



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

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	New Zealand Grand Prix Hydroplane Drivers Club Inc
<b>RM reference:</b>	RM130054
<b>Location:</b>	Jardine Park and Kelvin Grove, Lake Wakatipu
<b>Proposal:</b>	Resource consent to hold a temporary event, specifically to host a powerboat race over two days from 10.30am – 3 pm on 23 – 24 March 2013 in Kelvin Grove, Lake Wakatipu. The proposed event will exceed 200 people and will breach the noise limits of the District Plan.
<b>Type of Consent:</b>	Land Use
<b>Legal Description:</b>	Lots 69 -70 Deposited Plan 9249 (Jardine Park) 7 & Part Sec 25 SO 17906 & Sec 26 SO 21769 Block I Coneburn Survey District
<b>Valuation Number:</b>	2909954800 & 2909954901
<b>Zoning:</b>	Low Density Residential & Rural General
<b>Activity Status:</b>	<b>Discretionary</b>
<b>Notification:</b>	Publically Notified
<b>Commissioner:</b>	Commissioners Overton & Cocks
<b>Date Issued:</b>	20 March 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 (RMA) to hold a temporary event, specifically to host a powerboat race over two days from 10.30am – 3 pm on 23 – 24 March 2013 in Kelvin Grove, Lake Wakatipu. The proposed event will exceed 200 people and will breach the noise limits of the District Plan. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 20 March 2013. This decision was made and its issue authorised by Commissioners Overton and Cocks, as delegate for the Council.

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

The application was publically notified at the applicant's request on 18 February 2013. Four submissions were received. A S42A 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. Four submissions were received in respect to this application during the notification period, however of those four, no party indicated that they wished to be heard at a hearing.

Given the conclusions contained in the s42A 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.

### **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, 'Course Layout' (**stamped as approved on 20 March 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.

#### General Conditions

3. The duration of the event shall be limited to two days, being Saturday 23<sup>rd</sup> March and Sunday 24<sup>th</sup> March 2013 between the hours of 10.30am – 3.00pm on both days.

4. Associated boat noise (including, but not limited to, engine warm up, racing and manoeuvring from Kelvin Grove beach to the course) shall be restricted to a total of 60 minutes per day.
5. The event set up may take place on the day preceding the event (22<sup>nd</sup> March 2013).
6. The consent holder shall ensure that the site (Kelvin Grove and Jardine Park) is vacated by 5pm on Monday 25<sup>th</sup> March 2013, including the removal of any tents, trailers, structures and incidental equipment associated with the event. The area over which the event takes place shall be returned to the condition and appearance as existed prior to the exercise of this consent.
7. Any damage to the reserves areas must be repaired within seven days of the completion of the event. Failure to repair any damage within this timeframe may result in Council instructing contractors to make the repairs which will be at the cost of the consent holder.
8. The consent holder is wholly responsible for cleaning the area over which the event takes place, removing all rubbish and materials associated with the activity from the area, and ensuring no damage occurs to any public property and the surrounding area as a result of the exercise of this consent. All rubbish stored on the site prior to removal is to be stored secure from animals and unauthorised persons.
9. The consent holder shall ensure that the operation, management and layout of the site is carried out in accordance with the details submitted within the application.

#### Signage

10. All signs and banners shall be removed within 48 hours of the cessation of the event.

#### Water Quality

11. The consent holder shall ensure that prior to entering Lake Wakatipu, all boats and associated equipment are checked, cleaned, dried and determined to be lagarospion free in accordance with Ministry for Primary Industries best practice.
12. The consent holder shall ensure that prior to leaving the area and entering another water body all boats and associated equipment are checked, cleaned and dried in accordance with Ministry for Primary Industries best practice in order to prevent the spread of didymo.

#### Sanitation

13. The consent holder shall provide toilet numbers in accordance with the Safety Planning Guidelines for Events (Ministry of Civil Defence and Emergency Management), and shall be responsible for ensuring that all sanitary facilities are monitored throughout the event and emptied by the contractor when and if needed. The consent holder shall ensure hand washing facilities are provided for patrons of the event. The location of all toilet facilities is to be indicated by adequate signage around the event sites. The applicant must have sufficient sanitary facilities on site.

#### Waste

14. The consent holder shall implement waste minimisation measures as submitted in the application, in accordance with the Zero Waste recycling and rubbish strategy approved for the event; specifically that:
  - a. Separate wheelie bins will be available on site for recyclable materials and general non-recyclable waste. Recycling bins for the collection of Plastics 1 and 2, tins and cardboard shall be available.
  - b. Wheelie bins will be clearly identified and recycling promoted for the duration of the event.

15. That all recycling and waste will be removed from the subject site no later than 5.00pm on Monday 25<sup>th</sup> March 2013 and disposed of / recycled as appropriate.

#### Traffic Management

16. The consent holder shall implement the Traffic Management Plan approved by the Queenstown Lakes District Council.

#### Safety

17. The consent holder shall ensure that the operation of the event is undertaken in accordance with the Safe Operational Plan submitted with the application.

