

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14 of the First
Schedule of the Act

BETWEEN CARDRONA ALPINE RESORT
LIMITED

(ENV-2018-CHC-117)

...(continued on separate page)

Appellants

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Environment Judge J J M Hassan – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 30 November 2021

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

(1) the appeal is allowed, and Queenstown Lakes District Council is directed to:

(a) amend the provisions of Chs 1 (Introduction) and 21 (Rural Zone) as set out in Appendix 1, attached to and forming part of



this order;

- (b) make any consequential amendments to the numbering of provisions and relevant planning maps resulting from (a) above.
- (2) the appeal points noted at [7] are dismissed and the appeals otherwise remain extant.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] These proceedings concern appeals by Cardrona Alpine Resort Limited,¹ and others² filed against part of a decision of the Queenstown Lakes District Council regarding provisions in Chs 1 (Introduction) and 21 (Rural Zone) of the Proposed Queenstown Lakes District Plan – Stage 1, allocated as Topic 18 – Rural Zone.

Background

[2] Following court-facilitated mediation the parties to Topic 18 filed three different joint memoranda,³ and a consolidated draft consent order on 12 June

¹ ENV-2018-CHC-117.

² ENV-2018-CHC-150 Darby Planning Limited; ENV-2018-CHC-53 Federated Farmers of New Zealand; ENV-2018-CHC-083 Mt Cardrona Station Limited; ENV-2018-CHC-151 New Zealand Tungsten Mining Limited; ENV-2018-CHC-93 Queenstown Airport Corporation Limited; ENV-2018-CHC-127 Queenstown Park Limited; ENV-2018-CHC-142 Queenstown Wharves GP Limited; ENV-2018-CHC-131 Real Journeys Limited; ENV-2018-CHC-146 Real Journeys Limited (trading as Canyon Food and Brew Company Limited); ENV-2018-CHC-138 Real Journeys Limited (trading as Go Orange Limited); ENV-2018-CHC-133 Royal Forest and Bird Protection Society of New Zealand Incorporated; ENV-2018-CHC-130 SYZ Investments Limited; ENV-2018-CHC-114 Transpower New Zealand Limited; ENV-2018-CHC-056 Upper Clutha Environmental Society Incorporated; ENV-2018-CHC-115 Willowridge Developments Limited.

³ Consent memorandum – subtopic 4 Minerals, dated 19 December 2019, consent memorandum – subtopic 5 Rivers and Lakes, dated 20 December 2019, and consent memorandum – subtopics 1 to 7, dated 12 June 2020.

2020, attaching a full version of Ch 21, recording the agreements reached at mediation.

[3] As this topic is closely related to Topic 2 – Landscape and Rural Character – the court placed the consent documentation on hold pending the issue of all relevant Topic 2 decisions. Subsequently, the court directed QLDC to review the draft order provisions for Topic 18 for consistency with the final Chs 3 and 6 provisions.⁴

[4] The parties filed an updated set of amended provisions on 11 October 2021 and sought a direction as to whether those provisions could be the subject of consent documentation. Following a judicial teleconference, the court issued a Minute dated 18 October 2021 identifying the Topic 18 provisions considered suitable to be progressed by consent order, with the remaining provisions to be resolved at a later date.

[5] The parties responded with a consent memorandum dated 5 November 2021, outlining their agreement on the final determination of provisions identified in the court’s Minute (in place of their earlier agreed provisions). This memorandum also records agreement on some other provisions that were not specifically identified by the court’s Minute, but which the parties are satisfied would not impact on the court’s determination of remaining unresolved appeal points. Those provisions are:

- (a) purpose statement 21.1, addition of the word “conservation” in the third paragraph;
- (b) objective 21.2.12 which the parties consider can be resolved alongside the related policies; and
- (c) an amendment to Ch 1, provision 1.7.5.

[6] I have read and considered the consent memorandum and agree that these

⁴ Minutes dated 1 June 2021 and 25 June 2021.

additional provisions can be suitably included in the consent order.

