



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL
RESOURCE MANAGEMENT ACT 1991

Applicant:	Kawarau Jet Services Holdings Ltd
RM reference:	RM 171091
Location:	Kawarau River and Lake Wakatipu
Proposal:	To operate jet boating trips from Queenstown Bay to and along the Kawarau River to the Arrow River confluence and return, with a maximum three boats, each with 32 passengers and a maximum of 12 trips per day, per boat.
Type of Consent:	Land use
Legal Description:	N/A
Zoning:	Rural General
Activity Status:	Discretionary (Full)
Notification:	1 November 2017
Commissioner:	Commissioner D Mead and J Caunter
Date Issued:	06 April 2018
Decision:	GRANTED SUBJECT TO CONDITIONS

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF an application by Kawarau Jet Services Holdings Ltd to operate commercial jet boat trips on Lake Wakatipu and the Kawarau River to the Arrow River confluence and return

Council File: RM171091

DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL HEARING COMMISSIONERS D MEAD AND J CAUNTER APPOINTED PURSUANT TO SECTION 34A OF THE ACT

The Proposal

1. We have been given delegated authority to hear and determine this application by the Queenstown Lakes District Council ("Council") under section 34 of the Resource Management Act 1991 ("the Act") and, if granted, to impose conditions of consent.
2. This decision contains the findings on the application for resource consent and has been prepared in accordance with section 113 of the Act.
3. Kawarau Jet Services Holdings Ltd (or 'K Jet') has sought consent to operate jet boats on Lake Wakatipu and the Kawarau River, between Queenstown Bay and the Arrow River confluence and return. K Jet wish to operate three boats between the hours of 8am and 8pm, seven days a week; with each boat having the potential to undertake 12 trips per day. A total of 72 boat movements (there and back) are therefore possible. Each trip takes approximately 1 hour.
4. A detailed description of the proposal was provided in Section 1 of the resource consent application prepared by Brown and Associates. K Jet stated that the consent seeks to 're-authorise' three consents that have lapsed. Those consents authorised the same level of activity as being sought in this application, however the applicant now only seeks to operate on Lake Wakatipu and the Kawarau River.
5. By way of background, K Jet operate under a number of consents that provide for jet boat operations on the Kawarau and Shotover Rivers. In 2015, the Environment Court found that three of these consents had lapsed. In total the current 'live' consents provide for up to 12 boats, with 12 trips possible per day per boat, although the company does not regularly take up all opportunities available to them under these consents. Some consents only provide for trips from Queenstown Bay to Tuckers Beach on the Shotover River. For the route from Queenstown Bay to the Arrow River confluence, the active consents provide the opportunity for 6 boats, or 72 trips per day, or a total of 144 movements.
6. Queenstown Water Taxis (operating under the name Thunder Jet) also has consent to operate up to 34 trips between Queenstown Bay and the Arrow River confluence, per day, using four boats. In addition to these commercial operators, the river is used by a wide range of private (non-commercial) users. These users tend to be most numerous during holiday periods.

The Site

7. A description of the site and receiving environment within which the application will operate can be found in the applicant's AEE. The description accords with our impressions from our visits to the site and surrounding area.

Notification, Submissions and Affected Party Approvals

8. The application was publicly notified on 1 November 2017 and five submissions were received. No written approvals were provided.
9. By the time of the hearing, two submissions had been withdrawn (Queenstown Water Taxis Ltd and Remarkables Park Ltd/Queenstown Park Ltd). Queenstown Rafting Ltd indicated that they no longer opposed the application (but did not withdraw their submission). The two remaining 'live' submissions were from Central Otago Whitewater Incorporated and Otago Fish and Game Council.
10. The Council's section 42A report summarised the two 'active' submissions, as follows:

