

**DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	B Quill & D Epper
<b>RM reference:</b>	RM120474
<b>Location:</b>	Frankton Arm of Lake Wakatipu, northeast of 217 Peninsula Road, Kelvin Heights, Queenstown.
<b>Proposal:</b>	Establish a jetty on Lake Wakatipu
<b>Type of Consent:</b>	Land Use
<b>Legal Description:</b>	Lake Wakatipu
<b>Valuation Number:</b>	N/A
<b>Zoning:</b>	Rural General
<b>Activity Status:</b>	<b>Discretionary</b>
<b>Notification:</b>	Publicly Notified
<b>Commissioner:</b>	Commissioner Clarke
<b>Date Issued:</b>	12 February 2013
<b>Decision:</b>	<b>Granted with conditions</b>

This is an application for resource consent under Section 88 of the Resource Management Act 1991 to establish a jetty on Lake Wakatipu. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 11 February 2013. This decision was made and its issue authorised by David Clarke, Independent Commissioner, as delegate for the Council.

### **Notification, Assessment and Section 100 of the RMA**

The application was publically notified on 5 December 2012. Two submissions in support were received. A Section 42A report has been prepared (Attachment 1), which outlines the assessment that has been undertaken of the proposal against the provisions of the District Plan and Resource Management Act 1991 (RMA).

The RMA allows for consideration of this application without a hearing under Section 100 which states:

***100. Obligation to hold a hearing***

*A hearing need not be held in accordance with this Act in respect of an application for a resource consent [...] unless –*

- (a) The consent authority considers that a hearing is necessary; or*
- (b) Either the applicant or a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.*

The applicant has advised they do not wish to be heard. The submitters support the proposal and do not wish to be heard.

Given the conclusions contained in the s.42A report (Attachment 1), it is considered that a formal hearing of the application is not necessary for the substantive determination of the application.

In this particular case, and given the circumstances outlined above, the consent authority does not consider a hearing necessary.

The Independent Commissioner has reviewed the Section 42A recommendation prepared for this application, and has also undertaken a site visit (on 11 February 2013) with respect to the application, and has decided that it can proceed without the need for a formal hearing under Section 100 of the Act. A memo outlining the Commissioner decision under Section 100 of the Act is attached to this decision (Attachment 2).

### **Decision**

Consent is GRANTED pursuant to Section 104 of the Act, subject to the following conditions imposed pursuant to Section 108 of the Act:

#### General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
  - **Clark Fortune McDonald and Associates: Proposed Jetty Job No. 10691. Drawing No. 001. Revision B.**
  - **Vivian and Espie Limited: photomontage of jetty appearance.**

**(stamped as approved on 12 February 2013)** and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. 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.

- 2b. 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 \$100. This initial fee has been set under section 36(1) of the Act.

#### Specific Conditions

3. The jetty shall be available for public use.
4. Signs of approximately 0.25m<sup>2</sup> each shall be erected (and maintained) at each end of the jetty so as to be visible from the immediate shore in one case and the water beyond the jetty in the other. The signs shall be light coloured text on a dark background and be of an easily read font such as Ariel and shall state: *"This jetty is available for public use. Overnight mooring of a vessel is prohibited."*
5. There shall be no overnight mooring.
6. The jetty pontoon shall be clad in wood, the gantry shall have wooden clad handrails and all visible metal components shall be coloured in a recessive tone. The colour shall be certified in writing as appropriate by the Principal Landscape Architect of the Queenstown Lakes district Council **prior** to paint being applied to the structure, and shall thereafter be maintained and kept clean and in good repair. Any readily noticeable degradation such as scratching to the paint surface or marking which detracts from the painted finish shall be remedied
7. The concrete abutments shall be clad in schist to mimic the character of the surrounding rock.
8. The consent holder shall ensure that any contractors engaged to undertake work authorised by this consent abide by the conditions of this consent.
9. The consent holder shall install measures to control and/or mitigate the effects of any dust, silt run-off and sedimentation that may occur during construction and in particular to ensure that no such material enters the waters of the Lake, either directly or indirectly. 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.

#### Kai Tahu Ki Otago Conditions

10. The consent holder shall ensure the following:
  - (a) That any disturbance to the bed is limited to the extent required to undertake the works and as described in the application.
  - (b) That all machinery is clean and well maintained before entering the work site.
  - (c) That all practical measures are undertaken to minimise contamination to the waterway, i.e. discharge of wet concrete is avoided.
  - (d) That all practical measures are undertaken during proposed works to minimise sedimentation in the waterway.

#### Review

11. Within ten working days of each anniversary of the date of this decision 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.

## **Reasons for the Decision**

### Assessment

The section 42A report prepared for Council (attached as Appendix 1) provides a full description of the proposal, site and surrounds, and assessment of the application. A summary of the assessment and subsequent conclusions of that report is outlined below:

*B Quill & D Epper have applied for resource consent to establish a jetty on Lake Wakatipu.*

*It is my conclusion that the jetty as proposed is appropriate in this location. The reasons for this conclusion are as follows:*

- *Subject to conditions, the proposal will not result in significant adverse effects on the character and amenity values of the Outstanding Natural Landscape of Lake Wakatipu.*
- *The establishment of a jetty at the site will provide a useful facility for public and recreational use.*
- *The proposal fulfils the objectives and policies for the zone and sufficient mitigation measures exist, such that the proposal can align with District Wide objectives and policies.*

*Therefore, in accordance with Section 104D of the Resource Management Act, in my opinion the proposed development can be granted resource consent subject to appropriate conditions.*

*In summary, for the reasons outlined above, the proposal is considered to be consistent with the relevant provisions of the District Plan and can meet the purpose of the Act.*

## **Other Matters**

### *Local Government Act 2002: Development Contributions*

In granting this resource consent reference was made to Part 8 Subpart 5 Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004).

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

For the foregoing reasons a Development Contribution is not required.

## **Administrative Matters**

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

Should you not be satisfied with the decision of the Council, or certain conditions, an objection may be lodged in writing to the Council setting out the reasons for the objection under Section 357 of the

Resource Management Act 1991 no later than 15 working days from the date this decision is received.

