, the marina will occupy an area of approximately 4.8 hectares (240m x 200m) of the lake, of which approximately one quarter would be dredged to make it deep enough. The marina will be enclosed by the wave attenuator (breakwater) on the west and south sides. The applicant wishes to have flexibility in terms of the layout of the berths but it is envisioned at this time that there will be five finger piers ranging from 87 metres to 140 metres in length, with finger berths being 8.5 metres to 12.5 metres in length on each pier. The finger piers and finger berths will vary between 3.6 metres and 1.2 metres in width and will have a freeboard of 0.4 metres (subject to final design). The marina will have an entrance approximately 50 metres wide between the eastern end of the wave attenuator and the easternmost finger pier.

14. The wave attenuator will be attached to the shoreline at about the location of the existing public jetty. The wave attenuator will consist of large pre-cast concrete pontoons connected together with flexible connectors. Each 6 metre long section of



the attenuator will be 4.8 metres wide, 2.0 metres in depth with a freeboard of 0.5 metres. It is intended (but not part of this application) that the existing public jetty and pontoon and a row of existing timber piles in the lake will be repositioned to the west of the existing boat ramp.

15. The piers, berths and wave attenuator will float on pontoons fixed to the lake bed using screw anchors embedded up to 7 metres into the lakebed. Screw anchors will be fixed using a rig mounted on a barge. Tensioned cables attached to the screw anchors will keep the structures in place.

16. Up to 26 floating buildings on pontoons between 36m<sup>2</sup> and 108m<sup>2</sup> in area will be placed on the surface of the lake along the front of an esplanade that is located above the retaining wall. The pontoons will be connected to piles driven into the lakebed.

17. The marina will be fully serviced with water, electric power, sewage pump-out and fuel dispensing facilities. The fuel dispensing facilities in Stage 1 will be located on the attenuator and a second fuel dispensing facility is proposed within the marina in Stage 2.

18. A retaining wall of 150 metres in length is proposed to be built on the shoreline of the Stage 1 development to enable the establishment of an esplanade between the marina and the carparking area. The retaining wall will consist of precast concrete panels and will extend for the full length of the marina. The retaining wall will contain fill to raise the level of the carpark and form the esplanade. The top of the retaining wall will be above the level of the lake at which flooding first occurs in Queenstown. The retaining wall will also incorporate concrete steps down to the lake surface at the eastern end, surrounded by a boulder revetment (retaining wall). The esplanade (and a pathway on the north side of the carpark) will be incorporated into the Queenstown Trail.

### **A.3.2 Public Access**

19. Public access is proposed on the jetty running parallel to the lake in front of the pontoon buildings and to the shore end of the attenuator (breakwater) which will effectively provide a public berthing/disembarking facility very similar to the facility currently provided by the existing public jetty and pontoon. For safety reasons the

public will not be able to walk on the wave attenuator beyond this public area. Access to the finger piers and finger berths will be restricted to berth holders by way of locked gates for security and safety reasons.

### **A.3.3 Earthworks**

20. Approximately 3000m<sup>3</sup> of material will be removed from the lakebed for Stage 1, and 2000m<sup>3</sup> for Stage 2, to provide sufficient depth for the inshore berths and floating pontoons at extreme low lake level. This material will be taken shoreward from the 308.5 masl contour; and all such dredging will occur during the Stage 1 works. The excavated material may be used as fill behind the esplanade wall or in the existing inlet which is proposed to be reclaimed as part of the carpark and esplanade. Any fine silt removed that is identified as unsuitable for fill material will be disposed of off-site.

21. The overall volume of earthworks proposed is 18,003m<sup>3</sup> comprising the diversion of Marina Creek, filling the existing inlet for the carpark, formation and construction of carriageway and carpark areas, construction of the esplanade, lakebed excavation and excavation for drains and underground services. The proposed earthworks for Stage 1 include a cut volume of 2762m<sup>3</sup> and a fill volume of 13,401m<sup>3</sup> (a total of 16,163m<sup>3</sup>), with the proposed exposed area being 14,640m<sup>2</sup>. The maximum cut depth is 2.4 metres with the maximum fill depth being 3.5 metres. Stage 2 involves a total cut volume of 1840m<sup>3</sup> over an area of 332m<sup>2</sup>, with a maximum cut depth of 0.6 metres. The applicant proposes that all earthworks will occur at the Stage 1 phase; the total earthworks equating to a volume of 18,003m<sup>3</sup> over an area of 14,972m<sup>2</sup>.

22. As part of the works it is proposed to divert Marina Creek via a 50-55 metre long pipe or box culvert which will discharge directly to the lake adjacent to where the wave attenuator joins the retaining wall. The culvert will have the capacity to carry a 1 in 20 year flood event and will have a diameter of 750mm.

### **A.3.4 Landscaping**

23. Landscaping is proposed along Sugar Lane and around the carpark. This landscaping includes public areas such as the boulder retaining wall and steps down to the surface of the lake at the eastern end of the development. Extending from the esplanade is the main pathway 3-4 metres wide that enables users to pass around the entire carpark whilst being separated from the traffic movements.

24. Low bollard lighting is proposed for the marina structure and lighting is proposed for the carparking area for security. Navigation lights are also proposed, one on the end of the wave attenuator (breakwater) and one on each of the main finger piers. It is proposed to provide the minimum level of illumination required for public safety and security with mushroom type fittings to direct the lighting downwards.

### **A.3.5 Buildings**

25. Consent is sought for a total of 31 buildings which will have an overall total building footprint of 1200m<sup>2</sup>, excluding decking. Five buildings are proposed on land at the eastern end of the esplanade consisting of two joined 72m<sup>2</sup> buildings, two individual 36m<sup>2</sup> buildings and a 48m<sup>2</sup> building which includes public toilets. The height of the buildings is 4.1 metres.

26. The 26 buildings on the floating pontoons may be individual buildings or constructed in a duplex or triplex form, varying between 36m<sup>2</sup> and 108m<sup>2</sup> in area. The average water level is 2 metres below the esplanade and the height of these buildings is to be 4.1 metres. The height of the buildings as viewed from the esplanade will vary depending on lake level. The buildings have been designed with a marine theme with porthole features included in the doors, and deck and balustrade features similar to those found on boats. The buildings have a gabled form to emulate a group of boat sheds. The external cladding is timber weatherboard for the walls with profiled metal coloursteel for the roof. It is intended that the external walls will be unpainted and the roofs are to be a recessive grey. The design involves the buildings having glazing to enable passers-by to look through the buildings.

27. It is intended that the buildings (with the exception of the public toilet building) will be leased to users of the marina for personal/commercial activities and any such commercial activity is to be related to the marina. The buildings are only to be erected on site as demand requires.

28. The 48m<sup>2</sup> public toilet block located to the east of the marina will include facilities serving users of the marina and the wider community, including Queenstown Trail users. The building will be separated into two sections, one for the marina members and the other for the general public.

29. Signage platforms 0.5m<sup>2</sup> in area, 2.5 metres above the footpath, are proposed on the façade of each building constructed on land that faces the esplanade. An identification panel with an area of 0.063m<sup>2</sup> containing the building number is to be attached to each building, including the floating buildings.

### **A.3.6 Carpark & Fuel Tank**

30. A total of 156 carparks are proposed, including 14 mobility impaired carparks and 4 carparks accommodating a car and trailer parking. All are to be available for public use. A 30 metre loading zone is to be provided (which will accommodate 5 vehicles). The carpark is to be located on the south side of Sugar Lane. Three bus parks will be provided on the southern side of Sugar Lane, to the west of the entrance of the site. Bicycle parking is proposed at various locations throughout the site. The parking area will be provided as part of Stage 1.

31. The carpark is proposed to be permanently sealed once the ground has settled.

32. A fuel tank is to be constructed underground to the south-west of the carpark. Fuel pumps will be available for marina tenants, members of the public as well as commercial marine operators, as part of Stage 1. A kiosk approximately 2.2 metres high will provide shelter for the card operating console at each fuel dispensing point.

### **A.3.7 Hours of Operation**

33. The hours of operation during which activity is permitted will comply with the noise limits set in Rule 7.5.6.3(iv) of the Operative Queenstown Lakes District Plan. Consent is not sought for residential use, visitor accommodation or overnighting on boats at the marina.

### **A.3.8 Subdivision**

34. Subdivision is proposed to facilitate the leasing of the area to be occupied by the marina. The plan of subdivision confirms that Lot 1 which encompasses the portion of the site in Lake Wakatipu is to have an area of 6.942 hectares, Lot 1 to be leased from LINZ. Lot 2 has an area of 7660m<sup>2</sup> and contains a portion of the Local Purpose Reserve which is to be leased from QLDC.

### **A.3.9 Volunteered Conditions**

35. In the Assessment of Effects on the Environment dated 31 January 2014 (AEE) and at the hearing the applicant volunteered a range of conditions to mitigate effects. These include the following (or to like effect):

- (i) All parking areas to be sealed within 24 months of Stage 1 bulk earthworks completion.
- (ii) The consent holder to deposit the sum of \$25,000 with the New Zealand Transport Agency (NZTA) in full monetary consideration of any roading improvements which NZTA deems necessary at the intersection of Sugar Lane and State highway 6A.
- (iii) The use of the buildings are to be restricted to one building for on-site custodial management; and all remaining buildings are to be restricted to commercial activities related to the marina activity.
- (iv) No pile support structure shall exceed a maximum height of 314.100 masl.
- (v) Hours of work during the construction period shall be 7:30am to 6:00pm Monday to Friday and 8:00am to 4:00pm Saturday. No work is to be undertaken on Sundays or public holidays.
- (vi) Best practice measures shall be adopted to monitor for and eradicate any aquatic pest plant outbreaks within the entire footprint of the marina works within Lake Wakatipu.
- (vii) No boats or motorised craft berthed at the marina or buildings (other than one building for on-site custodial management) shall be used at any time for overnight or residential or visitor accommodation activities, or for activities sensitive to aircraft noise (as defined in the District Plan).
- (viii) All boats, trailers and equipment shall be cleaned prior to launching and berthing at the marina.

(ix) Prior to development commencing on the site final landscaping treatment, planting plans and cross sections shall be submitted to the consent authority for the landscaping in the vicinity of the Mantra Marina Apartments.

(x) Stage 1 of the marina project shall lapse, if not exercised, five years from the date of consent; and Stage 2 shall lapse, if not exercised, ten years from the date of consent.

(xi) A review condition is to apply.

(xii) Other detailed conditions are accepted (with modifications in some instances) as appended to the section 42A officers' reports.

36. The Commissioners confirm that they have assessed the proposal on the basis of the application as lodged; and in terms of the additional mitigation provided for in the amended conditions offered by the applicant at the hearing, including those presented in evidence by Mr Carey Vivian, a Resource Management Consultant and Director of Vivian + Espie Limited (being the planning consultant for the applicant).

#### **A.4 Consents Required : ORC**

37. The Regional Plan : Water for Otago became operative on 1 January 2004; and Plan Change 6A (Water Quality) became operative on 1 May 2014.

38. Land use consent is required to disturb, reclaim, remove and place structures and deposit material on, over or under the bed of Lake Wakatipu and Marina Creek for the purpose of constructing the marina. Such activity has status as a restricted discretionary activity in terms of Rules 13.2.2.1 and 13.4.2.1 of the Regional Plan : Water; and as a discretionary activity pursuant to Rules 13.2.3.1 and 13.5.3.1 of the Regional Plan : Water.

39. A water permit is required to permanently divert the flow of Marina Creek for the purpose of constructing the marina. Such activity is a discretionary activity pursuant to Rule 12.3.4.1(i) of the Regional Plan : Water.

40. A discharge permit is required as the applicant proposes to undertake earthwork activities that may result in sediment discharge from disturbed land to Lake Wakatipu and Marina Creek for longer than 2 years. This is a discretionary activity pursuant to Rule 12.C.3.2 (as introduced by Plan Change 6A (Water Quality) which became operative on 1 May 2014). The Commission also notes in this context that the application was lodged prior to Plan Change 6A becoming operative. At the time that the application was lodged in February 2014 the discharge of sediment to water for the purpose of constructing a marina was a discretionary activity pursuant to Rule 12.13.1.1 of the Regional Plan : Water.

41. Overall the applications lodged with the ORC have been considered by the Commissioners as being each for a discretionary activity in terms of the Regional Plan : Water for Otago.

#### **A.5 Consents Required : QLDC**

42. The Queenstown Lakes District Plan (District Plan) became fully operative on 10 December 2009. The site is zoned Rural General and Low Density Residential as shown on Map 33 of the District Plan. The land which forms part of the site is subject to Designation 165 (D165) for “Frankton Marina Local Purpose Reserve” purposes on Map 33.

43. Map 33 applies the appellation “Frankton Marina” to the surface of Lake Wakatipu at the position of Section 1 SO 24208. It is also noted that that portion of the lake margin adjacent to the site is the only portion of the margin of the lake, as shown on Map 33, which is not subject to a notation which stipulates that all structures and moorings (in some instances except for jetties and/or boat sheds) are non-complying.

44. The proposal requires consent under various rules of the District Plan. Those which relate to the Rural General Zone (which applies to Lake Wakatipu and to the majority of the site located on land) result in consent being required for the following:

- A controlled activity pursuant to Rule 5.3.3.2ii is required for any commercial activities limited to retail sales.
- A discretionary activity pursuant to Rule 5.3.3.3i(a) in regard to the construction of any building and any physical activity associated with that building such as roading,

landscaping, and earthworks. Consent is required for the buildings, the earthworks, landscaping and car parking.

- A discretionary activity pursuant to Rule 5.3.3.3ii is required to undertake commercial activities ancillary to and located on the same site as recreational activities. Commercial activities will be undertaken at the site ancillary to the marina.
- A discretionary activity pursuant to Rule 5.3.3.3iv(a) in regard to any structure or mooring which passes across or through the surface of any lake. The marina includes the jetty, finger piers and finger berths, wave attenuator and floating pontoon buildings.
- A discretionary activity pursuant to Rule 5.3.3.3iv(b) for commercial boating activities.
- A restricted discretionary activity pursuant to Rule 5.3.3.3xi and Rule 5.3.5.1iii in regard to the scale and nature of activities in regards to (a) the gross floor area of the buildings will exceed 100m<sup>2</sup>, (b) goods, materials or equipment will be stored outside of buildings and, (c) all manufacturing, altering, repairing, dismantling or processing of any goods or articles shall be carried out within a building. The repairing of boats requires a consent under this rule.
- A restricted discretionary activity pursuant to Rule 5.3.3.3xi and Rule 5.3.5.1vi(a) in regard to the minimum 15 metre setback from internal boundaries. The buildings on the shoreline are closer than 15m to the site boundary.
- A restricted discretionary activity pursuant to Rule 5.3.3.3xi and Rule 5.3.5.1ix in regard to commercial recreational activities on land. Some of the commercial buildings are either on land or partially on land and are likely to be used for commercial recreation activities.

45. The following consents are also required with respect to earthworks in the Rural General Zone:

- A restricted discretionary activity pursuant to Rule 5.3.3.3xi and Rule 5.3.5.1viii(a), as the earthworks will exceed a maximum area of bare soil exposed of 2500m<sup>2</sup> per site within a 12 month period. The area exposed will be 14,640m<sup>2</sup>.
- A restricted discretionary activity pursuant to Rule 5.3.3.3xi and Rule 5.3.5.1viii(b) as the earthworks will exceed a maximum volume of moved earth greater than 1000m<sup>3</sup> per site within a 12 month period. The volume of earthworks will be approximately 16,163m<sup>3</sup>.
- A restricted discretionary activity pursuant to Rule 5.3.3.3xi and Rule 5.3.5.1viii(c) as material associated with the earthworks will be within 7 metres of a water course.
- A restricted discretionary activity consent pursuant to Rule 5.3.3.3xi and Rule 5.3.5.1viii2.(c) as fill up to 3.5 metres in height is proposed.



- A restricted discretionary activity consent pursuant to Rule 5.3.3.3xi and Rule 5.3.5.1viii4.(a) for earthworks located within a Ngai Tahu Statutory Acknowledgement area exceeding 50m<sup>2</sup> or 20m<sup>3</sup> in any consecutive 12 month period.

46. The activity requires consent in the context of the Low Density Residential Zone for the following:

- A restricted discretionary activity pursuant to Rule 7.5.3.4vi and Rule 7.5.5.2xvi(a)(i) as the earthworks will exceed a maximum volume of 100m<sup>3</sup> per site within a 12 month period, the total volume of earthworks will be approximately 16,163m<sup>3</sup>.
- A restricted discretionary activity pursuant to Rule 7.5.3.4vi and Rule 7.5.5.2xvi(a)(ii) as the earthworks will exceed a maximum area of bare soil exposed of 200m<sup>2</sup> per site within a 12 month period, the total area of earthworks will be approximately 14,640m<sup>2</sup>.
- A restricted discretionary activity consent pursuant to Rule 7.5.3.4vi and Rule 7.5.5.2xvi(a)(iii) as earthworks will be undertaken within 7 metres of a water body and will exceed 20m<sup>3</sup>.
- A discretionary activity pursuant to Rule 7.5.3.4(iv) in regard to commercial recreational activity.
- A restricted discretionary activity pursuant to Rule 7.5.6.2i with respect to nature and scale of activities.
- A non-complying activity consent pursuant to Rule 7.5.3.5 and Rule 7.5.6.3(v)(c) and (d) nature and scale of activities as goods may occasionally for temporary periods be stored outside buildings and as consent is sought also for the repairing of boats. It is acknowledged that Rule 7.5.6.3(v) contains an exemption (with respect to subclauses (a) and (b)) for retail sales ancillary to any commercial recreation activity. The marina is deemed to be a commercial recreational activity for the purposes of the rule and such exemption also applies with respect to Rule 7.5.6.3(vi) which relates to retail sales.

47. Consent is sought for an integrated activity which involves land in both the Rural General Zone and the Low Density Residential Zone. The Commissioners acknowledge however that only a small part of the site is located within the Low Density Residential Zone. This includes a portion of the parking and manoeuvring area which is an integral part of the land use activity as a whole, including the commercial activities provided for at the marina within the Rural General Zone. Given that the proposal is presented on an integrated basis we find that the Low Density Residential Zone rules listed in the previous paragraph are deemed to apply with respect to the proposal.

48. Consents are required for the following in terms of Section 14 – Transport of the District Plan:

- A restricted discretionary activity consent pursuant to Rule 14.2.2.3ii and Rule 14.2.4.1ix as a queuing length of 30 metres is required. The proposal provides for a 24 metres queuing length.
- A restricted discretionary activity pursuant to Rule 14.2.2.3ii and Rule 14.2.4.2i(a) as the width of vehicle crossing at the entrance to the carpark is required to be between 4 and 9 metres. The proposal provides for a kerb crossing of 14 metres albeit that this width is likely to be reduced subject to a swept path analysis to ensure that larger vehicles or car and trailer combinations will be able to access the development.
- A restricted discretionary activity pursuant to Rule 14.2.2.3ii and Rule 14.2.4.2iv as the minimum sight distances for vehicle access along Sugar Lane is required to be 80 metres. The proposal provides for a sight distance of 40 metres.

49. Subdivision consent is required in terms of Section 15 Subdivision, Development and Financial Contributions of the District Plan as follows:

- A discretionary activity pursuant to Rule 15.2.3.3(vi) as subdivision is to occur in the Rural General Zone.
- A controlled subdivision activity pursuant to Rule 15.2.3.2 on the basis that subdivision in the Low Density Residential Zone complies with all of the Site and Zone Standards.

50. The applicant has advised that all signs will comply with Rule 18.2.5. As a consequence consent has not been sought with respect to signage.

51. The Commissioners have considered the proposal as an application for a land use consent for a non-complying activity in terms of the District Plan. Such status results from the breach of Rule 7.5.6.3(v)(c) and (d) of the District Plan. In the event that these rules were deemed not to be breached the land use activity would have status as a discretionary activity in terms of the District Plan. The subdivision has status as a discretionary activity.

## **A.6 Submissions**

52. Thirty six submissions were received by the ORC within the statutory submission period which closed on 19 March 2014. Of the 36 submissions received, 32 submissions were in support and 4 submissions were in opposition.

53. Eighty one submissions were received by the QLDC within the statutory submission period which also closed on 19 March 2014. A late submission lodged by Residence Du Lac Limited (Tim Medland Director) was received by the QLDC on 21 March 2014, two working days following the closure of the submission period. Mr Goldsmith, for the applicant, had no submission to make with respect to whether or not the late submission should be accepted. The Commissioners have exercised their power under section 37 of the Act to waive compliance with the time limit for the submission, having taken into account the matters stated in section 37A of the Act.

54. Of the 81 submissions lodged in response to the application made to the QLDC, 35 submissions were in support, 33 submissions expressed partial or conditional support (and in two cases partial opposition), 11 submissions were opposed, and 2 submissions were neither in support or opposition to the applications.

55. The Commissioners note that all of the 36 submitters to the ORC also submitted in response to the application to the QLDC.

56. The Commissioners have given consideration to all submissions received in response to the applications to the ORC and the QLDC.

#### **A.7 Reports and Hearing**

57. The Commissioners had the benefit of a section 42A officer's report dated 1 December 2014 prepared by Mr Mathew Bell, a Senior Consents Officer with the ORC. Ms Marian Weaver, the Resource Manager Procedures and Protocols for the ORC, was in attendance at the hearing to provide procedural and logistical support for the Commissioners.

58. The Commissioners also had the benefit of a section 42A planning report dated 1 December 2014 prepared by Ms Jane Sinclair, Consultant Planner to QLDC; a Landscape Assessment Report dated 17 June 2014 and an Addendum to that report dated 24 November 2014 prepared by Ms Helen Mellsop, Landscape Architect; an Engineering Report dated 21 November 2014 prepared by Mr Michael Wardill, an Engineer with QLDC; a review of the Transport Assessment prepared by Mr Curson, Senior Transportation Engineer with MWH dated 7 March 2014; an environmental

health report which contained an assessment in regards to noise and hazardous substances dated 20 March 2014 and an Addendum to that report dated 20 May 2014 prepared by Ms Jodi Yelland, an Environmental Health Officer with QLDC; and a Safety Report dated 17 November 2014 prepared by Mr David Black, the Deputy Harbourmaster for the QLDC. During the first phase of the hearing in December 2014 we were assisted by Mr Bell, Ms Weaver, Ms Sinclair, Ms Mellsop, Mr Wardill and Mr Marty Black, the Harbourmaster.

59. Prior to the hearing we had the opportunity to consider the applications and supporting material including the further information filed by the applicant together with all of the submissions. We made an initial site inspection on the morning of the hearing on Wednesday 10 December 2014; and a second, more comprehensive, site inspection following the conclusion of the hearing for the day on Thursday 11 December 2014. This included a site visit to the lake margin in the vicinity of the Mantra Marine Apartments and the Evans's property.

60. At the hearing which commenced on Wednesday 10 December 2014 the applicant was represented by Mr Warwick Goldsmith, Counsel, of Anderson Lloyd. Mr Goldsmith called evidence from Mr Alan Kirker, a representative of the applicant company; Ms Dawn Palmer, Ecologist, of Natural Solutions for Nature Limited; Mr Paul Faulkner, Senior Engineering Geologist with Geosolve; Mr Maurice Davis, Engineer and Technical Director of Emtech Limited; Mr Jason Bartlett, Traffic Engineer of Bartlett Consulting; Mr Ben Espie, Landscape Architect and Director of Vivian + Espie Limited; and Mr Carey Vivian, Resource Management Consultant and Director of Vivian + Espie Limited. Mr Goldsmith advised that Mr Malcolm Hunt who had provided an Assessment of Environmental Noise Effects dated 29 January 2014 and further information with respect to noise matters dated 1 May 2014 could be made available to answer any question in relation to noise.

61. Mr Goldsmith advised that all witnesses had been instructed not to repeat information already contained in the documentation lodged with the Council. The focus of witnesses was generally to answer questions from the Commissioners; and Messrs Davis, Bartlett, Espie and Vivian presented written statements of varying length.

62. Mr Goldsmith presented several documents with his opening submissions including the Sunshine Bay, Queenstown Bay, Frankton, Kelvin Heights Foreshore Management Plan, which became operative on 1 September 1991. Mr Goldsmith also tabled an email dated 8 December 2014 from Mr Sam Lynds, Surveyor, which confirmed the level at the top of a pole at the public pontoon; email correspondence from Mr Dale of LINZ dated 9 December 2014; and email correspondence from Mr I Barabi on his own behalf and from I Barabi on behalf of Mr N Barabi, both emails dated 12 December 2014.
63. Several of the submitters appeared at the hearing in December 2014. Mr Graeme Todd, Counsel, of GTodd Law appeared for Ian and Annette Margaret Tulloch and Richard and Natasha Evans. Mr Todd called evidence from Mr Evans and Mr Tulloch. Mr Tony Warrington and Mr Don Warrington appeared for the Warrington family; Mr Gary Reynolds appeared in support of his submission for the Frankton Marina Commercial Users Group; Mr Tim Williams, Planning Consultant with Southern Planning Group appeared for the Wakatipu Community Marina Preservation Society; Mr Marcus Barnett appeared on his own behalf; and Mr Basil Walker appeared in support of his submission.
64. Evidence and other documents were tabled on behalf of submitters who were not able to attend the hearing. This included a statement of evidence prepared by Mr Ken Murray in support of the submission by the Director-General of Conservation; a statement by Mr David Mole for Land Information New Zealand; a statement by Mr Ian McCabe for the NZ Transport Agency; and evidence prepared by Mr Timothy Vial on behalf of Te Rūnanga o Ōtākou and Kāti Huirapa Rūnaka ki Puketeraki.
65. During the hearing on 11 December 2014, Ms Sinclair provided a copy of the Frankton Marina Reserve Management Plan 1997 as amended in 2001.
66. The section 42A reports, including the landscape, engineering, environmental health and safety reports prepared in the context of the application to the QLDC, were taken as read and Mr Bell, Mr Black, Mr Wardill, Ms Mellsop and Ms Sinclair were invited to comment following the presentations by submitters on 12 December 2014. At that point the hearing was adjourned to enable the applicant to obtain additional information to be presented with Mr Goldsmith's reply on Monday 26 January 2015.

67. On 23 December 2014 Mr Goldsmith provided the following:

- A report prepared by Dr Stewart of Ryder Consulting Limited titled "Possible ecological issues associated with dredging work for the proposed Frankton Marina" dated 16 December 2014.
- A Proposed Frankton Marina Development Sediment Management Plan prepared by Mr Paul Faulkner of GeoSolve dated 22 December 2014.
- A Proposed Frankton Marina Draft Construction Management Plan prepared by Mr Maurice Davis of Emtech dated 23 December 2014.

68. A Memorandum prepared by Ms Weaver that contained information with respect to responsibility for the monitoring and eradication of lagarosiphon in Lake Wakatipu dated 23 December 2014 was also provided on that date.

69. On 16 January 2015 the Commissioners were provided with supplementary evidence prepared by Mr Vivian along with draft ORC and QLDC conditions dated 15 January 2015 suggested by the applicant.

70. An Addendum to Ms Sinclair's section 42A report, which incorporated advice from Mr Wardill and Ms Mellsop, was forwarded to the Commissioners on 19 January 2015.

71. At the resumed hearing on Monday 26 January 2015, Mr Goldsmith presented a plan showing the Sugar Lane entrance off State highway 6A to demonstrate that the potential exists to install two exit lanes to minimise the queue at the intersection. Mr McCabe of the NZ Transport Agency was present at the invitation of the Commissioners to answer questions from them with respect to the upgrading of the Sugar Lane/State highway 6A intersection.

72. Messrs Paul Faulkner and Maurice Davis were in attendance to answer questions with respect to the Proposed Sediment Management Plan and Draft Construction Management Plan as provided on 23 December 2014, respectively. Messrs Faulkner and Davis were also invited to comment on the possible application of conditions of consent with respect to sedimentation and contamination relating to a marina at Tairua

as annexed to a decision of the Environment Court<sup>2</sup>, being a decision known to the Commissioners.

73. The additional information referred to in paragraph 67 above had been circulated to those submitters who had appeared at the hearing in December. Mr Tim Williams appeared at the resumed hearing on 26 January 2015 and provided a written statement in response to this information on behalf of the Wakatipu Community Marina Preservation Society. The Commissioners were also provided with email correspondence from Mr Todd to Mr Goldsmith dated 24 December 2014 that responded to this information. Mr Vivian appeared on 26 January 2015 to answer questions with respect to the suggested conditions dated 15 January 2015 referred to above.

74. Mr Wardill and Ms Sinclair were invited to comment on the Addendum to Ms Sinclair's section 42A report and on the additional information and other matters raised at the resumed hearing. The Commissioners note in this context that Mr Bell was on leave and was unable to attend the resumed hearing on 26 January 2015. In the event this did not inconvenience us.

75. Following Mr Goldsmith's reply the hearing was adjourned.

## **A.8 Principal Issues in Contention**

76. The principal issues in contention before the Commissioners were the effects on the environment of allowing the construction and operation of the marina and ancillary activities, including any adverse ecological, visual and traffic effects associated with such activity. Any such adverse effects must be weighed in this instance against the positive effects of the proposed activity.

## **B. EFFECTS ON ENVIRONMENT**

### **B.1 Permitted & Consented Baseline**

77. Mr Bell's report confirmed that various activities associated with the marina development are permitted by the Regional Plan : Water. These activities include the use of the marina and associated structures once completed over the bed of Lake

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<sup>2</sup> Tairua Marine Ltd v Waikato RC & Thames Coromandel DC [2011] NZEnv C161 dated 14 June 2011

Wakatipu; the repair of the marina and associated structures (if required); the alteration of the marina and associated structures (to allow for the shifting of finger berths etc within the marina footprint); the erection and placing of structures other than defences against water more than 7 metres from the margin of any lake or the bank of any river; the discharge of stormwater; and the discharge of water from Marina Creek once diverted. These are permitted activities in terms of Rules 13.1.1.1, 13.3.1.1, 13.3.1.2, 14.4.1.1, 12.B.1.8 and 12.C.1.1 of the Regional Plan : Water, respectively, subject to meeting the requirements set out in the relevant rules.

78. Farming activities, planting (with specific exclusions), fencing and earthworks which do not breach Rule 5.3.5.1viii, are permitted activities in the Rural General Zone of the District Plan. Within the Rural General Zone any building that exceeds 5m<sup>2</sup> and a height of 2 metres requires resource consent and is therefore not a permitted activity. Recreation activities (other than commercial recreation activities) on the surface of Lake Wakatipu are a permitted activity.

79. Planting and earthworks which do not breach Rule 7.5.5.2xiv are permitted activities in the Low Density Residential Zone.

80. As previously noted the site is designated D165 for Frankton Marina Local Purpose Reserve purposes in the District Plan. The QLDC could undertake earthworks and establish buildings associated with a marina or other marina related activities without resource consent under the District Plan on the land subject to D165. It is important to note that the designation is for the benefit of the QLDC and does not authorise the applicant to undertake works in accordance with the designation. Accordingly the Commissioners find that while the designation D165 forms part of the existing environment; it does not form part of the permitted baseline (which permits the applicant to undertake activities as permitted by the District Plan).

81. The Commissioners acknowledge in the context of D165 that the Frankton Marina Recreation Reserve Management Plan 1997 (as amended in 2001) provides for substantial development to occur to the south of Sugar Lane on the subject site.

82. The site is subject to QLDC land use consent RM 070542 for a marina that was granted to Queenstown Marina Developments Limited subject to the conditions



specified in a consent order of the Environment Court dated 3 September 2009. ORC consents 2007.365-368 and 2007.372-382 were issued relating to that marina proposal on 12 September 2009. While the 2009 consents granted to Queenstown Marina Developments Limited have not lapsed Mr Goldsmith drew the Commissioners' attention to relevant caselaw (*Arrigato* and *Hawthorne Estate*) which establishes that an existing consent can form part of the receiving environment if it is likely that such consent will be implemented. Such implementation is unlikely in this instance and Mr Bell's report informed us that Queenstown Marina Developments Limited is now in liquidation and that the Company may be struck off the Companies Office Register. The Commissioners also acknowledge that the Tulloch submission advised that the holder of RM 070542 is no longer proposing to proceed with that consent, noting that that consent holder no longer holds the necessary agreements with the Council to enable RM 070542 to be given effect to.

83. In all the circumstances the Commissioners do not consider that the 2009 consents which relate to the Queenstown Marina Developments Limited marina proposal form part of the permitted baseline or the consented receiving environment against which the current applications should be assessed.

## **B.2 Affected Persons Approvals**

84. Affected persons approvals have been provided in the context of the applications to the QLDC. These have been provided by Don Lawrence, MM Stores Limited, Douglas & Carole Brinsmead, Gary Reynolds & Susan Clyma, Kawarau Jet Services Holdings Limited, Malcolm & Humaira Officer, Neilson Harold Larsen, Peter & Paul Rogers, Quentin & Joanne Rewi and Shaun & Sally Kelly. Ms Sinclair noted that in some instances the plans attached to the affected persons approvals were not signed and/or the affected party approval form had been signed by one person only. Notwithstanding this the Commissioners are satisfied that the intent of the persons concerned is clear and that the affected persons approvals should be accepted. We also note that several of the persons who provided affected persons approvals also submitted in support of the application.

85. The Commissioners acknowledge that Mr Leicester Rutledge withdrew an affected party approval by email on 8 December 2014; and that email also confirmed that Mr Rutledge's submission in response to RM 140061 had also been withdrawn.

86. Section 104(3)(a)(ii) of the Act directs that a consent authority must not have regard to any effect on a person who has given written approval to an application when considering that application.

### **B.3 Actual and Potential Effects**

87. The actual and potential effects on the environment have been addressed in the section 42A reports prepared by Mr Bell and Ms Sinclair. The actual and potential effects of the activity are addressed below, adopting the headings used in the section 42A reports. For convenience the effects addressed by Mr Bell (which are particularly relevant to the ORC consents) are addressed in the first instance; and the effects addressed by Ms Sinclair (which are of particular relevance to the QLDC consents) are subsequently addressed. It is emphasised that the order in which the effects are addressed in this decision does not necessarily correspond to the scale or significance of the effect under consideration.

#### **B.3.1 Effects of Lake Shore Erosion, Flooding, Scouring, Land Instability and Property Damage**

88. Notwithstanding there being strong winds and vigorous wave action in the Frankton Arm from time to time, there is no evidence of any active littoral transport process on the shore at the proposed marina site, and the influence of the marina in this respect will be negligible. Previous studies at the site have not identified any existing instability, erosion or scour issues; and the site represents a relatively benign environment in terms of potential for lakeshore erosion.

89. Wave action will be attenuated by the breakwater which will reduce the erosion potential on the lakeshore further. The marina structure will be constructed with scour protection to protect the development.

90. Though it is expected that the proposed works will not alter lakeshore processes, the applicant proposes to undertake a monitoring regime to ensure lakeshore erosion and

scour do not occur. This will include visual inspections at predetermined levels, and also following periods of high lake levels and seismic events. These inspections will include survey monitoring, and will extend a reasonable distance either side of the marina, and will also include compiling a photographic record of each inspection to allow comparison. In the event that consent is granted a condition of consent can be applied to ensure that lake shore erosion and scour is monitored for the duration of any consents.

91. Given that the development is to occupy a small area of the lakeshore in comparison to the size of Lake Wakatipu the proposed activity is unlikely to increase flood risk.

92. The esplanade wall will be at a height of 311.50 metres above mean sea level (masl); which provides a 20 centimetre freeboard when the lake is in flood, which occurs 0.41% of the time. Some of the site will be flooded at these levels and the development will be designed to withstand any moderate wave action.

93. It is noted that water levels in Lake Wakatipu vary from an extreme low of 309.28 masl to the highest recorded level of 312.80 masl (during the November 1999 flood). When the lake is in flood at 311.30 masl possible flooding occurs in Queenstown.

94. The Commissioners are satisfied that any effects in terms of lakeshore erosion, flooding, scouring, land instability and property damage will be no greater than minor.

### **B.3.2 Effects of Disturbance, Deposition, Reclamation, and Moving and Placing Structures on Lake Wakatipu and Discharging Sediment**

95. The applicant proposes to remove some lakebed material to ensure there is adequate depth for boats; with all such dredging to occur during the Stage 1 works. Approximately 3000m<sup>3</sup> of lakebed material is to be removed for Stage 1; and approximately 2000m<sup>3</sup> for Stage 2 down to the 308.5 masl contour. It is noted that most of the material to be removed is silt and that the maximum cut depth for Stage 1 (at the esplanade) is 2.4 metres; and that the maximum cut depth for Stage 2 is 0.6 metres.

96. The method by which lakebed material will be removed will be determined by the contractor in due course and may involve using a backhoe type of excavator operating

from the lakeshore or suction dredging. Both methods would generate siltation for which controls are proposed.