Name	Summary	Relief Sought
Central Otago Whitewater (Incorporated)	<p>Oppose in part for the following reasons:</p> <p>The application should not be dealt with separately from RM 150546.</p> <p>Members of the public living adjacent to the relevant part of the Kawarau River and those using the river for recreation would be subject to significant noise and wash nuisance from the proposed activity. The submitter is concerned that such parties have not had the opportunity to submit on the application.</p> <p>The submitter has an on-going opposition to the applicant's attempts to operate commercial jet boat activities down to the Kawarau Gorge suspension bridge.</p> <p>The number of commercial jet boat trips by the applicant on the Kawarau River between the Shotover confluence and the Arrow River confluence needs to be limited to the actual number of trips undertaken by the applicant since consents RM9903398 and RM9903399 were granted (those consents now lapsed).</p>	<p>That the consent limit the applicant's jet boating operation on that part of the Kawarau River between the Shotover River confluence and the Arrow River confluence to one boat per day or at the level of average daily use of that section of river by the applicant since August 2007, whichever is the greater.</p>

Name	Summary	Relief Sought
Otago Fish and Game Council	<p>Oppose for the following reasons:</p> <p>Safety concerns for anglers wading in the water and fishing from out of the water given no enforceable conditions are proposed in relation to the distance which boats should keep between them and anglers.</p> <p>Aquatic flora and fauna habitat may still be adversely affected if boats stay a minimum of 5m from shore lines and willows.</p> <p>Comparing adverse effects of the proposed activities to flood events does not mean they will not have an adverse environmental effect.</p> <p>There should be a cumulative effects assessment. The carrying capacity of the major water bodies should be determined by the Council prior to a decision being reached.</p>	<p>That an assessment of cumulative effects be undertaken for the application.</p> <p>The following condition of consent be included should consent be granted:</p> <p>“Boat drivers will take all practicable steps to avoid disturbing anglers and wildlife. Boats will not travel within 20 metres of any angler. Where practicable boats will stay mid channel and avoid any unnecessary disturbance to wildlife”.</p>

The Hearing

11. A hearing to consider the application was convened on 15 March 2018, in Queenstown. The Commissioners undertook a site visit (by jet boat) prior to the hearing.
12. The Council's consultant planner, Mr Bryce, who had prepared a section 42A report and Mr Black, Queenstown Lakes District Council's Harbour Master, were in attendance.
13. The applicant was represented by Mr Gardner Hopkins, legal counsel. Pre circulated evidence was provided by Mr Kelly (applicant) and Mr Brown (planning consultant).
14. A written statement was tabled from Central Otago Whitewater Incorporated, while email correspondence had been received from Otago Fish and Game Council.
15. The hearing was adjourned on 15 March 2018 to allow for an amended set of recommended conditions to be discussed between Council staff and the applicant. These conditions were received on Friday 16 March 2018 and the hearing was closed on Monday 19 March 2018.

The District Plan and Resource Consents Required

16. Full details of the resource consents required and the status of the activity are set out in the application and Council's section 42A report. In summary, the application relates to the surface of Lake Wakatipu and the Kawarau River. These waterways are zoned as follows in the Queenstown Lakes Operative District Plan (or the Plan):
 - (a) Lake Wakatipu within Queenstown Bay: Queenstown Town Centre Waterfront Zone
 - (b) Lake Wakatipu outside of Queenstown Bay and the Kawarau River: Rural General Zone.
17. A discretionary activity resource consent is required for commercial operation of jet boats in both the Town Centre Waterfront zone and the Rural General zone as per the following:
 - (a) Rule 10.6.3.3.(i) (b) – commercial boating in the Queenstown Town Bay Waterfront zone
 - (b) Rule 5.3.3.3 (iv) (b) – commercial boating activities within the General Rural zone.
18. The same activity status applies under the proposed district plan.
19. The purpose of the Town Centre Waterfront zone is to provide for and support town centre activities while maintaining the natural character of the centre's waterfront. The purpose of the Rural General zone is to manage activities so they can be carried out in a way that:
 - (c) protects and enhances natural conservation and landscape values;
 - (d) sustains the life supporting capacity of the soil and vegetation;
 - (e) maintains acceptable living and working conditions and amenity for residents of and visitors to the Zone; and
 - (f) ensures a wide range of outdoor recreational opportunities remain viable within the Zone.
20. Commercial operations on the surface of rivers in the Rural General zone are subject to a number of zone standards relating to noise and hours of operation. The application states that the jet boats will operate within these parameters.
21. As a discretionary activity, the provisions of the Resource Management Act 1991 relevant to the assessment of this application are sections 104, 104B, 108 and Part 2 of the Act.
22. Subject to Part 2 of the Act, Section 104 (1) sets out those matters to be addressed by the consent authority when considering a resource consent application, as follows:
 - a) any actual and potential effects on the environment of allowing the activity; and*
 - (b) any relevant provisions of:*
 - (i) a national environmental standard:*

(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.