Appeal points resolved without amendment to plan provisions

[7] The following appeal points were resolved through court-facilitated mediation by way of an agreement either to withdraw or not pursue the relevant relief:⁵

- (a) the following appeal points allocated to sub-topic 1 are dismissed:

Appeal point allocated reference	Appealed provision
ENV-2018-CHC-056-023	21.1 Zone Purpose
ENV-2018-CHC-114-026	21.1 Zone Purpose
ENV-2018-CHC-151-008	21.1 Zone Purpose
ENV-2018-CHC-133-007	Policy 21.2.8.1
ENV-2018-CHC-056	Policy 21.2.9.3
ENV-2018-CHC-133-005	Inclusion of a new provision

- (b) the following appeal points allocated to sub-topic 2 are dismissed:

Appeal point allocated reference	Appealed provision
ENV-2018-CHC-127-034	Policy 21.2.1.1
ENV-2018-CHC-130-014	Policy 21.2.1.1
ENV-2018-CHC-131-066	Policy 21.2.1.1
ENV-2018-CHC-138-042	Policy 21.2.1.1
ENV-2018-CHC-146-019	Policy 21.2.1.1
ENV-2018-CHC-150-040	Policy 21.2.1.1
ENV-2018-CHC-056-025	Rules 21.4.9 and 21.4.10
ENV-2018-CHC-056-026	Standard 21.7.3
ENV-2018-CHC-056-039	Standard 21.7.3

⁵ Consent memorandum dated 5 November 2021 at [18].

ENV-2018-CHC-053-001	The definition of 'Building'.
ENV-2018-CHC-133-011	Table 2.
ENV-2018-CHC-133-012	Inclusion of a new provision.

(c) the following appeal points allocated to sub-topic 3 are dismissed:

Appeal point allocated reference	Appealed provision
ENV-2018-CHC-114-029	Objective 21.2.13
ENV-2018-CHC-127-042	Rule 21.4.19

(d) the following appeal points allocated to sub-topic 4 are dismissed:

Appeal point allocated reference	Appealed provision
ENV-2018-CHC-151-011	Policy 21.2.5.1.

(e) the following appeal points allocated to sub-topic 5 are dismissed:

Appeal point allocated reference	Appealed provision
ENV-2018-CHC-131-057 and 058	Rules 21.15.7 and 21.15.8
ENV-2018-CHC-138-036 and 037	Rules 21.15.7 and 21.15.8

(f) the following appeal points allocated to sub-topic 6 are dismissed:

Appeal point allocated reference	Appealed provision
ENV-2018-CHC-056-024	The activity status for rural subdivision within ONL and ONF.

Other relevant matters

[8] All relevant s274 parties have signed the 5 November 2021 memorandum setting out the relief sought by this order.

Outcome

[9] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the RMA including, in particular, pt 2.



J J M Hassan
Environment Judge



List of appellants

ENV-2018-CHC-117	Cardrona Alpine Resort Limited
ENV-2018-CHC-150	Darby Planning Limited
ENV-2018-CHC-53	Federated Farmers of New Zealand
ENV-2018-CHC-083	Mt Cardrona Station Limited
ENV-2018-CHC-151	New Zealand Tungsten Mining Limited
ENV-2018-CHC-93	Queenstown Airport Corporation Limited
ENV-2018-CHC-127	Queenstown Park Limited
ENV-2018-CHC-142	Queenstown Wharves GP Limited
ENV-2018-CHC-131	Real Journeys Limited
ENV-2018-CHC-146	Real Journeys Limited (trading as Canyon Food and Brew Company Limited)
ENV-2018-CHC-138	Real Journeys Limited (trading as Go Orange Limited)
ENV-2018-CHC-133	Royal Forest and Bird Protection Society of New Zealand Incorporated
ENV-2018-CHC-130	SYZ Investments Limited
ENV-2018-CHC-114	Transpower New Zealand Limited
ENV-2018-CHC-056	Upper Clutha Environmental Society Incorporated
ENV-2018-CHC-115	Willowridge Developments Limited

Appendix 1

(amendments shown in underline and ~~striketrough~~ text, numbering to be confirmed when updating the PDP provisions)

Chapter 1 Introduction: Chapter Amendment:

Building Outline

- 1.7.6 Council may request that any application to establish a building is accompanied by the erection of poles, or another similar devices or method, to identify the bulk of the proposed building to be erected on the site. For applications within the rural environment, Council's expectation is that poles will be erected and that they~~and when erected, such poles~~ should remain in place until the Council decision is issued.