#### Advice Notes

- (i) The event organiser is advised that all food stalls will require the necessary food permits under the Control of Activities and Obstructions in Public Places Bylaw for the event and to meet food hygiene requirements.
- (ii) The consent holder is advised to liaise with the Arrowtown based New Zealand Fire Service to ensure that fire prevention and fire control measures are provided by the consent holder.

#### **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:

It is considered that the adverse effects of the activity will be minor for the following reasons:

- Traffic generation and car parking will be managed by way of the approved Traffic Management Plan to ensure adverse effects on traffic is no more than minor;
- Safety will be addressed by way of the approved Safety Operational Plan to ensure that adverse effects on safety is no more than minor;
- QLDC's Harbourmaster has no concerns in terms of competitor or general public safety from the proposed event;
- Adverse effects from the noise associated with the event will be restricted to a minimum of 60 minutes per day. This will ensure that although there will be loud bursts of noise, they will be temporary, short in duration and only within the specified times. This will ensure any adverse effect from the proposed event on residential amenity is no more than minor.

The proposal is consistent with the relevant objectives and policies of the District Plan for the following reasons:

- The temporary event will be located and operated in a manner to ensure that adverse effect on the surrounding amenity is minimised. This will be achieved by ensuring the event is operated within a set time limit, and within the parameters of an approved traffic management plan and safety operational plan.

The proposal does promote the overall purpose of the Act by providing for social and economic benefits to the community as a result of the proposed event.

## 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 forgoing 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.

Should you not be satisfied with the Commission's decision an appeal may be lodged with the Environment Court, Justice Department, PO Box 2069, Christchurch, telephone 03 9624170 and all parties, not later than 15 working days from the date this notice 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.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

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 Lucy Millton on phone (03) 450 0350 or email [lucy.millton@lakesenv.co.nz](mailto:lucy.millton@lakesenv.co.nz).

Prepared by  
**LAKES ENVIRONMENTAL LTD**

Reviewed by  
**LAKES ENVIRONMENTAL LTD**



Lucy Millton  
**PLANNER**



Paula Costello  
**PLANNING TEAM LEADER**

Appendix 1: Section 42A report: Description and Assessment of Proposal

**FILE REF: RM130054**

**TO** Independent Commissioners Overton and Cocks  
**FROM** Lucy Millton  
**SUBJECT** Report on a publicly notified consent application.

**SUMMARY**

**Applicant:** New Zealand Grand Prix Hydroplane Drivers Club Inc.  
**Location:** Jardine Park and Kelvin Grove, Lake Wakatipu  
**Proposal:** Resource consent to hold a temporary event, specifically to host a powerboat race over two days from 10.30am – 3 pm on 23 – 24 March 2013 in Kelvin Grove, Lake Wakatipu. The proposed event will exceed 200 people and will breach the noise limits of the District Plan.  
**Legal Description:** Lots 69 -70 Deposited Plan 9249 (Jardine Park) 7 & Part Sec 25 SO 17906 & Sec 26 SO 21769 Block I Coneburn Survey District  
**Designations:** 180 *Jardine Park*, (Recreation Reserve)  
182 *Kelvin Grove Waterfront, Earnslaw slipway* (Kelvin Peninsula Recreation Reserve)  
**Zoning:** Low Density Residential & Rural General  
**Public Notification Date:** 18 February 2013  
**Closing Date for Submissions:** 18 March 2013  
**Submissions:** Four

The following submissions have been received in opposition to the application:

1. E J Adamson 1 Loop Road, Kelvin Peninsula
2. Patricia Smart 579 Peninsula Road /15 Emerson Crescent, RD 1 Lyttelton
3. The Otago Regional Council

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

4. G, M & Z Richards 690 Peninsula Road, Kelvin Heights

No submitters have stated that they wish to be heard in respect of this application

**Implications For:**

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

**RECOMMENDATION**

That subject to new or additional evidence being presented, the application be GRANTED pursuant to Section 104 of the Resource Management Act 1991 for the following reasons:

1. It is considered that the adverse effects of the activity will be minor for the following reasons:
  - Traffic generation and car parking will be managed by way of the approved Traffic Management Plan to ensure adverse effects on traffic is no more than minor;
  - Safety will be addressed by way of the approved Safety Operational Plan to ensure that adverse effects on safety is no more than minor;
  - QLDC's Harbourmaster has no concerns in terms of competitor or general public safety from the proposed event;
  - Adverse effects from the noise associated with the event will be restricted to a minimum of 60 minutes per day. This will ensure that although there will be loud bursts of noise, they will be temporary, short in duration and only within the specified times. This will ensure any adverse effect from the proposed event on residential amenity is no more than minor.
2. The proposal is consistent with the relevant objectives and policies of the District Plan for the following reasons:
  - The temporary event will be located and operated in a manner to ensure that adverse effect on the surrounding amenity is minimised. This will be achieved by ensuring the event is operated within a set time limit, and within the parameters of an approved traffic management plan and safety operational plan.
3. The proposal does promote the overall purpose of the Act by providing for social and economic benefits to the community as a result of the proposed event.