23. In accordance with section 104(1)(b) (i) to (v) of the Act, there are no relevant national environmental standards, other regulations or national policy statements applicable to the proposed development.
24. In terms of 104(1) (b) (vi) a proposed district plan has been notified and is subject to submissions. The plan is currently in the hearing process. Both Mr Brown and Mr Bryce placed little weight on the objectives and policies of this plan, due to the stage of its development.
25. Relevant operative plan provisions are identified in the section 42A report. The objectives and policies relevant to this application are contained within Part 4 of the District Plan (*District wide Issues*) and Part 5 (*Rural Areas*).

Summary of the Evidence Heard

26. As evidence for this hearing was pre-circulated, the applicant's witnesses provided a summary of their evidence and responded to questions. The following is a brief outline of the submissions and evidence presented. This summary does not detail everything that was advanced at the hearing, but captures key elements.

Evidence for the applicant

27. Mr Gardner-Hopkins, legal counsel, outlined what he saw to be the outstanding issues. He stressed the need for the Commissioners to focus on the effects of the application being heard and not to stray into what had come before or what may come after in terms of consents. The application material, while referencing three lapsed consents, was about ensuring K Jet had capacity to meet future growth needs, particularly the growing conference and incentives market (or the C&I market). This market was different to the company's regular services focussed on free independent travellers. There was no need, or reason, for the Commissioners to refer to a different consent that the company had lodged with the Council to operate jet boats on the Kowarau River below the Arrow River confluence. That is, there was no connection between the consent being considered and that consent (which is on hold), in terms of section 91 of the RMA.

28. Mr Gardner-Hopkins did not consider that there was any justification, in policy terms or in terms of adverse effects, for there to be a limitation (reduction) on the number of trips sought, on the basis of cumulative effects. He noted that the Plan did not control private (non-commercial) use of motorised craft and so to that extent, the Plan did allow for a degree of effects to be generated, although the applicant was not relying upon a permitted baseline type argument.
29. Mr Kelly, the applicant, spoke on a number of topics related to the company's operations. The C&I market requires non-scheduled trips and may involve multiple boats. For example, a number of boats may follow each other in quick succession as part of a package tour, so rather than have three boats spread over an hour, it may be three boats within a short period of time. Currently, about two thirds of the trips run by the company travel up the Lower Shotover River to Tuckers Beach and about one third to the Arrow River confluence.
30. Mr Brown spoke to his pre circulated evidence. In response to question about the assessment of effects, Mr Brown was of the view that there was no need for specialist landscape analysis of the proposed operations. The effects in question tend to be ones related to amenity and possible impacts on other recreational pursuits on and along the river. His own observation was that the jet boat operations comfortably coexisted with residents and visitors swimming, playing, walking, riding and resting by the river.
31. Mr Brown outlined his understanding of the operative plan provisions and the reference within them to avoiding adverse effects of commercial activities on rivers in areas of high recreational use. He noted that the Plan identified a number of stretches of river within the District where commercial activities were strongly discouraged. In contrast, the Kawarau River was identified in the Plan as being a river that has a history of commercial use, and given its proximity to Queenstown, jet boat operations were to be expected. He further noted that the proposed plan had effectively 'rolled over' the operative plan policy and rule framework. While the proposed plan is not settled, there was no indication of the new plan setting in place caps or limits on use of rivers by commercial activities, beyond the measures taken by the operative plan.