21 Rural

Topic 18 - Amendments agreed through Court-assisted mediation, further review by the parties, and subject to consent order processes – 3 November 2021

Note:

- Topic 19 provisions have been removed, as subject to a separate consent order process.
- Only provisions recorded in draft consent order are those proposed for amendment.
- Provisions in **red text** (underline or strike-through) proposed for endorsement despite not being listed in [4] of Court's Minute of 18 October 2021.

21.1 Zone Purpose

A wide range of productive activities occur in the Rural Zone and because the majority of the District's distinctive landscapes comprising open spaces, lakes and rivers with high visual quality and cultural value are located in the Rural Zone, there also exists a wide range of living, recreation, conservation commercial and tourism activities and the desire for further opportunities for these activities.

21.2 Objectives and Policies

21.2.1 Objective - ~~A range of land uses, including farming and established activities, are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.~~

A range of land uses, including farming, are enabled while:

- protecting the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes;
- maintaining the landscape character of Rural Character Landscapes and maintaining or enhancing their visual amenity values;
- maintaining or enhancing amenity values within the rural environment; and
- maintaining or enhancing nature conservation values.

Policies

21.2.1.1 Enable farming activities while protecting, maintaining ~~and~~ or enhancing the values of indigenous biodiversity, ecosystem services, recreational values, and the natural character and nature conservation values of the District's the landscape and surface of lakes and rivers and their margins.

21.2.1.2 .

21.2.1.3 .

21.2.1.4 .

21.2.1.5 Have regard to the location and direction of lights so they do not cause glare to other properties, waterbodies, roads, public places or views of the night sky.

- 21.2.1.6 .
- 21.2.1.7 .
- 21.2.1.8 .
- 21.2.1.9 .
- 21.2.1.10 .
- 21.2.1.11 Provide for the establishment of commercial, retail and industrial activities ~~only~~ where these would protect, maintain or enhance rural character, amenity values and landscape values.
- 21.2.1.12 ~~Encourage production forestry to be consistent with topography and vegetation patterns, to locate outside of the Outstanding Natural Features and Landscapes and outside of significant natural areas, and ensure production forestry does not degrade the landscape character or visual amenity values of the Rural Character Landscape.~~
- Manage production forestry by:
- a. encouraging production forestry to be consistent with topography and vegetation patterns; and
 - b. locating outside of Outstanding Natural Features and Landscapes and outside of Significant Natural Areas;
while ensuring that rural landscape character, visual amenity or nature conservation values are not degraded.
- 21.2.1.13 .
- 21.2.1.14 .
- 21.2.1.15 Ensure traffic from new commercial activities ~~does not diminish maintains rural amenity and does not affect:~~
- a. the safe and efficient operation of the roading and trail network; ~~or~~ and
 - b. access to public places.
- 21.2.1.16 Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks networks on the basis that landscape, visual and rural amenity and nature conservation values are is protected, maintained or enhanced, and established activities are not compromised.

21.2.2 .**21.2.3** .**21.2.4** .**Policies**

21.2.4.1 .

- 21.2.4.2 Control the nature, scale and location and type of activities seeking to establish non-farming activities in the Rural Zone, so as to minimise conflict with ~~between~~ permitted

and established activities, and those that may not be incompatible with those such activities

- 21.2.5** Objective - Prospecting, exploration and mineral extraction opportunities are provided for on the basis the location, scale and effects would not degrade protect, maintain or restore rural amenity, water, wetlands, landscape and indigenous biodiversity values.

Policies

21.2.5.1 .

21.2.5.2 Provide for ~~prospecting and small scale mineral exploration and recreational gold mining as activities with limited environmental impact.~~

Provide for the following activities where they have limited environmental impact:

a. prospecting;

b. small scale mineral exploration;

c. small scale mining by means of hand-held, non-motorised equipment; and

d. suction dredge mining that does not exceed 13 horsepower.

21.2.5.3 .

21.2.5.4 .

21.2.5.5 .

21.2.5.6 .