97. Diversion of Marina Creek (discussed further below) will occur prior to reclaiming the man-made inlet which was constructed in about the 1970s. The inlet is to be filled with selected material that will be properly compacted and finished to carpark formation level. In the event that consent is granted a condition of consent can be applied to require that any fill used on the site is fit for purpose.
98. Various structures are proposed as part of the marina. This includes the floating jetty and the floating finger piers and finger berths that will be surrounded to the west and south by the floating attenuator (breakwater). Floating buildings are proposed immediately to the south of the esplanade and further out into the lake on part of the marina structure (in Stage 2).
99. All structures will be constructed on land, lifted into the lake by crane, and towed into position by boat. As such there will be little lakebed disturbance associated with this activity.
100. The floating finger piers and wave attenuator structures will be anchored to the lake floor by bungee-like cords that will be attached to screw anchors. The area of disturbance associated with the screw anchor installation is equal to the surface area of the screw face, being 1.5 metres – 2 metres in diameter. The screw anchor winds into the lakebed just as a wood screw winds into timber.
101. Each individual screw takes a short time to install. Once the barge, from where the anchor installation will be directed, is situated above the screw location, the screw anchor can be installed relatively quickly; these works taking less than a few weeks.
102. The retaining wall that supports the esplanade will be created by driving piles and placing panels along the current lakeshore. The disturbance will be limited to the area in close proximity to the structures.
103. Piles will also be used to anchor jetties in shallow water and to anchor the pontoons supporting the floating buildings. Mr Davis confirmed that these piles can be reduced to achieve a height of 314.1 masl on the basis that the coincidence of an extreme flood and severe storm conditions is of low probability. Originally a pile height of 314.5

masl was shown on the drawings of the proposed marina. It is noted that the height of the piles will be 2.6 metres above the height of the esplanade wall.

104. The proposed activities will result in discharges of sediment to the lake, either from lakebed material being re-suspended in the water column or by sediment laden water run-off from disturbed land at the site. Suspended sediment generated by the works will increase turbidity and may lead to adverse effects on visual amenity, water quality and aquatic habitats. Because Lake Wakatipu is naturally characterised by low suspended solids and high visual clarity of the water column, any increase in suspension of sediments is likely to be noticeable.
105. The removal of lakebed material, reclamation of the foreshore and reclamation of the inlet will require a large amount of earthworks for the necessary levelling of the existing ground and for restructuring of the shoreline and lakebed. Sediment barriers will need to be placed at the lower margins of exposed earth surfaces prior to commencing the works associated with the reclamation of the foreshore. The sediment barriers are to extend along the entire frontage of the site with Lake Wakatipu.
106. The applicant also proposes to place floating silt fences around areas within the lake where lakebed material is being removed. Mr Davis is confident that these silt fences will be durable and effective in containing sediment. In the event that consent is granted a condition of consent will ensure that silt fences satisfactorily mitigate any discharges of sediment.
107. The existing inlet will be closed off from the main body of Frankton Arm prior to reclamation. It is anticipated that a weir will be constructed with a silt fence positioned on the crest of the weir so that any flows overtopping the weir will be filtered prior to mixing with the main body of the lake.
108. Having regard to the above the Commissioners are satisfied that any effects of lakebed excavation, inlet and shoreline reclamation, placing of structures and discharges of sediment to water will, subject to appropriate conditions in the event that consent is granted, be no more than minor.

### **B.3.3 Effects on Aquatic Values**

109. The proposed marina site is at the margin of the shallow water western part of the Frankton Arm, an area of lake bed that supports a distinctive aquatic flora dominated by macrophytes. Evidence by Ms Palmer at the hearing on 10 December 2014 and the report prepared by Dr. Stewart that was provided on 23 December 2014 informed us that the shallow water macrophyte flora community is neither as ecologically significant nor vulnerable as the bryophyte flora found in deeper water which are relatively rare and of high ecological value. Ms Palmer has identified less common *Ranunculous sp* in the shallow water, however.
110. Removal of material from the lake bed by dredging or excavation for the construction of the marina will take with it any macrophyte beds present and disperse some fine sediment over the recently excavated/dredged area. This sediment will drift beyond the working area unless confined and may locally smother some lake bed vegetation. The work required to fix the screw anchors, some in the deeper water, is expected to have limited and very localised effects on the macrophyte communities at the site and, at the furthest sites from the shore, perhaps some epiphytes depending on the depth.
111. Ms Palmer observed that no species of significance would be affected by the construction activities and that the effects of removing vegetation from the lake bed will not be significant. Ms Palmer also considered that the works would have no particular effect on the deeper bryophyte community away from the construction works. It is anticipated that the installation of the jetty piles and retaining wall will not impact on the wider natural values.
112. Confirming Ms Palmer's evidence, Dr Stewart advised that the main threat to macrophytes will be smothering by fine silt disturbed by dredging and he noted that the proposed use of silt curtains around the operation would minimize the amount and spread of sediment. Ms Palmer also emphasised the importance of sediment control to ensure that communities of shallow plant species such as *Ranunculus* are not adversely affected.
113. At the resumed hearing we heard from Mr Wardill that a floating sediment barrier had been used successfully to contain silt from works at the Kawarau Falls development in

the vicinity of its discharge point from the lake, which gave us reassurance that such a system would be effective for the proposed works for the marina.

114. Dr Stewart's report advises us that invertebrate communities, including freshwater mussels within the affected area, will be disturbed or removed during the excavation/dredging, but that the remaining substrate will be readily recolonized by invertebrates once the work has ceased. Reclamation of the existing marina inlet area is not expected to result in the loss of significant, uncommon or rare habitat for fish. Fish are expected to relocate out of the area of impact during the construction works. The potential exists for fish to become trapped in the inlet once it is sealed off and fish removal should occur prior to any filling of the inlet.

115. The Commissioners are satisfied that any effects on the aquatic values of Frankton Arm and Lake Wakatipu will be limited and can be appropriately managed through conditions in the event that consent is granted.

#### **B.3.4 Effects on Other Water Users**

116. There are no Regional Plan : Water Schedule 1B (Community Water Supply Values) at Lake Wakatipu that will be adversely affected by the works. There are no water takes in the immediate vicinity of the works that may be adversely affected. This section of the lake is unlikely to be used for permitted takes (ie. stock water and domestic supply) due to the surrounding urban land use pattern and reticulated water supply. The Commissioners are satisfied that any effects on existing water takes are no more than minor.

117. Recreational activities on this part of Lake Wakatipu are likely to be temporarily affected by the proposed works; such effects being localised and no more than minor. It is noted in this context that access to the public boat ramp will be maintained throughout the works. Once the marina is constructed opportunities for recreational activities in the area will be significantly enhanced.

#### **B.3.5 Effects on Marina Creek**

118. The applicant proposes to divert up to 55 metres of the lower reaches of the creek from its current location, where it flows into the head of the existing man-made inlet, to a position directly to the south-west.

119. The applicant proposes to replace the current single 600mm culvert with a larger pipe or box culvert which will be 750mm in diameter and which will be designed to accommodate a 20 year run-off flow event which is greater than the current culvert capacity. The culvert will act as a limiting factor in the downstream flow. Any flows over a 20 year event will discharge across the proposed carpark and into the lake.
120. Once the diversion is completed the applicant proposes to fill in the existing creek bed and reclaim it. Cleanfill is to be used to reclaim the creek bed and this can be addressed in a condition of consent in the event that consent is granted.
121. Ms Palmer advised us that Marina Creek is one of many streams draining the southern side of Queenstown and Peninsula Hill and that its flow is seasonally variable and responsive to rainfall events. She advised that it is unlikely that salmonoids or (native) koaro spawn in the portion of Marina Creek to be affected by the marina development, and she confirmed that a culvert can be appropriately designed for fish movement and should be focussed on the needs of koaro. Ms Palmer did not consider that Marina Creek was significant in terms of the brown trout or salmon fishery. She considered that a piped culvert would be an adequate alternative to a box culvert at Marina Creek.
122. The diversion and piping (or box culverting) of Marina Creek will alter the natural character of the watercourse but this effect is not considered to be more than minor, due to the already modified nature of the creek which currently exists between the existing culvert under Sugar Lane and the man-made inlet; and the culvert which exists upstream under State highway 6A. The works proposed will not affect the natural flow characteristics or water quality of Marina Creek.
123. In all the circumstances the Commissioners are satisfied that any effects on the hydraulic capacity and flow characteristics of Marina Creek, on aquatic ecosystems or on any river values associated with Marina Creek will be no greater than minor.

#### **B.3.6 Effects of Machinery Operating on Site**

124. The discharge of contaminants from machinery working in or near water, such as diesel and lubricants, can cause adverse effects on aquatic fauna. Accidental spills



and discharges can be minimised by storing any possible contaminants on site in bunded facilities away from the lake; refuelling machinery well away from the water and bed of the lake; and operating well maintained and clean machinery, to prevent leaks.

125. In the event that consent is to be granted conditions of consent can be applied to require that no contaminants, including fuel, oil, cement or cement products, enter Lake Wakatipu or Marina Creek; and that no refuelling of machinery occur within the lake or Marina Creek. All machinery should be waterblasted prior to being brought on site and dried to reduce the potential for pest and plant species to be introduced into Lake Wakatipu or Marina Creek.

126. The Commissioners are satisfied that any effects of machinery operating on site can be satisfactorily avoided or mitigated via conditions of consent in the event that consent is to be granted.

### **B.3.7 Effects of Aquatic Pest Plants**

127. The need to control aquatic pest plants was subject to a number of written submissions received by the Commissioners and was a matter on which we sought further information from ORC between the December adjournment and the January resumption of the hearing.

128. The aquatic pest plant of greatest concern is *Lagarosiphon major* (lagarosiphon) which is present in nearby Lakes Dunstan, Wanaka, Roxburgh, and in the Clutha/Mata-Au and Kawarau Rivers. A small area of lagarosiphon near the proposed marina has recently been eradicated. Lake Wakatipu also contains *Didymosphenia geminate* (didymo).

129. Objective 4.6.2 of the ORC's Pest Management Strategy for Otago 2009 seeks to prevent the spread of lagarosiphon in Lake Wakatipu. Lagarosiphon may be transferred between locations and potentially to the new marina on boats or their trailers. An occurrence of lagarosiphon, described as an infestation, in the upper reaches of the Kawarau River near the point from which it flows from Lake Wakatipu is of particular concern to the agencies responsible for its control (ORC and LINZ) as a possible source infestation of the lake. In her report dated 19 May 2014 which had

been provided in response to a further information request from the ORC Ms Palmer noted that excavation that results in clearance of vegetation from the bed of the lake may increase vulnerability to infestations of pest plants by exposing a bare seed bed, and that it is possible that there are currently undetected infestations of lagarosiphon within the works area that could be spread by the proposed earthworks, lake bed disturbance and construction activities. Ms Palmer highly recommends that a pre-works survey is undertaken in order to reduce or eliminate the risk of an as yet undetected infestation being disturbed leading to the spread of fragments of the pest weed.

130. Submitters requested stringent measures for the cleaning of boats and any machinery that might be used in construction. Ms Palmer concurred and stated on behalf of the applicant that the ORC would be informed immediately of any detection of lagarosiphon or any other pest plant or invasive exotic aquatic weeds. She said in her report that the marina would, in consultation with the ORC and Lagarosiphon Management Team, develop a rapid response plan enabling boats in the marina to be checked, confirmed clean and relocated if possible or necessary within the marina to minimise disturbance of any infestation (should it occur) prior to its eradication.
131. Ms Palmer recommends that construction equipment follow the 'clean, check, dry' approach before entry to the site for the prevention of the introduction of lagarosiphon and on departure to prevent spread of didymo. Her recommendation is that before being removed to the construction site machinery must be washed down and dried for at least 48 hours on a dry hard stand, grassed or gravel site, in full sunlight preferably, away from water courses where no runoff or storm-water contamination of Lake Wakatipu can occur.
132. The provision of wash down facilities was sought by the Director-General of Conservation, Te Rūnanga o Ōtākou and Kāti Huirapa Rūnaka ki Puketeraki. The applicant will have need for an appropriate wash down arrangement for construction machinery and later for boats coming into the marina from other nearby water bodies, however Mr Goldsmith made it clear that this facility was not part of the proposal.
133. The provision of an appropriate facility is a matter that was not resolved in the hearing. The Commissioners understand however that a washdown area for boats is intended

to be provided on the Frankton Marina Local Purpose Reserve outside the site. As previously noted the applicant proposes that all boats, trailers and equipment be cleaned prior to launching and berthing at the marina. To achieve this the Commissioners are satisfied that a washdown facility should be provided at or in the immediate vicinity of the marina prior to the operation of the marina.

134. In the event that consent is granted conditions of consent can be applied with respect to the construction phase to reduce the possibility of lagarosiphon infestation and didymo dispersal based on Ms Palmer's report and evidence. Conditions of consent can also be applied to address potential adverse effects due to pest plants during the operation of the marina. The Commissioners acknowledge that there will be an ongoing need for boat owners to be made aware of the potential for aquatic pest species to enter Lake Wakatipu and to take precautions to stop such pest species entering the lake

### **B.3.8 Effects on Land Based Flora and Fauna**

135. The site contains no areas of significant vegetation or fauna. Willow trees and vegetation on the margin of the lake in the vicinity of the proposed marina will be removed as part of the proposal. While the proposed activity will result in the permanent destruction of a small area of habitat for bird species including mallard duck, scaup, black swan and crested grebe, the Commissioners acknowledge the small size of the existing man-made inlet and surrounds compared to the habitat available for these species throughout the rest of the lake.

136. The Commissioners have concluded that any adverse effects with respect to land based flora and fauna will be no greater than minor.

### **B.3.9 Effects on People and Built Form**

#### **B.3.9.1 Character**

137. The character of the site is dominated by boat storage, informal carparking and the existing commercial businesses at Sugar Lane. A wide variety of businesses are located at Sugar Lane including those associated with water-based activities as well as other commercial activities including tyre sales, a gym and a survey/geotechnical office. The range of activities found at Sugar Lane is not in keeping with the character expected in a Low Density Residential or Rural General Zone. We understand that

some of the existing activities were established when part of the land concerned was a Recreation Reserve.

138. The Commissioners are satisfied that the proposed marina development will not have a significant adverse effect in terms of the character of the area. The proposed buildings have been designed to be in keeping with a marine based theme, and will provide linkages to the lake. Provision has been made to separate vehicle movements from pedestrian and cyclists in the vicinity of the carpark; and this will provide a positive improvement in terms of public amenity and safety. The marina development will tidy up and enhance the area and this is consistent with the Frankton Marina Local Purpose Reserve designation D165 which applies to the land subject to application.

139. The Commissioners are satisfied that any adverse effects on the character of the area will be no greater than minor.

#### **B.3.9.2 Landscape and Visual Amenity Effects**

140. Clause 5.4.2.1 of the District Plan advises that there are three steps in applying the landscape assessment criteria. These include Step One – Analysis of the Site and Surrounding Landscape, Step Two – Determination of Landscape Category and Step Three – Application of the Assessment Matters. The Environment Court in Wakatipu Environmental Society Inc & Others v QLDC Dec C180/99 at paragraph 107(2) found that Lake Wakatipu, all its islands, and the surrounding mountains are an outstanding natural landscape. The Commissioners accept Ms Mellsop's opinion that the most appropriate classification for the entire lake is Outstanding Natural Landscape – District Wide (ONL-DW). We have considered the application on the basis that the lake portion of the site is ONL-DW.

141. Whilst accepting that the Frankton Arm of Lake Wakatipu is ONL-DW the Commissioners also acknowledge that a small part of the site is in the Low Density Residential Zone and that the character of the land portion of the site is dominated by boat storage, an informal parking area and existing commercial businesses as discussed above. The Commissioners also acknowledge that the assessment matters stated in Clause 5.4.2.2 of the District Plan do not relate well to water-based activity as

they are better suited to assessing the effects of activities conducted on land, and not on the surface of water bodies.

142. The marina complex will be visible from the entire surface and much of the foreshore of Frankton Arm albeit (depending on the position of the viewer) at a distance and/or intermittently through vegetation at the lake margins. The marina will also be visible from elevated land which has a view towards the site and from a small number of nearby dwellings.

143. Mr Espie has assessed the visual effects of the proposal and Ms Mellsop generally agrees with his findings. Mr Espie advises that in relation to distant terrestrial observers the marina will form a perceivable part of the landscape in the broader landscape. Given the design of the proposed marina development and given the character of the environment that it will sit within (including activities anticipated by the District Plan), Mr Espie considers that while the proposal will bring change, it will not degrade or detract from the amenity and landscape experience that these observers currently enjoy.

144. In relation to nearby terrestrial observers, Mr Espie advised that the immediate environment of the Sugar Lane vicinity will change considerably. It will become more treed and somewhat more enclosed. Pedestrian routes and areas will be more formalised and legible and the nearby esplanade area will provide pleasant outdoor spaces. Despite that considerable change, Mr Espie does not consider there will be any significant adverse amenity or landscape related effects for the relevant commercial operators and/or their customers; and that the proposal is likely to improve amenity. Mr Espie comes to the same view with respect to the two nearby residential properties on the western portion of Sugar Lane (the Warrington properties). He advised that while the proposal will change their immediate environment and will increase busyness, views from the Warrington dwellings will not be significantly impeded and nearby public spaces and trails will improve. Mr Espie does not consider that the proposed situation represents a degradation of amenity when compared to the existing environment.

145. In relation to the users of Frankton Arm the proposed marina will increase the degree of human modification of the Arm and will increase general busyness and visual

complexity. Mr Espie observed that these changes to the landscape will be located in an area that already is characterised by considerable boating activity. As such he considers that the proposal will amount to an intensification of boating character rather than an alteration of existing character. Mr Espie considers that to most users of Frankton Arm this will not be perceived as an adverse effect.

146. Following consideration of the application and supporting documents, the submissions and the evidence and reports presented at the hearing, the Commissioners find that modifications are required to the proposal to mitigate landscape and visual amenity effects.

147. As noted above most of the floating buildings are to be located between the esplanade wall and the floating jetty that forms part of the marina. Mr Espie noted that the eye level of an average observer on the esplanade will be 313.2 masl; that the shoulder of the gables of the floating buildings will be at a relative level of 313 masl when the lake is at its mean level of 309.9 masl; and that the apex of the gables of the buildings will be at 314.3 masl. Therefore at mean lake level observers on the esplanade will gain views between the gables to moored boats, the lake surface and distant scenery, as well as gaining views through the small gaps between the buildings themselves. Windows in the buildings will also allow views through and into the floating buildings.

148. The Commissioners note that Mr Espie has not referred to the piles which will extend to a height of 314.1 masl and to which the pontoons supporting the buildings will be moored. It is also noted that some of the buildings are duplex or triplex in configuration (as shown on Mr Espie's Appendix 4). We are concerned that a row of buildings, as proposed, will dominate or detract from public or private views which would otherwise be characterised by the ONL-DW and will adversely affect the appreciation of landscape values of the wider landscape. The Commissioners consider that the solution is to reduce the number of floating buildings adjacent to the esplanade to enable view shafts to be provided between blocks of buildings to enable viewers to look across the marina to Frankton Arm and its surrounds being ONL-DW. Accordingly 6 metre wide view shafts are to be provided at about the location of buildings S5 and S11 on the plan attached to Mr Espie's evidence as Appendix 3; and as a consequence a total of 17 buildings will be permitted adjacent to the esplanade.

The 6 metre wide spaces are to be in floating decking that will be available for public use.

149. Mr Evans and Mr Tulloch drew our attention to the visual effects of the proposal as viewed from the Queenstown Trail immediately to the east of the site and from the adjacent residential properties, including Mr Tulloch's unit in the Mantra Marina Apartments. The Commissioners note that buildings S20-S26 (as shown on Mr Espie's Appendix 3) are proposed to be located out on the lake surface and constructed as part of Stage 2 of the proposal. These buildings were shown on a photomontage tabled by Mr Todd which was prepared by Baxter Design Group and which indicated the location and scale of the structures associated with the proposal as viewed from the east. The Commissioners consider that proposed buildings S20-S26 would significantly adversely affect the appreciation of landscape values as viewed from the Queenstown Trail to the east of the site and from the adjacent residential properties. We find that buildings S20-S26 in Stage 2 should be deleted from the proposal in the event that consent is granted.

150. The finger piers and berthing piers in Stage 2 will be particularly visible from the Queenstown Trail and the adjacent residential properties to the east of the site but such development is considered appropriate, having regard to the functional association of the marina with the surface of Frankton Arm. We also acknowledge in this context the notation on Map 33 which refers to the "Frankton Marina" on Frankton Arm and to the absence of a notation which states "all structures and moorings non-complying [etc]" on this portion of the margin of the lake.

151. On the basis that the design of the proposal is amended to reduce the number of floating buildings adjacent to the esplanade by two and to delete floating buildings S20-S26, the Commissioners are satisfied that any landscape and visual amenity effects associated with the proposal will be no greater than minor.

### **B.3.10 Amenity**

#### **B.3.10.1 Marina Operational Noise**

152. The proposed activity is likely to generate operational noise from sources which include powerboats, halyards on yachts, marine maintenance and activities, traffic movement, people, fixed plant and occasional heavy vehicle movements. An acoustic

assessment prepared by Malcolm Hunt and Associates indicates that ambient sound levels are already moderately high in this locality due to current activities in the Frankton area which include aircraft movements, vehicle noise from State highway 6A and jetboat noise.

153. The application states that noise will comply with the District Plan noise standards. Operational noise is to be managed and mitigated by the best practicable option such as orientating noise sources away from residences, managing boat noises from loose equipment through berthing licenses and having a 10 kph speed limit on site. Other noise such as people noise is to be addressed through marina management and monitoring in addition to signage.

154. The Commissioners are satisfied that any adverse effects of operational noise will be no greater than minor.

#### **B.3.10.2 Noise from Craft**

155. A number of submitters have raised concerns regarding the noise from commercial operations which may be located at the eastern end of the marina. Mr Evans was concerned at the effects of such commercial operations on the amenity enjoyed by his family and others who utilise the small beaches adjacent to the Queenstown Trail, to the east of the site.

156. Noise effects associated with the operation of commercial jetboats in this locality will be limited having regard to their need to observe the 5 knot speed limit within 200 metres of the lakeshore and the marina structure.

157. Adverse effects in terms of the amenity enjoyed by those participating in recreational activities at the small beaches can be avoided by a requirement that the commercial jetboat operators operating from the marina utilise the marina entrance when entering and exiting the marina, rather than directly moving onto the lake from the eastern side of the marina. We consider that a condition of consent to this effect should be applied in the event that consent is granted.



158. The Commissioners are satisfied, subject to adherence to an appropriate condition in the event that consent is granted, that any adverse noise and amenity effects associated with commercial operations at the marina will be no greater than minor.

### **B.3.10.3 Public Access**

159. Public access is proposed along the floating jetty and on the esplanade area. Public access will not be available to the attenuator (breakwater) beyond the shore end (which will perform a function similar to the existing public jetty and pontoon) or to the finger jetties and finger berths for safety and security reasons.

160. The Commissioners are satisfied that the proposal will enhance public access. Access will be provided on the jetty that runs parallel to the shoreline and on the additional decking to be provided in about the positions of floating buildings S11 and S15 as shown on Mr Espie's Appendix 3. It is also acknowledged that the esplanade areas and associated landscaping will enhance accessibility and facilitate the public enjoyment of the lake margins and surface, and will result in positive effects for the community and users of the Frankton Marina Local Purpose Reserve including users of the Queenstown Trail.

### **B.3.10.4 Commercial Activities in Buildings**

161. The Assessment of Environmental Effects (AEE) which accompanied the application in Clause 1.7.6 stated that:

*"... The intention is for these [small single storey buildings] to be leased to users of the marina for personal and/or commercial activities (such as jetboat operators, boat servicing operators, boat hire/charter operators, and marina retail activities) and they will only be erected at the site as demand arises."*

162. As noted above the number of small single storey buildings will be reduced as a consequence of conditions which are to be imposed for landscape and visual amenity reasons in the event that consent is to be granted. At the hearing Mr Goldsmith offered a condition:

*"That use of the buildings shall be restricted to commercial activities that are related to the marina activity".*

163. Ms Sinclair recommended that the word “ancillary” be used rather than “related” and the Commissioners consider that such an amendment is appropriate to be consistent with the relevant rules of the District Plan. We also acknowledge that a range of potential “ancillary” activities were raised by various parties at the hearing and we consider it appropriate, in the event that consent is to be granted, to expand the condition generally as suggested by Mr Vivian later in the hearing to specifically identify the range of activities which are considered to be “ancillary to the marina activity”.

164. The Commissioners consider it appropriate that such a condition be applied with respect to commercial activities to be undertaken in the buildings in the event that consent is to be granted to ensure that these are genuinely ancillary to the marina activity. We are concerned to avoid a situation whereby a *de facto* commercial zone becomes established; and we note again in this context that a range of commercial activities, including several unrelated to water-based activities, have become established to the north of Sugar Lane notwithstanding the Low Density Residential status of this land.

### **B.3.11 Infrastructure Effects**

#### **B.3.11.1 Water Supply**

165. There is sufficient capacity in the reticulated water system to cater for the development. Easements in gross over all QLDC watermains will be required to ensure that the Council can continue to access and maintain these services. The Commissioners note that Mr Wardill has recommended a condition that prior to works commencing full details of the proposed water reticulation and connections be provided.

#### **B.3.11.2 Effluent Disposal**

166. Of the originally proposed 26 floating buildings, only six are to be serviced by a connection to either water and/or foul sewer. Effluent disposal will also be required for the land based buildings. Additionally, we note a sewage pump-out facility is to be provided on the wave attenuator a little off-shore from the fuel facility.

167. Ms Sinclair’s report advised that Rationale, that holds the sewer model for the QLDC, has confirmed a number of capacity issues on the Frankton sewer line that contribute

to loading difficulties. These issues are generally understood and are to be subject to investigative works in coming years. Mr Wardill considers that the discharge capacity of the development can be accommodated within the existing sewermain subject to final connection details being provided. Again easements in gross will be required over Council foul sewers that pass through the marina carpark.

#### **B.3.11.3 Stormwater**

168. No adverse effects are anticipated with respect to stormwater disposal. Stormwater systems will be extended through the development to ensure that existing stormwater connections continue to discharge into Lake Wakatipu. In the event that consent is granted a condition can be imposed to require the consent holder to submit engineering design details for approval on all stormwater drains before works commence.

#### **B.3.11.4 Energy Supply and Telecommunications**

169. The applicant has provided correspondence from Chorus dated 13 January 2014 and from Aurora Energy Limited dated 28 January 2014 which confirms that telecommunications and electricity services can be provided to the development. A condition of consent can be applied accordingly in the event that consent is granted.

#### **B.3.11.5 Firefighting**

170. Two existing hydrants are located on Sugar Lane that will be able to service the marina. The fire hazard category for the floating buildings and the four land based buildings are defined by commercial activity and building size. As such use is not defined the development will need to be assessed as FW4 (3000 litres/minute or 50 litres/second). This issue can be assessed through the final engineering approval stage and a condition of consent can be applied accordingly in the event that consent is granted.

#### **B.3.11.6 Hazardous Substances**

171. A 60,000 litre fuel tank is to be located underground to the south-west of the carpark and manoeuvring aisle. A fuel dispensing pump is to be located on the attenuator (breakwater) and an additional fuel dispensing pump will be located on the marina adjacent to the commercial berths in Stage 2.

172. The fuel dispensing pumps will be available for both private and commercial marine operators. Kiosks which have an area of approximately 0.6m<sup>2</sup> and which are 2.2 metres high will provide shelter for the card operating console at the fuel dispensing pumps. The Hazardous Substances and New Organisms Act 1996 (HSNO) and associated regulations require the site to comply with HSNO controls which cover aspects such as design of equipment, isolation distances, emergency response and signage. The HSNO controls are designed to mitigate the risks associated with hazardous substances to protect the environment (including human health). A registered test certifier must confirm that the facility meets the requirements in the Hazardous Substances (Class 1-5) Controls Regulations 2001. Site test certificates must be issued by the test certifier before the site can be commissioned; and a registered test certifier will confirm that the proposed tank and other aspects of the facility comply with the relevant provisions of HSNO provisions.

173. The Commissioners are satisfied that any adverse effects associated with hazardous substances will be avoided through adherence to the relevant HSNO controls and appropriate conditions of consent in the event that consent is granted.

### **B.3.11.7 Conclusion : Infrastructure**

174. The Commissioners' conclusion is that any effects associated with infrastructure and hazardous substances can be mitigated or avoided by adherence to relevant conditions of consent, and the provisions of the HSNO legislation, in the event that consent is granted.

### **B.3.12 Transport and Parking Effects**

#### **B.3.12.1 Sugar Lane/State Highway Intersection**

175. Sugar Lane is accessed from State highway 6A being Frankton Road. State highway 6A is an arterial road and limited access road and is managed by the New Zealand Transport Agency (NZTA).

176. In its submission the NZTA noted that the information lodged in support of the application concluded that the proposed activity will have a significant adverse effect on the Sugar Lane/State highway 6A intersection without making any suggestions as to exactly how the effect might be avoided, remedied or mitigated. Similar concerns

have been expressed by several other submitters. The Bartlett Consulting Traffic Assessment submitted with the application concluded that the greatest effects of the development are a result of traffic that would have an impact on the nearby intersection of Frankton Road (State highway 6A, Marina Drive and Sugar Lane). That report noted that modelling undertaken for the consented development [RM 070542] by Traffic Design Group showed that the Sugar Lane approach to the intersection is already operating at capacity during the week day evening peak period. Any additional traffic during this period will generally increase queue lengths in Sugar Lane; and the modelling showed that once the development consented by RM 070542 was added the Sugar Lane approach could have a maximum queue length of between 11.8 and 12.2 vehicles. Bartlett Consulting anticipated that the proposed marina will have a similar impact.

177. A statement prepared by Mr McCabe of the NZTA dated 10 December 2014 which was tabled at the commencement of the hearing advised that the NZTA is of the view that the proposed activity will have the overall effect of requiring any future upgrade of the Sugar Lane/State highway 6A intersection to be brought forward. The NZTA's view is that this proposed activity will only contribute a portion of the overall effects on the intersection that an upgrade would ultimately be required to mitigate.

178. Accordingly the NZTA and the applicant have agreed that the applicant will provide a monetary contribution, payable to the NZTA through its financial contribution facility with Public Trust, to be held specifically for the purpose of contributing to a future upgrade of the Sugar Lane/State highway 6A intersection in the short to medium term. Mr McCabe advised that the monetary contribution has been agreed based on the expectation of the intersection potentially being signalised; albeit that no detailed design work has yet occurred.

179. The NZTA is satisfied that in settling on a financial contribution there is a mechanism in place to assist in mitigating the potential adverse effects arising from the proposed activity on the adjacent State highway; and as a consequence the NZTA is satisfied that proceedings need not be delayed. As a result of this consultation it has been agreed between NZTA and the applicant that a condition be promoted to the effect that the consent holder will deposit the sum of \$25,000 with the NZTA in full monetary

consideration of any road improvements which the NZTA deems necessary at the intersection of Sugar Lane and State highway 6A.

180. The Commissioners have given consideration to whether a condition should be imposed, in the event that consent is granted, to the effect that the marina cannot be commissioned until the Sugar Lane/State highway 6A intersection is fully upgraded. We note in this context that an agreement has been reached by the NZTA and the applicant; and that the NZTA is the roading authority responsible for State highway 6A. The NZTA has not promoted that the intersection be fully upgraded prior to the operation of the marina. We also acknowledge that the applicant has undertaken to liaise with the QLDC and NZTA concerning a possible redesign of the Sugar Lane approach with a view to achieving two exit lanes, to reduce queuing. This action is likely to reduce adverse effects in terms of inconvenience and delays in terms of vehicles wishing to exit Sugar Lane onto State highway 6A. In all the circumstances the Commissioners are satisfied that the full upgrading of the Sugar Lane/State highway 6A intersection is a matter best addressed in future by the NZTA; and that such action may occur following the commissioning of the marina. Again it is acknowledged that the applicant and the NZTA have agreed that a sum of \$25,000 be deposited with the NZTA; and Mr McCabe indicated that full upgrading of the intersection is likely to be addressed in conjunction with other improvements elsewhere on State highway 6A.

181. The Commissioners acknowledge that the majority of people who are potentially affected (being those who reside or work at Sugar Lane) have provided affected persons approvals and/or supporting submissions. It is also noted that Mr Bartlett has advised that the average vehicle delay during the week day pm period would remain at about 5 minutes and would not increase as a result of the implementation of the development; and that the average delay during the week day midday period would increase from 1 minute to 3 minutes only. We also note again that the applicant has undertaken to liaise with the roading authorities with respect to achieving two exit lanes at the Sugar Lane approach to the intersection.

182. Considerable vehicle movements can be anticipated at the intersection during the construction phase. Mr McCabe and Mr Wardill noted the potential for temporary measures to be used to facilitate construction traffic movements such as “stop-go”

personnel and/or temporary traffic lights. The Commissioners also acknowledge that construction traffic can be managed to avoid movements through the Sugar Lane/State highway 6A intersection at peak times.

183. The Commissioners' conclusion is that any adverse effects associated with the proposal on the Sugar Lane/State highway 6A intersection will be no greater than minor having regard to the agreement which has been reached between NZTA and the applicant and to the other relevant conditions offered by the applicant in the event that consent is to be granted.

#### **B.3.12.2 Carparking and Vehicle Movements**

184. As noted above the marina will be accessed off Frankton Road (State highway 6A) via Sugar Lane. The first portion of Sugar Lane (for approximately 30 metres) is legal road. The sealed carriageway of Sugar Lane thereafter has status as a right of way.

185. The entrance to the proposed public carpark is almost directly to the south of the Sugar Lane intersection with Frankton Road. The carpark has been designed such that vehicles will circulate through it and be separated from traffic on Sugar Lane. Sugar Lane will continue to provide access to the public boat ramp, Fisherman's Pier, the Boatshed Café, the Scout Den and parking area and to the existing commercial activities located to the north of Sugar Lane. Three parking spaces for buses are to be provided immediately to the west of the carpark entrance on the southern shoulder of Sugar Lane.

186. The traffic assessment prepared by Bartlett Consulting noted that as the future use of the commercial buildings is not known, that assessment has been based on likely uses and assesses that between 142-163 carparks would be required for the completed development. It is proposed to provide 156 spaces in the carpark along with a 30 metre loading zone (which will provide 5 short term carparks). The Commissioners accept that the amount of carparking is sufficient for the proposed development and it is again noted in this context that the number of floating buildings (and associated demand for parking) is to be reduced as a consequence of this decision.

187. Vehicle movement within the carpark area will be limited to 10 kph. Such a restriction is considered appropriate in this instance and a condition of consent can be applied accordingly in the event that consent is to be granted.
188. The applicant proposes to delay permanent sealing the carpark until differential settlement stabilises. Mr Wardill has advised that a 24 month delay would provide sufficient time for differential settlement to stabilise and provide a buffer for the winter season. The Commissioners consider that a condition to this effect is appropriate in the event that consent is to be granted; and also consider that a temporary carpark surface treatment (such as Ottaseal or some other proprietary product with equivalent effect) should be applied in the interim with appropriate surface markings, consistent with concerns expressed by Mr Williams on behalf of the Wakatipu Community Maritime Preservation Society Inc. A bond is appropriate to ensure that the Council has resources available to it in the event that the carpark sealing does not occur within a 24 month period.
189. It should be noted that permanent sealing is not to be delayed at the marina entrance crossing point, the cycle trail crossing, bus parking areas and at the 15 car parks located in the vicinity of the Mantra Marina Apartments.
190. Access into the marina carparking area was originally proposed to be approximately 14-15 metres wide which would breach Rule 14.2.4.2(i)(a) of the District Plan which requires a maximum width of 9 metres. At the hearing Mr Bartlett agreed that it would be beneficial to reduce the crossing width at the access subject to the caveat that this reduced width is confirmed as being suitable through a swept path analysis to ensure that larger vehicles or car and trailer combinations will be able to access the development.
191. The Commissioners' conclusion is that any adverse effects associated with carparking and associated vehicle movements will be no greater than minor provided relevant conditions of consent are adhered to in the event that consent is granted.



### **B.3.13 Navigational Safety**

192. Navigational safety requirements and bylaws will govern the operation of the marina; and such requirements relate to speed limits, lighting and mooring. We have had the benefit of a Safety Report prepared by the Deputy Harbourmaster and comments from Mr Marty Black, the Harbourmaster, who attended the hearing. No issues have been raised with respect to navigational safety and it is acknowledged that the Safety Report recommended that a Safety Operation Plan (SOP) be submitted and reviewed. The Commissioners understand that a SOP will be provided in terms of the relevant navigational requirements/bylaws.

193. Mr Evans raised concerns with respect to potential safety effects on children swimming and kayaking off the jetty located adjacent to a small beach used by his family, to the east of the development. As noted above in Section B.3.10.2 - Noise from Craft (above) the Commissioners consider it appropriate to require that commercial jet boat operations enter and exit the marina via the main marina entrance. Such a requirement will avoid any issues with respect to these boats affecting safety at the margins of the lake, including at the beach frequented by the Evans family.