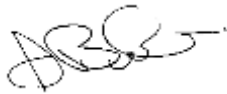
You are responsible for ensuring compliance with the conditions of this resource consent. The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.

If you have any enquiries please contact Aaron Burt on phone (03) 450 0322 or email [aaron.burt@lakesenv.co.nz](mailto:aaron.burt@lakesenv.co.nz)

Prepared by  
**LAKES ENVIRONMENTAL LTD**



Aaron Burt  
**PLANNER**

Reviewed by  
**LAKES ENVIRONMENTAL LTD**



Wendy Baker  
**PLANNING TEAM LEADER**

**Attachment 1:** Section 42A Report  
**Attachment 2:** Commissioner's memo

**FILE REF: RM120474**

**TO** Commissioner Clarke

**FROM** Aaron Burt

**SUBJECT** Report on a notified consent application to establish a jetty in the Frankton Arm of Lake Wakatipu.

**SUMMARY**

**Applicant:** B Quill & D Epper

**Location:** Frankton Arm of Lake Wakatipu, northeast of 217 Peninsula Road, Kelvin Heights, Queenstown.

**Proposal:** Consent is sought to establish a jetty on the Lake Wakatipu foreshore, northeast of 217 Peninsula Road, Kelvin Heights.

**Legal Description:** Lake Wakatipu

**Zoning:** Rural General

**Public Notification Date:** 5 December 2012

**Closing Date for Submissions:** 24 January 2013

**Submissions:** 2

The following submissions have been received in support of the application:

- 1) William Henry Fulton: 3 Lowick Avenue, Cashmere, Chrishchurch.
- 2) Robert J Fulton: 82 Blakes Road, Prebbleton.

Neither of the submitters wishes to be heard in support of their submission.

**Implications For:**

i)	Policy	No
ii)	Annual Plan	No
iii)	Strategic Plan	No

## RECOMMENDATION

That the application by B Quill & D Epper to establish a jetty on Lake Wakatipu northeast of 217 Peninsula Road, be GRANTED pursuant to section 104 of the Resource Management Act 1991 for the following reasons:

1. The adverse effects of the activity can be adequately mitigated so that effects on the wider environment are not significant.
2. The proposal the proposal is consistent with the objectives and policies for the Rural General zone.
3. The proposal is consistent with Part 2 of the Resource Management Act 1991 (the Act).

## INTRODUCTION

My name is Aaron Burt and I hold a Bachelor of Resource Studies from Lincoln University. I have approximately fourteen years experience as a planner in roles within the Department of Conservation and various Councils in New Zealand and the United Kingdom. I have worked for Lakes Environmental as a Resource Consents Planner since September 2007.

This report has been prepared to assist the Commissioner. It contains a recommendation that is in no way binding. It should not be assumed that the Commissioner will reach the same conclusion.

## REPORT

### 1.0 SITE & ENVIRONMENT

#### 1.1 SITE DESCRIPTION

Lakes Environmental's Landscape Architect has described the site and surrounds as follows:

*The site is located on the south eastern shoreline of the Frankton Arm of Lake Wakatipu within 130m of the Loop Road and Peninsula Road intersection (western end). It is relatively secluded within a small notch in the rock bank forming a small bay about 25m across. A large conifer overhangs the eastern end of the small bay. The remainder of the bay is gently sloping rock face vegetated in places with an assorted mix of native and exotic scrub weed species. An adjacent public walkway has open unhindered views down to the bay for a relatively short stretch as it passes through. Visually the small bay is contained with views up and down the shoreline limited by vegetation and topography and the main focus being out across the lake. There are no other lake edge structures visible from the site.*

In addition to the above, it is determined that the site forms part of an Outstanding Natural Landscape (ONL) as identified in the Queenstown Lakes District Plan.

The proposed jetty location is illustrated in the plan excerpt below:

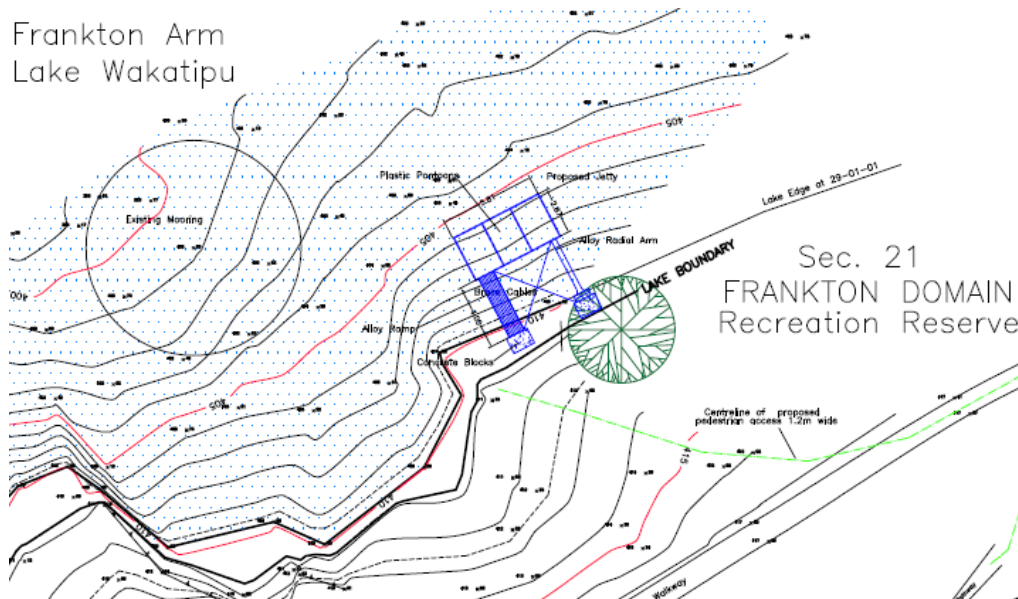


Figure 1: Proposed Jetty Location

## 1.2 SITE HISTORY

Land Use consent RM010251 approved the construction of a jetty in the same location as that now proposed. The application was publically notified and granted by Commissioners after a formal hearing. The consent lapsed on 16 February 2010 without having been given effect.