21.2.5.7 Have regard to undertaking mineral extraction activities in areas that have been previously mined, as a means of consolidating adverse effects of new mineral extraction activities.

21.2.6 .

21.2.7 .

21.2.8 Objective - Subdivision, use and development in areas that are unsuitable due to identified constraints ~~not addressed by other provisions of this Plan~~, is avoided, or the effects of those constraints are remedied or mitigated.

21.2.9 .

Policies

21.2.9.1 Encourage ~~revenue producing activities that can support the long term sustainability of the rural areas of the district and that maintain or enhance landscape values and rural amenity.~~

21.2.9.2 Ensure ~~that revenue producing activities utilise natural and physical resources (including existing buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural resources~~

Enable revenue producing activities that can support the long term sustainability of the rural areas of the District, provided that such activities:

- a. utilise natural and physical resources efficiently (including existing buildings and infrastructure);
- b. protect landscape values of Outstanding Natural Features and Outstanding Natural Landscapes;
- c. maintain the landscape character of Rural Character Landscapes and maintain or enhance their visual amenity values;
- d. maintain or enhance amenity values within the rural environment; and
- e. maintain or enhance nature conservation values.

21.2.9.3 .

21.2.10 Objective – Commercial Recreation in the Rural Zone is of a nature and scale that is ~~commensurate to~~ compatible with the amenity values of the location.

Policies

21.2.10.1 The group size of commercial recreation activities will be managed so as to be consistent with the level of amenity ~~anticipated~~ in the surrounding environment.

21.2.10.2 ~~To m~~ Manage the adverse effects of commercial recreation activities so as not to degrade rural quality or character or visual amenities and landscape values.

21.2.10.3 ~~To a~~ Avoid, remedy or mitigate any adverse effects commercial activities may have on the range of recreational activities available in the District and the quality of the experience of the people partaking of these opportunities.

21.2.10.4 ~~To e~~ Ensure the scale and location of buildings, noise and lighting associated with commercial recreation activities are consistent with the level of amenity ~~existing and anticipated~~ in the surrounding environment.

21.2.11 .

21.2.12 Objective - The natural character of lakes and rivers and their margins is protected, ~~maintained~~ or enhanced, while also providing for appropriate activities ~~on the surface of lakes and rivers~~, including recreation, commercial recreation and public transport.

Policies

21.2.12.1 .

21.2.12.2 Enable people to have access to a wide range of recreational experiences on the lakes and rivers, and their margins, while having regard to environmental and safety constraints based on the identified characteristics and environmental limits of the various parts of each lake and river.

21.2.12.3 .

21.2.12.4 .

21.2.12.5 .

21.2.12.6 .

21.2.12.7 .

21.2.12.8 Encourage development and use of water based public ferry systems services, and provide for water based transport, including necessary infrastructure and marinas, in a way that:

- a. avoids adverse effects on the environment as far as possible practicable, or
- b. ~~where avoidance is not practicable, otherwise~~, remedies and mitigates such adverse effects.

21.2.12.9 .

21.2.12.10 ~~Ensure Manage that~~ the nature, scale and number of commercial boating activities ~~operators and/or commercial boats~~ on waterbodies to ensure do not exceed levels such that the safety of passengers and other users of the water body, having particular regard to compatibility with existing activities cannot be assured.

21.2.13 .

21.3 Other Provisions and Rules

21.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	Earthworks	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	Transport	30	Energy and Utilities
31	Signs	32	Protected Trees	33	Indigenous Vegetation
34	Wilding Exotic Trees	35	Temporary Activities and Relocated Buildings	36	Noise
37	Designations	Planning Maps			

21.3.2 Interpreting and Applying the Rules

21.3.3 Advice Notes

21.3.3.1 .

21.3.3.2 .

21.3.3.3 .

21.3.3.4 Jetties and wharves shall have the same meaning.

21.4 Rules – Activities

All activities, including any listed permitted activities shall be subject to the rules and standards contained in Tables 1 to 15.