## REPORT

### 1.0 INTRODUCTION

My name is Lucy Millton. I am a planner with Lakes Environmental Limited, an organisation contracted to undertake resource management and regulatory functions for the Queenstown Lakes District Council. I have worked with Lakes Environmental since July 2007. Prior to this I worked for Environment Canterbury, where I was employed as an Environmental Protection Officer. I have also worked in the United Kingdom where I was employed as a Development Control Officer (Planner) and Enforcement Officer. I gained the qualification of a Bachelor of Resource Studies from Lincoln University.

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

### 2.0 SITE & ENVIRONMENT

The proposed course is to be located on the surface of Lake Wakatipu within Kelvin Grove. The approximate course location is shown below in *table 1*. A cordoned off area on Kelvin Beach is to be used for the pit area.

Jardine Park is to be used for overflow car parking, dependant on total numbers of people attending. Jardine Park comprises reserve area and the Queenstown Croquet club. Pedestrian and vehicle access from Jardine Park is shown below as a red dotted line along Poplar Drive onto Peninsula Road. A pedestrian access is located along the edge of the lake on both sides, being the Frankton and Kelvin Heights walking/cycling tracks.

The Kelvin Heights golf course is located to the south west of the course location. Access to the club rooms will not be impeded along the pit area.

Residential properties are located along the lake edge between the course and Peninsula Road. Visitor accommodation complexes and residential properties are located to the north west of the course along Frankton Road. Residential properties on Queenstown Hill and Goldfield Heights are located at a higher elevation to the North West, north and north east of the site.

The subject area of lake is utilised by existing water based activities, including the area to the north of the course being used as the route for all commercial jet boat operators heading to the Kawarau and Lower Shotover Rivers. The Queenstown Water Taxi also runs along the northern part of the site to and from Queenstown town centre to the Hilton Hotel jetty.

The Million Dollar Cruise runs tours along the Frankton Arm and along the edge of the lake. Other commercial operators include fishing charters, and other charters (The Luanda, The Princess and The Pacific Gem) which at times use the Frankton Arm for scenic tours.

Kelvin Grove has a designated water ski/wake board lane, and is often used by recreational boats for water based activities. The beach is often used for picnicking and swimming.



Table 1 - showing location of course and car parking



### 3.0 PROPOSAL

Resource consent is sought for a temporary event, specifically to host a powerboat race over two days from 10.30am – 3pm on 23 – 24 March 2013 in Kelvin Grove, Lake Wakatipu. The proposed activity will require consent as the total number of people attending is likely to exceed 200, and the noise limit for the zone will be breached.

The proposed event will comprise a race course which will require each boat to undertake four laps of an overall course approximately 2000m in length. It is proposed that each race will take approximately 3 – 4 minutes to complete. There will be no more than 10 races per day, with approximately 3 – 8 boats in a race at any one time. The applicant seeks to use a crane to launch the bigger boats onto the lake, and will wet launch the smaller boats. This will be undertaken from the golf course end of the course. There is likely to be other associated noise within this time which includes pre-race warm up and boats idling between race times. The applicant states there will be 60 minutes of engine warm up per day.

The proposed event is a free event for the community, and will include an anticipated number of people attending in the range of 1000 - 2000. This number will comprise competitors, teams, officials and safety teams and largely spectators.

A Traffic Management Plan has been submitted with the application to manage traffic in association with the event. Car parking is proposed within Jardine Park.

Access to the Kelvin Heights Golf Course and Sailing Club will be available over the duration of the entire event. Access along the Kelvin Heights walking/cycling track will similarly remain open to the public.

A number of structures, including marquees will be erected for the duration of the event, and it is likely that the public use of the beach at Kelvin Grove will be restricted. The restricted area will have safety signs erected around the area.

Five patrol boats will be on the water throughout the duration of the event to ensure the safety of competitors and other lake users. There will be a 100 metres buffer area established around the race course.

## 4.0 SUBMISSIONS

### 4.1 SUBMISSIONS

The submissions received are summarised below (map showing location of submissions is attached as appendix 1 to this report):

Name	Location of Submitters' Property	Summary of Submission	Relief Sought
The Otago Regional Council	Surface of the Lake	<ul style="list-style-type: none"> <li>Opposes application, unless specific conditions are imposed.</li> </ul> <p><i>(Applicant has confirmed that they volunteer the conditions recommended by ORC).</i></p>	Oppose – subject to conditions
E J Adamson	1 Loop Road, Kelvin Heights	<ul style="list-style-type: none"> <li>Residents of Kelvin Peninsula are already subject to immense noise from aircraft, vehicles and water craft, racing jet boats are particularly noisy</li> </ul>	Oppose
Patricia Frances M M Smart	579 Peninsula Road, Queenstown, and 15 Emerson Crescent, R D 1 Lyttelton	<ul style="list-style-type: none"> <li>Noise pollution – noise during race and during the launching and warm up, additional number of vehicles will mean more noise;</li> <li>Air Pollution – from boats and cars;</li> <li>Fire Risk – from so many participants and spectators;</li> <li>Road Safety – Peninsula Road;</li> <li>Other users – unable to use lake;</li> <li>Precedent – will lead to similar applications;</li> </ul>	Oppose
G, M & Z Richards	690 Peninsula Road, Kelvin Heights	<p>We support the Hydroplane Event on 23/24 March 2013.</p> <ul style="list-style-type: none"> <li>We think this is a wonderful event,</li> <li>It is nice to have some boat racing on the lake after several years.</li> <li>This event is free for spectators and should be excellent viewing for lakeside owners and those, like us, on the neck of the peninsula, as well as general spectators on the lakes edge.</li> </ul>	Support