Submitters

32. Central Otago Whitewater Inc provided a written statement by Mr Gordon Rayner. In that statement, Mr Rayner raised concerns over whether members of the public fully understood the application; that there was no need for the jet boat trips (given that existing consents had lapsed); while this consent should be considered alongside the consent (which is on hold) to operate jet boats below the Arrow River confluence.
33. Central Otago Fish and Game's submission sought the consideration of cumulative effects and the imposition of conditions to protect wildlife and ensure that jet boat operations would not unduly disrupt anglers. Email correspondence tabled noted that one recommended condition referred to the applicant holding a workshop with jet boat drivers and Fish and Game members to discuss safe operating procedures. The email stated that Otago Fish and Game was not in a position to organise such workshops.

Council response

34. Mr Black, Harbour Master, had provided a safety report as part of the Council's Section 42A report. He was satisfied that K Jet had in place the plans and procedures to address safety concerns. He noted that the past summer had seen significant use of the upper part of the Kawarau River by local residents swimming and playing in the water. He had not observed or known of any issues or safety conflicts with jet boat operations. He considered that there were a number of rivers in the district where some form of more explicit control on use and numbers of powered craft may be needed, but the stretch of the Kawarau above the Arrow River confluence was not one of these areas, given the wide open nature of the Kawarau River and good sight lines and open corners.
35. Mr Bryce prepared the section 42A planning report. He noted that in one section of that report, he had incorrectly quoted a Bylaw relating to the use of craft on rivers and lakes and verbally corrected this. This correction did not alter in anyway his analysis. He recommended consent be granted subject to a number of conditions.
36. The Commissioners raised a number of points with regard to the conditions. The Council and applicant were given time to prepare a further version of the draft conditions.

Applicant's right of reply

37. Mr Gardner-Hopkins reiterated the main points of his submissions, noting that the effects of the trips to be authorised were to be adequately mitigated through conditions. There was no evidence of any cumulative thresholds being breached.

The Principal Issues in Contention

38. Section 113 of the RMA requires the Commissioner's to identify the principle issues in contention and to record their findings on these matters.
39. After analysis of the application and supporting evidence (including proposed mitigation measures and volunteered conditions) and a full review of the section 42A report, the proposed activity raises the following issues:
 - (g) Whether there is the need for some sort of limitation on the number of jet boat trips and
 - (h) the conditions to be applied.
40. Safety concerns were comprehensively addressed in the application and Council's assessment.

Main Findings on the Principal Issues in Contention

A cap?

41. Central Otago Whitewater Inc submissions suggested that the consent be limited to the number of trips actually undertaken by K Jet along the section of the Kawarau River between the Shotover and Arrow Rivers, over the recent past. While this submission appeared to be motivated by concerns about the implications for the consent on hold to operate below the Arrow River confluence, the submission did refer to the extent of activity on the stretch of the river above the Arrow River, and impacts on residents. In a similar vein, Otago Fish and Game Council sought an assessment of cumulative effects be undertaken. The Fish and Game Council considered that some sort of carrying capacity should be first determined, and the consent considered in the light of that capacity, rather than the consent be seen as a 'roll over' of the lapsed consents. While the Section 42A report did not recommend a limitation (i.e. fewer trips than what was being sought), it did note the growing resident population in the Shotover Country / Lakes Hayes Estate area.
42. Between the Lower Shotover River and the Arrow River, the section 42A report stated that existing consents would authorise up to 10 trips per hour on the Kawarau River. For a person standing on the banks of the river, this would mean that up to 20 commercial jet boats could pass in that hour. The applications could see this increase to 26 boat movements per hour, or approximately one every 2 and half minutes, assuming that the trips are evenly spaced.
43. The applicant noted that no residents in the area had submitted in opposition, while the river sits under the airport flight path and is affected by aircraft noise as planes approach the runway from the north east. Furthermore, commercial and recreational jet boat use of the Kawarau River was a long established activity. The applicant was of the view that the number of commercial trips on the river was less than in previous decades, as a number of jet boat operations had been consolidated into the K Jet operations, and larger boats had been introduced. Operational issues would not see continuous use. As a back stop to potentially unforeseen issues, a review condition was to be imposed. This would, in theory at least, allow for reconsideration of aspects of the application if effects were worse than predicted (however Mr Gardener-Hopkins agreed that such review conditions are rarely used in practice).
44. In considering these issues, the Plan does refer to avoiding adverse effects of commercial use of the surface of lakes and rivers in areas of high recreational use, and more generally to avoiding or mitigating adverse noise, amenity and related effects. Standards relating to hours of operation and noise limits are set out and the application will meet these standards. Effects on amenity and other recreational users are more qualitative in nature.