Table 1 – Activities Generally

Table 2 – Standards Applying Generally in the Zone

Table 3 – Standards for Farm Activities (additional to those in Table 2)

Table 4 – Standards for Structures and Buildings (other than Farm Buildings) (additional to those in Table 2)

Table 5 – Standards for Farm Buildings (additional to those in Table 2)

Table 6 – Standards for Commercial Activities (additional to those in Table 2)

Table 7 – Standards for Informal Airports (additional to those in Table 2)

~~Table 8 – Standards for Mining and Extraction Activities (additional to those in Table 2)~~

Table ~~8~~9 – Activities in the Ski Area Sub-Zone (additional to those listed in Table 1)

Table 9 – Standards for activities in the Ski Area Sub-Zone (additional to those in Table 2)

Table 10 - Activities in Rural Industrial Sub-Zone (additional to those listed in Table 1)

Table 11 – Standards for Rural Industrial Sub-Zone

Table 12 – Activities on the Surface of Lakes and Rivers

Table 13 – Standards for Activities on the Surface of Lakes and Rivers Table 14 – Closeburn Station Activities

Table 15 – Closeburn Station: Standards for Buildings and Structures

	Table 1 – Activities – Rural Zone	Activity Status
	Commercial Activities	
	<u>21.4.X1</u> <u>Wedding facility including ancillary food preparation, dining, sanitary facilities, bar and recreational facilities.</u>	<u>D</u>
	<u>21.4.X2</u> <u>Restaurant including bar.</u>	<u>D</u>
	<u>21.4.X3</u> <u>Craft distillery or brewery.</u>	<u>D</u>

	Table 1 – Activities – Rural Zone	Activity Status
	Prospecting, Mineral Exploration and Mining Activities	
	<p>The following mining and extraction activities that comply with the standards in Table 8 are permitted:</p> <p>21.4.29</p> <ul style="list-style-type: none"> a. <u>Mineral prospecting.</u> b. <u>Mining activity</u> by means of hand-held, non-motorised equipment; and c. <u>Mining activity by means of suction dredging</u>, where the total motive power of any dredge does not exceed 103 horsepower (7.510 kilowatt); and. d. <u>The mining of aggregate for farming activities provided, where the total volume does not exceed 1000m³ in any one year and it is not undertaken on an outstanding natural feature.</u> 	P
	<p>21.4.30</p> <p>Mineral exploration that:</p> <ul style="list-style-type: none"> a. does not involve <u>excavation</u> of more than 20m³ in any one hectare; <u>and</u> b. <u>may involve one associated structure to be used for temporary storage of mineral exploration activity equipment, which does not exceed 30m² and a height of 3m.</u> <p>Control is reserved to:</p> <ul style="list-style-type: none"> e. the adverse effects on landscape, nature conservation values and water quality; f. ensuring rehabilitation of the site is completed that ensures: <ul style="list-style-type: none"> i. the long-term stability of the site; ii. that the landforms or vegetation on finished areas are visually integrated into the landscape; iii. water quality is maintained; iv. that the land is returned to its original productive capacity; g. that the land is rehabilitated to indigenous vegetation where the pre-existing land cover immediately prior to the exploration, comprised indigenous vegetation as determined utilising Section 33.3.3 of Chapter 33. d. <u>location, colour, visual prominence and the duration on site of any associated structure for temporary storage.</u> 	C
	<p>21.4.31</p> <p>Any <u>mineral exploration or mining activity</u> or mineral prospecting other than provided for in Rules 21.4.29 and 21.4.30.</p>	D

21.5 Rules – General Standards

21.6 Rule – Standards for Farm Activities

21.7 Rules – Standards for Buildings**21.8 Rules – Standards for Farm Buildings****21.9 Rules – Standards for Commercial Activities**

	Table 6 - Standards for Commercial Activities	Non-Compliance Status
21.9.1	Commercial recreational activities must be undertaken on land, outdoors and must not involve more than 12 <u>15</u> persons in any one group	D

21.10 Rules – Standards for Informal Airports**~~21.11 Rules – Standards for Mining~~**

	Table 8 – Standards for Mining and Extraction Activities	Non-Compliance Status
21.11.1	21.11.1.1 The activity will not be undertaken on an Outstanding Natural Feature. 21.11.1.2 The activity will not be undertaken in the bed of a lake or river.	NC

21.12 Rules- Ski Area and Sub-Zone**21.13 Rules – Activities in Rural Industrial Sub-Zone****21.14 Rules – Standards for Activities within Rural Industrial Sub-Zone****21.15 Rules – Activities on the Surface of Lakes and Rivers**