## 2.0 PROPOSAL

Consent is sought to establish a jetty on the Lake Wakatipu foreshore, northeast of 217 Peninsula Road, Kelvin Heights. The jetty structure will comprise a 5.8m x 2.9m floating platform which will be clad in wood. The floating structure will be accessed via a 4 metre long metal gantry attached to land at one end via a concrete abutment embedded in the shoreline. The gantry will have metal handrails along both sides of its length. The other end of the jetty will be similarly anchored to another concrete abutment, and will be attached by a metal bracing arm.

Metal elements will be painted a recessive colour. The overall structure will occupy an area of 40m<sup>2</sup>, with the significantly greater part being immediately over water.

The jetty will be available at all times for public use, and the applicant has advised that there will be no overnight mooring.

Following notification of the application, the proposed position of the jetty has been repositioned approximately 3.4 metres to the east, and the degree it extends outwards from the shore has been reduced slightly. The applicant has also proposed to incorporate wooden cladding on the gantry handrails, and schist cladding to the abutments.

These amendments to the notified proposal are minor, and are within scope. The image below illustrates the extent of that change.



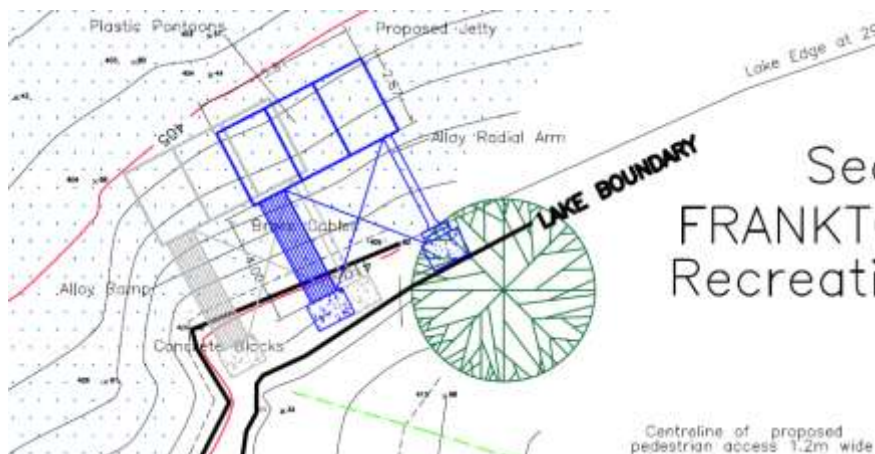


Figure 2: Revised Position

The floating part of the jetty will be constructed 'off site' and towed over water to the proposed location.

The jetty will be available at all times for public use.

### 3.0 SUBMISSIONS

A copy of submissions received can be found in the "Submission" section of the Agenda; and are summarised below for the Commission's benefit.

Name	Summary of Submission	Relief Sought
William Henry Fulton	Supports the floating pontoon design, and the retention of the 'rocky slope' which allows small craft to be beached.	Approve the proposal on the basis that the rocky slope and endless rope are retained.
Robert J Fulton	Advises that the floating pontoon is a practical design and will provide safe access. The jetty will have no adverse effects and should be supported.	Approve on the basis that jetty, or the path to it, do not impact on residents' use of the rocky slope.

### 4.0 CONSULTATION/AFFECTED PERSONS CONSENTS

Written approval has been provided from the following parties:

- Te Runanga o Ngai Tahu
- Kai Tahu ki Otago Limited
- Land Information New Zealand
- Otago Fish and Game
- C & S Campbell (221 Peninsula Road)
- A Lindsay & M Paul (229 Peninsula Road)
- G Bates (225 Peninsula Road)
- W. H Fulton (233 Peninsula Road)

### 5.0 RELEVANT PLANNING DOCUMENTS

#### 5.1 OTAGO REGIONAL COUNCIL – REGIONAL PLAN: WATER

In 1994, the Otago Regional Council (ORC) transferred its responsibilities under section 13(1)(a) of the Resource Management Act 1991 to the Queenstown Lakes District Council (QLDC). A copy of the

Deed outlining these responsibilities is provided in 'Appendix D' of the application. Responsibilities include those relating to the use, erection, reconstruction, placement, alteration, extension, removal or demolition of any structure or part of any structure in, on, or over the lakebed in accordance with Section 13 of the Resource Management Act 1991.

As the proposal meets the above summary, it can be inferred that the ORC has delegated its powers of authority.

The following sections of the Regional Plan: Water, are therefore relevant:

### **13.2 The erection or placement of a structure**

#### **13.2.2 Restricted discretionary activities: Resource consent required.**

*13.2.2.1 Except as provided for by Rules 13.2.1.1, 13.2.1.2 and 13.2.1.5 to 13.2.1.7, the erection or placement of any fence, pipe, line, cable, whitebait stand, eel trap, maimai, jetty, bridge or culvert in, on, under, or over the bed of any lake or river, is a **restricted discretionary** activity.*

Restricted Discretionary Consent is required pursuant to Rule 13.2.2.1 with Council's discretion limited to the following matters:

*In considering any resource consent for the erection or placement of any fence, pipe, line, cable, whitebait stand, eel trap, maimai, jetty, bridge or culvert in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:*

- (a) Any adverse effects of the activity on:*
  - (i) Any natural and human use value identified in Schedule 1 for any affected water body;*
  - (ii) The natural character of any affected water body;*
  - (iii) Any amenity value supported by any affected water body; and*
  - (iv) Any heritage value associated with any affected water body; and*
- (b) Flow and sediment processes; and*
- (c) Any adverse effect on a defence against water; and*
- (d) Any adverse effect on existing public access; and*
- (e) Fish passage; and*
- (f) The method of construction; and*
- (g) The duration of the resource consent; and*
- (h) The information and monitoring requirements; and*
- (i) Any existing lawful activity associated with any affected water body; and*
- (j) Any bond; and*
- (k) The review of conditions of the resource consent.*

*Applications will be considered without notification and without the need to obtain written approval of affected persons in accordance with the Resource Management Act, unless the Council considers that special circumstances apply.*