194. The Commissioners are satisfied that any adverse effects in terms of navigational safety will be no greater than minor.

### **B.3.14 Earthworks and Construction Effects**

#### **B.3.14.1 Earthworks and Hours of Operation**

195. Earthworks will be associated with the diversion of Marina Creek, filling the existing inlet, formation and construction of the carpark areas, construction of the esplanade, general landscaping and carriageway formation, lakebed excavation and the installation of drains and underground services. The applicant has advised that the overall volume of earthworks proposed is 18,003m<sup>3</sup> covering an area of 14,972m<sup>2</sup>. Additional earthworks will also be required with respect to the construction of settling ponds on the site.

196. Stage 1 earthworks as described in the AEE include the carparking and manoeuvring areas, the construction of the esplanade works associated with Stage 1 marina berths. These earthworks will involve a cut volume of 2762m<sup>3</sup> and an imported fill volume of

13,401m<sup>3</sup>, over an area of 14,640m<sup>2</sup>. The maximum cut depth is 2.4 metres with the maximum fill depth being 3.5 metres. The Stage 2 marina earthworks comprise a cut volume of 1840m<sup>3</sup> over an area of 332m<sup>2</sup>. The maximum cut depth is 0.6 metres and no fill is required. The applicant proposes that all earthworks will occur at the Stage 1 phase; the total earthworks equating to a volume of 18,003m<sup>3</sup> over an area of 14,972m<sup>2</sup>.

197. All of the earthworks will involve heavy machinery and such machinery, particularly that used to compact the fill and for pavement construction, will create noise. Construction hours, as originally proposed in the application, were to be 7:00am – 6:00pm Monday to Saturday. At the hearing Mr Vivian promoted a condition which would require that hours of operation be 7:30am to 6:00pm Monday to Friday and 8:00am to 4:00pm on Saturdays (with no works to be undertaken on Sundays or public holidays). Ms Sinclair promoted that construction hours on Saturday be 8:00am to 12 noon only.

198. The Commissioners acknowledge that several submitters emphasised the importance of avoiding construction activities on Saturday when the locality is most used for recreational purposes; and to ensure that residential amenity is maintained for neighbouring residents during weekends. We consider it reasonable to require that the construction hours be limited to 7:30am to 6:00pm Monday to Friday and 8:00am – 12 noon on Saturdays (with no works to be undertaken on Sundays or public holidays) in the event that consent is to be granted. It is also noted that the applicant has now offered a condition to the effect that no major construction works occur between 20 December and the following 20 February; and this will serve to avoid effects on recreational and residential amenity during the summer holiday period.

#### **B.3.14.2 Dust**

199. Dust effects are to be mitigated by wetting down excavated areas and dampening dusty material while being handled. A Construction Site Management Plan can be provided for in the consent conditions if consent is to be granted and this will ensure that the adverse effects of dust will be no greater than minor.

#### **B.3.14.3 Retaining Wall**

200. The esplanade retaining wall will provide support to some 13,400m<sup>3</sup> of fill which is required to create the parking area and esplanade for the marina. The retaining wall will require separate approval through the building consent process. Suitable engineering certification will be required under that process and it is considered appropriate that an advice note be applied to remind the consent holder of its obligations to obtain building consent for the retaining wall in the event that consent is granted.

#### **B.3.14.4 Cut and Batter Slopes**

201. While the depths of cut and fill exceed the District Plan standards Mr Wardill has not raised any issues with respect to cut and batter slopes as the cut/fill areas are predominantly to remove a high point on the lakebed (which is outside the District Plan jurisdiction) and to backfill against the esplanade retaining wall along the lake frontage. The works are not expected to result in large unsupported batters. The earthworks will not result in land instability beyond the site provided conditions of consent are adhered to in the event that consent is granted.

#### **B.3.14.5 Fill**

202. The existing man-made inlet is to be reclaimed by using imported fill and possibly some gravel extracted from the lakebed. It is proposed that 13,400m<sup>3</sup> of fill be used to reclaim the existing inlet and a fill height of 3.5 metres is proposed. The engineering report which accompanied the application confirms that the inlet will be filled with selected material that will be properly compacted and finished to the carpark formation level. A condition of consent can be applied with respect to potential vibration effects due to the amount of fill requiring compaction in the event that consent is to be granted.

#### **B.3.14.6 Structural Stability**

203. Several submitters have expressed concern about the marina structure and its ability to withstand storms as previous attempts to construct a marina at the site have failed.

204. The engineering report prepared by Emtech which accompanied the application addressed the effects of site conditions on marina design and noted that the only practicable means of reducing wave energy is to provide a floating wave attenuator

(breakwater); and a floating wave attenuator comprised of large concrete pontoons is proposed as part of the proposal.

205. The Commissioners note that while Mr Davis's recommendation was that the wave attenuating system should go in first; Mr Kirker, for the applicant, envisaged that the wave attenuator would be installed following other works. The order of construction outlined by Mr Kirker would be:

- (1) the construction of the retaining wall;
- (2) dredging and reclamation of the man-made inlet;
- (3) the construction of a carpark; and
- (4) the construction and installation of the wave attenuator (breakwater).

206. The Commissioners have concluded that engineering design of the project and the order in which works are undertaken is a matter which will require further attention on the part of the applicant following careful consideration of professional engineering advice. We acknowledge that care is required in this respect given the history of unsuccessful marina developments in this location.

207. In the event that consent is granted the Commissioners consider that it would be appropriate to apply a condition which requires that the consent holder be responsible for the maintenance of all components of the marina; and that the consent holder enter into a bond with the QLDC to meet maintenance costs for the ongoing structural integrity of the marina and/or in the event of abandonment of the marina.

#### **B.3.14.7 Construction Traffic**

208. A Traffic Management Plan will be required to address construction traffic movements, separation and protection of pedestrian/cycle lane users during construction, and provision for access for residents and businesses operating on Sugar Lane.

209. As noted above traffic movements will utilise the Sugar Lane/State highway 6A intersection during the construction phase. This will include significant traffic movements associated with the importation of fill. As noted in B.3.12.1 Sugar Lane/State Highway Intersection above temporary traffic control measures can be put in place during the construction phase and the timing of such traffic movements can be managed to avoid peak traffic on Frankton Road/State highway 6A.

#### **B.3.14.8 Construction Noise**

210. Noise will be associated with the construction phase including site preparation, excavation, establishing foundations/piles, services, construction of the marina itself, buildings and landscaping at the site. Noise sources will include construction equipment, vehicle noise, hand tools and people noise. As noted in B.3.14.1 Earthworks and Hours of Operation above, hours of operation during the construction phase are to be 7:30am-6:00pm Monday to Friday and 8:00am – 12 noon on Saturday, only. Construction activity will also be governed by the construction noise limits specified in the New Zealand Standard for Construction Noise – NZS 6803:1999.

#### **B.3.14.9 On-site Precast Activities**

211. The Commissioners have noted that little if any information has been provided with respect to the potential for on-site fabrication of precast marina components notwithstanding the applicant's wish that this option be provided for. Potential elements that could be pre-fabricated include: piles, floating breakwater units, finger units and retaining wall panels. The Addendum to Ms Sinclair's section 42A report advised that Mr Wardill has observed that normally large areas of land are necessary for on-site precast operations to accommodate the following activities:

- Loading and unloading areas for both concrete and reinforcing steel deliveries.
- Steel prefabrication working area.
- Pre-cast and curing areas.
- Storage areas for pre-cast units.
- Sedimentation control areas.
- Site facilities.

212. The Commissioners note that limited space is available on site, particularly as the applicant has promoted a condition in the context of RM 14.026.01 with respect to the pouring of concrete within 20 metres of the lake, and this reduces the potential for the applicant to utilise a significant portion of the site for precast operations. While precasting may be possible with respect to smaller items; we anticipate that it is more likely that precast operations will be conducted off-site.

213. Mr Wardill recommended that the Construction Site Management Plan include an objective to the effect that on-site precast activities be minimised or eliminated. We do

not consider it necessary for such an objective to be included if consent is granted; and it is again noted that the limited area of land within the site and the 20 metre condition are likely to restrict the potential for on-site precast operations.

#### **B.3.14.10 Conclusion - Earthworks and Construction Effects**

214. Having regard to the above the Commissioners have concluded that any effects associated with the construction phase, subject to conditions in the event that consent is granted, will be no greater than minor.

#### **B.3.15 Culture and Heritage**

##### **B.3.15.1 Tangata Whenua**

215. Whakātipu-wai-māori (Lake Wakatipu) is a Statutory Acknowledgement Area and the lake is of significant cultural value to Kai Tahu ki Otago.

216. A statement of evidence from Mr Vial on behalf of Te Rūnanga o Ōtākou Kāti Huirapa Rūnaka ki Puketeraki was tabled at the commencement of the hearing. Mr Vial considered that consent to the application should be refused given the lack of provision for a boat washdown facility.

217. The Commissioners are satisfied that a washdown facility must be provided prior to the operation of the marina. This could be provided on the residual Frankton Marina Local Purpose Reserve or as part of the marina development. The provision of such facility will avoid adverse effects affecting the relationship of Ngāi Rūnanga with Whakātipu-wai-māori/Lake Wakatipu.

218. A Cultural Impact Assessment (CIA) submitted in the context of RM 070542 records that the immediate area of the marina is not a significant source of mahika kai; and it is noted that there are no known nohoaka along the margins of Whakātipu-wai-māori/Lake Wakatipu in the Frankton Arm. Conditions of consent can be imposed if consent is to be granted to manage issues with respect to water quality, management of pest species and water which are matters of concern to Ngāi Rūnanga.

##### **B.3.15.2 Heritage and Archaeology**

219. Sections 1.4 and 2.2.12 of the application refer to an archaeological assessment report provided in the context of RM 070542. That report entitled “Frankton Marina

Redevelopment Archaeological Assessment” was prepared by PG Petchey and is dated March 2004.

220. The Petchey report concluded that while the area of the Frankton Marina has been the site of considerable marine activity over the past 140 years (and particularly prior to the construction of Frankton Road in the early 20<sup>th</sup> Century), many of the main structures appear to have been built on piles out over the water. The report concluded that there is some potential for the recovery of pre-1900 archaeological material, particularly as any earthworks occur at or near the lakeshore. The Petchey report recommended that an archaeological authority be applied for and that an accidental discovery protocol condition be imposed on any consent granted. The Commissioners consider that such action is appropriate.

221. The site itself does not contain any feature or trees listed as protected in Appendix 3 of the District Plan being the Inventory of Protected Features. Heritage Item 16 being the Boatshed, Slipway and original Old Ticket Office is located to the west of the site. The marina development for which consent is sought will not effect this listed building and structure.

### **B.3.15.3 Conclusions : Culture and Heritage**

222. The Commissioners are satisfied that any adverse effects with respect to culture and heritage can be avoided or mitigated by adherence to appropriate conditions of consent in the event that consent is to be granted, including conditions with respect to an accidental discovery protocol as recommended by Ms Sinclair.

### **B.3.16 Natural Hazards**

223. The site is identified on QLDC’s hazard map as being subject to the following hazards:

- Seismic – ‘Concealed Inactive Fault’ lines with an approximate location passing east to west of the site in a north south direction.
- Liquefaction – Identified as Liquefaction risk ‘Lic 2(P) Possibly Moderate’ and also ‘Lic 1(P) Probably Low Risk’.

224. The Emtech engineering report lodged with the application uses detail from the earlier Tonkin & Taylor report for RM 070542. This recommends that foundations of buildings be designed to ensure suitable bearing.

225. Mr Wardill is satisfied that land based buildings can be constructed to accommodate these known hazards provided professional engineering input is maintained throughout the foundation design and construction.

226. The site is located below the toe of an active alluvial fan consisting of composite materials. There is existing development downhill of this alluvial fan both at Perkins Road and Marina Drive. It is noted in this context that NZTA operates state highways with 24/7 opening requirements and should in future any alluvial material be transported as far as State highway 6A/Frankton Road it would be cleared before reaching the subject site (as part of maintaining an open arterial roading link). The Commissioners accept Mr Wardill's opinion that this known hazard does not pose undue risk to the subject site.

227. The esplanade will be at a height of 311.5 masl and the main carparking area is to be at 311.7masl. The potential exists for the land portion of the site to be inundated in an extreme flood event. The Commissioners note that the design of any land based buildings will incorporate foundations designed by an engineer and that flood mitigation design measures, such as concrete floors, can provide further mitigation with respect to flooding effects.

228. The Commissioners' conclusion is that any effects in terms of natural hazards will be no greater than minor.

### **B.3.17 Subdivision**

229. Subdivision consent has been applied for as the proposed marina has a design life of at least 50 years which is longer than the maximum lease permitted of 33 years (without an automatic right of renewal). The applicant has advised that the only way that LINZ would lease the lakebed for more than 33 years is if the area on which the marina infrastructure sat is subdivided from the balance of the lakebed.



230. The Commissioners consider that the subdivision is essentially a technical exercise to facilitate the leasing of land by the QLDC and by LINZ for the marina development. We consider that any effects of the subdivision will be minimal.

### **B.3.18 Positive Effects**

231. The proposal will provide enhanced public access to Lake Wakatipu. The public spaces and facilities will enhance access to, and the ability for the public to enjoy, the margin of the lake. The Commissioners acknowledge in this context the steps which are to be provided down to the lake on the eastern portion of the development. This area is likely to be particularly popular with members of the public; and it is noted that similar steps exist adjacent to Earnslaw Park in Queenstown Bay.

232. The proposal will result in a much needed marina and associated facilities for public and private use. The development of the marina will provide for, and contribute to, the social, recreational and economic wellbeing of the District.

233. As previously noted the Frankton Track portion of the Queenstown Trail passes through the Frankton Marina Local Purpose Reserve. The Proposed Landscape Layout Plan attached to Mr Espie's evidence at Appendix 4 shows the pedestrian linkages which will be available via the esplanade and the pathway which separates the carpark from Sugar Lane. Provision is to be made for a pedestrian crossing at the entrance to the carpark and across Sugar Lane to link to a future footpath which is to be constructed in front of the Warrington properties. The outcome will be a more defined pathway that will link to the existing Frankton Track to the east and west of the development. This provision for pedestrian and cycle access through the development will have a positive effect and will enhance public enjoyment of the lake and lake margin for users of the Queenstown Trail.

234. The proposed landscaping works will also provide a significant improvement to the physical appearance of what is currently an unkempt area within the Frankton Marina Local Purpose Reserve.

235. The Commissioners' conclusion is that the positive effects associated with the proposal will be significant and will outweigh any adverse effects of the proposal should it proceed.

### **B.3.19 Summary : Effects and Assessment Matters**

236. The Commissioners find that any adverse effects of the proposal will be no greater than minor and can be satisfactorily avoided or mitigated through adherence to appropriate conditions of consent in the event that consent is granted. The proposal is appropriate having regard to the relevant assessment matters stated in Part 5 and Part 7 of the District Plan; and we have concluded that the proposal will have significant positive effects on the environment that will outweigh any adverse effects.

### **C. NATIONAL INSTRUMENTS**

237. When considering an application for a resource consent and any submissions received, the consent authority must have regard to any relevant provisions of a national environmental standard; other regulations; a national policy statement; and a New Zealand coastal policy statement pursuant to section 104(1)(b)(i-iv) of the Act.

238. The National Policy Statement for Freshwater Management 2014 (NPS) provides overarching objectives and policies for managing the quality and quantity of freshwater resources in New Zealand. Policies A1 and A2 require the ORC to make changes to existing plans in order to establish freshwater objectives and freshwater quality limits for all bodies of freshwater and to establish methods (including rules) to avoid over-allocation.

239. Until changes to the Regional Plan : Water have become operative to give effect to Policy A1 and Policy A2 of the NPS, Policy A4 of the NPS applies. Policy A4 requires as follows:

*“When considering any application for a discharge the consent authority must have regard to the following matters:*

- a. the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and*
- b. the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.”*

240. The Commissioners consider that the NPS is particularly relevant to managing the effects of dredging and other activities associated with the construction of the marina in Lake Wakatipu.

241. Following consideration of the application we have concluded that the discharge, subject to appropriate conditions in the event that consent is granted, will not have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water.

242. The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) came into force on 1 January 2012. The applicant has commissioned Davis Consulting Group to undertake a Preliminary Site Inspection (PSI) to review the land use history of the site, identify any potential contaminant risks and consider the risk to human health from the proposed earthworks and subdivision. A copy of the PSI dated November 2014 was tabled at the hearing.

243. The PSI has concluded that it is highly unlikely that there is a risk to human health from the subdivision and land use proposed for the site based on the proposed land use of the site and the low risk of significant impact to the site's soils from historic activities.

244. The Commissioners are satisfied that there are no other national environmental standards, regulations, national policy statements or New Zealand coastal policy statement that are of any particular relevance to the applications.

#### **D. REGIONAL POLICY STATEMENT**

245. The Regional Policy Statement for Otago (RPS) became operative on 1 October 1998. The provisions of Chapter 4 Manawhenua Perspective, Chapter 5 Land, Chapter 6 Water, Chapter 9 Built Environment and Chapter 11 Natural Hazards of the RPS are relevant to the applications.

246. Chapter 4 of the RPS includes objectives relating to cultural values and places of significance, and the need to recognise and provide for these values and places. In particular Objective 4.4.1 Waahi Tapu (Sacred places), Objective 4.4.2 Waahi Taoka (Treasured Resources), Objective 4.4.3 Wai (Water), Objective 4.4.4 Mahika Kai (Places where food is produced or procured) and Objective 4.4.5 Kaitiakitanga (Guardianship) are relevant to the applications. The Commissioners concur with Mr Bell that conditions of consent can be applied in the event that consent is granted that would ensure that the proposed activities are undertaken in a manner consistent with these objectives.

247. Chapter 5 of the RPS includes objectives and policies relating to the effects of land based activities on natural and physical resources. Objective 5.4.2 states as follows:

***“5.4.2 To avoid, remedy or mitigate degradation of Otago’s natural and physical resources resulting from activities utilising the land resource.”***

248. In the event that consent is granted conditions of consent can be applied to ensure that any adverse effects resulting from the construction of the buildings and structures on land will be avoided, remedied or mitigated, such that any effects during and following construction will be no more than minor.

249. The objectives and policies in Chapter 6 of the RPS seek to safeguard, maintain and enhance the values of Otago’s water resources; and Chapter 6 of the RPS is of particular relevance to the applications as the marina is proposed to be constructed on the margins and surface of Lake Wakatipu. The relevant objectives stated in Chapter 6 of the RPS are as follows:

**6.4.2** ***To maintain and enhance the quality of Otago’s water resources in order to meet the present and reasonably foreseeable needs of Otago’s communities.***

**6.4.3** ***To safeguard the life-supporting capacity of Otago’s water resources through protecting the quantity and quality of those water resources.***

**6.4.4** ***To maintain and enhance the ecological, intrinsic, amenity and cultural values of Otago’s water resources.***

- 6.4.5** *To avoid, remedy or mitigate degradation of water resources resulting from the use, development or protection of the beds and banks of Otago's water bodies and of adjacent land areas.*
- 6.4.6** *To mitigate the threat of flooding and riverbank erosion resulting from the use, development or protection of Otago's water bodies and lake beds.*
- 6.4.7** *To maintain and enhance public access to and along the margins of Otago's water bodies.*
- 6.4.8** *To protect areas of natural character, outstanding natural features and landscapes and the associated values of Otago's wetlands, lakes, rivers and their margins."*

250. The objectives are supported by various policies as presented in Chapter 6 of the RPS. The Commissioners consider that Policy 6.5.9 and Policy 6.5.10 are of particular relevance to the current applications.

- "6.5.9** *To allow for the community's use, development or protection of the beds and banks of Otago's water bodies provided:*
  - (a)** *Any adverse effects on:*
    - (i)** *Kai Tahu cultural and spiritual values; or*
    - (ii)** *The natural character of the water body; or*
    - (iii)** *Habitats of indigenous fauna; or*
    - (iv)** *Amenity values; or*
    - (v)** *Intrinsic values of ecosystems; or*
    - (vi)** *Salmon or trout habitat; or*
    - (vii)** *Outstanding natural features or landscapes;**are avoided, remedied or mitigated, and that the life-supporting capacity of the water body is maintained and, where practicable, enhanced; ...*
- 6.5.10** *To maintain and enhance public access to and along the margins of Otago's water bodies through:*
  - (a)** *Encouraging the retention and setting aside of esplanade strips and reserves and access strips to and along the margins of water bodies which will enhance access; and*
  - (b)** *Identifying and providing for other opportunities to improve access;*  
*except where restriction is necessary:*
    - (i)** *To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna,*
    - (ii)** *To protect Maori cultural values,*
    - (iii)** *To protect public health or safety,*
    - (iv)** *To ensure a level of security consistent with the purpose of a resource consent; or*
    - (v)** *In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access."*

251. We have considered the effects of the proposed works on the life-supporting capacity of Lake Wakatipu and Marina Creek above, along with the effects on the ecological, intrinsic, amenity and cultural values. Our conclusion is that the proposal, as amended by conditions of consent in the event that consent is to be granted, would be consistent with the objectives and policies stated in Chapter 6 of the RPS.

252. Chapter 9 of the RPS relates to the built environment. Objective 9.4.1 is to promote the sustainable management of Otago's built environment and Policy 9.5.4 refers to minimising the adverse effects of urban development and settlement, including structures, on Otago's environment. We are satisfied that the proposed activities, subject to adherence to conditions of consent in the event that consent is granted, would be consistent with the objectives and policies stated in Chapter 9 of the RPS.

253. Chapter 11 of the RPS seeks to avoid or mitigate the effects of natural hazards and natural hazard mitigation works.

254. Relevant objectives stated in Chapter 11 of the RPS include:

***“11.4.1 To recognise and understand the significant natural hazards that threaten Otago's communities and features.***

***11.4.2 To avoid or mitigate the adverse effects of natural hazards within Otago to acceptable levels.***

***11.4.4 To avoid, remedy or mitigate the adverse effects of hazard mitigation measures on natural and physical resources.”***

255. The objectives are supported by policies stated in Chapter 11 of the RPS. Policy 11.5.3 is of particular relevance and states as follows:

***“11.5.3 To restrict development on sites or areas recognised as being prone to significant hazards, unless adequate mitigation can be provided.”***

256. Potential hazards relevant to the applications have been assessed. The Commissioners are satisfied that in the event that consent is granted any adverse effects of natural hazards would be mitigated to acceptable levels. We are satisfied

that the applications are consistent with the relevant objectives and policies specified in Chapter 11 of the RPS.

257. The Commissioners have concluded that the applications are consistent with the relevant objectives and policies of the RPS.

## **E. REGIONAL PLAN : WATER**

258. The Regional Plan : Water (RPW) became operative on 1 January 2004. The provisions of Chapter 5 Natural and Human Use Values of Lakes and Rivers, Chapter 7 Water Quality and Chapter 8 The Beds and Margins of Lakes and Rivers of the RPW are relevant to the applications.

259. The objectives specified in Chapter 5 of the RPW include the following:

- “5.3.1        *To maintain or enhance the natural and human use values, identified in Schedules 1A, 1B and 1C, that are supported by Otago’s lakes and rivers.***
- 5.3.2        *To maintain or enhance the spiritual and cultural beliefs, values and uses of significance to Kai Tahu, identified in Schedule 1D, as these relate to Otago’s lakes and rivers.***
- 5.3.3        *To protect the natural character of Otago’s lakes and rivers and their margins from inappropriate subdivision, use or development.***
- 5.3.4        *To maintain or enhance the amenity values associated with Otago’s lakes and rivers and their margins.***
- 5.3.5        *To maintain or enhance public access to and along the margins of Otago’s lakes and rivers.***
- 5.3.6        *To provide for the sustainable use and development of Otago’s water bodies, and the beds and margins of Otago’s lakes and rivers.***
- 5.3.7        *To maintain the heritage values associated with Otago’s lakes and rivers, and their margins.***
- 5.3.8        *To avoid the exacerbation of any natural hazard or the creation of a hazard associated with Otago’s lakes and rivers.”***

260. The objectives as stated above are supported by policies as presented in Chapter 5 of the RPW. In applying the relevant objectives and policies we have noted that Lake Wakatipu is identified in Schedule 1A of the RPW as having the natural values specified in that Schedule.
261. The relevant policies specified in Section 5 of the RPW are presented in detail in Mr Bell's report and have also been considered in detail in Mr Vivian's evidence. The matters raised in the objectives and policies have been addressed fully in our consideration of the effects of the proposal as detailed in Part B of this decision.
262. We are satisfied that any effects on natural values would be localised to the immediate vicinity of the Frankton Marina Local Purpose Reserve and that associated construction effects would be temporary. Conditions of consent can be applied with respect to cultural values and to require adherence to an accidental discovery protocol in the event that consent is granted. We also acknowledge when applying the relevant objectives and policies that the proposed marina would provide for recreational activities on the lake.
263. The fisheries values of the lake will not be compromised by the proposal. Subject to adherence to appropriate conditions any effect on ecological values of the development will be no greater than minor; and we have noted Ms Palmer's advice that bryophytes will not be adversely affected.
264. If consents are granted the proposal will have a positive effect in terms of enhanced public access along the margin of the lake. Public access will be available along the esplanade; along that portion of the floating jetty that is adjacent to the floating buildings (and on the floating decking that will replace two of the floating buildings); and on that portion of the breakwater closest to the shore. The public will be able to pass through or around the site on the Frankton Track portion of the Queenstown Trail during the construction phase.
265. The provision of the marina is consistent with providing for the sustainable use and development of Otago's waterbodies and the beds and margins of Otago's lakes and rivers. We again note in this context that the marina development is proposed to occur on and adjacent to the Frankton Marina Local Purpose Reserve and that



notations contained in the District Plan clearly refer to the Frankton Marina being on the adjacent portion of Lake Wakatipu.

266. We are satisfied that the requirement for a Sediment Management Plan will serve to avoid or mitigate adverse effects in terms of sediment entering Lake Wakatipu from activities on the land and can also cover activities in the lake itself.

267. Plan Change 6A (Water Quality) became operative on 1 May 2014. The objectives of the RPW which relate to water quality as presented in Chapter 7 of the RPW now state as follows:

**“7.A.1 To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded.**

**7.A.2 To enable the discharge of water of contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kai Tahu values.**

**7.A.3 To have individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality.”**

268. The objectives are supported by a series of policies which have been introduced via Plan Change 6A, several of which are reproduced in Mr Bell’s section 42A report. We are satisfied that the proposal, subject to appropriate conditions of consent in the event that consent is granted, would be consistent with the relevant objectives and policies specified in Chapter 7 of the RPW.

269. Chapter 8 of the RPW relates specifically to the beds and margins of lakes and rivers. Relevant objectives specified in Chapter 8 of the RPW include:

**“8.3.1 To maintain:**  
**(a) The stability and function of existing structures located in, on, under or over the bed or margin of any lake or river;**  
**(b) The stability of the bed and bank of any lake or river; and**  
**(c) The flood and sediment carrying capacity of any lake or river.”**

**8.3.2 To minimise reduction in water clarity caused by bed disturbance.”**

270. Policy 8.4.1 is relevant to the issue of sedimentation and states as follows:

- “8.4.1        When managing activities in, on, under or over the bed or margin of any lake or river, to give priority to avoiding changes in the nature of flow and sediment processes in those water bodies, where those changes will cause adverse effects:**
- (a)            On the stability and function of existing structures located in, on, under or over the bed or margin of any lake or river;**
  - (b)            Arising from associated erosion or sedimentation of the bed or margin of any lake or river, or land instability; or**
  - (c)            Arising from any reduction in the flood carrying capacity of any lake or river.”**

271. It is again acknowledged in this context that the applicant is proposing to prepare a Sediment Management Plan. We are satisfied that the proposed works will not adversely affect the nature of the flow of the lake or its tributary (being Marina Creek) nor will there be adverse effects on sediment processes.

272. Policy 8.7.2 in Chapter 8 of the RPW is specific to pest plants. This states as follows:

- “8.7.2        To prohibit the introduction of any plant included in any pest management strategy in force in Otago, to any part of the bed or water of any Otago lake or river.”**

273. In the event that consent is granted a condition of consent will require that all machinery brought on site during construction shall be washed down and dried before entering and upon leaving the site. The Commissioners are therefore satisfied that the application is consistent with this policy.

274. Policy 8.8.1 and Policy 8.8.2 are specific to reclamation and deposition activities. These state as follows:

- “8.8.1        To consider practical alternatives to:**
- (a)            The reclamation of the bed of any lake or river; and**
  - (b)            The deposition of any substance in, on or under, the bed or margin of any lake or river.**

- 8.8.2        To require only cleanfill be used to create any reclamation of the bed of a lake or river.”**

275. While a small area of the foreshore is to be reclaimed the activity will enhance public access particularly along the esplanade above the retaining wall and on the floating

jetty adjacent to the floating buildings. It is again noted in this context that the applicant proposes to reclaim an artificial inlet which was excavated in the 1970's. We also acknowledge that suitable cleanfill material is proposed to be used as part of the reclamation. In all the circumstances we are satisfied that the proposal is consistent with the relevant policies which relate to reclamation and deposition.

276. The Commissioners also note that other policies presented in Chapter 8 are presented in detail in Mr Bell's report. We consider that the proposal is consistent with those policies which relate to fish passage, the adverse effects of the disturbance of the bed or margin of any lake and promoting best management practices for activities that occur within or adjacent to the bed of lakes.

277. The Commissioners have concluded that the proposal is consistent with the relevant objectives and policies of the Regional Plan : Water.

## **F. THE QLDC DISTRICT PLAN : OBJECTIVES & POLICIES**

278. Parts 4, 5, 7 and 14 of the Operative District Plan contain objectives and policies for the whole district being District Wide, for Rural Areas, for Residential Areas and for Transport, respectively. The objectives and policies from Parts 4, 5, 7 and 14 have been presented in Ms Sinclair's section 42A report, and to a large degree the objectives and policies relate to matters discussed in the context of the effects of the proposal in Section B : Effects on Environment of this decision. It is neither desirable nor necessary, therefore, for us to undertake a line by line analysis of every objective and policy stated in the District Plan as this would involve a significant amount of repetition without materially advancing our analysis of the applications.

### **F.1 Part 4**

279. Objective 1 in Section 4.1 relates to Nature Conservation Values and states as follows:

#### ***“Objective 1 – Nature Conservation Values***

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

***Improved opportunity for linkages between the habitat communities.***

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

***The protection of outstanding natural features and natural landscapes.***

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

***The protection of the habitat of trout and salmon.”***

280. The key consideration in the context of this objective and its supporting policies is the preservation of the natural character of Lake Wakatipu and its margins, and the maintenance of the quality of the water, along with the protection of the landscape.

281. The Commissioners are satisfied that the proposal is consistent with this objective given the existing character of the site and environs. The land portion of the site is not considered to be in an area that exhibits high natural character due to the landform modifications that have occurred. We are satisfied that the development of this area of the lake and its margins will not result in a degradation of natural conservation values. Appropriate management and monitoring both during construction and operation of the marina will ensure that the water quality of the lake is maintained.

282. Clause 4.2.4(2) confirms that the Outstanding Natural Landscapes are the romantic landscapes – the mountains and the lakes – landscapes to which section 6 of the Act applies. The key resource management issues within outstanding natural landscapes are their protection from inappropriate subdivision, use and development, particularly where activity may threaten the landscape's openness and naturalness.

283. Objective 4.2.5 is:

***“Objective:  
Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.”***

284. Objective 4.2.5 is supported by a number of policies. Policies of relevance include Policy 1 Future Development which relates to the effects of development; Policy 2 which relates to Outstanding Natural Landscapes (District-Wide/Greater Wakatipu); Policy 9 that relates to Structures; Policy 12 that relates to Transport Infrastructure; and Policy 17 that relates to Land Use.

285. Policy 1 – Future Development – is to avoid, remedy or mitigate the effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation; to encourage development and/or subdivision to occur in areas of the District that have a greater potential to absorb change without detracting from landscape and visual amenity values; and to ensure that subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.

286. The Commissioners are satisfied that this policy is satisfied in this instance. The development is to occur in an area that is not vulnerable to degradation. We acknowledge in this context that Ms Mellsop found that the area is able to absorb the marina and that the marina would not detract from the landscape and visual amenity values in this instance. We note that Ms Mellsop revised her opinion at the hearing and considered the eastern off-shore buildings would have moderate visual and landscape effects. She also considered viewshafts between the buildings (close to shore) should be expanded.

287. Policy 2 – Outstanding Natural Landscapes (District Wide/Greater Wakatipu) states as follows:

- “2. Outstanding Natural Landscapes (District-Wide/Greater Wakatipu)**
- (a) *To maintain the openness of those outstanding natural landscapes and features which have an open character at present.*
  - (b) *To avoid subdivision and development in those parts of the outstanding natural landscapes with little or no capacity to absorb change.*
  - (c) *To allow limited subdivision and development in those areas with higher potential to absorb change.*
  - (d) *To recognise and provide for the importance of protecting the naturalness and enhancing amenity values of views from public roads.”*

288. The site is in a broadly visible expanse of the lake and the proposed marina development will reduce the open character of the Frankton Arm of Lake Wakatipu. The Commissioners acknowledge that Ms Mellsop considers that the extent of adverse effect on the openness would be acceptable, taking into account the context of the proposal, but additionally note the modifications we consider necessary to take account of the concerns raised by Ms Mellsop. We again acknowledge in this context

that the marina is to be developed on the surface and margins of Lake Wakatipu adjacent to the Frankton Marina Local Purpose Reserve and that a “Frankton Marina” notation applies to Lake Wakatipu in this locality as shown on the relevant planning map (Map 33).

289. The Commissioners concur with Ms Mellsop that the site does not retain a high level of natural character and that this part of the Lake Wakatipu landscape has the potential to absorb development of the scale and nature proposed without significant adverse effects occurring. In all the circumstances we are satisfied that the proposal as amended by conditions in the event that consent is granted is consistent with Policy 2.

290. Policy 9 – Structures – refers specifically to preserving the visual coherence of ONLs as follows:

**“9. Structures**

*To preserve the visual coherence of:*

- (a) *outstanding natural landscapes and features and visual amenity landscapes by:*
- *encouraging structures which are in harmony with the line and form of the landscape;*
  - *avoiding, remedying or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops;*
  - *encouraging the colour of buildings and structures to complement the dominant colours in the landscape;*
  - *encouraging the placement of structures in locations where they are in harmony with the landscape;*
  - *promoting the use of local, natural materials in construction.*
- ....
- (c) *All rural landscapes by*
- *limiting the size of signs, corporate images and logos*
  - *providing for greater development setbacks from public roads to maintain and enhance amenity values associated with the views from public roads.”*

291. Amendment to the proposal to delete the floating buildings which would otherwise sit out on the lake as discussed in paragraph 149 of this decision is consistent with this

policy. We are satisfied that the remaining structures will be in harmony with the line and form of the landscape and that the structures are not on the skyline, ridges and prominent slopes and hilltops. Natural tones are to be used in buildings. The Commissioners are satisfied that the proposal, as amended in terms of conditions of consent in the event that consent is granted, is not contrary to this policy.

292. The proposal is consistent with Policy 9(c) given the limited signage proposed. The development is set well back from State highway 6A (Frankton Road) and also maintains setbacks from Sugar Lane. The floating marina will be visible in part from various roads but will not significantly detract from amenity values associated with these views. The development will be seen at a significant distance from various roads around Frankton Arm.

293. We are satisfied that the proposal is consistent with Policy 12 – Transport Infrastructure. The marina and associated shoreline structures are visually contained by the topography within Frankton Arm. While the marina is not contained within any specific cove or bay it is located on a portion of the lake margin within which structures and moorings are expected by the District Plan given that they are not non-complying and where the Frankton Marina is subject to a specific notation, as shown on Map 33. The earthworks will be appropriately managed; and the carpark will be screened by existing built development from the wider environment.

294. Policy 17 – Land Use – encourages land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape. We are satisfied that the proposal will not have a significant adverse effect on the visual coherence of the landscape. The marina will have an effect on the currently open character of the lake in this location and this is an inevitable consequence of locating a floating marina on the Frankton Arm of Lake Wakatipu. Again it is noted in this context that the District Plan contains notations which anticipate that marina development will occur in this location.

295. The Commissioners are satisfied that the proposal is generally consistent with the objective and policies relating to landscape and visual amenity as stated in Section 4.2 of the District Plan.

296. Section 4.3 relates to Takata Whenua. Local runanga have lodged submissions which raise matters such as the importance of cultural landscape, water quality, management of pest species and bilge water; being matters which are to be addressed via conditions of consent in the event that consent is to be granted. The proposal will serve to enhance public access to the margins of Lake Wakatipu and to enhance access to the wider lake given the nature of the marina facility.

297. It is acknowledged that matters of interest to Takata Whenua have been discussed previously in B.3.15.1 Tangata Whenua and in Section C Regional Policy Statement and Section D Regional Plan : Water above; and in Section G.2 Kai Tahu ki Otago Natural Resource Management Plan 2005 below.