## 5.0 CONSULTATION AND WRITTEN APPROVALS

The applicant has provided the following written approvals with respect to the activity:

- K Jet – Shaun Kelly;
- Thunder Jet/Queenstown Water Taxis – Neville Kelly;
- Wakatipu Sailing Club – Mike Hansen/David Stringer;
- Queenstown Golf Course Inc. – John Stephens;
- Kelvin Heights Community Association – Charlie Phillips;
- Fish & Game - Peter Wilson;

Consultation has been undertaken with APL Properties on behalf of Queenstown Lakes District Council for the use of Jardine Park and Kelvin Grove. A permit has been issued to the applicant for the use of both of these parcels of land for the duration of the event.

## 6.0 DISTRICT PLAN PROVISIONS

### 6.1 THE DISTRICT PLAN

The site is zoned Rural General (surface of the lake and reserve area) and Low Density Residential (Jardine Park – for the car parking area) under the District Plan.

The (Rural General) Zone Purpose, as set out in Section 5.3.1.1 of the Plan, is to manage activities so that 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 a wide range of outdoor recreational opportunities remain viable within the Zone.*

Section 5.3.1.1 also notes that the Zone is characterised by farming activities and a diversification to activities such as horticulture and viticulture. The relevant objectives and policies are contained within Part 4 (District Wide Issues) and Part 5 (Rural Areas)

The (Low Density Residential) Zone Purpose as set out in Section 7.5.1.1 of the Plan, is to provide for:

- *Low density permanent living accommodation,*
- *Maintain dominance of open space and low building coverage.*
- *Maintain and enhance the low density residential areas with ample open space,*
- *Low rise development and minimal adverse effects experienced by residents.*

*Other activities are permitted in the zone provided they meet environmental standards which keep the activities compatible with residential activity and amenity. A number of established activities, mainly visitor accommodation facilities, have been scheduled to ensure full protection of these activities acknowledging their contribution to the local economy.*

The proposal requires the following resource consents:

Section 19.2.2.1 of the Plan outlines the purpose of rules includes in *Part 19: Temporary Activities*. Rules have been included to provide clarity of and flexibility for temporary activities within the District that are limited in either scale or duration and have no more than minor adverse effects.

- A **discretionary** resource consent pursuant to Rule 19.2.2.3 (ii) (a) for a temporary event to be held on the surface of Lake Wakatipu, and reserve areas at Kelvin Grove and Jardine Park, as the number of people likely to attend will exceed 500 persons and is unlikely to comply with the relevant noise standards for the zone. The total number of people likely to attend is to be between 1000 – 2000 people. Noise associated from the boats will exceed the relevant noise limits for the zone. The event will be for a duration of two days.

## 7.0 INTERNAL REPORTS

Queenstown Lakes District Council's Harbourmaster Mr Marty Black has reviewed the application. Based on his expertise as a delegated Maritime NZ member, Mr Black has confirmed that the Event Plan will adequately address the safety of competitors and the general public alike. He further states that he will be on site for the duration of the event to assist if required especially if there are any issues regarding private boats.

Pursuant to the Council's Waterways Bylaws an advertisement in the local newspapers (ODT and Southland Times) on Saturday 16 March will outline that the race area and the Kelvin Heights Waterski Access Lane will be closed to all users other than for those directly involved in running the event.

## 8.0 STATUTORY CONSIDERATIONS

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

Subject to Part 2 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 environmental standards;*
  - (ii) *Other regulations;*
  - (iii) *a national policy statement*
  - (iv) *a New Zealand coastal policy statement*
  - (v) *a regional policy statement or proposed regional policy statement*
  - (vi) *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. Section 104B states:

- After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –*
- a) may grant or refuse the application; and*
  - b) if it grants the application, 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 9.4 of this report outlines Part 2 of the Act in more detail.

Section 108 empowers the Commission to impose conditions on a resource consent.

## 9.0 ASSESSMENT

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

- (i) Effects on the Environment
- (ii) Objectives and Policies
- (iii) Other Matters
- (iv) Part 2 of the Act

### 9.1 EFFECTS ON THE ENVIRONMENT

#### 9.1.1 The Permitted Baseline/Existing Environment/Receiving Environment

Section 104 (2) of the Resource Management Act states that when you are forming an opinion on whether there are adverse effects from an activity on the environment, the consent authority may disregard adverse effects if the plan explicitly permits that certain activity.

Of relevance to this application being on the surface of the lake, only private recreational boats operating on the lake can do so as a permitted activity. All commercial water based activities, and events are subject to resource consent and therefore do not form part of the permitted baseline.