#### **13.3.2 Restricted discretionary activities: Resource consent required**

*13.3.2.1 Except as provided for by Rules 13.3.1.1 and 13.3.1.2, the extension, alteration, replacement or reconstruction of any structure, fixed in, on, under or over the bed of any lake or river, is a **restricted discretionary** activity.*

*In considering any resource consent for the extension, alteration, replacement or reconstruction of any structure in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:*

- (a) Any adverse effects of the activity on:*
  - (i) Any natural and human use value identified in Schedule 1 for any affected water body;*
  - (ii) The natural character of any affected water body*

- (iii) Any amenity value supported by any affected water body; and
- (iv) Any heritage value associated with any affected water body; and
- (b) Flow and sediment processes; and
- (c) Any adverse effect on a defence against water; and
- (d) Any adverse effect on existing public access; and
- (e) The method of construction; and
- (f) The duration of the resource consent; and
- (g) The information and monitoring requirements; and
- (h) Any existing lawful activity associated with any affected water body; and
- (i) Any insurance or other appropriate means of remedying the effects of failure; and
- (j) Any bond; and
- (k) A financial contribution if the structure is a dam, or an activity that adversely affects any Type B wetland value; and
- (l) The review of conditions of the resource consent.

*Applications may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity.*

In summary, the application is considered to be a **restricted discretionary** activity in terms of the provisions of the Regional Plan: Water for Otago.

## 5.2 THE QUEENSTOWN LAKES DISTRICT COUNCIL DISTRICT PLAN

The site is zoned Rural General under the District Plan. The purpose of the Rural General zone is to manage activities so they can be carried out in a way that:

- protects and enhances nature conservation and landscape values;
- sustains the life supporting capacity of the soil and vegetation;
- maintains acceptable living and working conditions and amenity for residents of and visitors to the Zone; and
- ensures that a wide range of outdoor recreational opportunities remain viable within the Zone.

Part 5 of the Plan provides for activities on the surface of Lakes and Rivers as discretionary activities.

Rule 5.3.3.3 states that:

*The following shall be **Discretionary Activities**, provided that they are not listed as a **Prohibited** or **Non-Complying** Activity and they comply with all of the relevant **Zone Standards**; and they have been evaluated under the assessment criteria in rule 5.4.*

### *iv Surface of Lakes and Rivers*

- (a) *Any structure or mooring which passes across or through the surface of any lake and river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers, except in those locations where such structures or moorings are shown on the District Plan Maps as being non-complying.*

The proposal is a **discretionary** activity under the District Plan.

## 6.0 INTERNAL REPORTS

Lakes Environmental's Senior Landscape Architect, Mr Richard Denny, has assessed the application and provided a report (see Appendix A).

The Queenstown Harbourmaster, Mr Marty Black, has provided an email comment on the safety of the jetty structure. Mr Black advised that he did not foresee any problems associated with the proposed structure, and that it will blend into the shoreline and give easier access to the Lake, especially for older folk.

No other internal reports were commissioned.

## 7.0 STATUTORY CONSIDERATIONS

This application must be considered in terms of Section 104 of the Resource Management Act 1991.

Subject to Part II of the Act, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

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

Following assessment under Section 104, the application must be considered under Section 104B of the Act.

Under Section 104B of the Resource Management Act 1991, the Council may grant or refuse consent and if granted may impose conditions under Section 108.

The application must also be assessed with respect to the purpose of the Act which is to promote the sustainable management of natural and physical resources. Section 8.3 of this report outlines in more detail Part 2 of the Act.

## 8.0 ASSESSMENT

It is considered that the proposal requires assessment in terms of the following issues:-

- (i) Effects on the Environment
- (ii) Objectives Policies and Rules
- (iii) Part II of the Act

### 8.1 ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

#### *Construction and Effects to Water Quality*

The jetty components will be constructed off site, with the pontoon being towed to the desired location and then secured to concrete abutments that will be constructed on the shoreline. As the structure will be floating and attached to shore, disturbance to the lakebed itself will be negligible. Construction and associated effects would therefore be largely limited to the area of/and adjoining the Council reserve. Although the construction of the concrete abutments on the shoreline will create the greatest physical disturbance to the land, standard conditions associated with works in proximity to waterways will be sufficient to mitigate any potential sedimentation and disturbance.

### *Function and Effects to Users of the Lake*

The submissions that have been received highlight a desire for public access to the rocky slope, and area of the bay where small craft can be beached to be retained. The jetty will not diminish or impede this access, and it is noted that the eastward repositioning of the structure is to an area of steeper rock, where public access would be less likely. The revised position of the jetty will likely facilitate greater public access to an area of shoreline that is quite steep, or otherwise generally inaccessible.

Other recreational use of the lake in the vicinity could include swimming, fishing, and the use of non-motorised craft. The shoreline is clear for a reasonable distance either side of the jetty and it is unlikely that persons engaging in such activities could be affected by the presence of the jetty or craft that it will attract.

The applicant states that the jetty will be available at all times for public use, and that such use will not be discouraged. The applicant has confirmed that they will abide by a prohibition on overnight mooring.

### *Amenity*

The Landscape Architect's assessment (Appendix A) relates to the notified proposal, and the repositioning of the structure further eastwards resolves some of the concerns raised within the landscape assessment. The Landscape Architect assesses the revised position in an Addendum to his report.

When viewed from the lake, the jetty will sit low in the water, and the colours and materials used will be viewed against the backdrop of a rock outcrop. It is determined that effects to amenity when viewed from the lake will be minimal, and the structure will rest well in context with the environment when viewed against the backdrop of the adjacent land. It will not appear as an obtrusive element.

When viewed from the adjacent public walking track, views will be down onto the structure given the elevated position of that vantage. The eastward repositioning of the structure has reduced adverse effects that may have arisen as a consequence of more westward views from the track. Those views would have taken in the full extent of the structure, as a projection from a rock point at the edge of a small bay. The revised position means that the gantry will be partially screened by the rock topography in more westward views. This will assist to mitigate the engineered appearance of the structure, and enable it to rest more sensitively.