45. The Commissioners accept the point of the submitters, that as a general proposition, the consideration of these effects should not solely be on the basis of a relative assessment against current conditions – there are already ‘x’ number of trips and the application will only add ‘y’ to that number, a small incremental change – as that type of assessment does not consider the end outcome. Equally there is a danger in basing decisions on current conditions, given that there is limited information on the actual number of trips currently being experienced by other river users. For example, both Mr Bryce’s and Mr Brown’s observations were that jet boat operations co-existed alongside people swimming and picnicking alongside the river, but this circumstance may well change should the river be used by jet boats to their full potential as allowed by existing consents and the proposed consent. The Commissioners are also aware that a variety of people will use the tracks alongside the river, all of whom may not have the local knowledge that the river is used for jet boating, for example visitors to the district.
46. As noted, the operative (and proposed) Plan does not set a limit on the number of commercial jet boat trips across the rivers in the district, although the Plan does identify a number of rivers where commercial jet boating should be restricted, such as rivers that have the combination of high passive recreational use, and significant nature conservation and wildlife habitats. The Kawarau River above the Arrow River confluence does not fall into this category. The Plan also refers to ensuring that the number of commercial boating operations on rivers does not exceed levels where safety of passengers cannot be assured. In this case safety issues are appropriately addressed.
47. In considering cumulative amenity issues, Mr Bryce’s advice was that the Commissioners look to the explanatory material in the Plan to provide context as to the type of environment anticipated. Section 4.6.1 identifies that the Kawarau River is intensively used for commercial recreation, with jet boats operating to the Arrow River confluence, while below the Arrow River confluence, the river is highly valued for its white water characteristics. Within that context, the Commissioners are satisfied that the application will not result in adverse amenity effects that are out of step with what the Plan contemplates and what may be reasonably expected in and along the river corridor. Jet boat use does create noise, wash and disturbance of tranquillity. However, these type of effects are long established, but transitory in nature. Furthermore, operational considerations reduce the extent to which there is a constant ‘stream’ of jet boats. The overall conclusion is that the jet boat operations to be authorised by this application will generate additional, noticeable adverse effects on the amenity of the river corridor, but those effects are not out of context.

Conditions

48. Central Otago Fish and Game sought inclusion of a condition that protected wildlife and ensured that anglers were not placed in danger. The recommended conditions tabled by the Council at the hearing contain two conditions that refer to anglers and wildlife. These conditions are the same as those that apply to other, similar consents. The two relevant conditions are as follows:

Boats will not travel within 30ms of islands or within 5 metres of willowed edges and banks of the lakes and rivers, except for safety reasons. Boat drivers shall take all practicable steps to avoid disturbing wildlife.

All jet boats operating under this consent shall maintain a minimum distance of 20 metres from other river users. When approaching anglers, boats shall slow and stay in mid channel to minimise disturbance to the angler and the creation of wave action along the bank. When approaching unpowered craft or swimmers, boats shall take all practicable measures required to allow safe passage past.

49. The Commissioners questioned the ability to maintain a 30m separation distance from islands, given that the river corridor was often not much wider than this, and sometimes less. Mr Brown thought the reference to islands was to small islands in the Frankton area of Lake Wakatipu, and not along the river itself.
50. After the hearing, Mr Brown checked back on previous consents. He reported that some consents (such as RM040414(b)) contain this 30m distance from islands, and some (RM990398 and RM990399) contain the following condition:

“Boats will not travel within 5 metres of the small islands, willowed edges and banks of the lake and rivers except for safety reasons.”