Therefore, the permitted baseline is limited to private recreational water based activities such as, but not limited to, water skiing, fishing, general boating, swimming, kayaking and stand up paddle boarding, are permitted by the District Plan. While the consent authority may disregard the permitted baseline, in this instance there are few effects arising from the permitted baseline that are directly comparable with the proposed activity, unless of course the operation of these boats was for recreational purposes.

#### Existing Environment/Receiving Environment

The surface of the lake is utilised by both commercial and recreational activities, specifically within the Kelvin Grove where there is a designated water ski lane. This part of the lake, being sheltered by the Kelvin Peninsula, provides for a sheltered area in which water skiing and other boating activities can occur when other parts of the lake are unsuitable, due to adverse weather conditions.

A number of commercial boats operate within this area, including scenic charters and commercial jet boat operators. Although the commercial jet boats tend to take a direct line from the narrows down the lake outlet at the start of the Kawarau River, they do pass the Kelvin Grove area, adding to noise within the receiving environment. It is also noted that the flight path for the Queenstown Airport traverses the subject area.

#### **9.1.2 Actual and Potential Effects on the Environment**

The assessment of environmental effects below has been guided by, and is found under the headings used as assessment matters in the District Plan. In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the following assessment matters:

##### **(a) Amenity**

##### *(i) The duration, hours or frequency of the activity.*

The duration of the proposed event is for two days only, between the hours of 10.30am and 3.00pm. It is proposed that the overall noise in association with the event will be a total of 60 minutes during that time, on each of the days. Each race will take approximately 3 – 4 minutes, with 30 minutes at the beginning of the day to be used for warm up of the boats. The applicant has verbally commented that each boat only holds enough fuel for the duration of the race, and once the race has finished then they need to refuel. This will ensure that there is no unnecessary idling time between races, and if so, it would be wasting what is presumed to be a limited resource of fuel.

The noise during each race will be higher than noise limits permitted for the zone, and may potentially result in a loss of residential amenity to those properties along Peninsula Road and within the wider Kelvin Heights area, but particularly those along the edge of the lake. However, given the temporary nature of the activity, restricted hours to more or less within the middle part of the day and short bursts of noise as a result of each race, I consider that adverse effects on the amenity of those surrounding will be no more than minor, and not to a level whereby the loss of amenity would be significantly detrimental to any person.

##### *(ii) The nature and intensity of the activity.*

The nature of the proposed event will be intense and at times noisy. However these effects will be restricted to certain times of the day, and for a limited duration. Properties along Peninsula Road which will directly face the proposed course site have had the application served on them, and therefore have been given the chance to submit on the application. As a result of the notification four submissions were received with respect to the event. Of those received three were from property owners along the Kelvin Peninsula. One was in full support, acknowledging that the event would be a free event with great watching potential from properties along Kelvin Peninsula. Two submissions were received stating that the intensity of the activity would result in additional noise within a particularly noisy area, increase vehicles and associated noise and would result in other adverse effects which should be considered. The submissions received have been taken into consideration when determining the nature and intensity of the activity. It is considered that due to the limited

duration of the actual racing time, adverse effects on the nature and intensity will be temporary and as such will not be any more than minor.

- (iii) *The effect of the activity on the amenity of the neighbouring properties and surrounding community.*

As mentioned in point (i) above, the amenity of those residential properties which are located near to the proposed course will experience a change to the amenity that predominantly exists within residential areas. However, the event will be somewhat consistent with other water based activities that currently occur on the lake, albeit on a larger, noisier scale. Given the limited hours of potential amenity effects, these are considered minor.

As the event is a free community event it is expected that there will be number of spectators on the shore of the lake watching the event take place. This is considered to represent a positive effect in terms of providing an event which will be enjoyed by many in the community. Overall, I consider that adverse effects on amenity will be no more than minor in terms of neighbouring properties and surrounding community.

- (iv) *The effect and intensity of nuisance elements on neighbouring properties; eg noise, dust, lighting, odour and vibration.*

Again, as mentioned in point (i) above, the intensity of the noise and potentially vibration from the proposed event will be significant for short periods of time. However the restricted duration and temporary nature of noise and vibration will ensure that adverse effects will be reduced. Additionally, the location of the proposed site is directly beneath the flight path of the international airport, therefore this would suggest that the area is not remote in nature and not always subject to natural quiet.

Additional vehicle movements along Peninsula Road and into Jardine Park should also be considered in terms of noise and potentially dust within Jardine Park. Again, the limited duration of the event will ensure that any adverse effects are short term and will only result in adverse effects on any neighbouring properties which I consider will be no more than minor.

- (v) The hours of amplified music or sound.

No amplified music or sound system is proposed with the application. The event will be self-explanatory without an ongoing commentary.

- (vi) The impact of signage associated with the activity on the amenity of the community.

Only signage around the pit area is likely to be used to identify cordoned off areas. If consent should be granted, then a condition of consent is recommended which would require that any signage put up as part of the event is removed immediately following the finish of the event (i.e. after 3pm Sunday 24 March).

- (vii) *Any adverse effect on the surrounding natural landscape, including native vegetation and fauna.*

Fish and Game have provided their written approval for the proposed event. Therefore I consider that adequate consideration has been given to the aquatic life within the lake, and such adverse effects can be disregarded.