298. Section 4.4 contains objectives and policies relating to Open Space and Recreation. Objective 2 and relevant associated policies state as follows:

***“Objective 2 – Environmental Effects***

***Recreational activities and facilities undertaken in a way which avoids, remedies or mitigates significant adverse effects on the environment or on the recreation opportunities available within the District.***

***Policies:***

- 2.1 To avoid, remedy or mitigate the adverse effects of commercial recreational activities on the natural character, peace and tranquillity of the District.*
- 2.2 To ensure the scale and location of buildings, noise and lighting associated with recreational activities are consistent with the level of amenity anticipated in the surrounding environment.*
- 2.3 To ensure the adverse effects of the development of buildings and other structures, earthworks and plantings in areas of open space or recreation on the District’s outstanding natural features and landscapes or significant natural conservation values are avoided, remedied or mitigated.*
- 2.4 To avoid, remedy or mitigate any adverse effects commercial recreation may have on the range of recreational activities available in the District and the quality of the experience of people partaking of these opportunities.*

*...”*

299. The Commissioners acknowledge that the site has a long association with marina based activities. We consider that requiring that commercial jet boat operators enter



and leave the marina via the main entrance from Frankton Arm is consistent with Policies 2.1 and 2.4. We also consider that the removal of two of the floating buildings adjacent to the floating jetty to provide view shafts across Frankton Arm are measures which are consistent with Policies 2.2 and 2.3.

300. Objective 3 and its associated policies in Section 4.4 relate to effective use and functioning of open space and recreational areas. These provisions state as follows:

**“Objective 3 – Effective Use**

***Effective use and functioning of open space and recreational areas in meeting the needs of the District’s residents and visitors.***

***Policies:***

- 3.1 *To recognise and avoid, remedy or mitigate conflicts between different types of recreational activities, whilst at the same time encouraging multiple use of public open space and recreational area [sic] wherever possible and practicable.*
- 3.2 *To ascertain and incorporate the needs of communities by encouraging effective public participation in the design, development and management of public open space and recreational areas.*
- 3.3 *To encourage and support increased use of private open space and recreational facilities in order to help meet the recreational needs of the District’s residents and visitors, subject to meeting policies relating to the environmental effects of recreational activities and facilities.”*

301. The proposal will contribute to the effective use and functioning of the Frankton Marina Local Purpose Reserve and Lake Wakatipu to meet the needs of the District’s residents and visitors. The provision of marina facilities in this locality is consistent with the relevant management plans prepared under the Reserves Act 1977 particularly the Frankton Marina Recreation Reserve Management Plan 1997 (as amended in 2001). We also acknowledge in this context those supporting submissions which, in essence, support the marina as a long overdue facility that is required to meet the recreational needs of residents and visitors.

302. The proposal is consistent with encouraging multiple use of public open space and recreational resources. The Commissioners anticipate that the marina development will become a popular focus for those who wish to engage in passive recreation, for

walkers and cyclists using the Frankton Track portion of the Queenstown Trail as well as for those engaged in active recreation (boating) utilising the marina facilities.

303. The Commissioners' conclusion is that the proposal is entirely consistent with the objectives and policies expressed in Section 4.4 of the District Plan.

304. Section 4.5 contains objectives and policies relating to Energy. Objective 4.1 and relevant supporting policies relating to energy efficiency are presented in the AEE and have been discussed in Mr Vivian's evidence. We consider that the proposal is consistent with the relevant objective and policies as it makes provision for commercial boats, some of which are for public transport or for shared transport purposes. The establishment of the marina will reduce the need for trips as boats will be able to be permanently moored at the marina. It is also acknowledged that the proposal provides for bus, walking and cycle modes of transport to access the marina facilities. The proposal promotes public transport and the use of alternative transport options and promotes transport sustainability objectives and policies.

305. Section 4.6 includes an objective and policies specific to the Surface of Lakes and Rivers. The relevant objective and policies state as follows:

***“Objectives [sic]***

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

- ***natural conservation values and wildlife habitats,***
- ***other recreational values,***
- ***public health and safety,***
- ***takata whenua values, and***
- ***general amenity values.***

***Policies***

1. *To identify the different types of lakes and rivers in the District and the different recreational experiences offered by these lakes and rivers, in terms of:*
  - (a) *outstanding natural characteristics, wild and scenic beauty, aesthetic coherence, biological diversity, ecosystem form, function and integrity, sense of isolation and recreational amenity;*
  - (b) *multiple use and proximity to population centres.*
2. *To enable people to have access to a wide range of recreation experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.*

3. *On each lake and river, to provide for the range of recreational experiences and activities which are most suited to and benefit from the particular natural characteristics.*
4. *To avoid or mitigate the adverse effects of frequent, large-scale or intrusive activities such as those with high levels of noise, vibration, speed and wash.*
5. *To avoid the adverse effects of motorised craft in areas of high passive recreational use, significant nature conservation values and wildlife habitat.*
- ...
7. *To avoid and protect the environment from the adverse noise effects of motorised watercraft.*
- ...
12. *To avoid adverse effects on the public availability and enjoyment of the margins of the lakes and rivers.*
13. *To ensure that the location, design and use of structures and facilities which pass across or through the surface of any lake and river or are attached to the bank of any lake and river, are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided or mitigated.*
- ...
16. *To encourage the use and development of marinas and marina activities in a way which avoids and, where necessary, remedies and mitigates adverse effects resulting from marina activities on the environment.*
- ..."

306. Ms Sinclair expressed the opinion that this objective is a key objective for the purposes of considering the application. The effects of the activity have been discussed earlier in this decision in Section B : Effects on Environment; and our conclusion is that any such effects, subject to conditions in the event that consent is granted, will be no greater than minor.

307. The site of the proposed marina can be distinguished from other parts of Lake Wakatipu in terms of the type of recreational experience, not having the wild and scenic beauty and sense of isolation which is available elsewhere. The site is used for multiple uses and is located in close proximity to Queenstown and Frankton in close proximity to established commercial and recreational development.

308. The proposal will enable people to have access to a range of recreational experiences both through the increased access to boat storage and launching and through the development of an enhanced lake margin which will encourage active and passive recreational use of the area.

309. The marina will provide for recreational opportunities to be enjoyed on Lake Wakatipu. The proposal is appropriate in terms of providing for a range of recreational experiences and activities; and the site has a long association with marina activity. The topography of Frankton Arm will provide a relatively sheltered environment for the facility. The requirement that commercial jet boat operators use the main entrance to the marina, in combination with the speed limits applied close to the lake margin and marina structures, will serve to avoid or mitigate adverse effects as described in Policy 4.

310. In terms of Policy 16 the proposal is consistent with encouraging the use and development of marinas and marina activities in a way which avoids and, where necessary, remedies and mitigates adverse effects resulting from marina activities on the environment. Again it is acknowledged that conditions of consent can be applied in the event that consent is granted which will serve to ensure that this policy is achieved.

311. The Commissioners are satisfied that the proposal is consistent with the relevant objectives and policies which relate to the Surface of Lakes and Rivers as stated in Section 4.6 of the District Plan.

312. Section 4.8 contains objectives and policies relating to Natural Hazards. Objective 1 in Section 4.8 is as follows:

***“Objective 1***

***Avoid or mitigate loss of life, damage to assets or infrastructure, or disruption to the community of the District, from natural hazards.”***

313. Natural Hazards have been assessed in B.3.16 Natural Hazards & Potential Soil Contamination. The design of the proposal will serve to avoid or mitigate damage; and any adverse effects associated with natural hazards will be no greater than minor.

314. Section 4.11 relates to Earthworks. The relevant objective and policies that relates to Earthworks state as follows:

***“Objectives [sic]***

***To avoid, remedy or mitigate the adverse effects from earthworks on:***

***(a) Water bodies***

- (b) ***The nature and form of existing landscapes and landforms, particularly in areas of Outstanding Natural Landscapes and Outstanding Natural Features.***
- (c) ***Land stability and flood potential of the site and neighbouring properties.***
- (d) ***The amenity values of neighbourhoods.***
- (e) ***Cultural heritage sites, including waahi tapu and waahi taoka and archaeological sites.***
- (f) ***The water quality of the aquifers.***

***Policies:***

1. *To minimise sediment run-off into water bodies from earthworks activities through the adoption of sediment control techniques.*
2. *To avoid the location of earthworks in close proximity to water bodies. Where this can not be avoided, to ensure that sediment control measures are put in place to minimise sediment run-off.*
- ...
4. *To avoid or mitigate adverse visual effects of earthworks on outstanding natural landscapes and outstanding natural features.*
- ...
7. *To ensure techniques are adopted to minimise dust and noise effects from earthworks activities.*
- ..."

315. Mr Wardill has recommended specific conditions of consent to avoid, remedy or mitigate potential effects associated with earthworks. The implementation of a Sediment Management Plan will minimise sediment run-off into Lake Wakatipu and conditions can ensure that sediment control occurs with respect to dredging on the bed of the lake. We also acknowledge in this context the discharge permit that is required from the ORC and which will contain relevant conditions in the event that consent is granted. The Commissioners find that the proposal is consistent with the objectives and policies of the District Plan that relate to earthworks.

**F.2 Part 5**

316. Part 5 of the District Plan contains objectives and policies that specifically apply to Rural Areas. Objective 1 and its associated policies seek to allow the establishment of

a range of activities that are managed in such a way as to protect the character and landscape values of the rural area:

**“Objective 1 – Character and Landscape Value**

***To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.***

***Policies:***

- 1.1 *Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.*
- ...
- 1.3 *Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.*
- 1.4 *Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.*
- ...
- 1.6 *Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.*
- 1.7 *Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.*
- 1.8 *Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.”*

317. In terms of Policy 1.1, the district wide landscape objectives and policies have been considered fully in Section F.1 : Part 4 of this decision. In terms of Policy 1.3 it is acknowledged that the land has no potential value for rural productive activities; and in terms of Policy 1.4 the character of the rural area will not be adversely impacted in this instance. We consider that the marina is to be located in an area with the potential to absorb change; and that the proposal is consistent with Policies 1.6 and 1.8 having regard to the matters discussed earlier in this decision.

318. Objective 2 and Objective 3 and their associated policies seek to avoid, remedy or mitigate adverse effects of development on the life supporting capacity of soils and on rural amenity. These objectives and their associated policies are of no particular relevance to the current proposal.

319. Objective 4 and its associated policies relate to the life-supporting capacity of water and the relevant provisions state as follows:

***“Objective 4 – Life Supporting Capacity of Water***

***To safeguard the life supporting capacity of water through the integrated management of the effects of activities***

***Policies:***

***4.1 In conjunction with the Otago Regional Council:***

*...*

- To discourage activities, which adversely affect the life supporting capacity of water and associated ecosystems.*

*...”*

320. In this instance the applications have been jointly heard by Commissioners appointed by the ORC and the QLDC. Conditions that can be imposed in the context of the ORC consents will serve to ensure that the life supporting capacity of water and associated ecosystems will be maintained.

### **F.3 Part 7**

321. Part 7 of the District Plan contains objectives and policies that specifically apply to residential areas. Objective 4 and its associated policies relate to non-residential activities and state as follows:

***“Objective 4 – Non-Residential Activities***

***Non-Residential Activities which meet community needs and do not undermine residential amenity located within residential areas.***

***Policies:***

***4.1 To enable non-residential activities in residential areas, subject to compatibility with residential amenity.***

***4.2 To enable specific activities to be acknowledged in the rules so as to allow their continued operation and economic well being while protecting the surrounding residential environment.”***

322. It is acknowledged that a small portion of the site is in the Low Density Residential Zone and that adjacent land is located within that zone. Land in the Low Density Residential Zone adjacent to the site contains a mixture of residential and commercial land use activities.

323. When applying these provisions it is also appropriate to acknowledge that that part of the site that is on land is subject to D165 and is designated for “Frankton Marina Local Purpose Reserve” purposes and that a notation “Frankton Marina” applies to Lake Wakatipu adjacent to this land as shown on Map 33. The District Plan anticipates that the non-residential activity of a marina and associated activities will occur in this locality. The Commissioners are satisfied that the proposal, subject to conditions in the event that consent is granted, will meet community needs and will be compatible with the residential amenity found in this locality.

#### **F.4 Part 14**

324. Part 14 of the District Plan contains objectives and policies that specifically relate to Transport. Objective 1 and its associated policies relate to efficient use of the existing and future transportation resource and state as follows:

***“Objective 1 – Efficiency***

***Efficient use of the District’s existing and future transportation resource and of fossil fuel usage associated with transportation.***

***Policies:***

...

- 1.3 *To promote the efficient use of roads by ensuring that the nature of activities alongside roads are compatible with road capacity and function.*
- 1.4 *To protect the safety and efficiency of traffic on State Highways and arterial roads, particularly State Highway 6A, by restricting opportunities for additional access points off these roads and by ensuring access to high traffic generating activities is adequately designed and located.*
- ...
- 1.8 *To consider options for encouraging and developing greater use of public transportation facilities and in particular to continue to investigate the options for alternative transport means.*
- 1.9 *To require off-road parking and loading for most activities to limit congestion and loss of safety and efficiency of adjacent roads and to promote the maintenance and efficiency of those roads.*
- 1.10 *To require access to property to be of a size, location and type to ensure safety and efficiency of road functioning.”*

325. These provisions and Policy 1.4 in particular are relevant to the proposal which is to be accessed via Sugar Lane off State highway 6A (Frankton Road). The applicant has consulted with the NZTA being the agency responsible for State highway 6A and the outcome of such consultation is an agreement to the effect that a financial contribution will be paid to NZTA with respect to intersection upgrading. We also



acknowledge that the applicant has undertaken to liaise with the QLDC and NZTA concerning a possible redesign of the Sugar Lane approach to the intersection in order to achieve two exit lanes, one for left turning traffic and one for right turning traffic to minimise the queue at Sugar Lane.

326. The marina will increase the potential for water-based transport utilising facilities at the marina and the lake surface. This aspect of the proposal is entirely consistent with Policy 1.8.

327. The Commissioners' conclusion is that the proposal will be consistent with Objective 1 and its supporting policies.

328. Objective 2 and its associated policies relate to Safety and Accessibility and these state as follows:

***“Objective 2 – Safety and Accessibility***

***Maintenance and improvement of access, ease and safety of pedestrian and vehicle movement throughout the District.***

***Policies:***

...

2.2 *To ensure the intensity and nature of activities along particular roads is compatible with road capacity and function, to ensure both vehicle and pedestrian safety.*

2.3 *To ensure access and movement throughout the District, and more particularly the urban areas, for people with disabilities is not unreasonably restricted.*

2.4 *To encourage the development of pedestrian and cycle accessways, within the main townships.*

...”

329. As noted in the context of Objective 1 the applicant has undertaken to liaise with QLDC and NZTA concerning a possible redesign of the Sugar Lane approach to the intersection with State highway 6A to achieve two exit lanes; and if agreement is reached such works are to be undertaken prior to the operation of the marina. This is consistent with Policy 2.2.

330. The Commissioners anticipate that the parking area to be established at the marina will provide a suitable location for those with disabilities to view the marina itself and

the Frankton Arm of Lake Wakatipu. Providing separation between the floating buildings adjacent to the esplanade at two locations will enhance the outlook for these viewers in particular. Providing view shafts between the buildings is consistent with the philosophy underpinning Policy 2.3.

331. The proposal will provide defined pedestrian and cycle accessways through the site linking the formed portions of the Frankton Track that exist to the east and west of the site. This aspect of the proposal is entirely consistent with Policy 2.4.

332. For the reasons stated above we are satisfied that the proposal, subject to conditions in the event that consent is granted, will be consistent with Objective 5 – Parking and Loading – General, Objective 6 – Pedestrian and Cycle Transport and Objective 7 – Public and Visitor Transport and their associated policies as stated in Part 5 of the District Plan.

#### **F.5 Part 18**

333. Part 18 of the District Plan contains objectives and policies that relate to Signs. The applicant has advised that the relevant rules of the District Plan will be satisfied as these relate to signage and accordingly we consider that the proposal is consistent with the relevant objectives and policies which relate to signs as expressed in the Operative District Plan and in the Council's decision on proposed Plan Change 48.

#### **F.6 Summary : QLDC District Plan Objectives and Policies**

334. Following the above analysis, the Commissioners find that in the event that consent is granted, the proposal, amended by conditions, will not be contrary to those objectives and policies of the District Plan that are relevant to the applications, and we have concluded that this is a location in the Outstanding Natural Landscape (District-Wide) where the proposed activity is appropriate.

#### **G. OTHER MATTERS**

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

## **G.1 Precedent**

336. Precedent is a relevant matter as the proposal has status as a non-complying activity in the Low Density Residential Zone.

337. The marina development is to occur on and adjacent to land designated D165 for “Frankton Marina Local Purpose Reserve” purposes in the District Plan. As noted above a Frankton Marina notation also applies to Lake Wakatipu in this locality. The Commissioners are satisfied that the status of this land, as identified in the District Plan, is unique and that this status will serve to distinguish the proposal from any future applications. We also acknowledge the significant positive effects associated with the development of the marina on the Frankton Arm.

338. In all circumstances the Commissioners find that the proposal will not establish a significant precedent.

## **G.2 Kai Tahu ki Otago Natural Resource Management Plan 2005**

339. The Kai Tahu ki Otago Natural Resource Management Plan 2005 is an iwi management plan that is recognised by the iwi authority, being Te Rūnanga o Ngāi Tahu. The management plan contains objectives and policies relating to cultural landscapes, wai Māori and biodiversity that are relevant to the applications. Objectives and policies relating to wāhi tapu sites are also relevant.

340. In terms of wahi tūpuna (ancestral landscapes) Mr Vial has advised in his evidence that the provision of increased access to the lake, and the provision of a 6 metre wide esplanade to allow the public to travel through the site, is consistent with the objectives and policies of the management plan. In the event that consent is granted conditions of consent can be applied with respect to the discharge of contaminants that would adversely affect water quality in the lake. A condition can be imposed requiring the availability of a washdown facility at or in the vicinity of the marina prior to marina operations commencing. Conditions of consent can also be applied in the event that consent is granted to ensure that any effects of aquatic pest plant species can be managed to avoid infestation; and to require an accidental discovery protocol that would be relevant if koiwi tangata or other artefact material is discovered during construction works.

### **G.3 Reserves Act 1977 and Reserve Management Plans**

341. Land designated D165 for “Frankton Marina Local Purpose Reserve” purposes is a reserve in terms of the Reserves Act 1977. Ms Sinclair informed us in her section 42A report that the QLDC altered the Frankton Marina Reserve classification from Recreation Reserve to Local Purpose Reserve (Marina and Accessway) in 2012.

342. The Sunshine Bay, Queenstown Bay, Frankton, Kelvin Heights Foreshore Management Plan became operative on 1 September 1991 and identifies the Frankton Marina as Foreshore Management Area 6 on page 19. The Foreshore Management Plan states as follows on page 25:

***“Frankton Marina hosts a variety of uses related to both commercial and recreational boating. Kawarau river operators use launching and refuelling facilities. Boat charter, hire operations and water taxi services are also located at the marina. The facilities include a double ramp and layby jetties. Recreational boat users store boats on the open grassed and shingle areas and in a mooring basin for approximately 20 boats.***

***Visually the marina site is unsatisfactory. This is also the case with vehicle circulation and long term parking. There is no logical foreshore walkway route through the site. Groups of mature willows line the lake edge and several have been removed to provide for further trailer parking.***

***Frankton Marina is the subject to an existing Management Plan operative in 1988. This specifically provided for a single large commercial boating operation. This may now require review.”***

343. The Frankton Marina Recreation Reserve Management Plan 1997 which was amended in 2001 is of particular note as this document is specific to the Frankton Marina and provides for a major redevelopment of the marina which would involve significant excavation adjacent to Sugar Lane and the provision of a parking area adjacent to the site occupied by the Mantra Marina Apartments complex. Policy 5 of the 1997 document, being a policy which was not amended in 2001, specifically provides for future commercial development at the lake edge. Policy 5 and the related Policy 6 and the associated Explanation state as follows:

***“Future Commercial Development - Lake Edge.***

***Policy 5*** *To enable the development of additional commercial areas in locations identified on the concept plan (Figure Seven), but restrict activities undertaken in these areas to sporting/recreational*

*clubrooms; interpretation facilities or other public facilities, including restaurants. Any applications for such activities will be assessed in accordance with the criteria contained in Policy 6 of Section 7.1 of this management plan.*

**Policy 6** *To ensure that any new structure displays a nautical theme relevant to the lakeside position.*

**Explanation:**

*Through public consultation, a need and desire for limited commercial development directly adjacent to the waterfront was recognised. Commercial facilities could include public facilities (including restaurants), sporting/recreational club, or interpretation facilities. This area is **not** intended to be used for vehicle servicing, ticketing offices or maintenance areas relating to commercial boat use. This development would provide an opportunity for the public to have an experience of the lake edge which is otherwise not available. The height of any building(s) has been limited in an attempt to ensure that lake views are not significantly affected.”*

344. In summary land within the site has status as a reserve being public land held for the benefit of the community. The proposal to develop a marina is consistent with this status and future development of the marina including the development of additional commercial activity is anticipated by the relevant management plans.

345. The Commissioners consider that the reserve status of the land and the associated management plans are matters relevant and reasonably necessary to determine the current application which is to establish a marina and associated activities, including commercial activity ancillary to the marina, on and adjacent to the existing Local Purpose Reserve (Marina and Accessway).

#### **G.4 Resource Consent History**

346. Ms Sinclair has provided us with information with respect to the resource consent history of the site and environs. In summary:

- Resource consent RM 93/402 was granted in 1993 to reclaim the existing marina and to construct a 100 berth marina. This consent was partially implemented prior to dismantling the marina in 2004 due to structural problems.
- In 2003 an outline plan of works RM 030918 was lodged for the establishment of a new small marina. The outline plan provided for the development of a carpark area to the west of the marina and this parking area is now established to the north of the Scout Den between the Frankton Track and State highway 6A (Frankton Road) and is accessed via Sugar Lane.

- Resource consent RM 051121 was granted in 2005 to the QLDC to upgrade and replace the existing boat ramp at the Frankton Marina.
- Resource consent RM 070542 (and relevant consents by the ORC) were granted by a consent order of the Environment Court dated 3 September 2009. RM 070542 consented the establishment and operation of a 240 berth marina, associated buildings, carparking and public open space. As previously noted RM 070542 while still current is not likely to be implemented. Accordingly it does not form part of the receiving (consented) environment.

347. The Commissioners acknowledge that there has been a series of resource consents granted for marinas and associated development at the site and we consider that it is relevant and reasonably necessary to acknowledge this resource consent history when determining the current application.

#### **G.5 Lack of Alternative Sites**

348. The AEE in Section 1.6 confirmed that the applicant's engineer has advised that the one other location in the Queenstown area where a marina of the size anticipated would be feasible is at Kelvin Heights.

349. While Kelvin Heights has the advantage of sheltered water the adjacent lakeshore is a very popular beach and the area is used for water-skiing. The applicant anticipates, correctly in our view, that there would be strong opposition to any loss of these amenities and to the potential for adverse effects of the marina on the many residents who live close by. The applicant has also noted that the Kelvin Heights site would involve long travel distances from Queenstown when compared to the proposed site at Frankton. We also acknowledge again in this context that the Frankton site is designated D165 for "Frankton Marina Local Purpose Reserve" purposes; and observe that no comparable designation exists at Kelvin Heights.

350. Other locations on Lake Wakatipu are too exposed, do not have an adequate length of foreshore or do not have satisfactory access to enable a marina to be established.

351. The Commissioners are satisfied that the subject site is the only feasible site to establish a marina of the size proposed in close proximity to Queenstown on Lake

Wakatipu. This is also a matter which we consider to be relevant and reasonably necessary to determine the current application.

## **G.6 Sections 105 and 107 of the Act**

352. Mr Bell's report drew our attention to sections 105 and 107 of the Act.

353. Section 105(1) of the Act states that where an application is for a discharge permit to do something that would otherwise contravene section 15 or section 15B of the Act the consent authority must, in addition to the matters in section 104(1), have regard to:

- “...  
(a) *the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*  
(b) *the applicant's reasons for the proposed choice; and*  
(c) *any possible alternative methods of discharge, including discharge into any other receiving environment.*”

354. These matters have been considered in Parts A and B of this decision. The discharge will comprise sediment generated from dredging of the lakebed and, subject to the effectiveness of any controls, possibly also from disturbing adjacent land. Any adverse effects will be no greater than minor and we find that there are no alternative methods of discharge, including discharge into any other receiving environment.

355. Section 105(2) directs that if an application is for a resource consent for a reclamation, the consent authority must, in addition to the matters in section 104(1), consider whether an esplanade reserve or esplanade strip is appropriate and, if so, impose a condition under section 108(2)(g) on the resource consent. In this instance the reclamation of the small man-made inlet is proposed; and an esplanade pathway is to be constructed above the retaining wall. We acknowledge that the esplanade is to be constructed on public land and accordingly we do not consider it necessary to impose a condition requiring an esplanade reserve or esplanade strip in this instance.

356. Section 107(1) of the Act states that a discharge permit shall not be granted (with certain exceptions) if, after reasonable mixing, the contaminant or water discharge is likely to give rise to all or any of the effects stated in section 107(1)(c) – (g) in the receiving waters. The Commissioners concur with Mr Bell that such effects will not occur in this instance having regard to the conditions of consent to be imposed in the event that consent is to be granted.

357. For completeness it is acknowledged that if any conspicuous change in the colour or visual clarity of receiving water were to occur (being an effect specified in section 107(1)(d)), the consent authority may grant consent pursuant to section 107(2) if it is satisfied that the discharge is of temporary nature. In this instance any discharge under Discharge Permit RM 14.026.03 will only occur during the construction phase and is therefore temporary in nature.

#### **H. SECTION 104D**

358. Section 104D of the Act directs that a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or the application is for an activity that will not be contrary to the objectives and policies of the relevant plan, if there is a plan but no proposed plan in respect of the activity.

359. We have concluded in B.3.19 : Summary : Effects and Assessment Methods that any adverse effects of the activity on the environment will be no greater than minor; and we have concluded in F6 : Summary : QLDC District Plan Objectives and Policies that the proposal will not be contrary to the objectives and policies of the District Plan.

360. We therefore conclude that the proposal can pass through either of the gateway tests provided for in terms of section 104D. The Commissioners therefore have discretion whether or not to grant consent to the application that has been made to the QLDC.

#### **I. TERM OF CONSENT**

361. Mr Bell informed us that the applicant has requested a 15-year term of consent for the consents sought from the ORC. This limited term is consistent with the purpose of the consents which is to undertake construction works which will be of limited duration. The consents sought from the QLDC are, consistent with section 123(b) of the Act, for an unlimited term.

362. Following consideration of the effects of the proposed activity and the mitigation that is proposed by the applicant, we find that the 15 year term sought is appropriate for each of the ORC consents.



## J. PART 2 OF THE ACT

363. Part 2 of the Act contains sections 5 to 8. We refer to them in reverse order.

364. Section 8 requires us, in exercising our functions on this application, to take into account the principles of the Treaty of Waitangi. Whakātipu-wai-māori/Lake Wakatipu is the subject of a statutory acknowledgement in terms of the Ngai Tahu Claims Settlement Act 1998.

365. Kāti Huirapa Rūnanga ki Puketeraki and Te Rūnanga Ōtākou have submitted on the applications. Conditions can be applied to address the concerns raised by Te Rūnanga, and we also consider that an accidental discovery protocol is appropriate. There are no other issues to be considered with respect to the Treaty.

366. Section 7 directs that in achieving the purpose of the Act we are to have particular regard to certain matters which include, of relevance here, Kaitiakitanga; the efficient use and development of natural and physical resources; the maintenance and enhancement of amenity values; intrinsic values of ecosystems; maintenance and enhancement of the quality of the environment; any finite characteristics of natural and physical resources; and the protection of the habitat of trout and salmon. We are satisfied, having regard to the matters addressed in Sections B to G of this decision that the proposal is consistent with the relevant matters stated in section 7 of the Act. There are no other matters stated in section 7 which are of any particular relevance to the current application.

367. Section 6 sets out a number of matters which are declared to be of national importance and directs us to recognise and provide for them. Section 6(a), 6(b), 6(d) and 6(e) confirm that the following are matters of national importance:

*“(a) The preservation of the natural character of ... lakes... 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... lakes,...*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.”*

368. We are satisfied, having regard to the opinions of Ms Mellsop and Mr Espie, that this particular area does not retain a high level of natural character from a landscape perspective and that this part of the Lake Wakatipu landscape has the potential to absorb development of the scale and nature proposed, without significant adverse effects on the environment. We have also noted that while Ms Palmer considered that this part of the lake had high quality ecological natural character she raised no fundamental concerns with respect to the proposal. We are therefore satisfied that the proposal does not represent inappropriate use and development in the context of section 6(a) of the Act.

369. We have found that Lake Wakatipu is an Outstanding Natural Landscape (District Wide) in terms of the District Plan. As previously noted the land affected is designated D165 for “Frankton Marina Local Purpose Reserve” purposes; and the District Plan anticipates that the area will be used for marina purposes into the future. In all the circumstances we find that the proposed activity does not constitute inappropriate use and development in the context of the ONL(DW). Accordingly we find that the proposal is consistent with section 6(b) of the Act.

370. The proposed activity will maintain and enhance public access to and along Lake Wakatipu in terms of section 6(d). It is acknowledged in this context that the public will have access along the esplanade footpath above the retaining wall, to the floating jetty and areas of floating decking adjacent to the floating buildings and to that portion of the breakwater that is closest to the shore. The development of the marina will, by its nature, facilitate public access to Lake Wakatipu for recreational and other purposes.

371. Again it is noted in the context of section 6(e) that the relationship of Māori and their culture and traditions with Whakātipu-wai-māori/Lake Wakatipu has been recognised by Statutory Acknowledgment and that conditions are able to be applied consistent

with the Kai Tahu ki Otago Natural Resource Management Plan 2005 and the submissions lodged by Kāti Huirapa Rūnanga ki Puketeraki and Te Rūnanga Ōtākou.

372. We are satisfied that there are no other matters stated in section 6 that are of any particular relevance to the application.

373. Section 5 sets out the purpose of the Act – to promote the sustainable management of natural and physical resources. Taking into account the definition of sustainable management contained in section 5(2), the Commissioners have concluded that the applications before us will achieve the purpose of the Act.

374. Sustainable management means managing the use, development and protection of natural and physical resources within certain parameters. The physical resources of Lake Wakatipu and the adjacent land which comprises the site for the purposes of these decisions will be developed in such a way that the social and economic wellbeing of the applicant and of the community are provided for, while the potential of natural and physical resources will be sustained to meet the reasonably foreseeable needs of future generations. Any adverse effects of the activity can be avoided, remedied or mitigated by adherence to appropriate conditions of consent.

## **K. OUTCOME**

375. Section 104 of the Act directs that when considering applications for resource consents and any submissions received in response to them, we must, subject to Part 2, have regard to the actual and potential effects on the environment of allowing the activity together with the relevant plan provisions. In the course of considering the applications and submissions and in reaching these decisions the Commissioners have carefully followed this process. Under section 104B the Commissioners have discretion to grant consent to the applications, and we hereby do so below subject to the imposition of conditions.

### **K.1 ORC Consents**

376. For the reasons stated above, Commissioners Nugent, Ward and Whitney hereby grant the land use consent, water permit and discharge permit RM 14.026.01 – 03, respectively, subject to the conditions attached in **Schedule 1**.

## K.2 QLDC Consents

377. For the reasons stated above, Commissioners Nugent and Whitney hereby grant land use consent and subdivision consent RM 140061, subject to the conditions attached in **Schedule 2**.

These decisions on applications RM 14.026.01-03 (ORC) and RM140061 (QLDC) are dated 20 February 2015.



**Denis Nugent**  
**COMMISSIONER – CHAIR**



**Martin Ward**  
**COMMISSIONER**



**W David Whitney**  
**COMMISSIONER**

## SCHEDULE 1 : ORC CONSENTS

Our reference: A701976

Consent No. RM14.026.01

### LAND USE CONSENT

Pursuant to Section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Lakes Marina Projects Limited  
Address: C/- The Business Advisory Group Limited, Level 13, 34 Shortland Street,  
Auckland

To disturb, reclaim, remove and place structures and deposit material on, over or under the bed of Lake Wakatipu/Whakatipu-wai-maori and Marina Creek

for the purpose of constructing a marina

For a term expiring 1 March 2030

Location of consent activity: Lake Wakatipu/Whakātipu-wai-māori and an unnamed tributary of Lake Wakatipu/Whakātipu-wai-māori locally known as Marina Creek, approximately 130 metres south west of the intersection of Sugar Lane and Frankton Road (State Highway 6A), Frankton, Queenstown.

Legal description of consent location: Secs 48, 52, 53 and Blk XXI Shotover SD  
Pt Sec 39 Blk XXI Shotover SD  
Sec 1 SO 21582  
Sec 1 SO 24208

Mid-Point Map  
Reference: NZTM 2000 E1262504 N5006069

### Conditions

#### Specific

1. The works shall be:
  - (a) Undertaken as described in the application for consent lodged with the consent authority on 4 February 2014, in further information submitted on 13 May 2014, 1 July 2014 and 10 November 2014 and in the evidence presented at the hearing; and
  - (b) In general accordance with the plans outlined in Appendix 1 attached to this consent as amended with respect to buildings by the Queenstown Lakes District Council Land Use Consent RM 140061.

If there are any inconsistencies between the application and this consent, the conditions of this consent shall prevail.

2. Earthworks and works affecting Marina Creek shall, as far as practicable, be undertaken when lake levels in Lake Wakatipu/Whakātipu-wai-māori and/or flows in Marina Creek are low.
3. The consent holder shall ensure that no fish become stranded, and fish passage is not impeded as a result of the works authorised by this consent.
4. Works authorised by this consent, shall not cause any flooding, erosion, scouring, land instability or property damage, or adversely affect water levels of Marina Creek. Should such effects occur the consent holder shall remedy any such damage.
5.
  - (a) Works resulting authorised by this consent shall only occur during the hours of 7.30 am to 6.00 pm, Monday to Friday and 8.00am to 12 noon on Saturdays. Works shall not be undertaken on Sundays or Public Holidays.
  - (b) None of the following construction works shall be implemented during any summer season between 20 December and the following 20 February:
    - (i) The retaining wall along the lake edge;
    - (ii) The dredging or excavation of the lakebed;
    - (iii) The excavation and reclamation of any part of the land part of the site, including the existing inlet and any works necessary to separate the inlet from the balance of Lake Wakatipu;
    - (iv) On site fabrication of concrete components of the marina;
    - (v) Any earthworks and/or vehicle movements in respect of (i)-(iv) above.
6. The consent holder shall ensure that:
  - (c)
    - (a) The inlet is closed off from the lake prior to its reclamation; and
    - (b) only clean fill material is used for the reclamation of the bed of Lake Wakatipu/Whakātipu-wai-māori and Marina Creek. Clean fill includes rock, sand, gravels, excavated lakebed material or clay provided they are uncontaminated.
7. The Marina Creek diversion pipe (either pipe or boxed section) shall:
  - (a) Be no greater than 55 metres in length; and
  - (b) Have a
    - (i) Diameter of not less than 750 millimetres if round culvert (pipe) is used; or
    - (ii) Cross sectional area of not less than 0.442m<sup>2</sup> if box culvert is used; and
  - (c) Maintain fish passage to and from Lake Wakatipu/Whakātipu-wai-māori.
8. The consent holder shall ensure that fuel storage tanks and machinery working and stored in the construction area shall be maintained at all times to prevent leakage of oil and other

contaminants into Marina Creek or Lake Wakatipu. No refuelling of machinery shall occur within any water body. In the event of contamination, the consent holder shall undertake remedial action and notify the consent authority within 5 working days.

### **Performance Monitoring**

9. The consent holder shall notify the consent authority in writing at least five working days prior to the commencement of work authorised by this consent, and at the completion of work authorised by this consent.
10. The consent holder shall supply:
  - (a) “As built” plans and photographs of the marina and appurtenant structures; and
  - (b) A flood hazard map which shows the areas of inundation of the site when the lake levels are at RL 312 m and RL 313 m,to the consent authority within three months of completion of the works
11. Prior to works commencing, the consent holder shall submit a Freshwater Pest Management Plan to the consent authority for its approval. The objective of the plan is to ensure the best practice measures are adopted to monitor for and eradicate any aquatic pest plant outbreak within the entire footprint of the proposed marina works within Lake Wakatipu/Whakātipu-wai-māori during construction. The plan shall include a pre-construction site survey and at least the following elements:
  - (a) The procedures (including timing and methods) for regular monitoring of the lake area within the footprint of the marina works, to be carried out by an appropriately qualified person/s.
  - (b) The freshwater plant pests to be monitored for and what action is to be taken if they are detected.
  - (c) Procedures for notification of, and liaison with, agencies with biosecurity responsibilities in the event of any outbreak being detected, including Otago Regional Council and Land Information NZ.
  - (d) Methods to remove pest plants and procedures for ongoing monitoring to ensure eradication has occurred.
  - (e) Reporting procedures to both the QLDC and ORC.
12. Prior to works commencing the consent holder shall submit a Lakeshore Erosion Management Plan to the consent authority. The plan shall include, but not be limited to:
  - (a) Provision for regular inspections and surveys of the lake shore at, and adjoining the marina site by suitably qualified person/s;
  - (b) Methods to record any lake shore erosion as a result of the exercise of this consent, including surveys, photographs and aerial photography;
  - (c) Methods to remedy any erosion or scour as a result of the exercise of this consent.