The jetty will appear most prominent in views from the track immediately above the structure. From these views, the position of the jetty will not detract significantly from the character of the small bay because of its more eastward location, and the positioning of the bracing arm will be screened by a large tree. This screening will assist in a reduced perception of the overall scale of the structure. The use of wooden claddings will also assist the jetty to mimic the traditional construction methods of jetties that are common along the lakeshore.

Eastward views are not as significant, and the jetty will be largely screened as a consequence of the track position in relation to topography and the previously mentioned tree.

The applicant proposes to clad the concrete abutments in schist, and this mitigation will be effective in assisting these elements to better blend with the natural rock where they will be located.

It is concluded that the cladding, colours and scale of the jetty, when considered in conjunction with the mitigation afforded by its more eastward location, will reduce adverse effects associated with the extent to which the proposed jetty would be dominant or obtrusive.

### *Culture*

The site is of special significance to Ngai Tahu and Kai Tahu Ki Otago. This is acknowledged in the Ngai Tahu Claims Settlement Act 1998. Ngai Tahu has provided written approval for the activity. Kai Tahu Ki Otago as also provided approval subject to conditions concerning accidental discovery protocols for koiwi, and the protection of the water from contamination, sedimentation and unnecessary disturbance.

### *Positive Effects*

The jetty will provide a useful temporary berth for the public and will afford unrestricted public access. The jetty could be popular with lake users including those wanting to go fishing, or take in the surrounding sights from an alternate vantage as well as enhancing access to the foreshore for passive recreation.

The jetty will enable water transport services to access the site.

Overall, it is considered that subject to conditions, any effects will be less than minor.

## **8.2 OBJECTIVES, POLICIES AND RULES**

### **8.2.1 Otago Regional Council, Regional Plan: Water**

Part 8 of the Regional Plan: Water provides the Objectives and Policies relevant to the proposed activity. With respect to this proposal, the following provisions are considered relevant:

### **8.3 Objectives**

#### **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***

This objective recognises that structures in, on under or over the bed of a lake can potentially modify hydrological and fluvial processes in the event that water or sediment flow is impeded. This in turn can exacerbate flooding, erosion or other hazards.

The floating jetty will utilise two concrete abutments as anchor points and no additional works are proposed to the bed of the lake. These will be set into solid rock, and will not affect the stability of the shoreline.

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

Works associated with the establishment of jetties typically only have temporary effects associated with water disturbance. It is not anticipated that the construction phase of the jetty establishment will have any adverse effects on water clarity.

### **8.5 Policies applying to structures:**

#### **8.5.1 To require, where necessary and practicable, any structure in or on the bed of any lake or river to provide for fish migration through or past it**

The jetty will not impede the passage of fish.

### **8.6 Policies applying to bed or margin disturbance**

#### **8.6.1 In managing the disturbance of the bed or margin of any lake or river, to have regard to any adverse effect on:**

- (b) Bed and bank stability;***
- (c) Water quality; and***
- (d) Amenity values caused by any reduction in water clarity...***

The jetty will be constructed off site with the pontoon towed to position, and the gantry and bracing structures attached to concrete abutments that will be constructed on the shoreline. Conditions can be imposed to ensure that no runoff or sediment enters the lake. The proposal is consistent with the above policy.

**8.6.2 To promote best management practices for activities that occur within or adjacent to the bed of lakes and rivers in order to avoid, remedy or mitigate any adverse effect**

The work required to erect the jetty is limited to preparation of the shoreline to accommodate the concrete abutments, and the construction of those abutments. Conditions of consent can ensure that works associated with establishing the jetty will not result in adverse effects.

Overall, the proposed activity will fulfil the above objectives and policies.

**8.2.2 Queenstown Lakes District Council District Plan**

The relevant provisions of the District Plan are found in Parts 4 and 5 of the Plan, and are summarised and discussed below.

**Part 4 - District Wide Issues**

**Objective 1 - Nature Conservation Values**

*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.*

No significant nature conservation values are identified in the general vicinity and it is unlikely that the jetty would adversely impact upon such values.

Subject to conditions, the proposal is not contrary to the above objective.

**4.2 Landscape and Visual Amenity (District-Wide)**

**1 Future Development**

- (a) *To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*
- (b) *To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.*
- (c) *To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.*

The jetty has been relocated to a position less vulnerable to degradation, and allows the jetty to better harmonise with local topography than first proposed. Mitigation measures associated with the revised position of the jetty, materials, colours and the colouring of the abutments will be effective in reducing the effects of the structure. The proposal will not degrade the amenity values persons might appreciate when looking along the shoreline.

**2. Outstanding Natural Landscapes (District-Wide)**

- (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 places and public roads.*

As discussed, the relocation of the jetty to the east, and the proposed mitigation ensure that the jetty will not appear as an obtrusive element that might otherwise detract from amenity values of views from the public walking track. The location currently has an open character, but the relocation of the jetty helps to reduce the effects on this openness. The jetty would be relatively recessive when viewed from the lake surface and therefore would not detract from amenity values associated with those views.

## **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 placement of structures in locations where they are in harmony with the landscape;*
- *promoting the use of local, natural materials in construction.*

Relocation of the jetty has reduced effects associated with a potentially dominant element which could detract from views on the lake margin. With the more eastward position along the shoreline, wooden cladding and powder coated metal elements, the structure would better harmonise with the line and form of the landscape.

Subject to appropriate conditions in respect of colour, materials and position, the proposal is not considered contrary to the above policies.

## **17. Land Use**

*To encourage land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape.*

As discussed, a reduction in the scale of the structure, a repositioning eastwards along the shoreline, wooden claddings, and use of appropriate colour for metal components will assist the structure to rest more comfortably with its surrounds and not significantly diminish the character or coherence of Lake Wakatipu.

### **4.6.3 Surface of Lakes & Rivers**

#### **Objective 1**

***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.*
- 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.*
  - 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.*

The jetty will be available for public use and no restrictions are proposed that would dissuade the public from walking out on to the jetty or using it for a temporary berth. It is also likely that the jetty would enable wider recreational activities such as fishing.

Jetties and wharfs are not uncommon in the district and are generally not thought to pose a hazard to public health and safety. Given the jetty's size, location and proximity to the shore, it is not considered that any potential adverse effects to safety will arise.