51. He further advised, based on comments from Mr Kelly, that the 30m separation distance is impractical because there is not sufficient width in the river to stay 30m from the islands while manoeuvring to and from the access lanes under the Kawarau Falls Bridge.
52. Hence, he considered it was appropriate to delete the 30m dimension and instead use the words “as far away as practicable”. If a dimension is necessary, in his view, 10m would be appropriate. The suggested amended condition would read:

Boats will travel as far away as practicable from the islands located on Lake Wakatipu, and not within 5 metres of willowed edges and banks of the lakes and rivers, except for safety reasons. Boat drivers shall take all practicable steps to avoid disturbing wildlife.

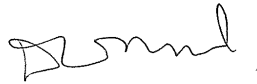
53. The Council did not oppose this modification and in the Commissioner's view, the change would ensure a more practicable condition.
54. The Otago Fish and Game Council also noted that one of the recommended conditions should be further considered. This condition proposed that the applicant and the Fish and Game Council hold a workshop between the company's jet boat drivers and members of the council so that impacts on wildlife and fishing could be discussed, with a view to the company's drivers being aware of the associated issues. The submission noted that the local branch was not in a position to organise such a meeting (which presumably would need to be on a semi regular basis if the company experienced a turnover of drivers).
55. The applicant did not oppose the recommended condition, noting that it was a condition common to a number of its consents. However, the company had never requested that such a workshop be held, neither had Fish and Game proposed such a meeting be held. The revised recommended conditions proposed to delete the condition.

Section 104 of the Act

56. Section 104 (1) (a) requires consideration of the effects of the activity. Evidence presented at the hearing was that effects on nature conservation and wildlife habitats would be mitigated by appropriate conditions, while the safety of other river users would not be impinged. Noise and wash effects would be temporary occurrences for other river users. The above consideration of matters in contention highlighted that the cumulative effects of additional jet boat trips on the amenity of the river corridor is a relevant issue (although the number of additional trips is capped at 36 trips per day).
57. Turning to the planning documents (Section 104 (1) (b)), the operative and proposed Otago Regional Policy Statement does not contain any objectives or policies that strongly influence assessment of this type of cumulative effect.
58. The Operative District Plan contains objectives and policies for the surface of lakes and rivers. These provisions were analysed by Mr Brown and Mr Bryce in their evidence and they largely came to the same conclusion.
59. The Operative Plan identifies the need to take into account the different types of river environments in the District. Policy 9.2.2 (1) distinguishes between those rivers with outstanding natural characteristics, wild and scenic beauty, aesthetic coherence and sense of isolation and those rivers that are multi-use and in close proximity to population centres. As described above, the Plan clearly contemplates the section of the Kawarau River above the Arrow confluence as falling into the second category. The section of Kawarau River subject of this application is included in a Water Conservation Order, the details of which acknowledge recreational activity.
60. The Plan goes on to say that people should have access to a wide range of recreational activities which are suited to and benefit from the characteristics present (Policies 4.6.3 (2) and (3)), provided effects of intrusive, frequent or large scale activities are addressed (Policy 4.6.3 (4)). In this case, the Plan accepts that the section of the Kawarau River to the Arrow River confluence will be used for commercial jet boat purposes, and while potentially frequent and intrusive for some river users, the effects of such use can be appropriately managed by the terms of the consent (number of trips) and the conditions to be applied.
61. In relation to Part 2 of the Act, Mr Gardner-Hopkin's submission was that there was no need for the Commissioners to undertake a broad, overall judgement under Part 2 of the RMA. There was no indication that the Queenstown Lakes District Plan was incomplete or out of step with regard to how it implemented higher order documents, while in any case, adverse effects of the additional trips to be authorised were not significant and would be appropriately mitigated and avoided. As a result there was no need to weigh the benefits of the enablement of the proposed activity against the environment effects, to determine whether the activity would lead to the sustainable management of natural and physical resources. The Commissioners accept that submission.