	Table 12 - Activities on the Surface of Lakes and Rivers	Activity Status
21.15.1	Activities on the surface of lakes and river not otherwise controlled or restricted by rules in Table 14.	P
21.15.2	Motorised Recreational and Commercial Boating Activities The use of motorised craft for the purpose of emergency search and rescue, hydrological survey, public scientific research, resource management	P

	monitoring or water weed control, or for access to adjoining land for farming activities.	
21.15.3	<p>Motorised Recreational Boating Activities</p> <p>Hawea River, motorised recreational boating activities on no more than six (6) days in each year subject to the following conditions:</p> <ol style="list-style-type: none"> at least four (4) days of such activity are to be in the months January to April, November and December; the Jet Boat Association of New Zealand ("JBANZ") (JBANZ or one of the Otago and Southland Branches as its delegate) administers the activity on each day; the prior written approval of Central Otago Whitewater Inc is obtained if that organisation is satisfied that none of its member user groups are organising activities on the relevant days; and JBANZ gives two (2) calendar months written notice to the Council's Harbour-Master of both the proposed dates and the proposed operating schedule; the Council's Harbour-Master satisfies himself that none of the regular kayaking, rafting or other whitewater (non-motorised) river user groups or institutions (not members of Central Otago Whitewater Inc) were intending to use the Hawea River on that day, and issues an approved operating schedule; JBANZ carries out, as its expense, public notification on two occasions 14 and 7 days before the proposed jet boating; public notification for the purposes of (f) means a public notice with double-size font heading in both the Otago Daily Times and the Southland Times, and written notices posted at the regular entry points to the Hawea River. 	P
<u>21.15.X</u>	<u>Minor repairs, maintenance or alterations of existing operational jetties and moorings</u>	<u>P</u>
21.15.4	<p>Jetboat Race Events</p> <p>Jetboat Race Events on the Clutha River, between the Lake Outlet boat ramp and the Albert Town road bridge not exceeding 6 race days in any calendar year.</p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> the date, time, duration and scale of the jetboat race event, including its proximity to other such events, such as to avoid or mitigate adverse effects on residential and recreational activities in the vicinity; the adequacy of public notice of the event; public safety. 	C
21.15.5	<p>Public water ferry services</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Effects on the transport network. Effects on navigational safety. Location, scale, and intensity of the activity. Effects on landscape and amenity values. 	RD

	<ul style="list-style-type: none"> e. Congestion and safety, including effects on other commercial operators and recreational users. f. Waste disposal. g. Cumulative effects. 	
21.15.6	<p>Jetties and Moorings in the Frankton Arm</p> <p>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan Maps.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. whether they are dominant or obtrusive elements in the shore scape or lake view, particularly when viewed from any public place, including whether they are situated in natural bays and not headlands; b. whether the structure causes an impediment to craft manoeuvring and using shore waters. c. the degree to which the structure will diminish the recreational experience of people using public areas around the shoreline; d. the effects associated with congestion and clutter around the shoreline. Including whether the structure contributes to an adverse cumulative effect; e. whether the structure will be used by a number and range of people and craft, including the general public; f. the degree to which the structure would be compatible with landscape and amenity values, including colour, materials, design. g. <u>whether the structure enables the use of public water ferry services and/or water based transport.</u> 	RD
21.15.7	<p>Structures and Moorings</p> <p>Subject to Rule 21.15.8 any structure or mooring that passes across or through the surface of any lake or river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers.</p>	D
21.15.8	<p>Structures and Moorings</p> <p>Any structures or mooring that passes across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying.</p>	NC
21.15.9	<p>Motorised and non-motorised Commercial Boating Activities</p> <p>Except where otherwise limited by a rule in Table 12.</p> <p>Note: Any person wishing to commence commercial boating activities could require a concession under the QLDC Navigation Safety Bylaw. There is an exclusive concession currently granted to a commercial boating operator on the Shotover River between Edith Cavell Bridge and Tucker Beach until 1 April 2009 with four rights of renewal of five years each.</p> <p><u>Note: this rule does not apply to Public Water Ferry Services.</u></p>	D