## **Part 5 – Rural Areas**

### **Objective 1 - Character and Landscape Value**

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

#### **Policies:**

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

As discussed, subject to conditions to mitigate dominance, the jetty will not result in adverse effects to character or landscape value. The jetty is located at a site with the ability to absorb change.

## **8.3 PART II**

### **8.3.1 Sustainable Management**

The purpose of the Act is to promote the sustainable management of natural and physical resources. The definition of sustainable management is:

*“managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:*

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

The establishment of a jetty will not diminish the ability of natural and physical resources to meet the needs of future generations.

The establishment of a jetty will not diminish the life-supporting capacity of air, water soil and ecosystems.

Revisions to the proposal have succeeded in further mitigating adverse effects on the environment.

I therefore consider the proposal promotes the sustainable management of natural and physical resources and as such is consistent with the purpose and principles of the Act.

### **8.3.2 Matters of National Importance**

Relevant provisions of Section 6 read:

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

*(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.*

Subject to conditions the proposed jetty is not considered to constitute an inappropriate use of the site and existing natural character will be preserved.

*(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.*

The jetty is not considered an inappropriate use of the site.

*(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

The location is not identified as possessing any significant indigenous ecosystem or habitat.

*(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.*

Public use of the jetty is not discouraged and access to the outer lake margin is improved as a consequence.

*(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

Lake Wakatipu is a Statutory Acknowledgement Area, in terms of the Ngai Tahu Claims Settlement Act 1998. Ngai Tahu and Kai Tahu Ki Otago have considered the proposed activity and provided written approval subject to the inclusion of appropriate conditions accidental discovery protocols for koiwi, and the protection of the water from contamination, sedimentation and unnecessary disturbance.

### **8.3.3 Other Matters**

The Commission must also have regard to the relevant matters listed in Section 7 of the Act. These matters include:

- “(b) the efficient use and development of natural and physical resources;*
- (c) the maintenance and enhancement of amenity values;*
- (f) maintenance and enhancement of the quality of the environment”*

It is my opinion that the proposal constitutes an efficient use of natural resources as the scale and design of the jetty will not substantially impact upon the amenity values of Lake Wakatipu and the surrounding area.

Overall, subject to conditions, the application meets the purpose and principles of sustainable management set out in Part 2 of the Act.

## **9.0 RELEVANT NON STATUTORY DOCUMENTS**

### **Wakatipu Transportation Strategy**

The Wakatipu Transportation Strategy identifies a potential ferry service to Kelvin Heights (near Bay View Road) as a longer term goal from 'now to 2026'. The establishment of the jetty is not contrary to the Transportation Strategy.

### **Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu**

This policy provides guidance for the Queenstown Lakes District Council when considering jetties and moorings, and includes criteria specific to jetties. With regard to the proposed jetty, whilst it might not completely accord with all policies, the jetty is not contrary to the greater intent of the policy. The effects of the structure will not be substantial, and the Jetties and Moorings Policy will not be undermined.

## **10.0 CONCLUSION**

B Quill & D Epper have applied for resource consent to establish a jetty on Lake Wakatipu.

It is my conclusion that the jetty as proposed is appropriate in this location. The reasons for this conclusion are as follows:

- Subject to conditions, the proposal will not result in significant adverse effects on the character and amenity values of the Outstanding Natural Landscape of Lake Wakatipu.
- The establishment of a jetty at the site will provide a useful facility for public and recreational use.
- The proposal fulfils the objectives and policies for the zone and sufficient mitigation measures exist, such that the proposal can align with District Wide objectives and policies.

Therefore, in accordance with Section 104B of the Resource Management Act, in my opinion the proposed development can be granted resource consent subject to appropriate conditions.

In summary, for the reasons outlined above, the proposal is considered to be consistent with the relevant provisions of the District Plan and can meet the purpose of the Act.

---

**Prepared by:** Aaron Burt  
Planner

**Reviewed by:** Jenny Carter  
Principal: Planning

**Attachments:** Appendix A      Landscape Architect's Report

**Report Dated:** 8 February 2013



## OFFICE MEMO

**FILE REF:** RM120474 – Quill & Epper

**TO:** Aaron Burt, Planner

**FROM:** Richard Denney, Landscape Architect

**DATE:** 24<sup>th</sup> September 2012

**SUBJECT:** Landscape Assessment

- 
1. An application has been received for land use consent to erect a new jetty over part of Lake Wakatipu adjoining the Frankton Domain Recreation Reserve, Loop Road, Kelvin Heights, Queenstown. In terms of the Queenstown Lakes District Council District Plan the site is zoned Rural General. Following advice from Lakes Environmental’s planner I understand that the status of the activity is discretionary.
  2. The proposal entails the erection of a timber clad platform measuring approximately 5.8m x 2.9m, with a 4.3m long metal ramp in a ‘recessive’ colour and a metal brace arm parallel to the ramp with diagonal bracing cables. The ramp and bracing arm would be attached to concrete blocks embedded into the bank. The overall structure would occupy an area of approximately 35m<sup>2</sup>.
  3. Resource consent, RM010251 was granted in 2005 for a similar structure in the same location with the following conditions of consent:
    8. *The jetty shall extend into the Lake for a length of no more than 6.0 metres (compared to the 7.9 metres proposed) with an end section no more than 3.0 metres (compared to 6.2 metres in the application).*
    9. *The jetty should be designed so that as much of it as is practical floats on the water (with whatever support is necessary).*
    10. *The jetty shall be designed to facilitate easy public access from the shore, without actually encroaching on the legal reserve.*
    11. *The jetty shall have no handrails, unless required by other legislation or authority, and shall be unpainted.*
    12. *Signs of approximately 0.25m<sup>2</sup> each shall be erected (and maintained) at each end of the jetty so as to be visible from the immediate shore in one case and the water beyond the jetty in the other, stating:  
“This jetty is available for public use, but with the owners having priority. Overnight mooring is not permitted”*
    13. *The consent holder (including successors in title) shall not discourage public use of the jetty in any way and shall abide by the prohibition on overnight mooring.*
    14. *Prior to construction the plans for the jetty shall be submitted to the Principal: Resource Management at CivicCorp for certification that the plans meet the conditions above.*