The Otago Regional Council (ORC) have submitted on the application, stating that they oppose the application, unless specific conditions are imposed relating to the spread of lagarosiphon and didymo as well as other freshwater pests. Following the submission, the applicant has consulted with ORC and advised that they would be taking appropriate measures to ensure that all boats are washed down to ensure there is no spread of unwanted organisms and pests into Lake Wakatipu. Although ORC have not withdrawn their submission, they indicate that they do not wish to be heard, and following the consultation with the applicant, it appears that their concerns have been addressed.

Should consent be approved, then I recommend that conditions recommended by ORC are imposed on the decision.

There will be no adverse effects on the surrounding landscape, as the activity is temporary.

*(viii) The effect of silt run-off or sedimentation from site work on the surrounding environment.*

The proposed event is unlikely to result in any silt run-off or sedimentation from the site work as limited physical works are to be undertaken on the site that would result in any disruption to the ground. If it is raining on either day of the event, there could be potential for some disturbance from vehicles. However, in all likelihood, if the weather is bad, the event is unlikely to run as the lake conditions need to be calm for the boats to race. Overall I consider that the event is unlikely to result in any adverse effects in terms of silt runoff or sedimentation.

*(ix) The effect of the activity on the use normally made to any public place in respect of its use, character and conservation value.*

The surface of the lake, and the beach in Kelvin Grove are generally areas of high use during summer for swimming, water skiing and other water based activities. For the one weekend that the event is to take place, public will be excluded from the area on the lake, and a portion of the beach in Kelvin Grove. Public access will still be available along the Kelvin Heights track to ensure that pedestrians and cyclist can still access other parts of Kelvin Heights and other tracks within the vicinity.

Written approvals have been provided from the Kelvin Heights Community Association, Sailing Club and Golf Course, Croquet club and other commercial water based operations. This would suggest that the event is widely supported by a number of community groups.

Furthermore, Mr Marty Black, Harbour Master for QLDC has confirmed that advertisements will be put in both local newspapers one week prior to the event taking place to ensure that residents and the general public are aware of the event taking place within Kelvin Grove, thus notifying them that there will be areas restricted for public use.

Additionally, the time of the year suggests that the lake is less likely to be used by swimmers/other recreational users, due to the cooler temperatures in autumn than if the event were taken place in the middle of summer.

As the application has been publicly notified, it is my opinion that the general public have been given an opportunity to make a submission on the application, and as such adequate notification has been given to ensure that the general public are aware that the public places will be unable for public use.

The temporary restriction on use of this area will not result in effects that are more than minor.

**(b) Health and Safety**

*(i) The ability to dispose of wastewater and refuse without adversely affecting the surrounding environment.*

The applicant proposes to provide portaloos at the site, in conjunction with the existing public toilets which are located within Kelvin Grove. Due to the number of spectators not being known, the applicant has not been able to undertake an accurate ratio of toilets to people. However, given that the event is free, people will be able to come and go from the site as they please. It may be that spectators are not at the event all day and are able to leaving should they require. Additionally, no alcohol is being provided at the event, only a small number of food vendors, therefore there is less likely a need for additional portaloos.

A waste management plan has been submitted with the application detailing how waste and recycling will be disposed of. Should consent be granted, then I recommend conditions of consent which will require the consent holder to impose appropriate recycling and waste management practices.

I consider that the nature of the event is unlikely to generate any adverse effects on effluent and refuse disposal.

- (ii) *The ability to supply potable water in compliance with the drinking-water standards for New Zealand, for the duration of the activity.*

Food and non-alcoholic vendors will be available at the site which it is likely that potable water will be supplied. The nature of the event is such that I do not consider a water supply is as necessary given the spectating area is likely to be a large area i.e. anywhere around the lake that the event can be seen. By providing potable drinking water one location is unlikely to meet every spectators needs, and it is impractical to provide other locations around the lake. I consider that by not having a potable water supply will not result in an adverse effects on any person.

- (iii) *The provision and location of adequate sanitation facilities throughout the duration of the activity in accordance with the Building Act.*

As mentioned above in point (b) (i) portaloos will be provided for the duration of the event. This will be satisfactory to meet the needs to the event. As such I consider adverse effects to be less than minor.

- (iv) *Compliance with food hygiene standards and regulations.*

Appropriate permits will be obtained by the food vendors. If consent is granted than an advice note can be added to the decision advising the consent holder to ensure all food vendors obtain the correct food permit.

- (v) *The appropriateness and control measures in place for the sale of liquor for consumption on the premises.*

Liquor will not be sold at the event.

- (vi) *The ability to provide fire prevention and fire control measures.*

The event organisers will take special regard to any fire preventions and fire controls with respect of the boats used in the event. As the majority of the event will take place on the surface of the lake, it is considered that adverse effects will be nil in terms of the activity on the lake. Appropriate measures shall also be undertaken around the pit area to contain any fires which may occur. Should consent be granted I recommend conditions of consent which will ensure that fire prevention measures are undertaken. As such I consider adverse effects will be less than minor.