21.15.10	<p>Motorised Recreational and Commercial Boating Activities</p> <p>The use of motorised craft on the following lakes and rivers is prohibited except as provided for under Rules 21.15.2 or 21.15.3.</p> <p>21.15.10.1 Hawea River.</p> <p>21.15.10.2 Lake Hayes - Commercial boating activities only.</p> <p>21.15.10.3 Any tributary of the Dart and Rees rivers (except the Beansburn and Rockburn tributaries of the Dart River) or upstream of Muddy Creek on the Rees River.</p> <p>21.15.10.4 Young River or any tributary of the Young or Wilkin Rivers and any other tributaries of the Makarora River.</p> <p>21.15.10.5 Dingle Burn and Timaru Creek.</p> <p>21.15.10.6 The tributaries of the Hunter River.</p> <p>21.15.10.7 Hunter River during the months of May to October inclusive.</p> <p>21.15.10.8 Motatapu River.</p> <p>21.15.10.9 Any tributary of the Matukituki River.</p> <p>21.15.10.10 <u>Jet boat races on the Clutha River</u> - More than six jet boat race days per year as allowed by Rule 21.15.4.</p>	PR
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21.16 Rules – Standards for Surface of Lakes and Rivers

	Table 13 - Standards for Surface of Lakes and Rivers	Non Compliance Status
	These Standards apply to the Activities listed in Table 12.	
21.16.1	<p>Boating craft used for Accommodation</p> <p>Boating craft on the surface of the lakes and rivers may be used for accommodation, providing that:</p> <p>21.16.1.1 The craft must only be used for overnight recreational accommodation; and</p> <p>21.16.1.2 The craft must not be used as part of any commercial activity; and</p> <p>21.16.1.3 All effluent must be contained on board the craft and removed ensuring that no effluent is discharged into the lake or river.</p>	NC
21.16.2	Jetties and Moorings in the Frankton Arm	NC

	<p>Jetties and moorings in the Frankton Arm, identified as the area located to the east of the Outstanding Natural Landscape line as shown on the District Plan Maps.</p> <p>No new jetty within the Frankton Arm identified as the area east of the Outstanding Natural Landscape Line shall:</p> <p>21.16.2.1 Be closer than 200 metres to any existing jetty;</p> <p>21.16.2.2 Exceed 20 metres in length;</p> <p>21.16.2.3 Exceed four berths per jetty, of which at least one berth is available to the public at all times;</p> <p>21.16.2.4 Be constructed further than 200 metres from a property in which at least one of the registered owners of the jetty reside; <u>and</u></p> <p><u>21.16.2.5 Standards 21.16.2.1 to 21.2.16.4 do not apply to jetties and moorings for Public Water Ferry Services.</u></p>	
21.16.3	<p>The following activities are subject to compliance with the following standards:</p> <p>21.16.3.1 Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft, other than <u>Public Water Ferry Services and water-based transport</u> transport ferry activities, may only operate between the hours of 0800 to 2000.</p> <p>21.16.3.2 Lake Wanaka, Lake Hawea and Lake Wakatipu - Commercial jetski operations must only be undertaken between the hours of 0800 to 2100 on Lakes Wanaka and Hawea and 0800 and 2000 on Lake Wakatipu.</p> <p>21.16.3.3 Dart and Rees Rivers - Commercial motorised craft must only operate between the hours of 0800 to 1800, except that above the confluence with the Beansburn on the Dart River commercial motorised craft must only operate between the hours of 1000 to 1700.</p> <p>21.16.3.4 Dart River – The total number of commercial motorised boating activities must not exceed 26 trips in any one day. No more than two commercial jet boat operators may operate upstream of the confluence of the Beansburn, other than for tramper and angler access only.</p>	NC
21.16.4	<p><u>Minor repairs, maintenance or alterations of existing operational jetties and moorings shall comply with the following standards:</u></p>	D

	<p><u>21.16.4.1 any materials used must be the same, or where different, substantially similar in terms of texture and appearance, including colour; and</u></p> <p><u>21.16.4.2 any change to the scale of the jetty or mooring must not exceed 5% in any consecutive 5 year period.</u></p>	
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