15. *This consent may be exercised only by the owners of Lot 1 DP 326043 and/or Lot 2 DP 326043, and/or (should the jetty be sold) other properties in similar proximity to the jetty.*

4. The site is located on the south eastern shoreline of the Frankton Arm of Lake Wakatipu within 130m of the Loop Road and Peninsula Road intersection (western end). It is relatively secluded within a small notch in the rock bank forming a small bay about 25m across. A large conifer overhangs the eastern end of the small bay. The remainder of the bay is gently sloping rock face vegetated in places with an assorted mix of native and exotic scrub weed species. An adjacent public walkway has open unhindered views down to the bay for a relatively short stretch as it passes through. Visually the small bay is contained with views up and down the shoreline limited by vegetation and topography and the main focus being out across the lake. There are no other lake edge structures visible from the site.



Composite photo of the site from the public walkway looking towards Frankton (50mm lens).

5. The appropriate assessment matters are as follows:  
*xvi Discretionary Activity – Surface of Lakes and Rivers*  
I have also assessed the proposal under councils 'Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu'.  
*xvi Discretionary Activity – Surface of Lakes and Rivers*
6. The activity would be consistent with similar jetty activities along this stretch of foreshore.
7. I consider the proposal would not introduce activities that would significantly reduce opportunities for passive recreation, enjoyment of peace and tranquility and, opportunities for remote experience recreation as the site is adjacent to a public walkway and in close proximity to residential dwellings.
8. The proposal would introduce a structure on a short stretch of this coastline that is currently devoid of structures. It would be a highly visible modification to a natural landscape although there are a number of jetty structures further along the coast.
9. The metal arm that braces the structure is relatively intrusive as it would largely enclose an area between the ramp and the arm limiting public access to a small area of the foreshore in the immediate area. This effectively enables the structure to occupy or 'claim' a larger area than its physical dimensions. I recommend that an alternative bracing method be used that only requires one fixed point to the foreshore rather than the two of the proposal and one that

does not require the crossing of bracing cables suspended above the water which adds to the visual clutter and obstruction to the water.

10. The use of timber cladding and a recessive colour (colour not specified) for the metal ramp would reduce the structures prominence to some degree. Colour selection needs to be clarified as to ensure the colour would be recessive in this context
11. I consider the proposal would not be compatible with scenic and amenity values of the Frankton Arm. The structure itself is not consistent with the character of traditional timber jetties along this coast as the structure is more mechanical in appearance. The structure's engineering creates a form that occupies an area of lineal coast greater than most other jetty structures.

*Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu*

12. The site is visually contained to a small section of the track and the proposal would not be seen in the visual context of other structures. Although as part the walking experience would be experienced as one of many jetties along the walkway.
13. Existing jetty structures are approximately 130m to the west and 158m to the east of the proposed jetty. The structure to the east is small in size. Council's jetties and moorings policy seeks a 200m distance between structures and I am not clear if this is to ensure jetties do not clutter views (cumulative effects of clustered structures) or to ensure reasonable lengths of coastline remain free of structures to maintain their natural character. If it is latter then I consider this proposal would have significant effects if it is the prior then adverse effects would be low as it would not been seen in context of the other structures.
14. The policy seeks to establish a design standard that all structures are to be timber, bare or stained. The proposal proposes to clad a plastic platform with timber although all other parts including the ramp, hand rail, and bracing arm with cables would be metal. I consider the platform itself would meet the policy's guidelines but the other metallic components would not be in character with other timber structures along the coast.
15. The policy determines that no further jetties shall be built on the foreshore of the Rural General zone land on the south side of the Frankton Arm. The site is foreshore that is part of designated land (Ref No.184) for the purpose of Recreation Reserve and Esplanade Reserve, *Frankton Domain Recreation Reserve*, with an underlying zone of Rural General. My understanding is that the jetty would be available for public use, and recommend that a condition requiring signage as per condition 12, RM010251 should be applied.

## **RECOMMENDED CONDITIONS**

Should consent be granted I consider that the following conditions should be included:

- i. The design and management of the jetty structure shall be in accordance with council's policy "*Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu*" except as required by the following conditions.
- ii. The jetty design shall be amended and drawings submitted to council for approval prior to construction. In this instance the drawings shall demonstrate the following objectives:
  - The jetty shall have only one fixed point to the foreshore of no greater than 1.5m in width to avoid cluttering the foreshore and minimising obstructions to public access to the waters edge.
  - The pontoon deck shall not be any larger than 5.8m x 2.9m, with an access ramp no longer than 5m in length.
  - The pontoon deck shall be clad in timber, and timber shall be left natural or stained in a natural colour tone.

- Hand rails shall be limited to one side only unless required by other consents or regulations, and shall be minimal as possible and coloured a recessive colour.
  - All materials and colours shall be specified on the submitted plan.
- iii. Signs of approximately 0.25m<sup>2</sup> each shall be erected (and maintained) at each end of the jetty so as to be visible from the immediate shore in one case and the water beyond the jetty in the other. The signs shall be light coloured text on a dark background and be of a easily read font such as Ariel and shall state :  
*"This jetty is available for public use, but with the owners having priority. Overnight berthing of a boat of up to 8 metres in length is permitted. Overnight occupation of a boat is not allowed."*

Memo prepared by  
**LAKES ENVIRONMENTAL LIMITED**



Richard Denney  
**SENIOR LANDSCAPE ARCHITECT**

Reviewed by



Marion Read  
**PRINCIPAL: LANDSCAPE ARCHITECTURE**

**REPORT TO:** Aaron Burt - Planner

**FROM:** Richard Denney - Landscape Architect

**REFERENCE:** RM120474 Quil and Epper

**SUBJECT:** Landscape Assessment – Addendum

**DATE:** February 7<sup>th</sup> 2013

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Since completion of the landscape assessment for the application, the application has been amended slightly to alter the design of the structure and its location as per drawings 'Proposed Jetty', and an unlabelled photomontage received by Lakes Environmental on the 5<sup>th</sup> February 2013. The floating platform dimensions remain unchanged, but would be located approximately 3.4m further east along the shoreline and moved from 4m off the shoreline to approximately 3.8m. An accompanying letter and photomontage confirm that the structure's double handrail ramp would have a timber cap and the platform itself a timber deck.