- (d) Reporting procedures to both the QLDC and ORC.
13. All machinery and equipment to be used within any water body or its margins shall be water blasted, treated and dried with suitable decontamination chemicals or agents prior to being brought on site and following completion of the works, to reduce the potential for aquatic pest plant species being introduced to or taken from the watercourses, such as lagarosiphon and didymo. At no time during the exercise of this consent shall machinery be washed within the bed of a watercourse or where runoff could enter a water body. Following the measures contained in the national pest control agencies machine hygiene standard, dated June 2013 is a suitable means of compliance.
14. (a) Work shall be undertaken with the minimum time required in the bed of Lake Wakatipu/Whakātipu-wai-māori and Marina Creek and with the minimum necessary disturbance;
- (b) The bulk earthworks for all stages of the marina including those associated with dredging/excavation of the lake bed shall be undertaken during Stage 1.
- (c) The consent holder shall ensure that sediment control measures as required by Discharge Permit RM14.026.03 are in place prior to and during construction and that all practical steps are taken to prevent contamination of natural runoff by sediments during construction.
- (d) During construction the consent holder shall minimise discolouration and siltation of Lake Wakatipu/Whakātipu-wai-māori and Marina Creek and shall ensure that no contaminants, including fuel, oil, cement or cement products, enter water. In the event of contamination, the consent holder shall instigate remedial action and shall notify the consent authority as soon as practical and within 24 hours of the event.
- (e) Machinery shall be maintained at all times to prevent leakage of fuel or oil into water.
- (f) Vehicles and machinery shall, as far as practicable, operate outside of water. If machinery needs to enter or operate within water it is to be for the minimum amount of time required to complete the works. No refuelling or storage of plant or materials shall occur within the lake;
- (g) The pouring of concrete shall not be undertaken in water, nor within 20m of the water;
- (h) Any disturbed areas of lake or river bank or sections of bank that have been cut to allow access for machinery, shall be reinstated
- (i) Any equipment used for wet concrete shall not be washed out within Lake Wakatipu and Marina Creek or any adjacent area where runoff could enter a water body.
- (j) At the completion of the works authorised by this consent, the consent holder shall ensure that all plant, equipment, chemicals, fencing, signage, debris, rubbish and any other material brought on site is removed from the site. The site shall be tidied to a standard at least equivalent to that prior to the works commencing.



15. If the consent holder:

- (a) Discovers koiwi tangata (human skeletal remains), or Maori artefact material, the consent holder shall without delay:
  - (i) Notify the consent authority, Tangata whenua and Heritage New Zealand Pouhere Taonga, and in the case of skeletal remains, the New Zealand Police.
  - (ii) Stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive; if a thorough site investigation is required and whether an Archaeological Authority is required.
  - (iii) Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation.

Site work shall recommence only following consultation with the consent authority, Tangata whenua, and Heritage New Zealand Pouhere Taonga, and in the case of skeletal remains, the NZ Police, provided that any relevant statutory permissions have been obtained.

- (b) Discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
  - (i) Stop work within the immediate vicinity of the discovery or disturbance; and
  - (ii) Advise Heritage New Zealand Pouhere Taonga, and in the case of Maori features or materials, the Tangata whenua, and if required, shall make an application for an Archaeological Authority pursuant to the Heritage New Zealand Pouhere Taonga Act 2014; and
  - (iii) Arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work shall only recommence following consultation with the consent authority.

### **Review**

16. The consent authority may in accordance with sections 128 and 129 of the Resource Management Act 1991 serve notice on the consent holder of its intention to review the conditions of this consent within three months of each anniversary of the date of this consent for the following purposes:

- (a) To deal with any adverse effects on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the consent, or
- (b) To adopt the best practicable option to remove or reduce any adverse effect on the environment, or

- (c) To ensure the conditions of this consent are consistent with any National Environmental Standards.

**Notes to Consent Holder**

1. *The consent holder shall also comply with all notices and guidelines issued by Biosecurity New Zealand, in relation to avoiding spreading the pest organism *Didymosphenia geminata* known as “Didymo” (refer to [www.biosecurity.govt.nz/didymo](http://www.biosecurity.govt.nz/didymo)).*
2. *The consent holder shall ensure that any contractors engaged to undertake work authorised by this consent abide by the conditions of this consent. A copy of this consent should be present on site at all times while the work is being undertaken.*
3. *The removal of pest plants is permitted providing the requirements of Rules 13.5.1.5 and 13.7.1.1 of the Regional Plan: Water for Otago can be met.*

## **WATER PERMIT**

Pursuant to Section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Lakes Marina Projects Limited  
Address: C/- The Business Advisory Group Limited, Level 13, 34 Shortland Street, Auckland

To permanently divert the flow of Marina Creek into a pipe  
for the purpose of constructing a marina

For a term expiring 1 March 2030

Location of consent activity: An unnamed tributary of Lake Wakatipu/Whakātipu-wai-māori locally known as Marina Creek, approximately 190 metres south west of the intersection of Sugar Lane and Frankton Road (State Highway 6A), Frankton, Queenstown

Legal description of consent location: Sec 48 and 52 Blk XXI Shotover SD

Mid-Point Map  
Reference: NZTM 2000 E1262425 N5006038

### **Conditions**

#### **Specific**

1. The diversion shall:
  - (a) Be undertaken as described in the application for consent lodged with the consent authority on 4 February 2014 in further information submitted on 13 May 2014, 1 July 2014 and 10 November 2014 and in evidence presented at the hearing; and
  - (b) Be in general accordance with the plans outlined in Appendix 1 attached to this consent as amended with respect to buildings by the Queenstown Lakes District Council Land Use Consent RM 140061; and
  - (c) Only occur in conjunction with Land Use Consent RM 14.026.01.

If there are any inconsistencies between the application and this consent, the conditions of this consent shall prevail.

2. The diversion of water from Marina Creek shall only occur once the diversion channel has been fully excavated.

3. When diverting water into the pipe (either pipe or boxed section), all reasonable steps shall be taken to ensure that sediment and discolouration of water are kept to a minimum.

### **Performance Monitoring**

4. The consent holder shall provide electronic colour photographs, no smaller than 200 x 150 millimetres of the diversion authorized by this consent, to the consent authority as soon as practicable. At a minimum, the photographs should show:
  - (a) Before the diversion occurs;
  - (b) Immediately after the completion of diversion and rehabilitation of the site;
  - (c) The discharge site to Lake Wakatipu/Whakātipu-wai-māori.

### **General**

5. The consent holder shall ensure the diversion does not cause any flooding, erosion, scouring, land instability or damage of any other person's property.
6. There shall be no reduction in the surface flow of the Marina Creek as a result of the diversion.

### **Review**

7. The consent authority may in accordance with sections 128 and 129 of the Resource Management Act 1991 serve notice on the consent holder of its intention to review the conditions of this consent within three months of each anniversary of the date of this consent for the following purposes:
  - (a) To deal with any adverse effects on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the consent, or
  - (b) To adopt the best practicable option to remove or reduce any adverse effect on the environment, or
  - (c) To ensure the conditions of this consent are consistent with any National Environmental Standards.

### **Note to Consent Holder**

1. The consent holder shall ensure that any contractors engaged to undertake work authorised by this consent abide by the conditions of this consent. A copy of this consent shall be present on site at all times while the work is being undertaken.

## DISCHARGE PERMIT

Pursuant to Section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Lakes Marina Projects Limited  
Address: C/- The Business Advisory Group Limited, Level 13, 34 Shortland Street, Auckland

To discharge sediment to water for the purpose of constructing a marina

For a term expiring 1 March 2030

Location of consent activity: Lake Wakatipu/Whakātipu-wai-māori and an unnamed tributary of Lake Wakatipu/Whakātipu-wai-māori locally known as Marina Creek, approximately 130 metres south west of the intersection of Sugar Lane and Frankton Road (State Highway 6A), Frankton, Queenstown

Legal description of consent location: Crown Land Lake Bed, Secs 48, 52 and 53 Blk XXI Shotover SD, Pt Sec 39 Blk XXI Shotover SD, Sec 1 SO 21582, Sec 1 SO 24208

Mid-Point Map  
Reference: NZTM 2000 E1262504 N5006069

### Conditions

#### Specific

1. The discharge shall:
  - (a) Be undertaken as described in the application for consent lodged with the consent authority on 4 February 2014, in further information submitted on 13 May 2014, 1 July 2014 and 10 November 2014 and in evidence presented at the hearing; and
  - (b) Be in general accordance with the plans outlined in Appendix 1 attached to this consent as amended with respect to buildings by the Queenstown Lakes District Council Land Use Consent RM 140061; and
  - (c) Only occur in conjunction with Land Use Consent RM 14.026.01.

If there are any inconsistencies between the application and this consent, the conditions of this consent shall prevail.

2. No contaminants other than silt and sediment shall be discharged into Lake Wakatipu/Whakātipu-wai-māori and Marina Creek.
3. The consent holder shall take all practicable steps to minimise the release of silt and sediment into the water while disturbing the bed of Lake Wakatipu/Whakātipu-wai-māori and Marina Creek.

### **Performance Monitoring**

4. Prior to discharging sediment to water, the consent holder shall submit to the consent authority a Sediment Management Plan. The plan shall cover the areas of works authorised by Land Use Consent RM 14.026.01. The Sediment Management Plan shall include, but not be limited to:
  - (a) An outline of methods used, such as the use of hay bales, silt fences, sediment ponds, bunds, floating sediment barriers or similar control methods to contain sediment discharges;
  - (b) Procedures to ensure methods identified in (a) above are maintained at all times;
  - (c) Procedures for the entry and exit for vehicles to and from the wet bed of the lake and how this is to be managed.
  - (d) Methods to actively monitor the discharge of sediment and sediment control measures identified in (a) above.
  - (e) Procedures in place to notify the consent authority, should any issues be identified which may lead to non-compliance;
  - (f) The names of contractors operating under this consent and their contact details;
  - (g) Methods to record, report and address any complaints and how they have been addressed; and
  - (h) A daily work template of methods used to mitigate sediment discharges.

The discharge shall be undertaken in accordance with the Sediment Management Plan.

5. The consent holder shall provide electronic colour photographs, no smaller than 200 x 150 millimetres of the sediment mitigation control and containment measure(s) implemented in accordance with Condition 4, to the consent authority as soon as practicable. At a minimum, the photographs should show:
  - (a) The chosen sediment control measure(s) in place prior to the discharge authorised by this consent;
  - (b) The chosen sediment control measure(s) in operation during all the associated works with this consent;
  - (c) Any changes in sediment control measure(s) in operation during all the associated works with this consent; and

- (d) The state of the water within the discharge site following the completion of works on each working day, until the discharge authorised by this consent no longer occurs.
6. The consent holder shall notify the consent authority as soon as practicable, but not less than five working days prior to the commencement of the discharge authorised by this consent.
  7. No lawful take of water is to be adversely affected as a result of any discharge.
  8. The discharge shall not give rise to all or any of the following effects in the receiving water:
    - (a) The production of any conspicuous oil or grease films, scums or foams, or floatable materials; or
    - (b) Any emission of objectionable odour; or
    - (c) Any significant adverse effects on aquatic life.
  9. At all times there shall not be a conspicuous change in the colour or visual clarity in the receiving waters of Lake Wakatipu/Whakātipu-wai-māori or Marina Creek, 50 metres from the discharge source.

#### **Review**

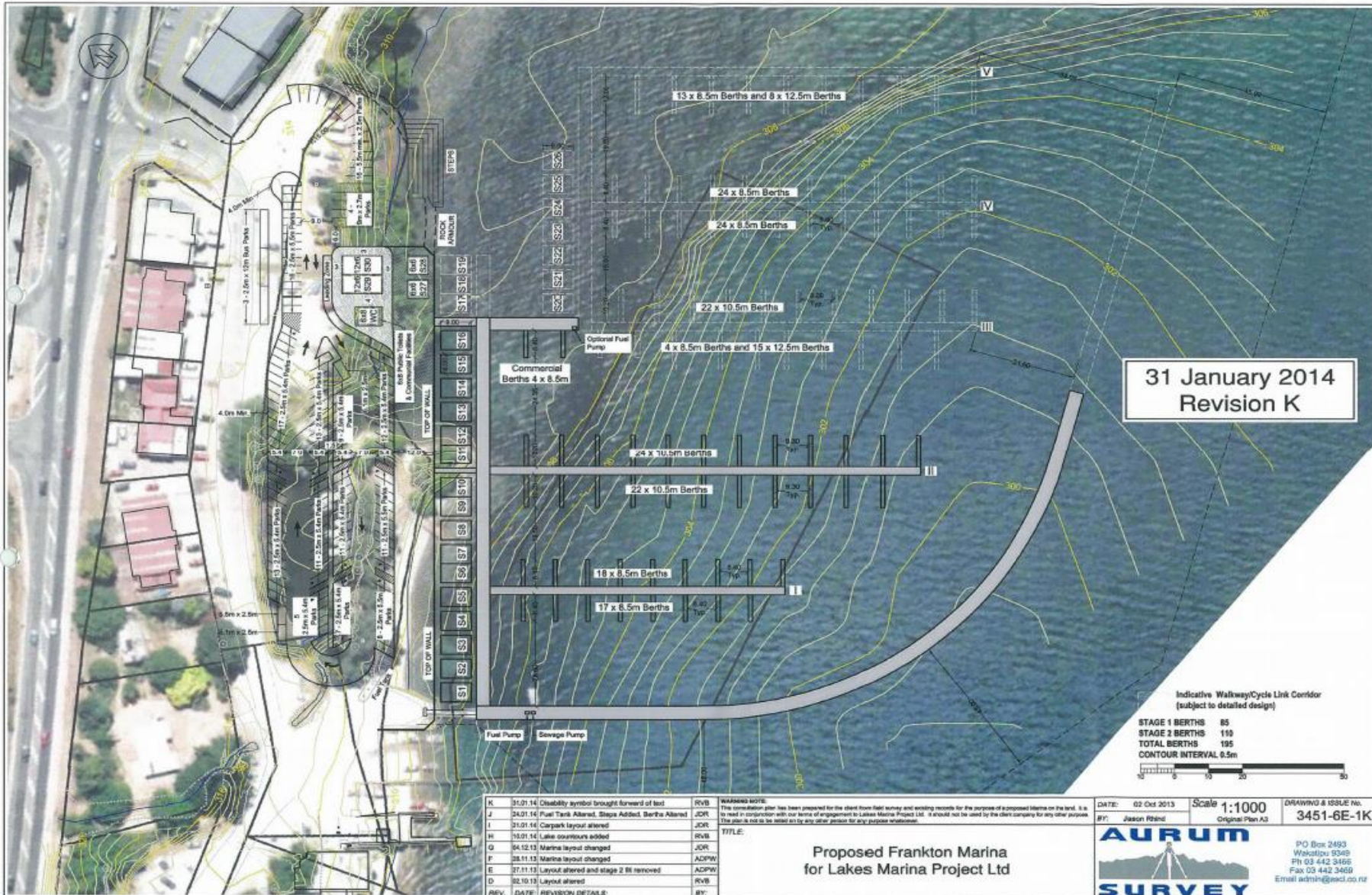
10. The consent authority may in accordance with sections 128 and 129 of the Resource Management Act 1991 serve notice on the consent holder of its intention to review the conditions of this consent within three months of each anniversary of the date of this consent for the following purposes:
  - (a) To deal with any adverse effects on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage, or which become evident after the date of commencement of the consent, or
  - (b) To adopt the best practicable option to remove or reduce any adverse effect on the environment, or
  - (c) To ensure the conditions of this consent are consistent with any National Environmental Standards.

#### **Note to Consent Holder**

1. *The consent holder shall ensure that any contractors engaged to undertake work authorised by this consent abide by the conditions of this consent. A copy of this consent shall be present on site at all times while the work is being undertaken.*

## **Appendix 1 to Resource Consents RM14.026.01-03**





31 January 2014  
Revision K

Indicative Walkway/Cycle Link Corridor  
(subject to detailed design)

STAGE 1 BERTHS 85  
STAGE 2 BERTHS 110  
TOTAL BERTHS 195  
CONTOUR INTERVAL 0.5m

K	31.01.14	Usability symbol brought forward of text	RVB
J	24.01.14	Fuel Tank Altered, Stage 2 Berths Altered	JOR
I	31.01.14	Carpark layout altered	JOR
H	18.01.14	Lake contours added	RVB
G	04.12.13	Marina layout changed	JOR
F	05.11.13	Marina layout changed	ADPW
E	27.11.13	Layout altered and stage 2 Bt removed	ADPW
D	02.10.13	Layout altered	RVB
REV.	DATE	REVISION DETAILS:	BY:

**WARNING NOTE:**  
This consultation plan has been prepared for the client from field survey and existing records for the purpose of a proposed scheme on the land. It is to be used in conjunction with our terms of engagement to Lakes Marina Project Ltd. It should not be used by the client company for any other purpose. This plan is not to be relied on by any other person for any purpose whatsoever.

**TITLE:**  
Proposed Frankton Marina  
for Lakes Marina Project Ltd

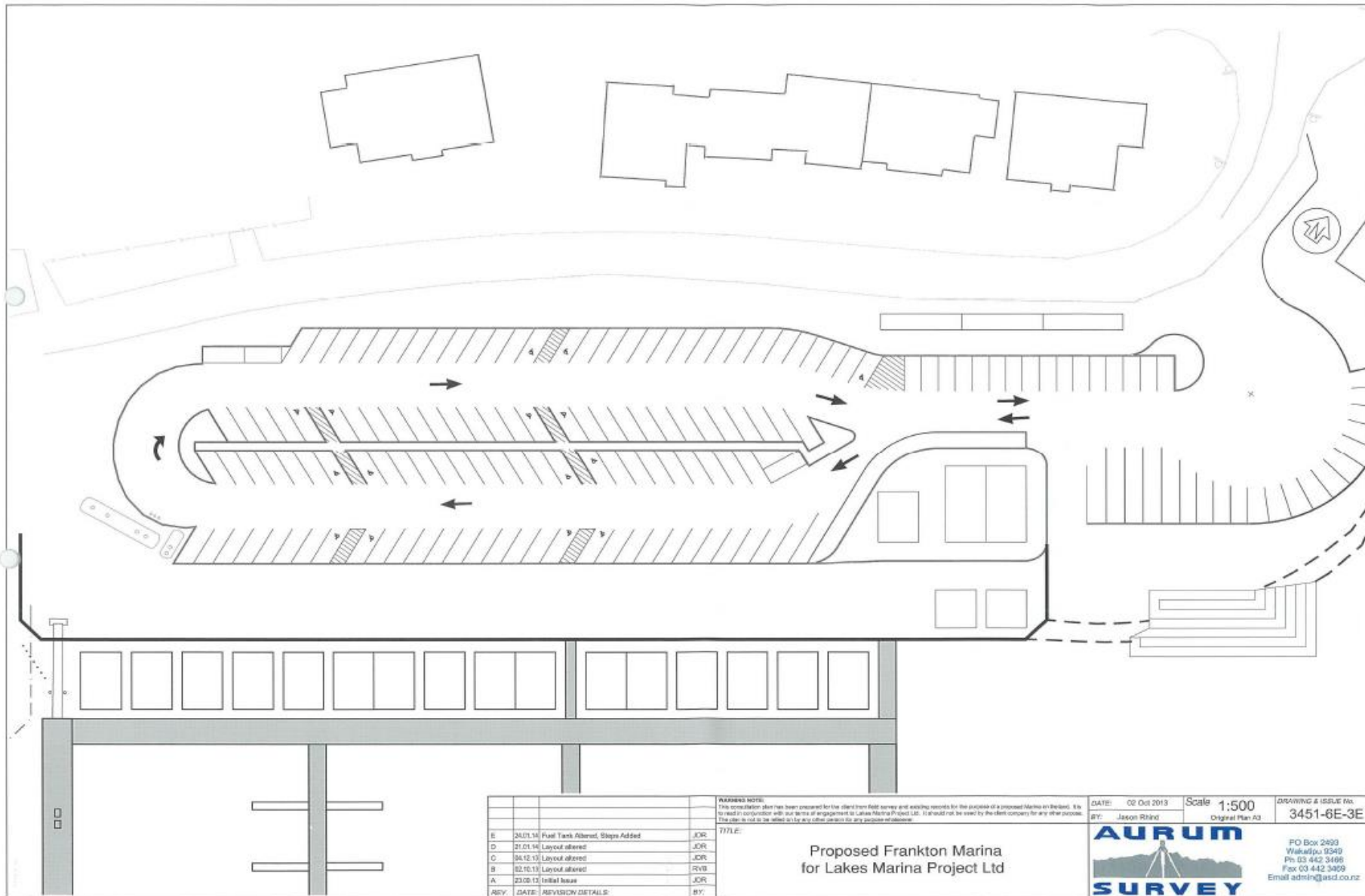
DATE: 02 Oct 2013  
BY: Jason Rhind

Scale 1:1000  
Original Plan A3

DRAWING & ISSUE No.  
3451-6E-1K

**AURUM SURVEY**

P.O. Box 2493  
Wakatuhi 03469  
Ph 03 442 3466  
Fax 03 442 3469  
Email admin@aerol.co.nz



REV.	DATE	REVISION DETAILS	BY:
E	24.07.14	Fuel Tank Altered, Steps Added	JCR
D	21.01.14	Layout altered	JCR
C	04.12.13	Layout altered	JCR
B	02.10.13	Layout altered	RVB
A	23.08.13	Initial Issue	JCR
REV.	DATE	REVISION DETAILS	BY:

**WARNING NOTE:**  
 This consultation plan has been prepared for the client from field survey and existing records for the purpose of a proposed Marina in the field. It is to read in conjunction with our terms of engagement at Lakes Marina Project Ltd. It should not be used by the client company for any other purpose. The client is not to be relied on by any other person for any purpose of decision.

TITLE:  
**Proposed Frankton Marina  
 for Lakes Marina Project Ltd**

DATE: 02 Oct 2013	Scale: 1:500	DRAWING & ISSUE No: 3451-6E-3E
BY: Jason Rhind	Original Plan 03	

**AURUM SURVEY**

PO Box 2499  
 Wakapuia 9349  
 Ph 03 442 3496  
 Fax 03 442 3499  
 Email admin@aurum.co.nz





**MARINA GENERAL ARRANGEMENT PLAN**

1:750 @ A1  
1:1500 @ A3

E	Marina & land based design updated	PMS	28/01/14
D	Site & shoreline & Lake works updated	PMS	08/12/13
C	Stage 2 information extended	PMS	20/06/13
B	Amendments updated	PMS	17/09/13
A	Site location and layout updated	PMS	18/08/13
No.	Revision	By	Date
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Designer	PMS/DAB	July 13	
Drawn	A.P.E. Bnd	July 13	
Reviewed			
Approved			

**LAKES MARINA PROJECTS LTD**

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**PROPOSED FRANKTON MARINA**

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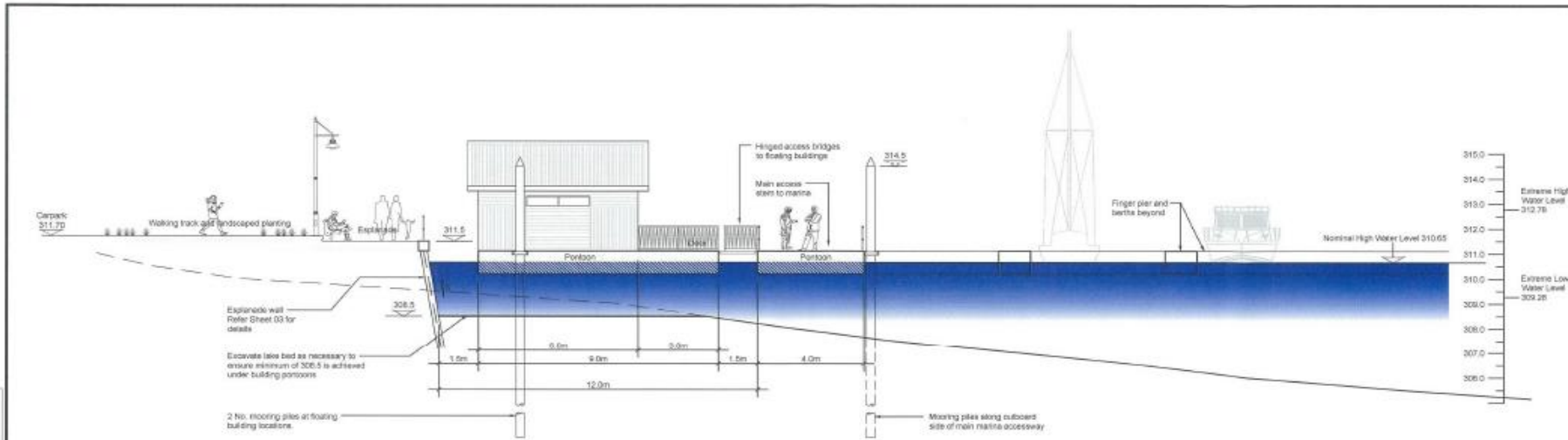
**MARINA GENERAL ARRANGEMENT PLAN**

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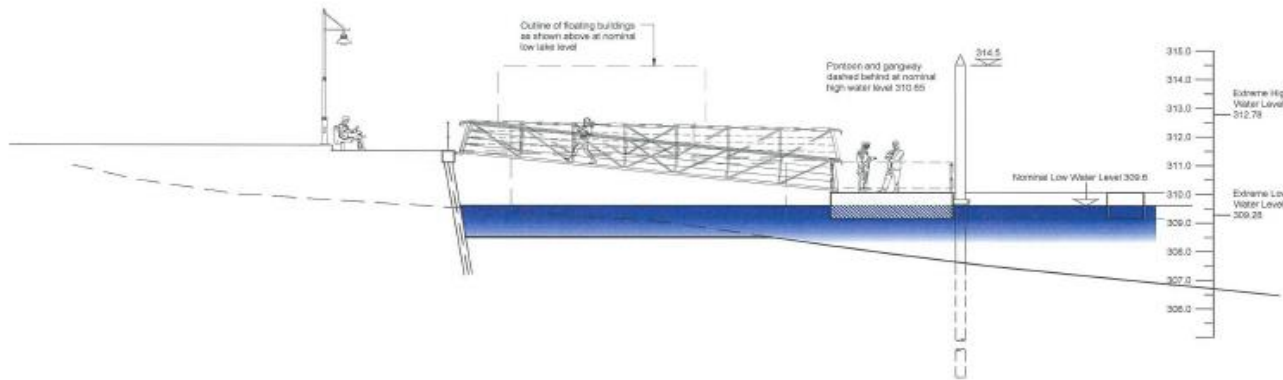
Project	Sheet	Revision
13039	01	E

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TYPICAL CROSS SECTION THROUGH ESPLANADE WALL

1:75 at A1  
1:150 at A3



TYPICAL CROSS SECTION THROUGH ESPLANADE WALL

1:75 at A1  
1:150 at A3

C	Buildings piles updated	3002	13/01/14
B	Buildings roof updated	3002	10/01/14
A	Buildings updated	3002	09/12/13
Rev	Revisions	App	Date
1	Issue for construction		
2	Issue for construction		
3	Issue for construction		
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**PROPOSED FRANKTON MARINA**

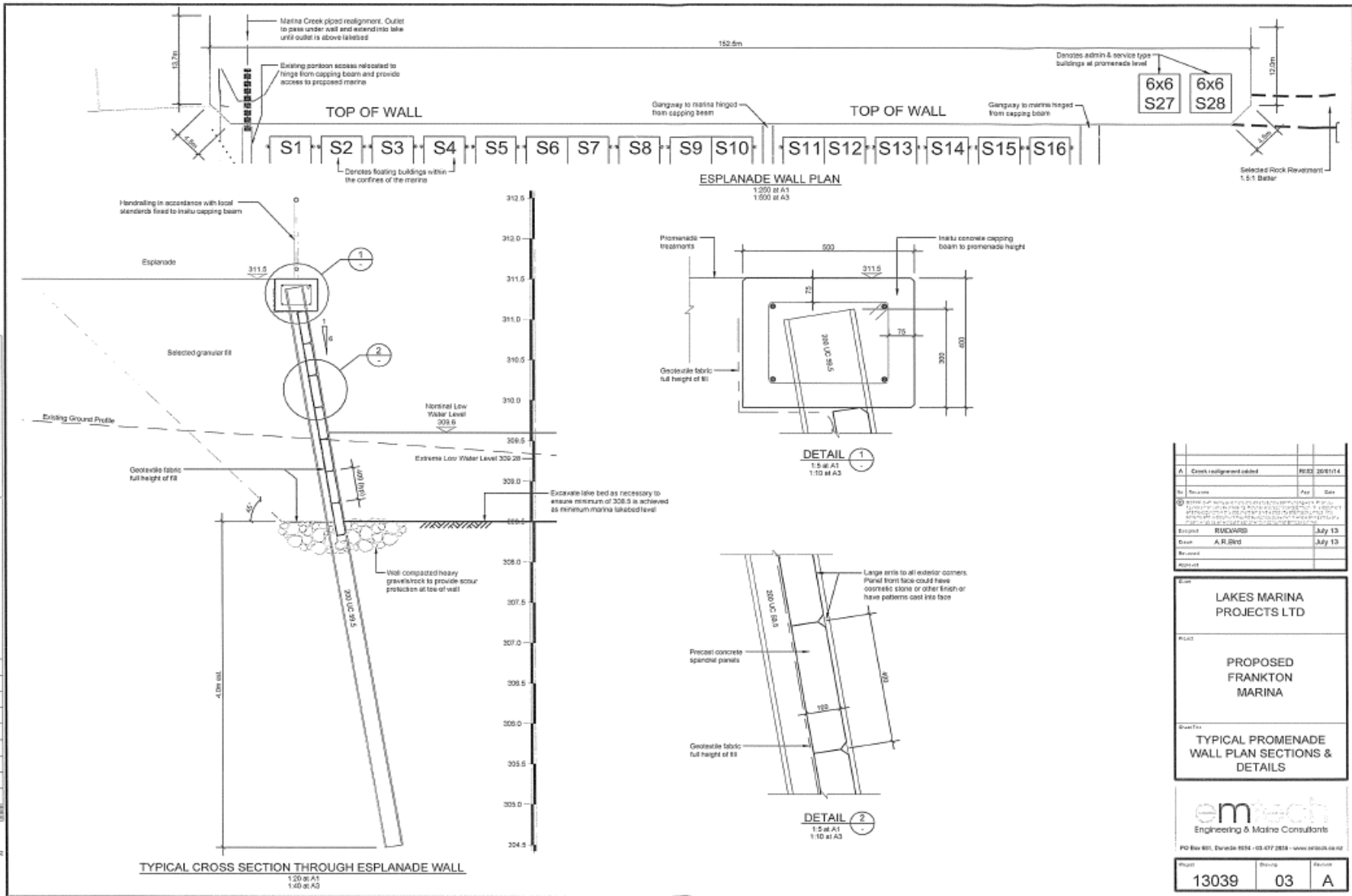
**TYPICAL SECTION**

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Project	13039	Drawing	02	Revision	C
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No.	Revisions	Appr.	Date
A	Creek realignment added	REB	20/01/14

**LAKES MARINA PROJECTS LTD**

**PROPOSED FRANKTON MARINA**

**TYPICAL PROMENADE WALL PLAN SECTIONS & DETAILS**

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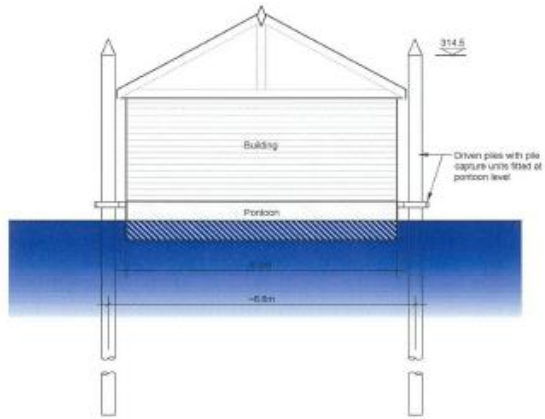
Project	Revised	Revised
13039	03	A

© Murray Nolan Brind Design (1383) - Engineering Advice Practice Marine Development (Knowledge2FRM). Filled by Allan Bird at 20/01/2014 • 10:30 pm

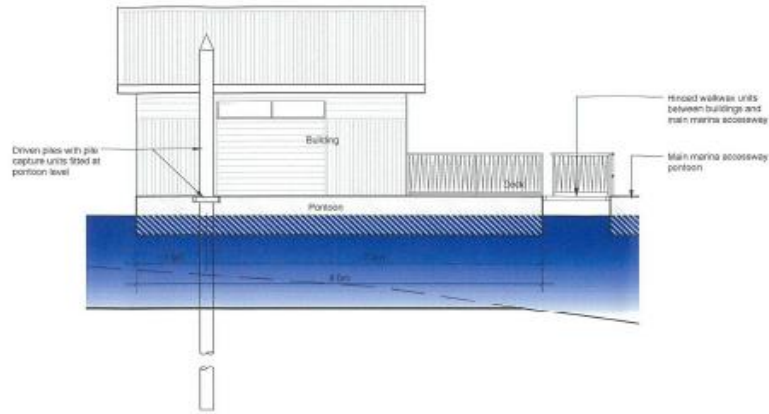








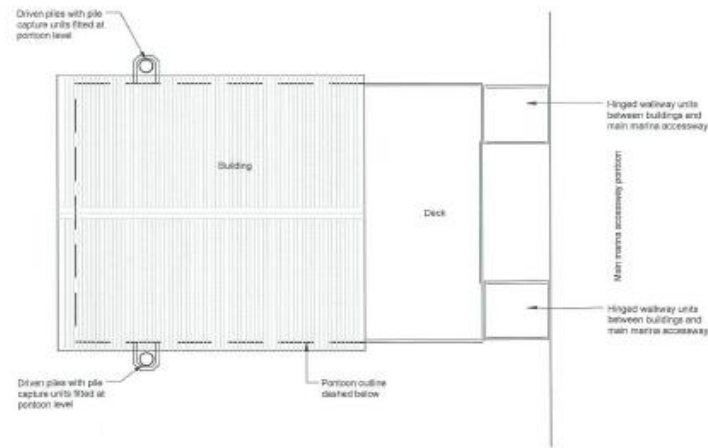
TYPICAL BUILDING END ELEVATION WITH MOORING PILES  
1:50 at A1  
1:100 at A3



TYPICAL BUILDING SIDE ELEVATION WITH MOORING PILES  
1:50 at A1  
1:100 at A3



TYPICAL BUILDING PILE CONNECTION  
1:30 at A1  
1:100 at A3



TYPICAL PLAN OF BUILDING MOORING PILES  
1:30 at A1  
1:100 at A3

No.	Revisions	Date	Drawn
1	Issue for construction	15/07/15	A.R.S

LAKES MARINA PROJECTS LTD		
PROPOSED FRANKTON MARINA		
TYPICAL BUILDING MOORING PILE ELEVATION AND DETAILS		

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Page	Quantity	Revision
13039	06	-



## **SCHEDULE 2 : QLDC CONSENTS**

### **Schedule of Conditions of Consent for RM140061 : Lakes Marina Projects Limited**

#### **LAND USE**

##### **General Conditions**

1. That the development must be undertaken/carried out in accordance with the plans:
  - o Aurum Survey Consultants Plans 3451-6E-1K Revision K dated 31-1-2014, 3451-6E-2F Revision F dated 31-1-2014, 3451-6E-3E Revision E dated 24-1-2104
  - o Michael Wells Design Plans Sheet Numbers 101 and 201 Revision Issue 6 dated 23-1-2014
  - o Emtech Engineering and Marine Consultants Plans 13039, Drawing 01, Revision E dated 28-1-2014; 13039, Drawing 02, Revision C dated 17-1-2014; 13039, Drawing 03, Revision A dated 20-1-2014; 13039, Drawing 04, Revision A dated 17-1-2014; 13039, Drawings 05 and 06, No Revision and dated July 2013
  - o Aurum Survey Consultants Plans 3451-8E-1E Revision E dated 31-1-2014 and 3451-8E-2D Revision D dated 27-1-2014
  - o Lakes Marina Projects Limited Proposed Landscape Layout Plan Ref: FMP-SLP-002 Dated 09-12-2014

**stamped as approved on 20 February 2015** (attached) and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$240. This initial fee has been set under section 36(1) of the Act.
4. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.

#### **To be completed prior to the commencement of any works on-site**

5. Prior to the commencement of any works on site, the consent holder shall provide a letter to the Principal Resource Management Engineer at the Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that this representative will be responsible for all aspects of the works covered under Sections 1.4 & 1.5 of NZS4404: 2004 "Land Development and Subdivision Engineering", in relation to this development.

6. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of design certificates in the form of a Schedule 1A of NZS 4404:2004, specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition 4, to detail the following engineering works required:
- (a) The provision of a water supply to each serviced unit within the development in terms of Council's standards and connection policy. This shall include an approved toby valve(s) and the costs of making these connections shall be borne by the consent holder.
  - (b) The provision of a foul sewer connection to each serviced unit requiring waste water disposal within the development in accordance with Council's standards and connection policy. The costs of the connection shall be borne by the consent holder.
  - (c) The provision of suitable stormwater reticulation and connections from all impervious areas in the development to provide gravity drainage of the entire site to Lake Wakatipu. Also all existing Council and private stormwater reticulation affected by the development shall be extended through the development area to Lake Wakatipu and may involve full drain removal (within the site) to achieve appropriate gradients. The designs shall include full collection system details for stormwater generated by the development. The costs of the installation shall be borne by the consent holder.
  - (d) The provision of fire hydrants with adequate pressure and flow to service the development with a minimum Class FW4 fire fighting water supply in accordance with the NZ Fire Service Code of Practice for Firefighting Water Supplies SNZ PAS 4509:2008 (or superseding standard). Any alternative solution must be approved in writing by the Area Manager for the Central North Otago branch of the New Zealand Fire Service.
  - (e) The provision of a sealed vehicle crossing that shall be constructed in accordance with Council's standards, taking into consideration vehicle tracking requirements entering and leaving the site via a swept path analysis a copy of which is to be provided to the Principal Resource Management Engineer at the Council. All road markings and signage will be provided in compliance with MOTSAM, the NZTA Manual Of Traffic Signs And Markings. (Note: For the avoidance of doubt, this condition requires amendment of the relevant approved plan(s)).
  - (f) The provision of 10km/hr speed restriction signage within the development.
  - (g) Prior to commencing works, the consent holder shall submit to the Principal Resource Management Engineer at the Council for review and certification a Construction Site Management Plan for the works. This plan will detail the construction methodology and will demonstrate how the following objectives are to be achieved:
    - Appropriate and adequate stormwater and sedimentation management (including dust nuisance controls);
    - Site containment (prevent material tracking off site, provision of construction parking areas, keeping Sugar Lane clear).

- Co-ordination with residents and businesses to keep them informed about construction activities (project signboard, letter drops, meetings).

The measures outlined in this condition are minimum required measures only. The consent holder's principal contractor shall take proactive measures in all aspects of the site's management to manage and mitigate effects on the environment, local communities and traffic. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project until exposed areas of earth are permanently stabilised. The site earthworks and construction of the marina shall be carried out in accordance with the provisions of the certified Construction Site Management Plan.

- (h) Where washdown water is proposed to be discharged into Council's sewer mains (if any), the consent holder shall liaise with Principal Resource Management Engineer at the Council as to the appropriate design requirements.
  - (i) The provision of car park lighting in accordance with the Council's road lighting policies and standards, including the *Southern Light* lighting strategy. Any lighting installed on the car parks within the site shall be privately maintained and all operating costs shall be the responsibility of the lots serviced. Any lights installed on car parks shall be isolated from the Council's lighting network circuits. All external lights shall have a minimum ingress protection rating of IP65.
  - (j) Details of how the consent holder will provide maintenance to the temporary carparking surfacing treatment to be applied to the carparking and manoeuvring areas in terms of Condition 23(e), until such time as they are permanently sealed.
  - (k) The final design of all marina structures and geotechnical work shall be peer reviewed by a suitably qualified and experienced independent third party prior to the final designs being submitted, with a copy of the peer review being provided to the consent authority for review and certification.
7. Prior to commencing any works on the site the consent holder shall submit a Traffic Management Plan to the Road Corridor Engineer at Council for approval. The plan shall specifically detail the protection of other users of Sugar Lane, both vehicular and pedestrian, and shall show how Sugar Lane will continue to operate during the construction period. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor and shall ensure that the following requirements are met:
- (a) Suitable site warning signage and traffic management controls shall be in place on the road in both directions from the site entrance. Controls shall extend onto SH6A, if deemed necessary and approved by the NZ Transport Agency as the road controlling authority, to assist in the safe movement of construction traffic.
  - (b) Parking and loading for construction machinery and contractor's vehicles shall ensure that safe, unobstructed vehicle access to neighbouring properties and safe cycle/walkway access along Sugar Lane is maintained at all times.
  - (c) No loading and stockpiling of earth or other materials shall take place on Sugar Lane including on the right of way component of Sugar Lane. Safety barrier fences and/or other suitable safety measures shall be installed to help ensure public safety including pedestrian and cycle trail users of Sugar Lane.

- (d) All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan. A copy of the approved plan shall be submitted to the Principal Resource Management Engineer at the Council prior to works commencing.
8. At least 7 days prior to commencing excavations, the consent holder shall provide the Principal Resource Management Engineer at Council with the name and telephone number of a suitably qualified professional as defined in Section 1.4 of NZS 4404:2004 (who may be the person named under Condition 5 who shall supervise the earthworks and ensure compliance with the Construction Site Management Plan approved under Condition 6(g). This person shall continually assess the condition of the earthworks and shall be responsible for ensuring that temporary retaining is installed wherever necessary to avoid any potential erosion or instability.
9. Prior to commencing any work on the site the consent holder shall install a construction vehicle crossing, which all construction traffic shall use to enter and exit the site. The minimum standard for this crossing shall be a minimum compacted depth of 150mm AP40 metal that extends 15m into the site.
10. A bond shall be entered into, in a form to be determined by the Council's solicitors, to secure performance for the sealing treatment of all parking areas (that have not been sealed) and associated access associated with this development, within 24 months of Stage 1 bulk earthworks completion. The cost of setting up the bond is to be borne by the consent holder. This resource consent shall not be exercised until the consent holder has provided evidence to the Council that the bond has been established. The bond shall be for a sufficient amount to cover the cost of sealing the site should the works not be undertaken in accordance with Condition 24. The amount of such a bond shall be calculated by applying a 150% multiplier to the higher of two quotes from suitable contractors experienced in such works, using as a basis for their calculations engineered plans and specifications provided by the consent holder. Such bond may be released upon completion of the sealing works.
11. Prior to the issue of any building consents, the consent holder shall deposit the sum of NZ\$25,000 with the NZ Transport Agency in full monetary consideration of any roading improvements which the NZ Transport Agency deems necessary at the intersection of Sugar Lane and SH6A.
12. In respect of the SH6A/Sugar Lane intersection:
- (a) The consent holder shall liaise with the Queenstown Lakes District Council and the NZ Transport Agency concerning a possible redesign of the Sugar Lane approach to that intersection in order to achieve two exit lanes, one for left turning traffic and one for right turning traffic, with the objective of minimising the extent to which traffic exiting Sugar Lane turning right onto SH6A causes left hand turning traffic to queue and wait to get out onto SH6A;
- (b) The consent holder shall implement such works as are agreed between the consent holder, the NZ Transport Agency and the Queenstown Lakes District Council in order to achieve (a) above. This consent obligations is separate from, and in addition to, the consent obligation under Condition 11 above;

- (c) Any works agreed under (b) above shall be implemented at the expense of the consent holder before the date that Stage 1 of the Marina is completed and ready for occupation and use;
- (d) When designing the works referred to in (b) above, consideration shall be given to road marking a "No Stopping" area opposite the Mantra Marina Apartments access in order that traffic leaving the Mantra Marina Apartments and wishing to turn left onto SH6A is not impeded by vehicles queuing to turn right onto SH6A.

Note: Implementation of this condition may result in minor amendment of the marina entrance, the provision and/or location of bus stops, and the Landscape Layout Plan.

### **To be monitored throughout earthworks and construction activities**

- 13. Only clean natural fill material shall be deposited at the site and this shall be fit for purpose. This material includes rock, sand, gravels, or clay - provided they are uncontaminated and can meet the compaction requirements of the site. Any other materials will require the prior written approval of Council prior to disposal at the site. Topsoil shall be used for final cover only. This condition does not apply to the temporary deposit of material excavated from the lake onto the site for de-watering purposes prior to removal from the site.
- 14. All temporary retention systems and the final retaining wall structure shall be installed immediately following excavation to avoid any possible erosion or instability, as determined by the person named under Condition 5.
- 15. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads/access ways by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at its expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
- 16. No earthworks, temporary or permanent, are to breach the boundaries of the site except where prior written approval has been obtained from the affected landowner or relevant controlling authority (noting that earthworks outside the site may be required within the Local Purpose Reserve and/or Sugar Lane and/or SH6A).
- 17.
  - (a) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
  - (b) The bulk earthworks for all stages of the marina including those associated with dredging/excavation of the lake bed shall be undertaken during Stage 1.
  - (c) There shall be no blasting.
- 18. If at any time the Council receives a justifiable complaint about or proof of effects from vibration sourced from the earthworks activities approved by this resource consent, the consent holder at the request of the Council shall cease all earthworks activities and shall engage a suitably qualified professional who shall prepare a report, which assesses vibration caused by earthworks associated with this consent and what adverse effect (if any) these works are having on any other land and buildings beyond this site. Depending on the outcome of this report a peer review may be required to be undertaken by another suitably qualified professional at the consent holder's expense. This report must take into

consideration the Standard BS 5228:1992 or a similar internationally accepted standard. Both the report and peer review (if required) shall be submitted to Council for acceptance and approval.

19. The consent holder shall take all practicable steps, including the use of appropriate dust suppression measures, to minimise the creation of a dust nuisance during the earthworks and construction stages of the development and prior to the sealing of all carparks and operational areas.

#### **On completion of earthworks and prior to occupation of the development**

20. Within four weeks of completing the earthworks the consent holder shall submit to Council an as built plan of the fill. This plan shall be in terms of the New Zealand Map grid and shall show the contours indicating the depth of fill. Any fill that has not been certified by a suitably qualified and experienced engineer in accordance with NZS 4431 shall be recorded on the as built plan as “uncertified fill”.
21. On completion of earthworks within building footprints and prior to the construction of any land based building, a suitably qualified engineer experienced in soils investigations shall design the building foundations taking into consideration any areas of uncertified fill on-site. The finished floor levels of the buildings shall be designed to be higher than 311.70m above sea level to take into account infrequent flooding effects.
22. Upon completion of the earthworks, the consent holder shall complete the following:
  - (a) All earth-worked areas shall be top-soiled and grassed or otherwise permanently stabilised within 4 weeks.
23. Prior to the occupation of the development, the consent holder shall complete the following:
  - (a) The submission of ‘as-built’ plans and information required to detail all engineering works completed in relation to or in association with this subdivision/development at the consent holder’s cost. This information shall be formatted in accordance with Council’s ‘as-built’ standards and shall include but not be limited to, all carriageways, water, wastewater and stormwater reticulation (including private laterals and toby positions).
  - (b) The submission of Completion Certificates from both the contractor and approved engineer for all infrastructure engineering works completed in relation to or in association with this subdivision/development (for clarification this shall include all carriageways, water, wastewater and stormwater reticulation). The certificates shall be in the format of the NZS4404 Schedule 1B and 1C Certificate.
  - (c) The provision of 156 car parks and 3 sealed bus parks with manoeuvring areas to Council standards and as shown on carpark layout drawing 3451-6E-2F and 3451-6E-3E submitted with the application. Parking and loading spaces shall be clearly and permanently marked out following completion of permanent sealing.
  - (d) The permanent sealing of the Sugar Lane crossing point, cycle trail crossing, bus parking areas, and the 15 car parks located in the vicinity of Mantra Marina Apartments.

- (e) The application of temporary car parking surfacing treatment (Ottaseal or other proprietary product with equivalent effect until permanently sealed under condition 24) to the other 141 car parks and manoeuvring areas, together with appropriate temporary marking of the parking spaces following completion of the temporary car parking surfacing treatment.
  - (f) The provision of suitably sized power connections to the development. The supply shall be underground from any existing reticulation and be in accordance with any requirements/standards the network provider.
  - (g) The provision of suitable and usable telecommunications connection to the development. This connection shall be underground from any existing reticulation and in accordance with any requirements/standards of the network provider.
24. The permanent sealing and marking of the remaining 141 car parks and manoeuvring areas shall be completed within 24 months of Stage 1 completion.

### **Accidental Discovery Protocol**

25. If the consent holder:
- (a) Discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
    - (i) Notify the Council, Tangata whenua and Heritage New Zealand Pouhere Taonga, and in the case of skeletal remains, the New Zealand Police.
    - (ii) Stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.
    - (iii) Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation.

Site work shall only recommence following consultation with Council, Tangata whenua and the New Zealand Pouhere Taonga, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.
  - (b) Discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
    - (i) Stop work within the immediate vicinity of the discovery or disturbance and;
    - (ii) Advise the Council, Heritage New Zealand Pouhere Taonga, and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the *Heritage New Zealand Pouhere Taonga Act 2014* and;

- (iii) Arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work shall only recommence following consultation with the Council.

## **Signage**

### ***Identification Panels***

- 26. (a) Each building may have attached one Identification Panel to the exterior of the building, containing the building number, sized 0.30 m (vertical) by 0.21m (horizontal).
- (b) Prior to any Identification Panel being attached under (a) above, the consent holder shall advise the Council in writing of the design criteria to be applied to each Identification Panel, including location, specified colour for the number, specified size of the number, specified font of the number, and specified background colour (all of which shall be the same for every Identification Panel).
- (c) Every Identification Panel shall comply with the design criteria specified under (b) above, in order to achieve a consistent look and theme.
- (d) No Identification Panel approved and attached under this condition may be lit.

### ***Approved signs – buildings on the land***

- 27. (a) Each of the four buildings located on land may install one external sign of area 0.5m<sup>2</sup> and dimensions 0.5 m (vertical) by 1.0m (horizontal). The lower edge of each sign shall be 2.5m above the footpath.
- (b) Prior to any sign being installed under (a) above, the consent holder shall advise the Council in writing of the design criteria to be applied to each sign including location, specified colour for wording and/or numbers and specified background colour (which shall all be the same for every sign).
- (c) Every sign shall comply with the design criteria specified under (b) above, in order to achieve a consistent look and theme.
- (d) No sign approved and installed under this condition may be internally lit.

## **Noise**

- 28. The consent holder shall ensure that the activities be so conducted that the following noise limits are not exceeded at, or within, the boundary of any residential site in the Low Density Residential Zone:

daytime (08:00 – 20:00)	50 dB $L_{Aeq(15\ min)}$
night-time (20:00 – 08:00)	40 dB $L_{Aeq(15\ min)}$
night-time (20:00 – 08:00)	70 dB $L_{AFmax}$

- 29. The consent holder shall ensure that the activities associated with construction will not exceed noise limits at, or within, the boundary of any residential site in the Low Density Residential Zone:



daytime (07:30 -18:00)      70 dB L<sub>Aeq(15 min)</sub> or 85 dB L<sub>AFmax</sub>

Construction sound shall be assessed in accordance with, and comply with, NZS 6803:1999.

30. Prior to any development of the site, the consent holder shall submit to the Resource Consent Manager at the Queenstown Lakes District Council, a Noise Management Plan for certification. The plan must include management of noise associated with both operation and construction noise at the site to achieve the above limits, in addition to complaint management. The plan shall become the certified Noise Management Plan. The operation and management of the site must be carried out in accordance with the certified Noise Management Plan. Once certified all future berth holders shall comply with the Noise Management Plan.

### **Construction Times**

31. Hours of work during construction shall be from 7.30am to 6.00pm, Monday to Friday, and 8.00am to 12:00 noon on Saturdays. No work shall occur on Sundays, or Public holidays.
32. None of the following construction works shall be implemented during any summer season between 20 December and the following 20 February:
  - (a) The retaining wall along the lake edge;
  - (b) The dredging or excavation of the lakebed;
  - (c) The excavation and reclamation of any part of the land part of the site, including the existing inlet and any works necessary to separate the inlet from the balance of Lake Wakatipu;
  - (d) On site fabrication of concrete components of the marina;
  - (e) Any earthworks and/or vehicle movements in respect of (a) – (d) above.

### **Fuel Supply/Hazardous Substances**

33. Prior to the commissioning of the storage facility, the consent holder shall submit a copy of the Hazardous Substances Stationary Container System Test Certificate required under the Hazardous Substances (Dangerous Good and Scheduled Toxic Substances) Transfer Notice 2004.
34. Prior to the commissioning of the storage facility, the consent holder shall submit a copy of the Hazardous Substances Location Test Certificate required under the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001.
35. The consent holder shall provide a copy of the annual Hazardous Substances Location Test Certificate, within 8 weeks of the renewal date.

### **Spill Contingency**

36. The consent holder shall retain an appropriately experienced person(s) to evaluate and characterise the level of contaminants on the site and develop a Spill Contingency Plan for

the prevention and removal of spills of hydrocarbons and other contaminants from entering the lake. The Spill Contingency Plan shall at least detail:

- (a) the storage and use of hazardous chemicals;
- (b) fuel storage and spill contingencies;
- (c) what bunding and other spill prevention measures will be undertaken on site;
- (d) what equipment is kept on site to contain, remove and/or deal with spills;
- (e) how the disposal of contaminated materials will be undertaken;
- (f) what training staff (if any) have in the use of such measures; and
- (g) 24 hour contact telephone numbers for key site personnel (if any) and relevant local authority personnel (such as the Harbourmaster).

A draft of this Spill Contingency Plan shall be provided to the Queenstown Lakes District Council and the Otago Regional Council at least two months prior to the exercise of this resource consent for comment, and the final Spill Contingency Plan shall be provided to the Otago Regional Council for written approval prior to the operation of the marina. No operations shall commence until the final Spill Contingency Plan has been approved. No changes shall be made to the approved Spill Contingency Plan without the prior written approval of the Otago Regional Council.

- 37. The consent holder shall undertake activities in general accordance with the approved Spill Contingency Plan prepared in accordance with condition 36.
- 38. The consent holder shall have adequate hydrocarbon spill clean up equipment on the marina site at all times. Such equipment shall be readily accessible to the personnel referred to in Condition 36(g).

### **Buildings**

- 39. (a) All plans that show buildings as part of the proposal are hereby amended as follows:
  - (i) Two of the floating buildings adjacent to the esplanade at about the location of buildings S5 and S11 are hereby deleted so as to create two 6 metre wide view shafts. Floating decking shall be provided by the consent holder and made available for public use instead of the floating buildings deleted in terms of this condition.
  - (ii) The off-shore floating buildings on the lake surface, being buildings S20 – S26 (inclusive), are hereby deleted.

For the avoidance of doubt a total of 17 floating buildings only are permitted in terms of this land consent.

- (b) Final colours and materials for buildings, structures and hard landscaping surfaces shall be submitted to the Resource Consent Manager of the Queenstown Lakes District Council prior to development commencing on the site, for certification that they will achieve the following intended outcomes:

- (i) The final colour scheme for all buildings, structures and landscaped surfaces shall appear appropriately recessive throughout all seasons of the year (light reflectance value less than 36%), and lie within the natural colour ranges of browns, greens and greys. Lighter greys or white may be used for trims such as window frames, fascias and other minor building elements.
  - (ii) Materials for buildings shall be in accordance with the following:
    - Unpainted timber weatherboard for the external cladding;
    - Profiled metal colour steel for the roof in a recessive grey colour with a reflectivity value of less than 36%;
    - Clear glazed roof and walls for some of the buildings.
  - (iii) Hard landscaping shall be of a consistent design and theme throughout the site and shall be complementary to any relevant design or theme applicable to the adjoining Sugar Lane.
40. Any lighting associated with the buildings and the marina shall be restricted to down-lights only. The consent holder shall submit a lighting plan prior to development commencing on site to show that all lighting on the site will be consistent with the Queenstown Lakes District Council's *Southern Light* lighting strategy, and to ensure that lighting is designed to avoid excessive light spill while maintaining public safety.

### **Commercial Activities**

41. Commercial use of the site shall be restricted as follows:
- (a) Land-based and water-based activities comprising or ancillary to the marina or boating activities, including vehicle parking, boat servicing and maintenance, security, display of boats and boating equipment for sale or hire, loading and unloading of persons and equipment, and fuel supply, and including but not limited to any of the activities listed in this condition but subject to any restrictions detailed below in this condition.
  - (b) One building may be used for on-site custodial management;
  - (c) Otherwise use of all buildings shall be restricted to commercial activities ancillary to the marina or boating activities, including:
    - (i) offices for on-site marina management, maintenance and security;
    - (ii) maritime museum;
    - (iii) all forms of boat servicing, sales and hire;
    - (iv) retail sales, maintenance and repair of boating equipment and accessories, including anchors and mooring equipment, appliances, bait boards, batteries, battery charges, battery management and equipment, boat BBQ's, binoculars, boat fittings, boat hatches and ventilation, boat instruments, boat lights, seats, security, bow thrusters, buoys and markers, chilly bins, cleaning, compasses, DC distribution, dinghy's and inflatables, electrical tools and equipment, flares, fridge/freezers, fuel management and treatment, fuses, circuit breakers and accessories, gas detectors, generators, grease, oil

and lubricants, grounding accessories, horns and hailers, inverters, inverter chargers, life jackets, matting, outboards and engines, paint, plugs and connectors, plumbing, power supply and management, pumps, ropes, safety gear, solar panels and products, shore power and accessories, spotlights and torches, steering, stoves and ovens, switch panels, toilets, trailer parts, trim tabs, watersports equipment, waterproof cases, winches and windlasses, windscreen wipers, wires and cables;

- (v) retail sales, maintenance and repair of boating accessories, including covers, straps, air horns, life jackets, drink holders, filleting tables, oars and sleeves, electrical and electronic instruments, barometers, fish bins, engine supplies, fire protection, navigational aids, outboard motors, refrigeration, sails and spars;
- (vi) retail sales, maintenance and repair of equipment and accessories ancillary to boating activities, including diving, water skiing, kayaking, canoeing, jet skiing, sailing, wind surfing, and kite surfing;
- (vii) retail sales, maintenance and repair of fishing gear, including books, braid, dvds, storage bags, flashers and pre-made rigs, fly and fly tying equipment, hand lines, hooks, jigs and lures, knives, knife sharpeners, landing gear, line and trace, reels, rods, rod and reel care, rod and reel combo's, rod building, rod holders, smokers, tackle boxes and bags, tackle packs, terminal tables, fishing tools, weighing scales and trolling gear;
- (viii) retail sales, maintenance and repair of boating apparel, including art, books, bags, backpacks, towels, compression clothing, gloves, hats, jackets, wetsuits, wet weather gear, rash vests, shirts, shoes and footwear, shorts and trousers, sunglasses, sunscreen, waders and watches;
- (ix) commercial boating activity offices, sales, ticketing, service, promotion, loading and unloading of passengers and equipment;
- (x) offices for the harbourmaster and coastguard;
- (xi) marina offices, boating related activity clubrooms and common facilities;
- (xii) visitor information;
- (xiii) sale of food and beverages ancillary to and as part of the above marina or boating activities.

42. All commercial activities within buildings shall limited to the operational hours 7am to 10pm Monday - Sunday.

### **Pile Support Structures**

43. No pile support structure shall exceed a maximum height of 314.10 masl.

## Marina Operations

44. Not less than one month prior to completion of Stage 1 of the development the consent holder shall submit to the consent authority for approval a Marina Operations Plan. The contents of this plan shall include but not necessarily be limited to the following matters:
- (a) The measures that will be put in place to control traffic and parking.
  - (b) The measures that will be put in place to control noise. Noise management shall be in place to ensure that activities shall be conducted such that the following noise levels are not exceeded at the boundary of the site:

daytime (08:00 – 20:00)	50 dB $L_{Aeq(15 \text{ min})}$
night-time (20:00 – 08:00)	40 dB $L_{Aeq(15 \text{ min})}$
night-time (20:00 – 08:00)	70 dB $L_{AFmax}$
  - (c) The measures that will be adopted in the event that there is any spillage or deposition of hazardous substances, including fuels and oils, into or on to Lake Wakatipu, or the land as per the requirements of consent conditions 36-38 above.
  - (d) A Freshwater Pest Management Plan. The objective of the plan is to ensure the best practice measures are adopted to monitor for and eradicate any aquatic pest plant outbreak within the entire footprint of the marina within Lake Wakatipu/Whakātipu-wai-māori. The plan shall include at least the following elements:
    - (i) The procedures (including timing and methods) for regular inspections monitoring the lake area within the footprint of the marina, to be carried out by an appropriately qualified person/s.
    - (ii) The freshwater plant pest species to be monitored for and what action is to be taken if they are detected.
    - (iii) Procedures for notification of, and liaison with, agencies with biosecurity responsibilities in the event of any outbreak being detected, including Otago Regional Council and Land Information NZ.
    - (iv) Methods to remove plant pests and procedures for ongoing monitoring to ensure eradication has occurred.
    - (v) The means to educate marina users of pest plant risks and their responsibilities.
  - (e) The measures that will be put in place to ensure that boat operators shall not discharge bilge-water within the marina.
  - (f) A draft of the relevant part of the proposed marina berth lease, licence or other equivalent occupation right document which details obligations imposed on berth occupants to ensure compliance with the relevant requirements of this consent.
45. No boats or motorised craft berthed at the marina or buildings (other than one building for on-site custodial management) shall be used at any time for overnight residential or visitor

accommodation activities, or for activity sensitive to aircraft noise (as defined in the Definition on page D-1 of the Queenstown Lakes District Plan).

46. (a) All boats and trailers shall be cleaned prior to launching and berthing at the marina.
  - (b) The occupation and use of berths in Stage 1 of the marina is not to occur until a washdown facility is available for use at or in the immediate vicinity of the marina that is accessible from Sugar Lane.
47. Commercial jet boat operators shall use the main marina entrance when entering and leaving the marina. For the avoidance of doubt commercial jet boat operators shall not enter and leave the marina from berths to the east of the easternmost floating marina finger pier.

### **Landscaping conditions**

48. Prior to development commencing on the site, final landscaping treatment, planting plans and cross-sections shall be submitted to the Resource Consent Manager of the Queenstown Lakes District Council for approval. The plans shall specify the location, planting densities and species of all vegetation indicated on the Proposed Landscape Layout Plan. The final species of vegetation proposed shall place emphasis on the use of native plants that are also indigenous to the Wakatipu area. Landscaping in the vicinity of the Mantra Marina Apartments shall be designed to mitigate the effect of headlights from cars using the car park.
49. The details of the type and locations of street furniture, including any structures to be provided on the site for the disposal and recycling of waste (including bio hazard material as recommended in the report of Natural Solutions for Nature Limited), and seating, shall be submitted to the Resource Consent Manager of the Queenstown Lakes District Council for approval prior to development commencing. Where feasible seating shall be located where vistas are available from the foreshore to the Frankton Arm of Lake Wakatipu.
50. Landscape plans detailing the surface treatments for all public areas, including the car park, pedestrian crossing, and details confirming how the promenade and pedestrian/cycle paths within the development will connect to the Queenstown Trail. These shall be submitted to the Resource Consent Manager of the Queenstown Lakes District Council, for approval prior to development commencing. The surface treatments shall be in accordance with Condition 39(b)(iii) above. For the avoidance of doubt the consent holder is to provide for public, unrestricted pedestrian/cycle access through the development site connecting to the Queenstown Trail.

### **Public Access**

51. Permanent public access at all times shall be maintained in respect of:
- (a) The walkway/cycleway connections through the site linking to the Queenstown Trail at the eastern and western ends of the site, as generally shown on the approved plans;
  - (b) The lakeside floating jetty (boardwalk) running along the side (and on the lakeside of) the floating buildings adjacent to the retaining wall and the floating decking to be provided in terms of Condition 39(a)(i);

- (c) At least 20 metres of the lakeshore end of the floating breakwater on both sides (for short term boat loading/offloading purposes) unless a public jetty and pontoon is provided in the immediate vicinity of the marina that is accessible from Sugar Lane.
- (d) The carpark and landscaped areas between Sugar Lane and the esplanade on the retaining wall, including the boulder retaining wall and steps down to the surface of the lake at the eastern end of the development.

Note: There is no requirement to provide public access onto the floating marina fingers which connect to the lakeside floating jetty (boardwalk) or onto the floating breakwater (with the exception of the lakeshore end as provided for to in (c) above).

### **Marina Maintenance**

- 52. The consent holder shall at all times maintain all components of the floating marina and breakwater to an appropriate standard, so that they remain fit for purpose and in order to prevent any deterioration which might lead to failure of any part of the marina.
- 53. The consent holder shall enter into a bond for the ongoing structural integrity of the marina as peer reviewed under Condition 6(k) and/or abandonment by the consent holder. The bond shall be in a form and on terms deemed appropriate by Council's solicitors. The cost of setting up the bond is to be borne by the consent holder. The amount of such a bond shall be calculated by applying a 150% multiplier to the higher of two quotes from suitable contractors experienced in such works necessary to maintain the ongoing structural integrity of the marina, using as a basis for their calculations engineered plans and specifications provided by the consent holder under the peer review. If the consent holder enters into an agreement acceptable to the Council's solicitors for a similar purpose pursuant to lease obligations of part of the Frankton Marina Local Purpose Reserve and if it meets the intent of this condition, then such agreement shall constitute compliance with this consent obligation. This resource consent shall not be exercised until the consent holder has provided evidence to the Council that it has complied with this consent obligation.

### **Lapsing Period**

- 54. Consent for Stage 1 of the marina shall lapse, if not exercised, 5 years after the date consent commences. If consent for Stage 1 is exercised, consent for Stage 2 of the marina shall lapse, if not exercised, 10 years after the date this consent commences. For the avoidance of doubt Stage 2 shall lapse in the event that Stage 1 is not exercised in accordance with this condition.

### **Review**

- 55. Within ten working days of each anniversary of the date of this consent the Council may, in accordance with sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
  - (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.

- (b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
- (c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.

### **Advice Notes**

1. The consent holder is advised that if it intends to provide a scheduled passenger transport service, the operator shall either register with the Otago Regional Council the service as a unit under the Regional Public Transport Plan, or apply for and obtain registration as an exempt service under the Land Transport Management Act 2003 and its amendments.
2. This consent may trigger a requirement for Development Contributions. For further information please contact the DCN Officer at QLDC.
3. The consent holder is advised that the retaining walls proposed in this development which exceed 1.5m in height or walls of any height bearing additional surcharge loads, including the esplanade retaining wall, will require Building Consent, as they are not exempt under Schedule 1 of the Building Act 2004.
4. The consent holder is advised that, with regard to future signage, any additional signage will require a separate resource consent. It is anticipated that any such consent if granted would be subject to conditions to the following or like effect:
  - (a) Include the same design criteria as apply to the signs approved under condition 27 above;
  - (b) Not be located on the wall of the relevant floating building which faces the land;
  - (c) Not be internally lit.



## **SUBDIVISION**

### **General Conditions**

1. The development must be undertaken/carried out in accordance with the plans:
  - Aurum Survey Consultants Plan 3451.9R.2A Revision A dated 28-1-2014, 3451.9R.3B Revision B dated 31-1-2014 and 3451.9R.4C Revision C dated 11-3-2014

**stamped as approved on 20 February 2015** (attached) and the application as submitted, with the exception of the amendments required by the following conditions of consent.

2. This consent shall not be exercised until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.

### ***To be completed before Council approval of the Survey Plan***

3. Prior to the Council approving the survey plan pursuant to section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
  - (a) All necessary easements shall be shown in the Memorandum of Easements attached to the survey plan and shall be duly granted or reserved. Additionally all existing easements to be relinquished under section 243 of the Resource Management Act 1991 shall be shown in a memorandum of easements to be extinguished.



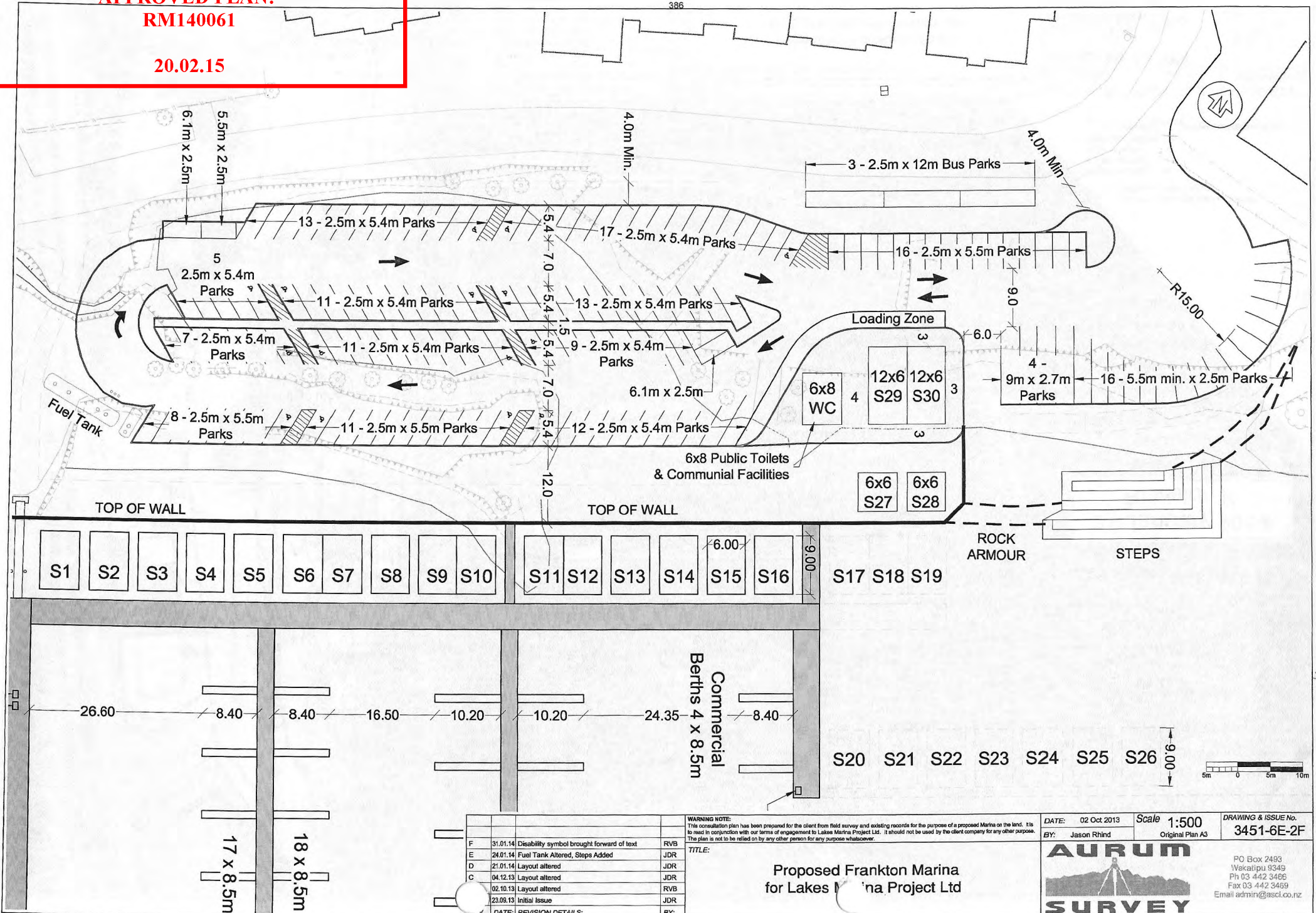




**APPROVED PLAN:**

**RM140061**

**20.02.15**



NO.	DATE	REVISION DETAILS	BY
F	31.01.14	Disability symbol brought forward of text	RVB
E	24.01.14	Fuel Tank Altered, Steps Added	JDR
D	21.01.14	Layout altered	JDR
C	04.12.13	Layout altered	JDR
	02.10.13	Layout altered	RVB
	23.09.13	Initial Issue	JDR

**WARNING NOTE:**  
This consultation plan has been prepared for the client from field survey and existing records for the purpose of a proposed Marina on the land. It is to read in conjunction with our terms of engagement to Lakes Marina Project Ltd. It should not be used by the client company for any other purpose. The plan is not to be relied on by any other person for any purpose whatsoever.