- (vii) *The effect of the activity on the communities' safety.*

The proposed area around the race course will be cordoned off and will have safety boats surrounding it. There will be no public access into this area. QLDC's Harbourmaster Marty Black will be on site throughout the duration of the event. Mr Black has confirmed that the safety operational plan will adequately address all safety issues on competitors and the general public. I rely on the advice from Mr Black and accept that adequate safety provisions will be taken. As such adverse effects on safety will be no more than minor.

- (viii) *Provision of an Emergency Management Plan which specifies a clear set of roles and procedures in the case of an accident or emergency.*

The safety operational plan submitted with the application addresses what procedures should be taken in the case of an accident or emergency. Therefore adverse effects will be adequately mitigated.

**(c) Traffic**

- (i) *The impact of traffic movement and parking associated with the activity on the safety and flow of traffic within the District and adjoining network.*



Traffic volumes are likely to increase along Peninsula Road with spectators coming to view the event from the Kelvin Heights side of the lake. However, the event is likely to be seen from the opposite side of the lake, and therefore spectators may wish to view it from other locations without having to drive out to Kelvin Heights. The applicant is unsure of the total number of spectators attending, but anticipates that there could be between 1000 – 2000 persons.

To avoid traffic and parking effects associated with the activity, the applicant has submitted an approved Traffic Management Plan (TMP). The TMP has been reviewed and approved by Tony Francis, QLDC Road Corridor Engineer. Therefore I accept that as this has been approved, that adequate consideration on traffic movements and parking has been undertaken to ensure that adverse effects are appropriately mitigated. Car parking is proposed within Jardine Park. Council has approved a permit for the use of this land for the duration of the event. Additionally, the Kelvin Heights Croquet Club has provided their approval and support of the event, stating that they acknowledge that there will be additional vehicles within the reserve area over that weekend. Overall, I accept that with the approved TMP the event will have impacts on traffic movement and parking and safety of the flow of traffic however adverse effects will be no more than minor on the existing roading network within the District.

(ii) *Where the activity is undertaken on land adjacent to or adjoining a State Highway the provision of a Traffic Management Plan in accordance with the Code of Practice for Temporary Traffic Management. A Traffic Management Plan should outline the following:*

- *Parking layout;*
- *Access on and off the site, including any foot traffic;*
- *Provision of warning signs and cones for traffic control;*
- *Names of traffic controllers, including a Site Traffic Management Supervisor;*
- *Provision of high visibility safety clothing for persons involved in controlling traffic;*
- *Contingency plan which specifies a clear set of roles and procedures in the case of a traffic accident or emergency.*

The proposed event will not be located on an area adjacent to the State Highway. The access onto Peninsula Road comes off the State Highway, however QLDC's road corridor engineer has confirmed that the event is far enough away for it not to be an issue. NZTA have not made a submission on the application.

## **Summary**

The proposal has been considered in terms of actual and potential effects on the environment and against the relevant assessment matters contained within Part 19 of the District Plan. Overall it is accepted that the event will result in additional noise and increased vehicle movements along Peninsula Road and within Jardine Park.

The proposed Traffic Management Plan will ensure that adverse effects from the increased traffic and associated noise will be mitigated to ensure that regular residential traffic movements will still be able to be undertaken without unacceptable disruption. The temporary nature of the activity will ensure that any increase will only be restricted to certain times. As such I conclude that adverse effects will be no more than minor.

Safety of both competitors and the general public has been considered by way of an approved safety operational plan. It is accepted that adequate provisions have been made to ensure the upmost safety is adhered to at all times. QLDC's Harbourmaster has confirmed that he has no concerns with safety as part of the event. As such I conclude that adverse effects on safety will be no more than minor.

Noise from the boats at times will result in a significant alteration to the existing amenity within the adjacent residential area. However, the temporary nature of the event, being restricted to a maximum of 60 minutes of noise per day, will ensure that the overall adverse effect will be no more than minor.

## 9.2 OBJECTIVES AND POLICIES

The relevant Objectives and Policies of the District Plan discussed below relate to:

### Part 19 Temporary Events

**Objective 1 – *Amenity* seeks to ensure that temporary activities are located and operated to minimise any adverse effects on the environment.**

**Policy 2 requires a set of detailed rules for the time limit, size of temporary buildings and operation of temporary activities.**

#### *Time Limit*

The proposed event will run from 10.30am until 3.00pm for a duration of two days. Races will take approximately 3 - 4 minutes to complete a race. The applicant states that the total noise from the boats will equate to 60 minutes per day. This includes the warm up of engines at the beginning of the event. The applicant has verbally described the nature of the boat in terms of the actual amount fuel which they carry on boat. Each of the big Hydro Plane boats will only carry enough fuel for the race itself, and therefore once the race is completed they will need to head back to refuel. This means this it is less likely that there will be any idling time in between races, as this would waste fuel. In my opinion this gives some certainty that noise from the boats starting, warming up and racing, will be restricted to only what is required to ensure fuel is conserved. Therefore it is accepted that the applicant's anticipation of noise only occurring for 60 minutes a day, is feasible, and that the activity will be operated in a manner to minimise adverse effects on noise as best possible, to ensure that activity is consistent with the above policy.