Moving the platform slightly to east enables the gantry support arm to be tucked under a rocky ledge and would partially obstruct this structure from view from the walkway and would not hinder an area of the water that would be difficult to access anyway. The relocation some 200mm closer to shoreline would make negligible difference to the visibility of the structure. The timber handrail and timber decking would soften what would otherwise be a hard metallic structure inconsistent with the character of other timber jetties along the foreshore.

Overall I consider the changes to the proposed structure are a small but positive design progression in that they:

- reduce the prominence of the supporting structure in views from the walkway and are in a location not likely to hinder access to the water edge
- the timber cap on the hand rails would soften the appearance of the metal structure

Should consent be granted I consider that the following conditions should be included:

- iv. The design and management of the jetty structure shall be in accordance with council's policy "*Jetties and Moorings Policy for the Frankton Arm and Other Environs of Lake Wakatipu*" *except* as required by the following conditions.
- v. The jetty design shall be amended and drawings submitted to council for approval prior to construction. In this instance the drawings shall demonstrate the following objectives:
  - The pontoon deck shall not be any larger than 5.8m x 2.9m, with an access ramp no longer than 4m in length.
  - The pontoon deck and access ramp handrail shall be clad in timber, and timber shall be left natural or stained in a natural colour tone.
  - All materials and colours shall be specified on the submitted plan.
- vi. Signs of approximately 0.25m<sup>2</sup> each shall be erected (and maintained) at each end of the jetty so as to be visible from the immediate shore in one case and the water beyond the jetty in the other. The signs shall be light coloured text on a dark background and be of a easily read font such as Arial and shall state :



*"This jetty is available for public use, but with the owners having priority. Overnight berthing of a boat of up to 8 metres in length is permitted. Overnight occupation of a boat is not allowed."*

---

Report prepared by



Richard Denney  
**LANDSCAPE ARCHITECTURE**

Report reviewed by



Helen Mellsop  
**LANDSCAPE ARCHITECT**

To: Aaron Burt- Planner Lakes Environmental

From: David Clarke Independent Hearings Commissioner

11/2/13

**Applicant: B Quill and D Epper.**

**RM 120474**

I was asked to assess this application under Section 100 of the RMA. This section state

The Act allows for consideration notified resource consent application under Section 100 which states:

***100 . Obligation to hold a hearing***

*A hearing need not be held in accordance with this Act in respect of an application for a resource consent unless-*

- a) The consent authority considers that a hearing is necessary; or*
- b) Either the applicant or a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.*

**Discussion**

- I have read all the contents of the files relating to this application.
- The application was publicly notified on 5 December 2012 after a determination hearing.
- The application received 2 submissions in support. Neither submitter wished to be heard.
- Following the notification of the application the position of the jetty was repositioned 3.4 metres to the east reducing visibility of the structure when viewed from the walking track.
- Written approval was provided by a number potentially affected parties.
- Mr Burts comprehensive s.42A report concludes, that subject to conditions the proposed development can be granted
- I undertook a site visit on February 11, 2013. I viewed the site from the Frankton Arm Walkway, travelling in both from an easterly and westerly direction and concur with Mr Burt's conclusions.

Generally jetties in the Frankton Arm are publically notified and subject to a hearing if submissions in opposition are received. I am fully aware of the issues relating to the potential proliferation of jetties and the need to monitor their location and appearance.

potential proliferation of jetties and the need to monitor their location and appearance. Because there are supporting submissions and the reporting planner Mr Burt is satisfied that the proposal will not result in significant adverse effects on the amenity and character values of the Outstanding Natural Landscape of Lake Wakatipu, it has to be considered, what would be achieved by holding a hearing?

In my view, consideration of section 100 of the Act is valid with regards to this application.

Part (a) of the section 100 consideration is to decide if a hearing necessary. Part (b) which relates to whether submitters concerns have been satisfied.

### Decision

Under Section 100, the application can proceed to the release of the substantive decision without the need for a hearing because:

1. I find that in terms of the hearings process, nothing would be achieved by holding a hearing.
2. Two submissions were in favour of the application. No community groups, neighbours or council entities submitted in opposition.
3. The reporting planners s.42A supported the granting of the application and I concur with his analysis.

Signed

David Clarke



Independent Hearing Commissioner 11/2/13

Frankton Lake Walkway

LAKE BOUNDARY

MAX FLOOD DESIGN 412.6m

MEAN ANNUAL MAX 410.8m

LAKE LEVEL 29-01-01 (409.89)

MEAN ANNUAL MIN 409.46

Gangway Abutment block

SECTIONAL ELEVATION SCALE 1:150

**APPROVED PLAN:**  
**RMRM120474**

**Tuesday, 12 February 2013**

Sec. 21  
FRANKTON DOMAIN  
Recreation Reserve

SECTIONAL ELEVATION SCALE 1:150

O.I.S.II  
D.P.10743  
711303.94m  
324755.84m  
R.L.423.59

LOT 1

LOT 2

15  
D.P.10743

Pt. 16  
D.P.10743

17  
D.P.10743

Contour Interval : Minor 1.0m  
Major 5.0m

LOCATION DIAGRAM - NOT TO SCALE

Frankton Arm  
Lake Wakatipu

Application Site

A close-up photograph of a road map. The map is tilted, showing two road names: 'LOOP ROAD' at the top and 'INSULA ROAD' at the bottom. The roads are represented by parallel lines, and the map has a grid-like appearance with other road lines visible in the background.

## PROPOSED JETTY

B. QUILL

10691

001

Drawn	Signed	Date	Scale
CCH		06.12	1:150 @ A1 1:300 @ A3

Designed	Signed	Date	Datum & Level	Rev
CCH		06.12	OMD	

Notes:  
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[illegible]





QUEENSTOWN-LAKES DISTRICT COUNCIL

APPROVED PLAN:  
RMRM120474

Tuesday, 12 February 2013