**TITLE:**  
**Proposed Frankton Marina  
for Lakes Marina Project Ltd**

DATE: 02 Oct 2013  
BY: Jason Rhind

Scale: 1:500  
Original Plan A3

DRAWING & ISSUE No.  
**3451-6E-2F**

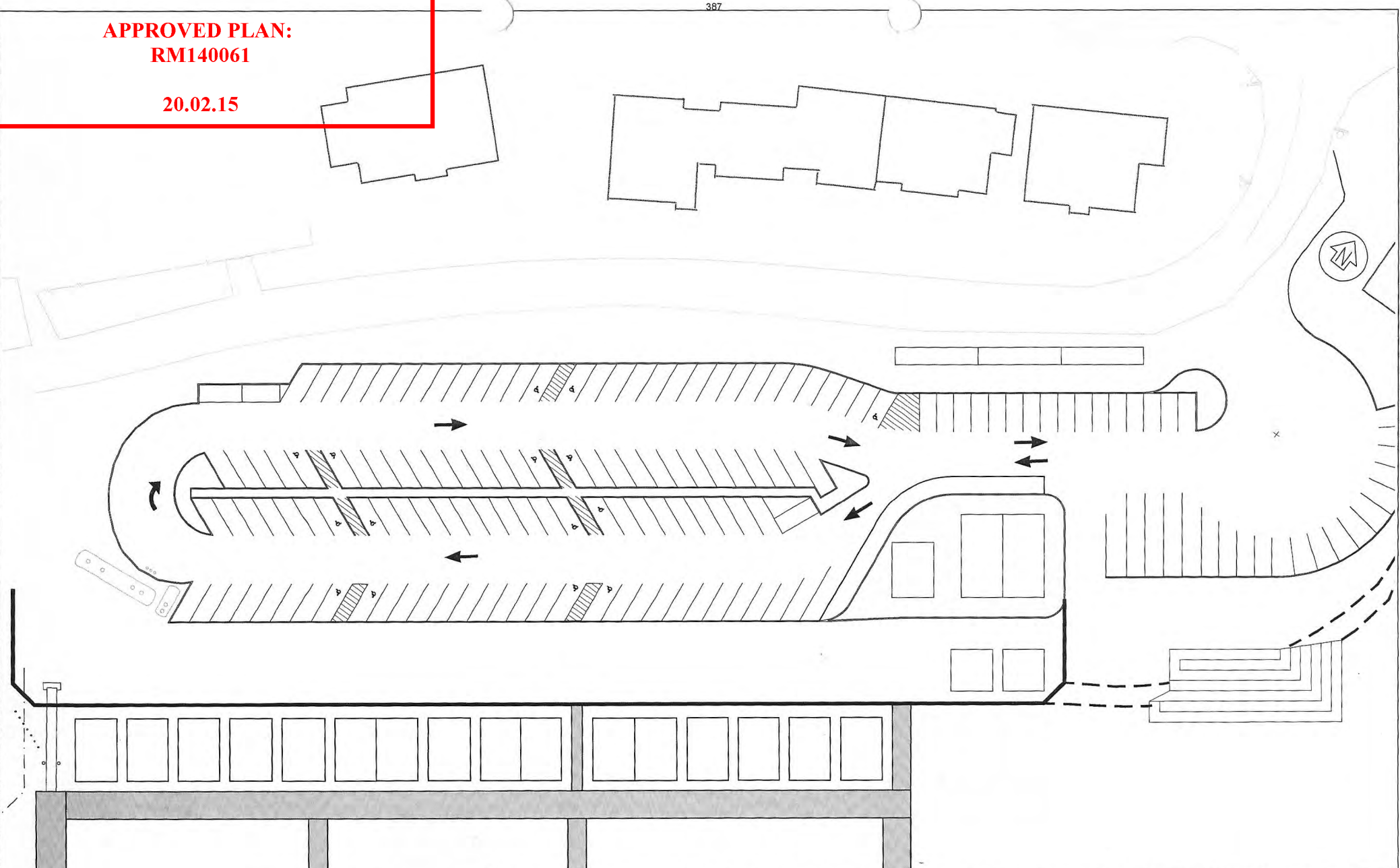
**AURUM SURVEY**

PO Box 2493  
Wakatipu 9349  
Ph 03 442 3466  
Fax 03 442 3469  
Email admin@ascl.co.nz

2/8

**APPROVED PLAN:  
RM140061**

**20.02.15**



REV.	DATE	REVISION DETAILS	BY:
E	24.01.14	Fuel Tank Altered, Steps Added	JDR
D	21.01.14	Layout altered	JDR
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B	02.10.13	Layout altered	RVB
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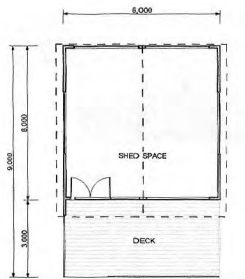
**TITLE:**  
**Proposed Frankton Marina  
for Lakes Marina Project Ltd**

DATE: 02 Oct 2013  
BY: Jason Rhind  
Scale 1:500  
Original Plan A3  
DRAWING & ISSUE No.  
**3451-6E-3E**

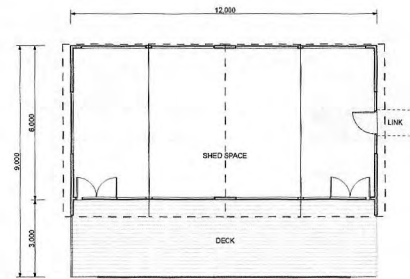
**AURUM**  
  
**SURVEY**  
PO Box 2493  
Wakatipu 9349  
Ph 03 442 3466  
Fax 03 442 3469  
Email admin@ascl.co.nz



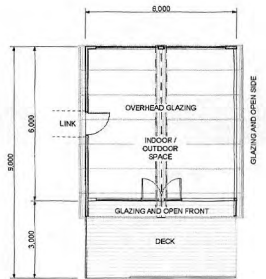
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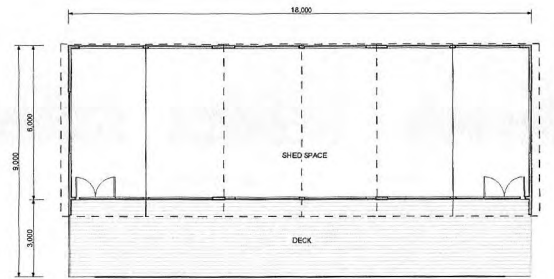
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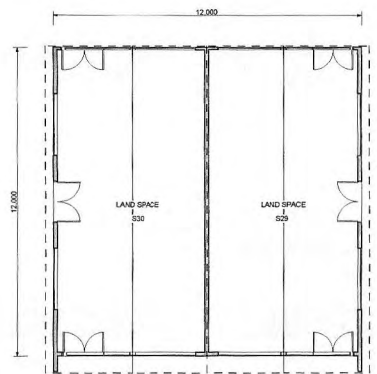
3. TYPE C 1:100



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**QUEENSTOWN LAKES DISTRICT COUNCIL**  
**APPROVED PLAN:**  
**RM140061**  
**20.02.15**

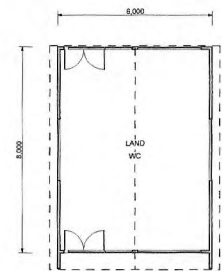
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5. S29 & S30 1:100



6. TYPE S27 & S28 1:100



7. WC 1:100

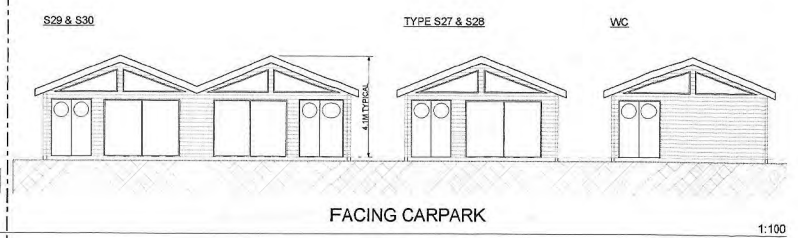
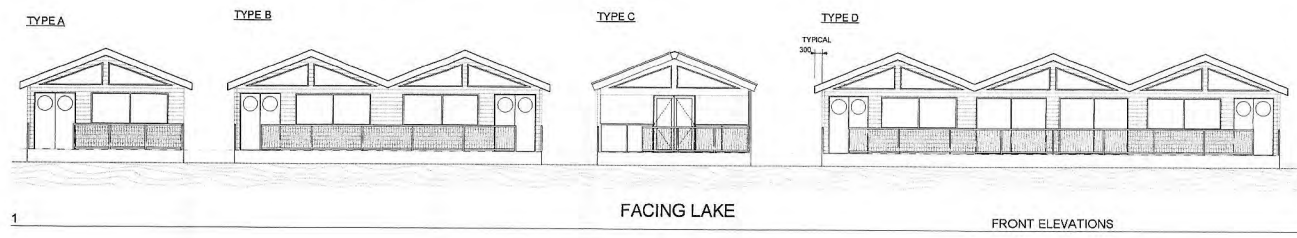
<small>All work and materials to comply with current New Zealand Standards - Based drawings in conjunction with all other approvals and consulted drawings, specifications and relevant building codes etc. All measurements to be indicated on all drawings. In doubt ask - SD values the indicative only. To scale @ A1</small>	Drawing Status	Sheet Title	Revision	Code	Date
	INFORMATION ONLY	FLOOR PLANS			
	Project MARINA SHEDS	Sheet Number	Revision	Revision	Code
LAKES MARINA PROJECTS LTD. QUEENSTOWN	101	ISSUE 6	Drawn by M.J.W		Date: 23-5-2014

KEY  
TIMBER  
WEATHERBOARD  
PROFILED METAL  
COLORSTEEL



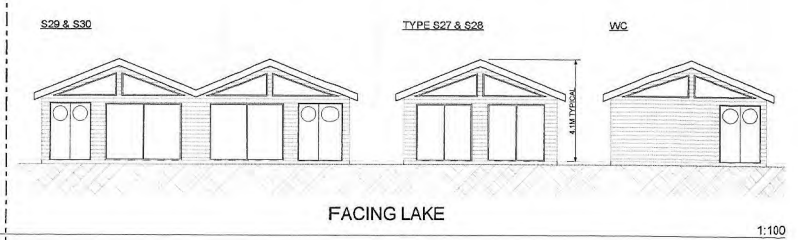
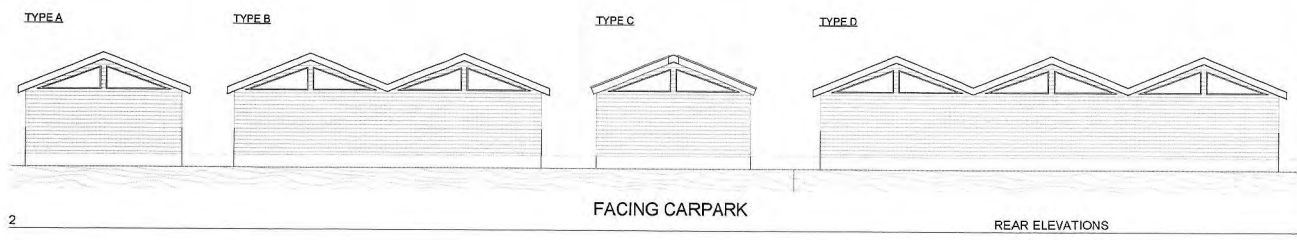
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**LAND BASED**



1 FACING LAKE FRONT ELEVATIONS

FACING CARPARK 1:100

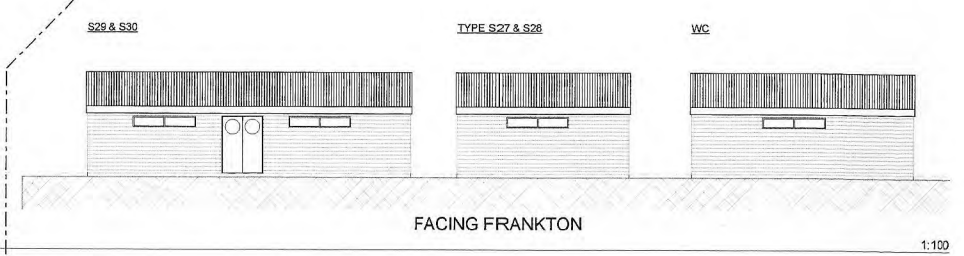
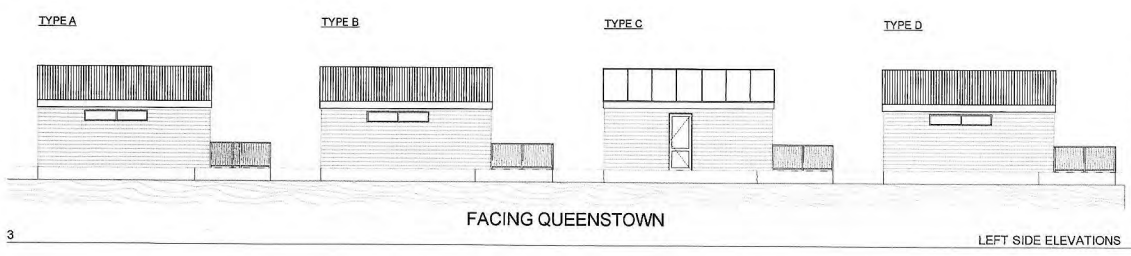


2 FACING CARPARK REAR ELEVATIONS

FACING LAKE 1:100

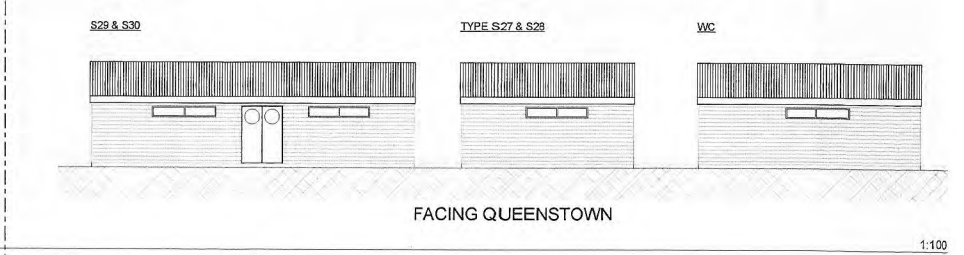
**WATER BASED**

**LAND BASED**



3 FACING QUEENSTOWN LEFT SIDE ELEVATIONS

FACING FRANKTON 1:100



FACING FRANKTON RIGHT SIDE ELEVATIONS

FACING QUEENSTOWN 1:100

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:  
RM140061**

**20.02.15**

**WATER BASED**

**LAND BASED**

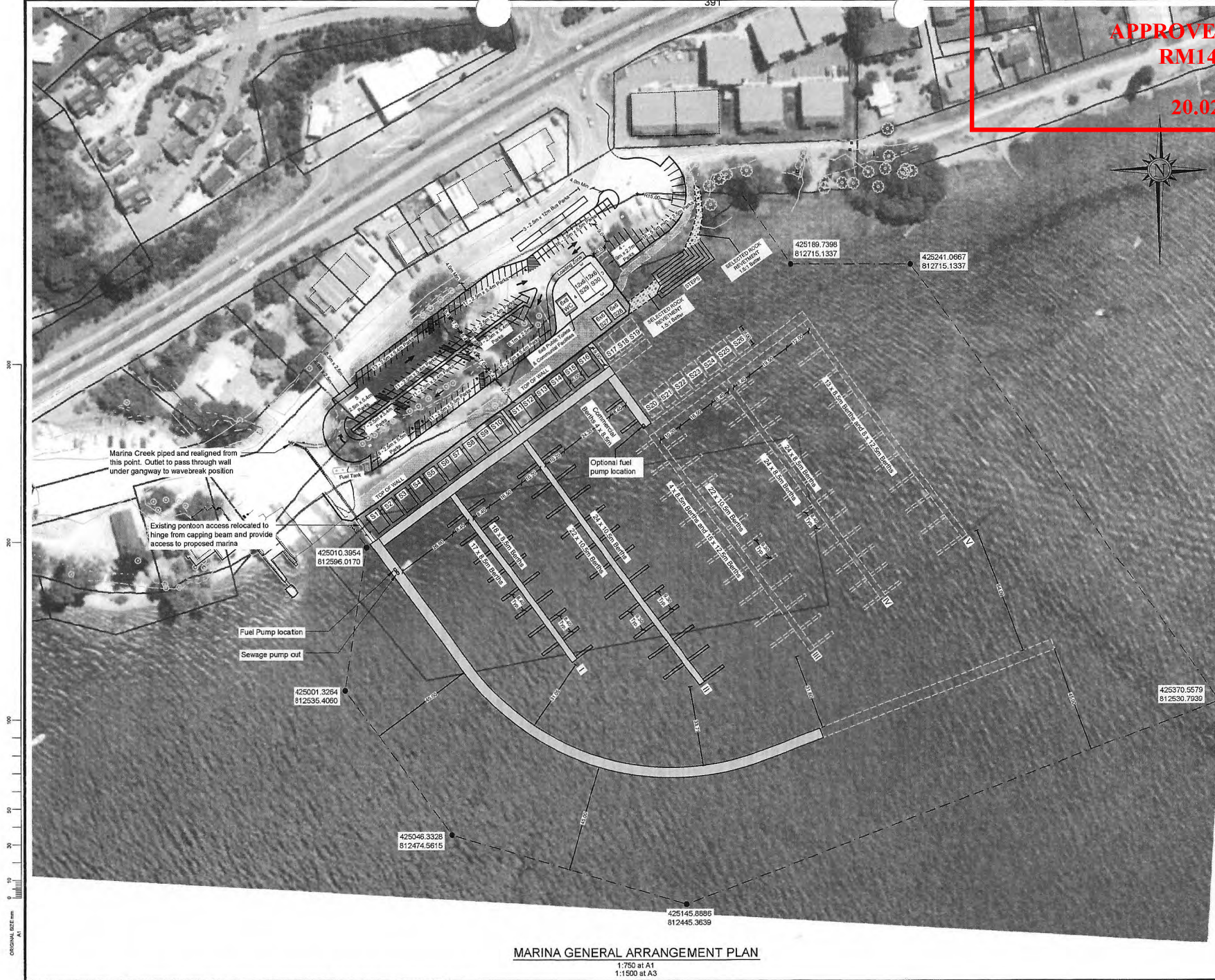
<small>All work and materials to comply with current New Zealand Standards. Read drawings in conjunction with all other structural and materials drawings, specifications and relevant building consents. All measurements to be checked at the time of construction. For details see - 3D views are indicative only. To scale @ A1</small>	<small>Drawing Status</small> <b>INFORMATION ONLY</b>	<small>Sheet Title</small> <b>ELEVATIONS</b>			
	<small>Project</small> <b>MARINA SHEDS</b>	<small>Sheet Number</small> <b>201</b>	<small>Revision</small> <b>ISSUE 6</b>	<small>Revision</small> Drawn by MJW	<small>Code</small> Date: 23-1-2014



APPROVED PLAN:

RM140061

20.02.15



E	Marina & land based design updated	RMD	28/01/14
D	Marina shoreline & Lake works updated	RMD	05/12/13
C	Stage 2 restoration amended	RMD	20/09/13
B	Amenities updated	RMD	17/09/13
A	Marina position and layout updated	RMD	16/09/13
No.	Revisions	App.	Date
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Designed	RMDIARB	July 13	
Drawn	A.R. Bird	July 13	
Reviewed			
Approved			

Client	LAKES MARINA PROJECTS LTD
Project	PROPOSED FRANKTON MARINA
Sheet Title	MARINA GENERAL ARRANGEMENT PLAN

**emtech**  
Engineering & Marine Consultants  
PO Box 681, Dunedin 9054 - 03 477 2836 - www.emtech.co.nz

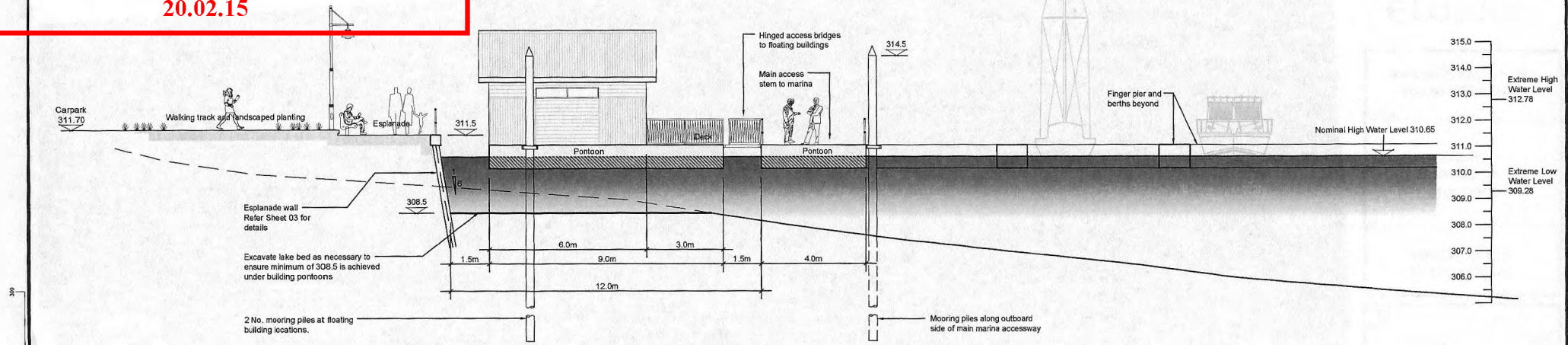
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13039	01	E

MARINA GENERAL ARRANGEMENT PLAN  
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1:1500 at A3



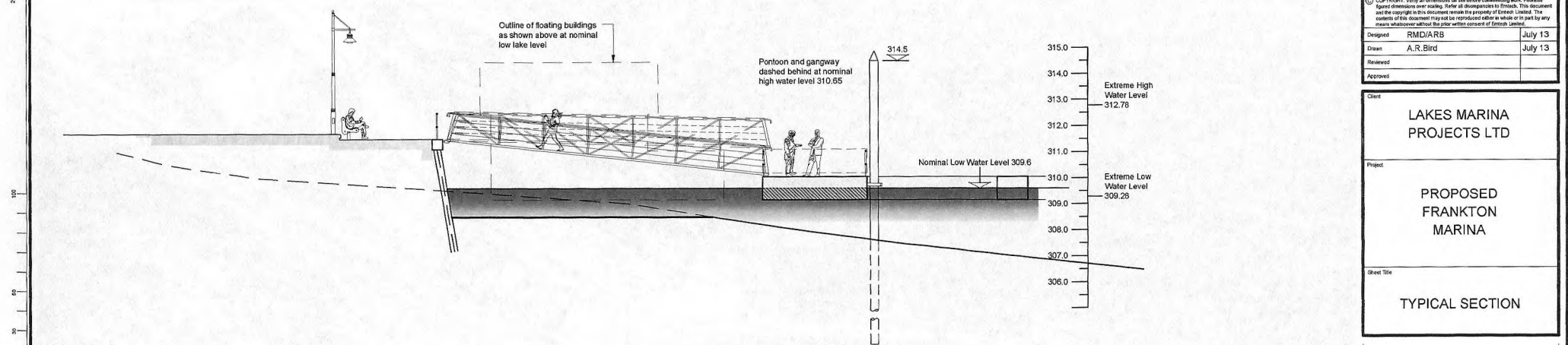
**APPROVED PLAN:  
RM140061**

**20.02.15**



**TYPICAL CROSS SECTION THROUGH ESPLANADE WALL**

1:75 at A1  
1:150 at A3



**TYPICAL CROSS SECTION THROUGH ESPLANADE WALL**

1:75 at A1  
1:150 at A3

C	Buildings piles updated	RMD	17/01/14
B	Buildings roof updated	RMD	10/01/14
A	Buildings updated	RMD	05/12/13
No.	Revisions	App	Date
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Designed	RMD/ARB	July 13	
Drawn	A.R.Bird	July 13	
Reviewed			
Approved			

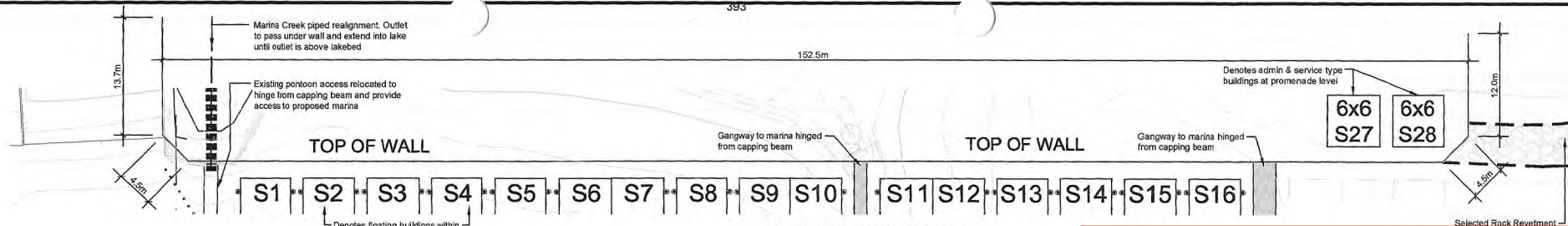
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Project	PROPOSED FRANKTON MARINA
Sheet Title	TYPICAL SECTION

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Engineering & Marine Consultants  
PO Box 681, Dunedin 9054 - 03 477 2836 - www.emtech.co.nz

Project	13039	Drawing	02	Revision	C
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ORIGINAL SIZE

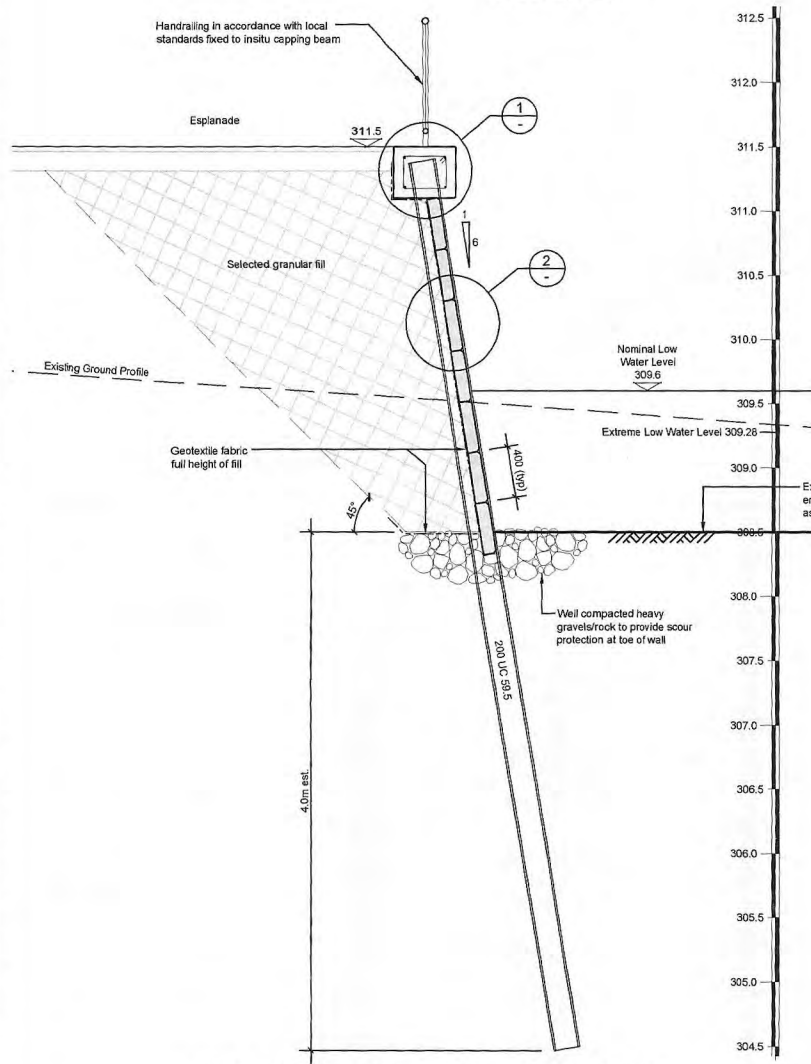




ESPLANADE WALL PLAN

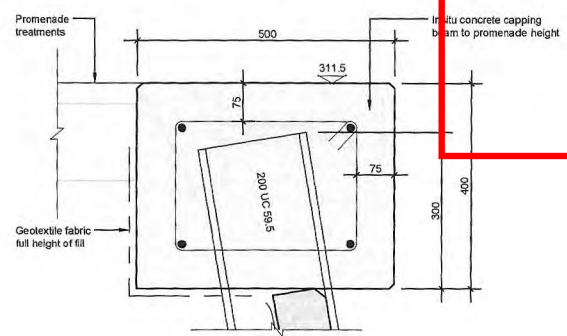
1:250 at A1  
1:500 at A3

**QUEENSTOWN LAKES DISTRICT COUNCIL**  
  
**APPROVED PLAN:**  
**RM140061**  
  
**20.02.15**



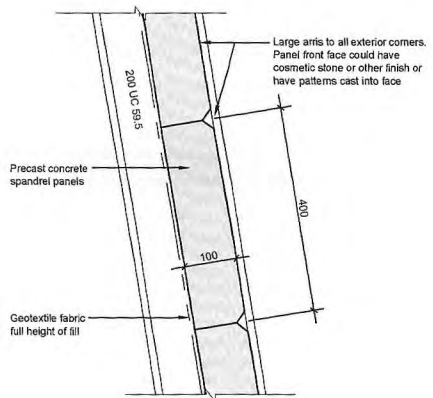
TYPICAL CROSS SECTION THROUGH ESPLANADE WALL

1:20 at A1  
1:40 at A3



DETAIL 1

1:5 at A1  
1:10 at A3



DETAIL 2

1:5 at A1  
1:10 at A3

Rev	Description	By	App	Date
A	Creek realignment added	RMD		20/01/14
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Designed	RMDIARB			July 13
Drawn	A.R.Bird			July 13
Reviewed				
Approved				

Client  
**LAKES MARINA PROJECTS LTD**

Project  
**PROPOSED FRANKTON MARINA**

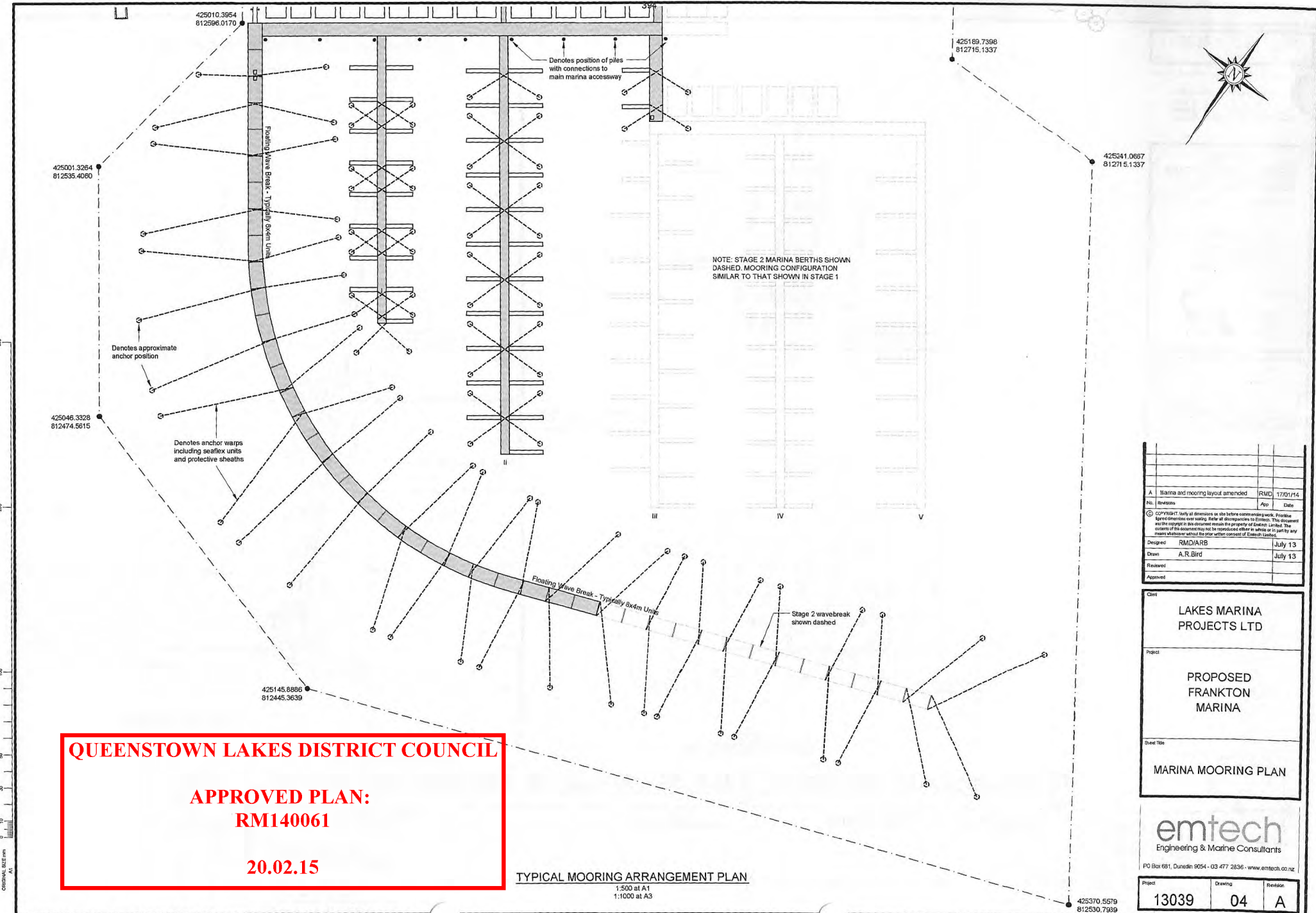
Sheet Title  
**TYPICAL PROMENADE WALL PLAN SECTIONS & DETAILS**

**emtech**  
Engineering & Marine Consultants

PO Box 681, Dunedin 9054 - 03 477 2836 - www.emtech.co.nz

Project	Drawing	Revision
<b>13039</b>	<b>03</b>	<b>A</b>

0 15 30 45 60 75 90 105 120 135 150 165 180 195 210 225 240 255 270 285 300 315 330 345 360 375 390 405 420 435 450 465 480 495 510 525 540 555 570 585 600 615 630 645 660 675 690 705 720 735 750 765 780 795 810 825 840 855 870 885 900 915



No.	Revisions	App.	Date
A	Marina and mooring layout amended	RMD	17/01/14
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Designed	RMD/ARB		July 13
Drawn	A.R. Bird		July 13
Reviewed			
Approved			

Client  
**LAKES MARINA PROJECTS LTD**

Project  
**PROPOSED FRANKTON MARINA**

Sheet Title  
**MARINA MOORING PLAN**

**emtech**  
Engineering & Marine Consultants  
PO Box 681, Dunedin 9054 - 03 477 2836 - www.emtech.co.nz

Project	Drawing	Revision
13039	04	A

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RM140061**

**20.02.15**

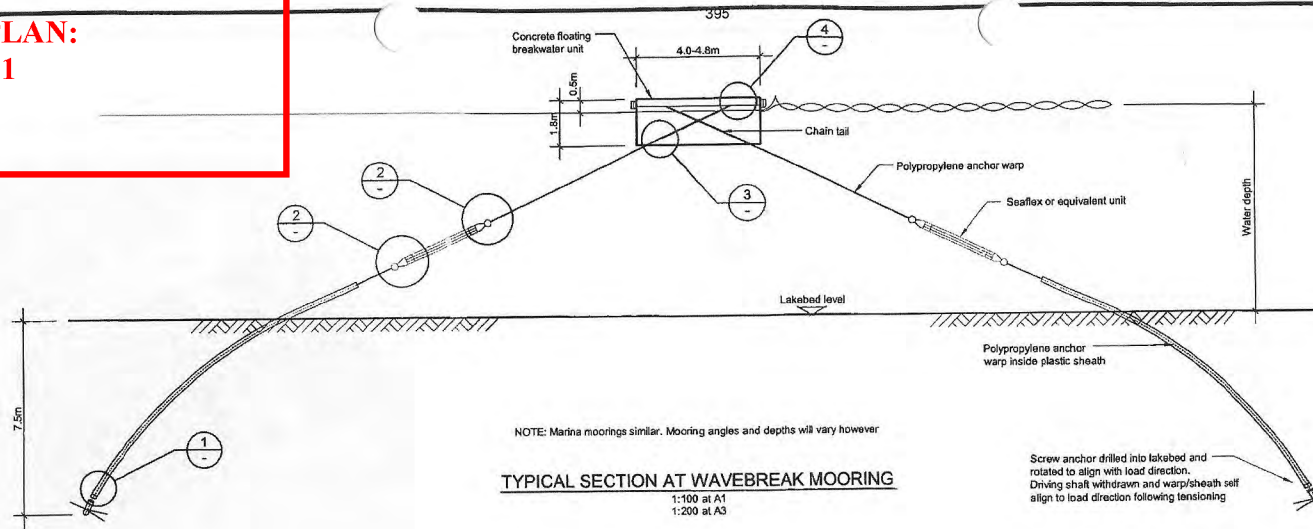
**TYPICAL MOORING ARRANGEMENT PLAN**  
1:500 at A1  
1:1000 at A3

ORIGINAL SIZE mm  
A1



**APPROVED PLAN:  
RM140061**

**20.02.15**

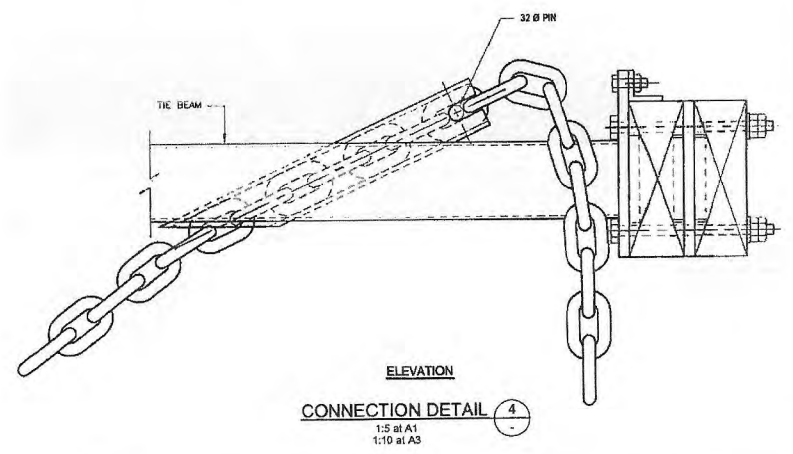
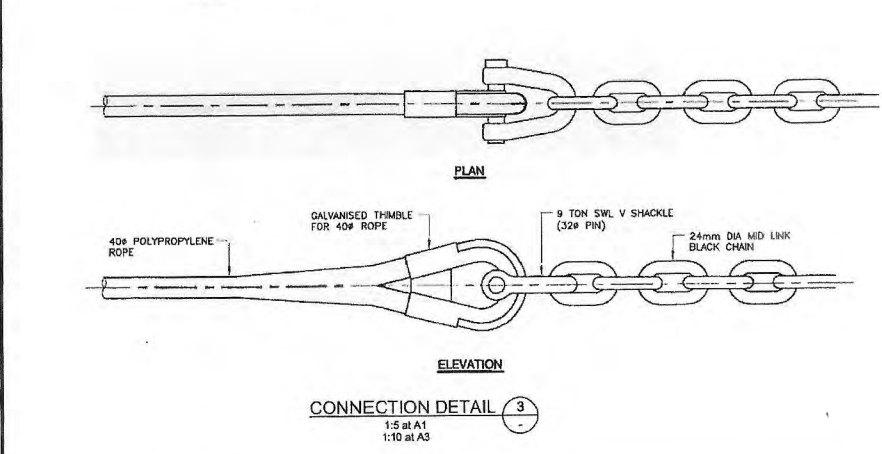
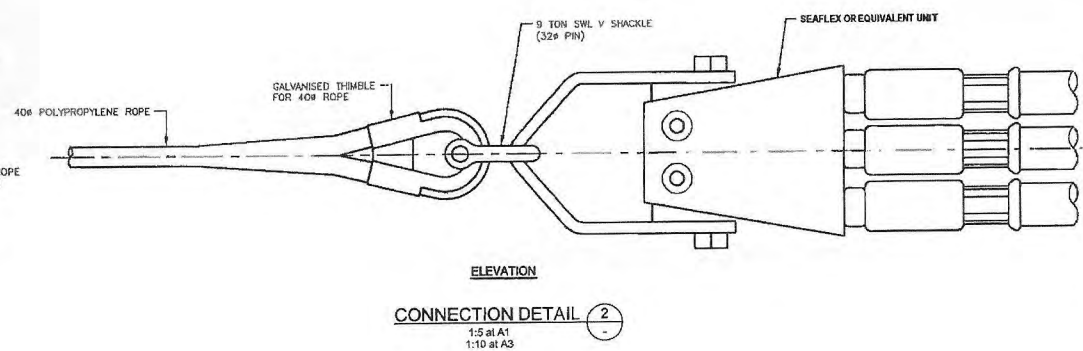
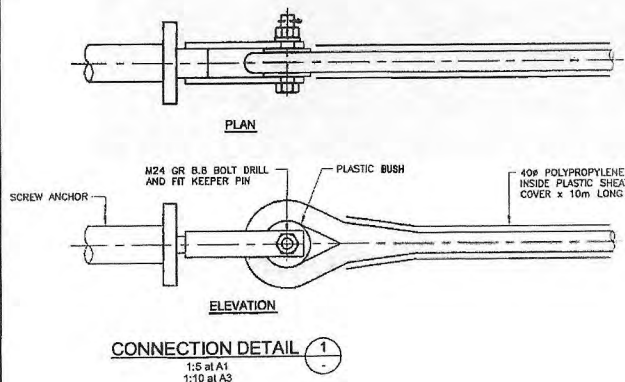


**IMPORTANT NOTES**

ALL PRELIMINARY DESIGN INFORMATION HAS BEEN PREPARED IN CONJUNCTION WITH OCEL CONSULTANTS NZ LIMITED.