#### *Temporary Buildings*

A number of small marques and structures are required for the competitors and event organisers, and a crane will be erected for the duration of the event. Specific details have not been provided, but it is accepted that there will be temporary buildings of this nature within the area identified as 'pit area'. These buildings will be for the purpose of competition areas, and to be used by the event personal. These will be erected for at the most a day before the event and a day after the event. The area will be restricted, and therefore no members of the public or spectators will be able to enter this area. The crane will be required to dry launch the bigger of the boats into the water. This area will be roped off. The temporary nature of the proposed buildings, structures and crane, will ensure that adverse effects will be minimised to ensure that the activity is consistent with the above policy.

#### *Operation of the Temporary Activity*

The proposed activity will be operated within the timeframe specified above. The overall operation has been subject to a Safe Operating Plan. QLDC's Harbour Master has sighted the document and states that it is sufficient. The applicant confirms that they have undertaken a number of these events throughout New Zealand, which they intend on modifying to suit the proposed site in Queenstown.

As the event is a free community event, there is no indication as to how many people may attend the event. The applicant states that up to 2000 people may attend. To cater for this number, they have a permit for the use of the reserve area at Jardine Park for additional car parking. Attendees will either walk down to the lake or will be shuttled down in a shuttle bus. A Traffic Management Plan has been provided which in my opinion appropriately addresses the additional car movements along Peninsula Road and into Jardine Park. This will minimise adverse effects on traffic movements.

It is my opinion that the applicant has provided enough information in terms of how the operation will be run to ensure that it will be operated in a manner to minimise adverse effects on the environment which will therefore comply with the above objective and policy.

Overall, the application is considered to be consistent with the District Plan objectives and policies.

### **9.3 OTHER MATTERS**

#### **9.3.1 Precedent Effects**

The proposed event is a temporary event. A number of temporary events are held within the District. This is due to the character of the area attracting a number of high profile events, largely due to the Queenstown being a domestic and international tourism destination served by an international airport. The proposed event is unique in nature in so far as that it is not an activity which is likely to be repeated by any other party. The applicant is an incorporated company which has members from all around New Zealand. It is my understanding that there is no other company which runs events of this nature.

In terms of the event potentially resulting in precedent effects, it is my opinion that each temporary activity/event is treated on an individual basis with consideration being given to the actual effects that could occur and the duration and location of each event. The greatest concern with temporary activities is generally the noise associated with them. Noise generation will be different with each event. Therefore, the proposed temporary activity is unlikely to set a precedent effect which would generate activities of a similar scale within the District.

### **9.4 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991**

Part 2 of the Resource Management Act 1991 details the purpose of the Act in promoting the sustainable management of the natural and physical resources. Sustainable management is defined as:

*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 conclusions above have determined that adverse effects from the proposed event will be adequately mitigated through the use of a traffic management plan, safe operating plan and operating the event in a manner which restricts noise to only a duration of 60 minutes per day.

When assessing the proposal against what effects it has on Part 2 matters, it is considered that the free community event will provide for social and economic benefits to the community and wider district. This will be through the increase in revenue that will be generated by visitors requiring accommodation and other services within the District. In addition to this, the event will create increased energy and a vibrant atmosphere on the lake which the community can experience.

I do note that there may be a number of people who do not share the same enthusiasm as others for events such as this. This can be seen through the submissions received in opposition. I note that those submissions highlighted concerns of noise and disturbance which the event will result in, and close proximity to the residential area. As outlined above, it is my opinion that the noise generated by the event will only be for a short period of time, which on balance will be outweighed by the positive social and economic aspects which the event will bring to Queenstown.

Overall, on this basis I consider the proposal does promote the overall purpose of the Act.

## 10.0 CONCLUSION

The proposed event will result in an adverse effect as a result of the increased noise associated with the hydroplane boats. However, given that there is a proposed restriction of 60 minutes per day of potential loud noise, it is considered that due to this temporary effect, any adverse effect will be no more than minor. Overall, it is considered that adequate provisions will be included to ensure that the event is run in a manner to maximise safety to both competitors and the general public. Increased traffic along Peninsula Road and within Jardine Park has been adequately considered to ensure that adverse effects on traffic will be no more than minor. Should consent be granted, a number of conditions of consent have been recommended which can be imposed to ensure that adverse effects are minimised. Overall, it is my recommendation that consent should be granted subject to these conditions.

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**Prepared by:** Lucy Millton  
Planner

**Reviewed by:** Paula Costello  
Planning Team Leader



**Attachments:** Appendix 1 Map of Submitters' Properties

**Report Dated:** 19 March 2013

### FOR COMMISSIONERS OVERTON & COCKS

Our signatures have been applied below recording that, based on our consideration of the above assessment, the full information about the application that has been made available to us by Council's USB file and the "Commissioner decision documentation" folder and the responses provided to any previous queries we have made, the decision on notification under sections 100 of the Act is that this application shall be processed pursuant to section 100 of the Act.



*Commissioners Overton & Cocks*

20.03.13

## Appendix 1 – Map of Submitters





- 100m clearances from mooring buoys to race line (as visible on Google Earth maps)
- Race buoys
- Racecourse – only official boats inside course
- Pits area
- Direction of travel