Determination

62. In exercising our delegation under sections 34 and 34A of the Act, and having regard to the matters discussed above under sections 104 and Part 2 of the Act, the Commissioners have determined that consent to the discretionary activity application by Kawareau Jet Services Holdings Ltd to operate jet boating trips from Queenstown Bay to and along the Kawareau River to the Arrow River confluence and return, with a maximum three boats each with 32 passengers and a maximum of 12 trips per day per boat, be granted, subject to conditions.
63. Reasons for the decision are:
- a) The proposed activity will not result in adverse effects on landscape or amenity values, or nature conservation values of Lake Wakatipu or the Kawareau River.
 - b) The proposed activity will not compromise the safety of other commercial jet boat operators, or private recreational users
 - c) The proposed activity is consistent with the relevant objectives and policies of the operative District Plan.



D Mead (Chair)

For the Hearings Commission

06 April 2018

APPENDIX 1 – Consent Conditions

APPENDIX 1 – CONSENT CONDITIONS

1. That the activity be carried out in accordance with the application submitted as per resource consent [RM171091], specifically consent is granted for three jet boats to carry visitors on the surface of Lake Wakatipu (departing from Queenstown Bay) and the Kawarau River to the Arrow River confluence and return, with the exception of the amendments required by the following conditions of consent. There shall be no more than 12 trips per day per boat with a maximum capacity of 32 passengers per boat including the driver.
2. That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent shall be at the consent holder's own expense.
3. That the consent holder shall pay to the Council all required administration charges fixed by the Council pursuant to Section 36 of the Act in relation to:
 - a) the administration, monitoring and supervision of this consent; and
 - b) charges authorised by regulations.
4. That upon completion of the proposed activity, the consent holder shall contact the Monitoring Section at the Council to arrange a time for an inspection of the proposed work to ensure all conditions have been complied with.

Specific Conditions

5. The hours of operation shall be limited to between 0800 and 2000.
6. Boats will travel as far away as practicable from the islands located on Lake Wakatipu, and not within 5 metres of willowed edges and banks of the lake and river, except for safety reasons. Boat drivers shall take all practicable steps to avoid disturbing wildlife.
7. All jet boats operating under this consent shall maintain a minimum distance of 20 metres from other river users. When approaching anglers, boats shall slow and stay in mid channel to minimise disturbance to the angler and the creation of wave action along the bank. When approaching unpowered craft or swimmers, boats shall take all practicable measures required to allow safe passage past.
8. The consent holder and its staff shall not provide information to its passengers about any historical, spiritual or cultural matters relating to the Tangata Whenua of the area without first consulting with the local Papatipu Runanga and obtaining their agreement that the information provided is both accurate and appropriate.
9. The applicant and/or appropriate employees shall attend a cultural awareness wanaga within 6 months of the decision date of this consent facilitated by Ngai Tahu.
10. The consent holder shall at all times operate strictly in accordance with a Safe Operational Plan which has approval from Maritime New Zealand, and in accordance with the Maritime Rules Part 80 applying to operation of commercial jet boats, or Rules passed into law in substitution for those Rules or any part thereof.
11. The jet boats shall be operated and conducted such that a maximum noise level (L_{max}) of 77dBA, is not exceeded when measured and assessed in accordance with Appendix 2 of the Queenstown Lakes District Council District Plan.
12. Before commercial operation of each jet boat, a test report in accordance with ISO 2922:2000 must be submitted to the Council, demonstrating compliance with condition 11.

13. Every two years after the first commercial operation of each jet boat, and also following modifications to any jet boats, a further test in accordance with ISO 2922:2000 must be made by a suitably qualified and experienced specialist, and the test report submitted to the Council within one month, demonstrating compliance with condition 11.
14. The consent holder shall provide to the Harbour Masters office a detailed report at the end of each month of operations, including trips undertaken, passenger numbers, any mechanical, driver or river incidents, and any other relevant matters for that month and be submitted no less than 10 working days following the end of the preceding month.

Keeping of Records

15. The consent holder shall maintain daily log of trips/pax numbers ('the log').
16. The log shall be provided to the Council on an annual basis on the anniversary of the date of this decision.

Review

17. 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.