THIS INFORMATION HAS BEEN BASED ON PREVIOUS TESTING AND GEOTECHNICAL INFORMATION PREVIOUSLY PROVIDED TO QLDC FOR THE QMDL MARINA PROPOSAL.

PLEASE NOTE SOME DETAILS MAY DIFFER SLIGHTLY DEPENDING ON SELECTION OF PROPRIETARY EQUIPMENT SUPPLY



No	Revisions	Appr	Date

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Designed: RMD/ARB July 13  
 Drawn: A.R. Bird July 13  
 Requested:  
 Approved:

Client	LAKES MARINA PROJECT LTD
Project	PROPOSED FRANKTON MARINA
Sheet Title	TYPICAL MOORING SECTION AND DETAILS

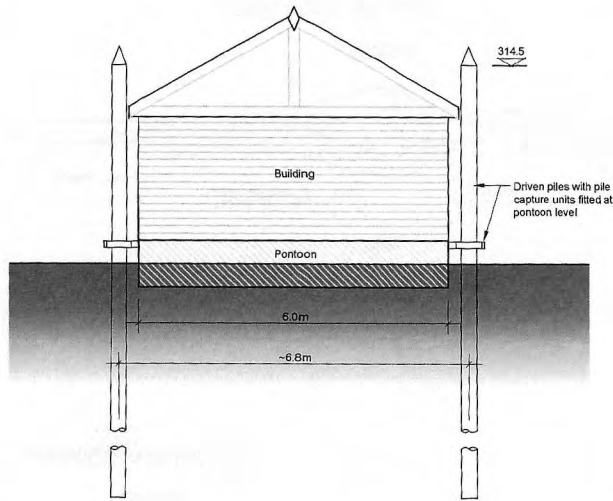
**emtech**  
Engineering & Marine Consultants

PO Box 981, Dunedin 9054 - 03 477 2836 - www.emtech.co.nz

Project	13039	Drawing	05	Revision	-
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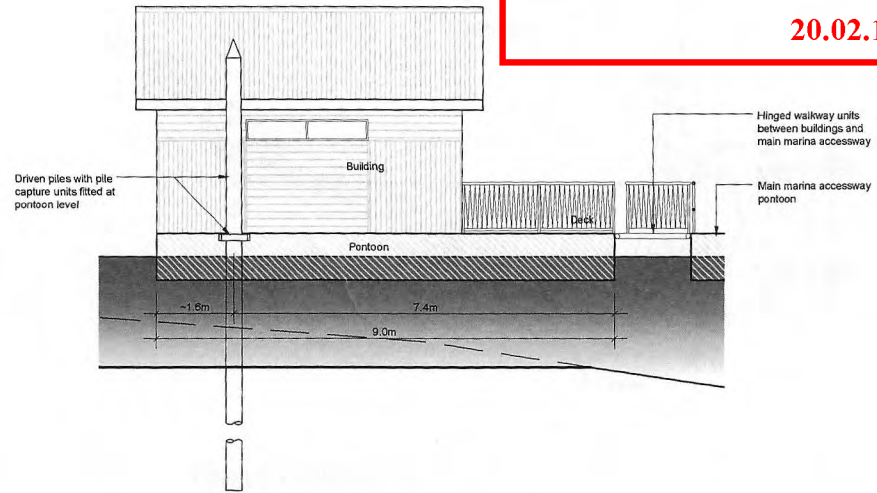
APPROVED PLAN:  
RM140061

20.02.15



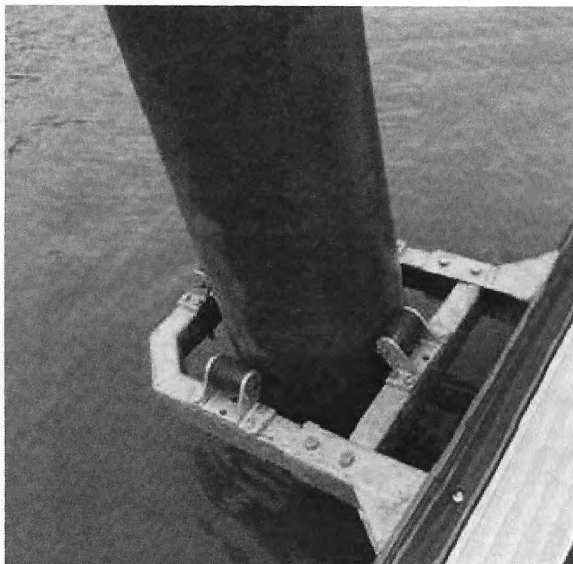
TYPICAL BUILDING END ELEVATION WITH MOORING PILES

1:50 at A1  
1:100 at A3



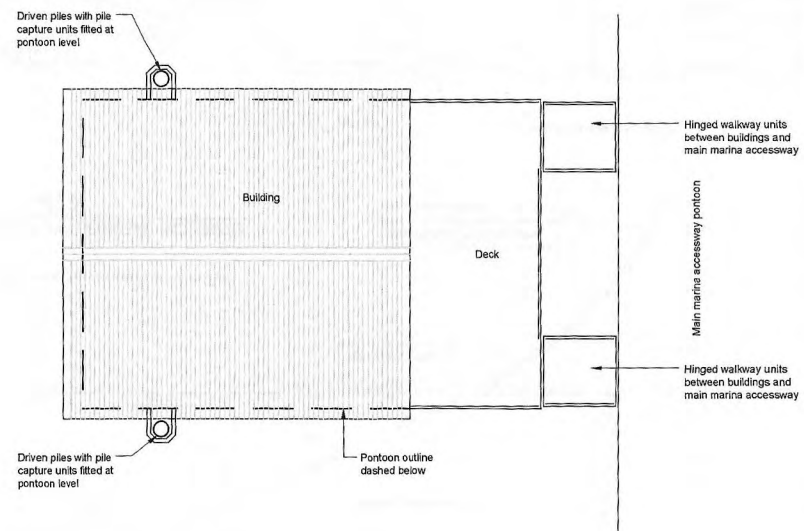
TYPICAL BUILDING SIDE ELEVATION WITH MOORING PILES

1:50 at A1  
1:100 at A3



TYPICAL BUILDING PILE CONNECTION

1:50 at A1  
1:100 at A3



TYPICAL PLAN OF BUILDING MOORING PILES

1:50 at A1  
1:100 at A3

No.	Revisions	App.	Date
1	Copyright notice added		
2	Design and drawing updates		
3	Final design and drawing		

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Designed: RMD/ARB July 13  
 Drawn: A.R. Bird July 13  
 Reviewed:  
 Approved:

Client	LAKES MARINA PROJECTS LTD	
Project	PROPOSED FRANKTON MARINA	
Sheet Title	TYPICAL BUILDING MOORING PILE ELEVATION AND DETAILS	

emtech  
Engineering & Marine Consultants

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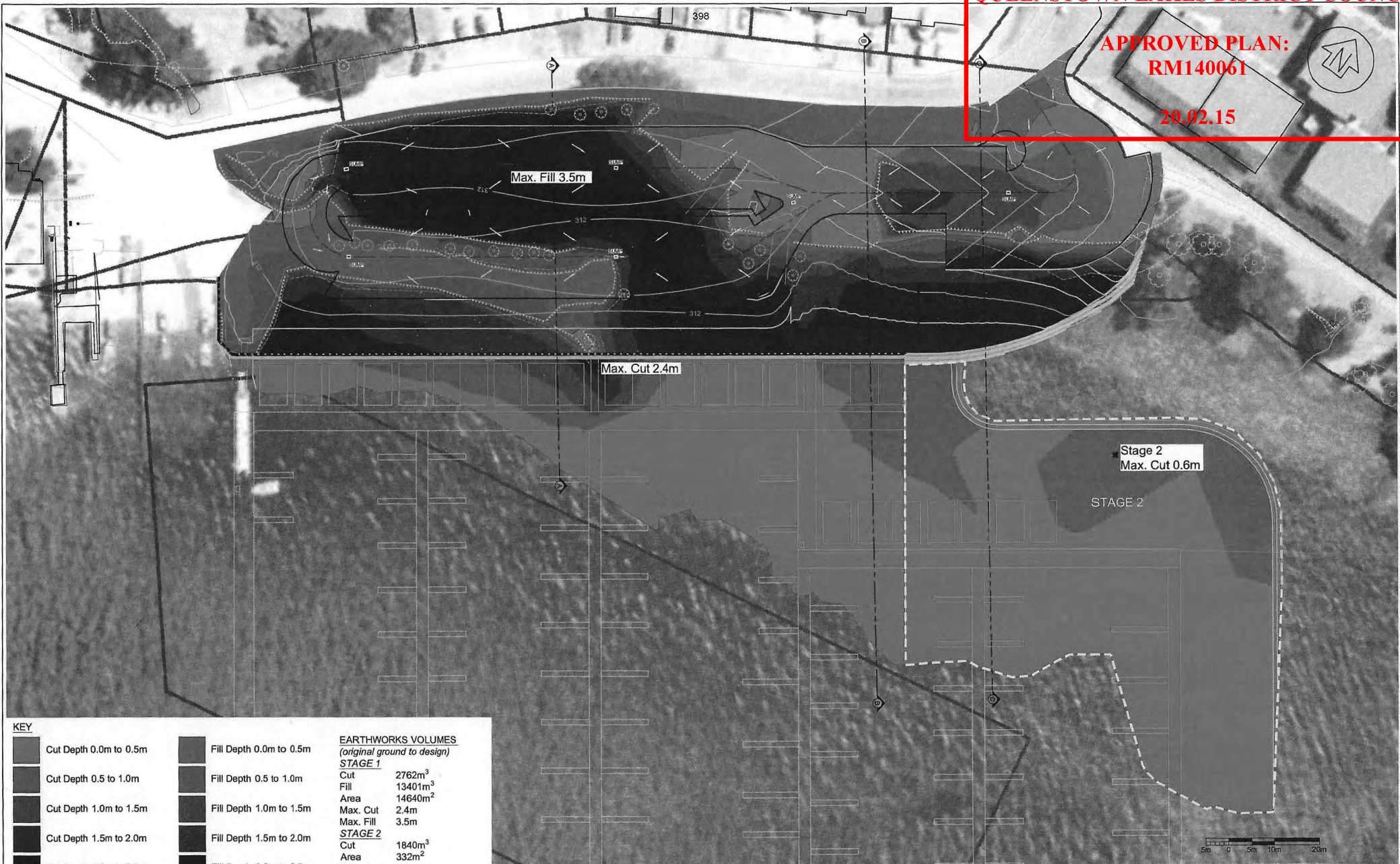
Project	Drawing	Revision
13039	06	-

ORIGINAL SIZE mm A1



APPROVED PLAN:  
RM140061

20.02.15



KEY

	Cut Depth 0.0m to 0.5m		Fill Depth 0.0m to 0.5m
	Cut Depth 0.5 to 1.0m		Fill Depth 0.5 to 1.0m
	Cut Depth 1.0m to 1.5m		Fill Depth 1.0m to 1.5m
	Cut Depth 1.5m to 2.0m		Fill Depth 1.5m to 2.0m
	Cut Depth 2.0m to 2.5m		Fill Depth 2.0m to 2.5m
			Fill Depth 2.5m to 3.0m
			Fill Depth 3.0m to 3.5m

EARTHWORKS VOLUMES  
(original ground to design)

<b>STAGE 1</b>	
Cut	2762m <sup>3</sup>
Fill	13401m <sup>3</sup>
Area	14640m <sup>2</sup>
Max. Cut	2.4m
Max. Fill	3.5m
<b>STAGE 2</b>	
Cut	1840m <sup>3</sup>
Area	332m <sup>2</sup>
Max. Cut	0.6m

NOTE: Contours show design surface level,  
Interval 0.25m

REV.	DATE	REVISION DETAILS	BY:
E	31.01.14	Text alterations	RVB
D	27.01.14	Stage 2 Earthworks amended	JDR
C	21.01.14	Earthworks amended	JDR
B	04.12.13	Earthworks amended	JDR
A	22.11.13	Initial Issue	JDR

WARNING NOTE:  
This consultation plan has been prepared for the client from field survey and existing records for the purpose of a proposed Marina on the land. It is to read in conjunction with our terms of engagement to Lakes Marina Project Ltd. It should not be used by the client company for any other purpose. The plan is not to be relied on by any other person for any purpose whatsoever.

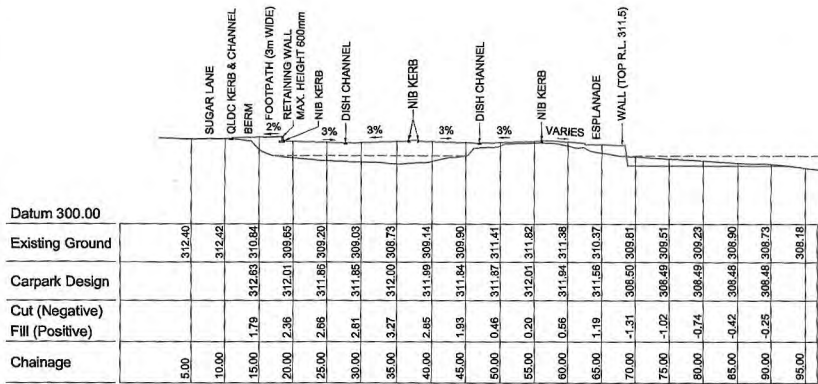
DATE: 22 Nov 2013  
BY: Jason Rhind  
Scale 1:750  
Original Plan A3  
DRAWING & ISSUE No. 3451-8E-1E

TITLE:  
**Proposed Frankton Marina Earthworks  
for Lakes Marina Project Ltd**

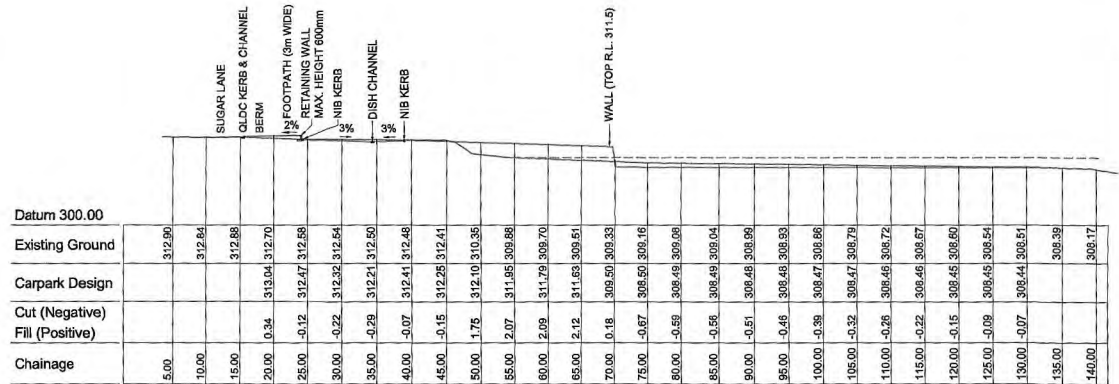
**AURUM**  
  
**SURVEY**

PO Box 2493  
Wakatipu 9349  
Ph 03 442 3466  
Fax 03 442 3469  
Email admin@ascl.co.nz

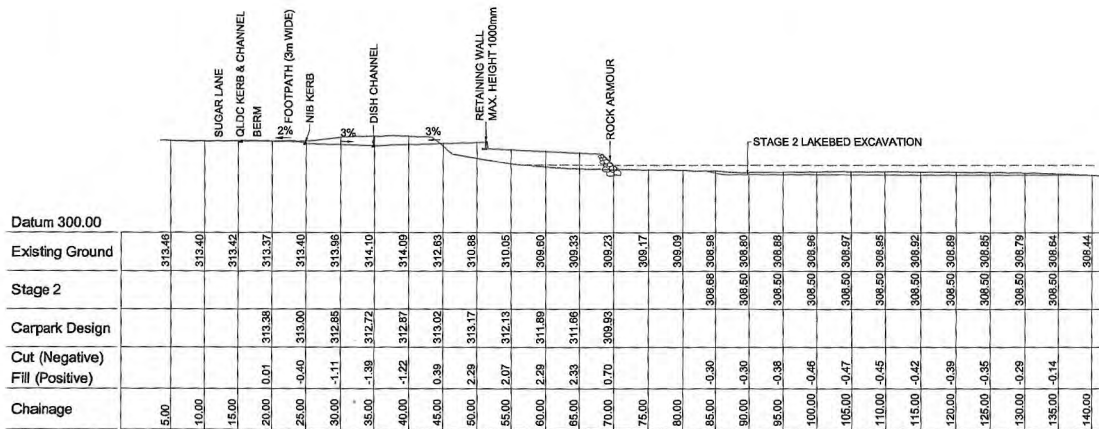




Section A  
Horizontal scale 1:750  
Vertical scale 1:750



Section B  
Horizontal scale 1:750  
Vertical scale 1:750



Section C  
Horizontal scale 1:750  
Vertical scale 1:750

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:  
RM140061**

**20.02.15**

REV.	DATE:	REVISION DETAILS:	BY:
D	27.01.14	Stage 2 Earthworks altered	JDR
C	21.01.14	Earthworks altered	JDR
B	04.12.13	Earthworks altered	JDR
A	22.11.13	Initial Issue	JDR

**WARNING NOTE:**  
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TITLE:  
**Proposed Frankton Marina Earthworks (Sections)  
for Lakes Marina Project Ltd**

DATE: 22 Nov 2013  
BY: Jason Rhind

Scale 1:750  
Original Plan A3

DRAWING & ISSUE No.  
**3451-8E-2D**


















**AURUM SURVEY**

PO Box 2493  
Wakatapu 9349  
Ph 03 442 3466  
Fax 03 442 3469  
Email admin@asct.co.nz





**LEGEND**

- |   |   |  |   |
|---|---|--|---|
|  Feature trees along the esplanade<br>- <i>Liquidamber styraciflua</i>                                 |  Formal hedges to stand 1.5m tall and enhance shelter from the wind.<br>- <i>Photinia x fraseri 'Robusta'</i>  |  Stairs enabling public access to the waters edge.  |  Buildings associated with the marina.               |
|  Feature trees along Sugar Lane.<br>- <i>Liriodendron tulipifera</i>                                   |  Raised garden beds to include low to medium shrub species to be planted in mass sweeps and to include:<br>- <i>Choysia ternata</i><br>- <i>Viburnum species</i><br>- <i>Prunus lucitanica</i><br>- <i>Berberis species</i><br>- <i>Cornus species</i> |  Informal rock retaining, designed to enable a tactile experience for public use which intertwines with the stairs and allows informal seating and access to the lake edge. |  Marina structure.                                   |
|  Amenity trees within the center of the car park.<br>- <i>Sorbus aria</i>                              |  Formal lawn areas.  |  Crosswalks enabling easy access through the car park.  |  Formal crosswalks to comply with Council standards. |
|  Amenity trees on the lawn adjacent to the rock retaining.<br>- <i>Ulnus procea 'Louis Van Houtte'</i> |  Large boulders to enable informal seating throughout the site.  |  Formal seating to be located along the northern edge of the esplanade.   |   |
|  Amenity trees dotted along the esplanade.<br>- <i>Platanus x acerifolia</i>                           |  Formal hedge to stand 1.0m tall at car-park edge.<br>- <i>Corokia virgata</i>   |  |   |

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:  
RM140061**

**20.02.15**

REF: FMP-SLP-002  
DATE: 09.12.2014  
SCALE: 1:600 @ A3

**LAKES MARINA PROJECTS LTD**  
**PROPOSED LANDSCAPE LAYOUT PLAN**

Lakes Marina Projects Ltd  
C/- The Business Advisory Group Limited  
Level 12, 34 Shortland Street, Auckland.  
1010, New Zealand  
Contact: Alan Kifer  
+64 03 441 3336 +64 027 434 5555

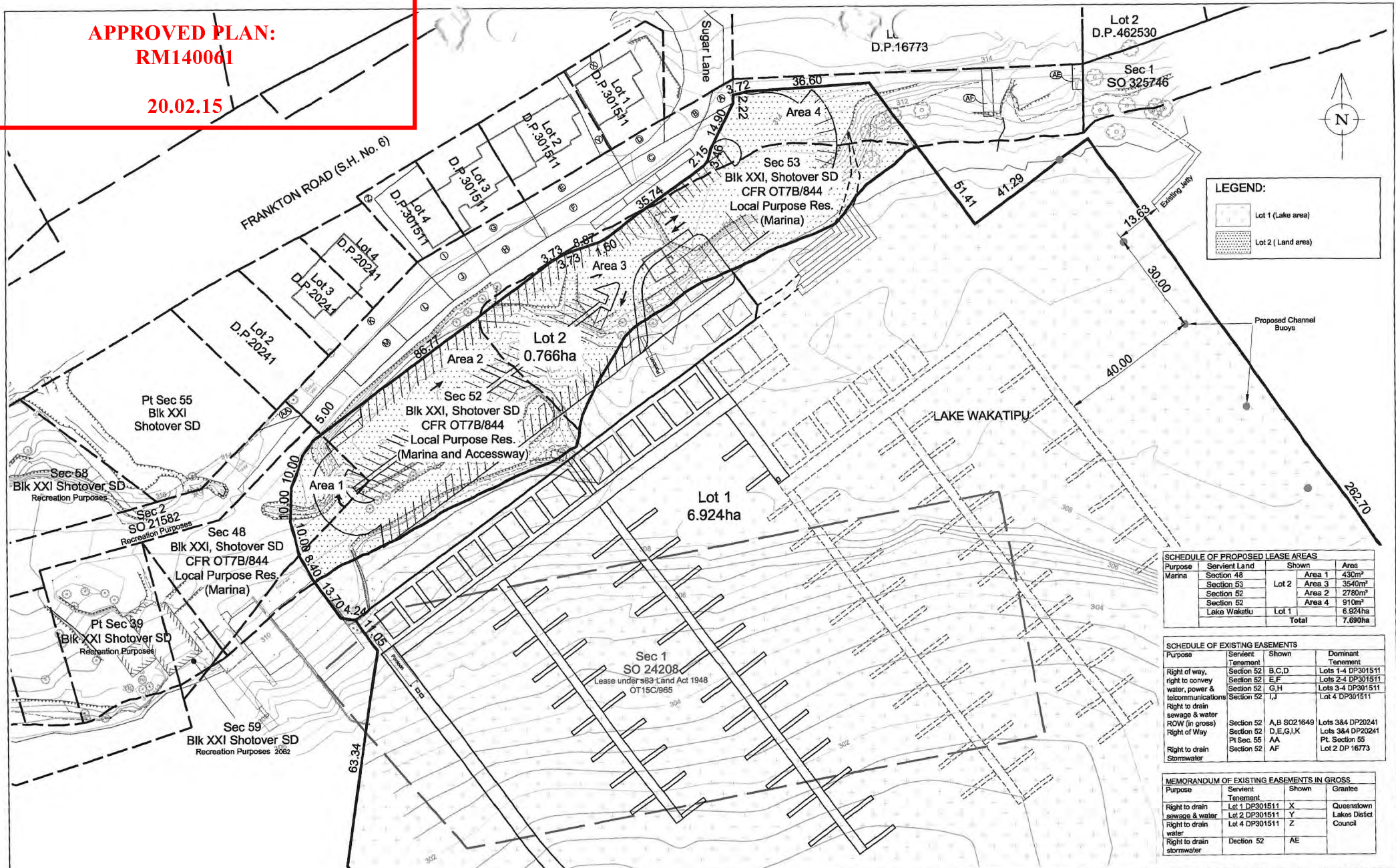








**APPROVED PLAN:  
RM140061  
20.02.15**



**LEGEND:**

[Dotted pattern]	Lot 1 (Lake area)
[Cross-hatched pattern]	Lot 2 (Land area)

**SCHEDULE OF PROPOSED LEASE AREAS**

Purpose	Servient Land	Shown	Area
Marina	Section 48	Area 1	430m <sup>2</sup>
	Section 53	Area 3	3540m <sup>2</sup>
	Section 52	Area 2	2780m <sup>2</sup>
	Section 52	Area 4	910m <sup>2</sup>
Lake Wakatipu	Lot 1	6.824ha	
		<b>Total</b>	<b>7.690ha</b>

**SCHEDULE OF EXISTING EASEMENTS**

Purpose	Servient Tenement	Shown	Dominant Tenement
Right of way, right to convey water, power & telecommunications	Section 52	B,C,D	Lots 1-4 DP301511
Right to drain sewage & water	Section 52	E,F	Lots 2-4 DP301511
Right of Way	Section 52	G,H	Lots 3-4 DP301511
Right to drain stormwater	Section 52	I,J	Lot 4 DP301511
Right of Way	Section 52	A,B SO21649	Lots 3&4 DP20241
Right to drain stormwater	Section 52	D,E,G,I,K	Lots 3&4 DP20241
	Pt Sec 55	AA	Pt Section 55
	Section 52	AF	Lot 2 DP 16773

**MEMORANDUM OF EXISTING EASEMENTS IN GROSS**

Purpose	Servient Tenement	Shown	Grantee
Right to drain sewage & water	Lot 1 DP301511	X	Queenstown Lakes District Council
Right to drain water	Lot 2 DP301511	Y	
Right to drain water	Lot 4 DP301511	Z	
Right to drain stormwater	Section 52	AE	

REV.	DATE	REVISION DETAILS	BY:
C	11/3/14	Buoys altered	SML
B	11/3/14	Jetty + buoys added	SML
A	28/1/14	Initial release	RVB

**WARNING NOTE:**  
This resource consent plan has been prepared for the client from field survey and existing records for the purpose of a proposed subdivision on the land. It is to be read in conjunction with our terms of engagement to Lakes Marina Project Ltd. It should not be used by the client company for any other purpose. The plan is not to be relied on by any other person for any purpose whatsoever.

**TITLE:**  
**Proposed Lease Areas & Marina layout  
Frankton Marina  
for Lakes Marina Project Ltd**

DATE: 28 Jan 2014  
BY: Rodney Baker  
Scale 1:1000  
Original Plan A3  
DRAWING & ISSUE No.  
**3451.9R.4C**

**AURUM SURVEY**

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Wakatipu 9348  
Ph 03 442 3466  
Fax 03 442 3469  
Email admin@ascl.co.nz

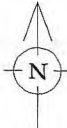
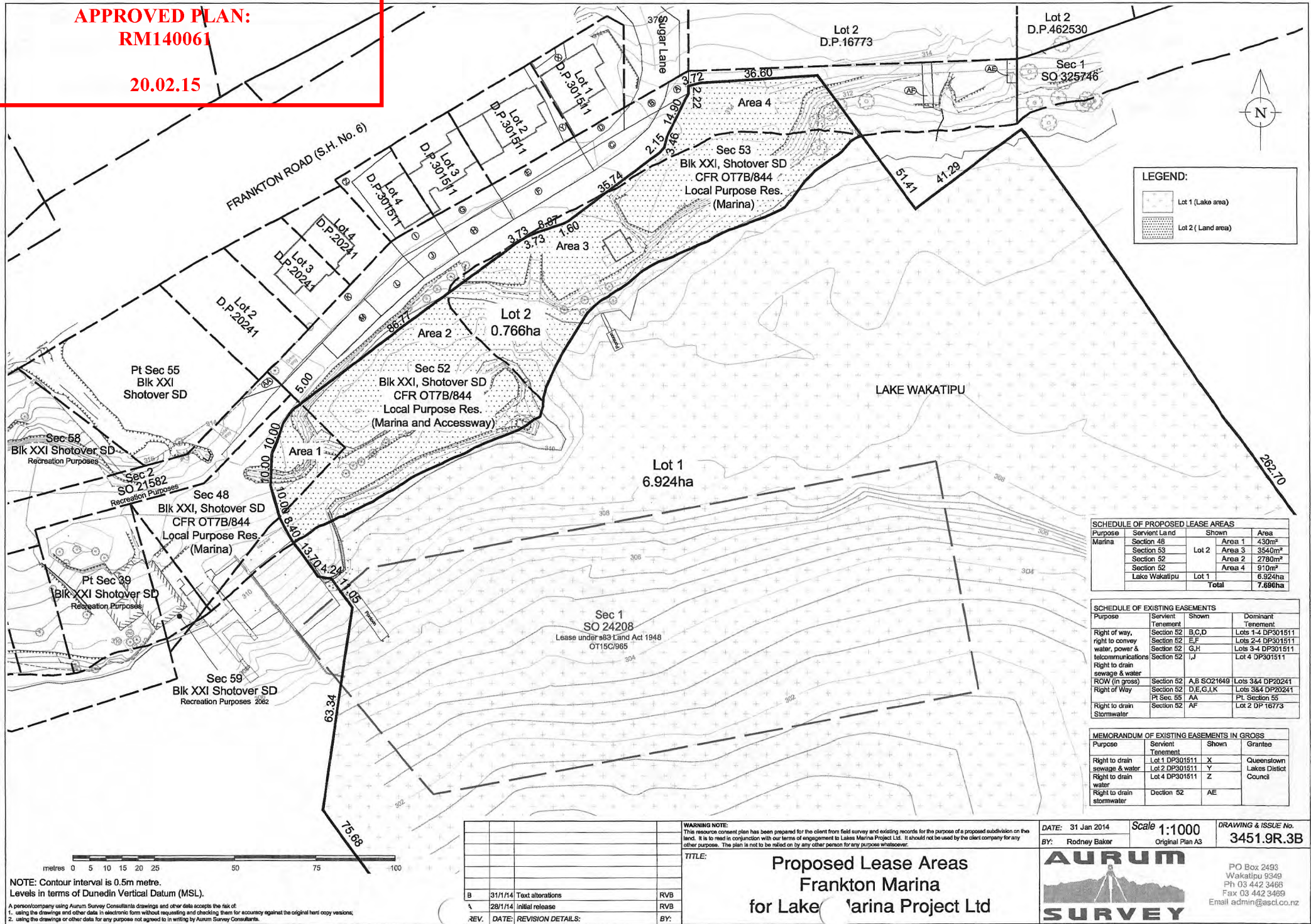
metres 0 5 10 15 20 25 50 75 100

NOTE: Contour interval is 0.5m metre.  
Levels in terms of Dunedin Vertical Datum (MSL).

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**APPROVED PLAN:  
RM140061  
20.02.15**



**LEGEND:**

	Lot 1 (Lake area)
	Lot 2 (Land area)

**SCHEDULE OF PROPOSED LEASE AREAS**

Purpose	Servient Land	Shown	Area
Marina	Lot 2	Section 48	Area 1 430m <sup>2</sup>
		Section 53	Area 3 3540m <sup>2</sup>
		Section 52	Area 2 2780m <sup>2</sup>
		Section 52	Area 4 910m <sup>2</sup>
Lake Wakatipu	Lot 1		6.924ha
	<b>Total</b>		<b>7.696ha</b>

**SCHEDULE OF EXISTING EASEMENTS**

Purpose	Servient Tenement	Shown	Dominant Tenement
Right of way, right to convey water, power & telecommunications	Section 52	B,C,D	Lots 1-4 DP301511
	Section 52	E,F	Lots 2-4 DP301511
Right to drain sewage & water	Section 52	G,H	Lots 3-4 DP301511
	Section 52	I,J	Lot 4 DP301511
Right to drain stormwater	Section 52	A,B	SO21649
	Section 52	D,E,G,I,K	Lots 3&4 DP20241
Right to drain stormwater	Pt Sec 55	AA	Pt Section 55
	Section 52	AF	Lot 2 DP 16773

**MEMORANDUM OF EXISTING EASEMENTS IN GROSS**

Purpose	Servient Tenement	Shown	Grantee
Right to drain sewage & water	Lot 1 DP301511	X	Queenstown Lakes District Council
	Lot 2 DP301511	Y	Queenstown Lakes District Council
Right to drain stormwater	Lot 4 DP301511	Z	Queenstown Lakes District Council
	Section 52	AE	Queenstown Lakes District Council



NOTE: Contour interval is 0.5m metre.  
Levels in terms of Dunedin Vertical Datum (MSL).

A person/company using Aurum Survey Consultants drawings and other data accepts the risk of:  
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REV.	DATE	REVISION DETAILS	BY:
B	31/1/14	Text alterations	RVB
A	28/1/14	initial release	RVB

**WARNING NOTE:**  
This resource consent plan has been prepared for the client from field survey and existing records for the purpose of a proposed subdivision on the land. It is to be read in conjunction with our terms of engagement to Lakes Marina Project Ltd. It should not be used by the client company for any other purpose. The plan is not to be relied on by any other person for any purpose whatsoever.

**TITLE:**  
**Proposed Lease Areas  
Frankton Marina  
for Lake Wakatipu Marina Project Ltd**

DATE: 31 Jan 2014  
BY: Rodney Baker

Scale 1:1000  
Original Plan A3

DRAWING & ISSUE No.  
**3451.9R.3B**

**AURUM SURVEY**

PO Box 2493  
Wakatipu 9349  
Ph 03 442 3466  
Fax 03 442 3489  
Email admin@ascl.co.nz