

Internal memo

Subject	Application for a Licence to Occupy for four moorings on Lake Dunstan.
To	Sonya Wikitera, Head of Crown Property
CC	Elizabeth Kearins, Manager Crown Property
From	Stuart Chandler, Portfolio Manager Crown Property
Date	7/04/2022
Objective reference	Memo: A4855264 Supporting documentation: fA560123

Details

Purpose	The purpose of this memo is to provide a recommendation to accept or decline a Licence to Occupy for moorings on Lake Dunstan by Toitū Te Whenua Land Information New Zealand (LINZ).
Reference	<ol style="list-style-type: none"> A2N A4855276 Resource Consent - A4809889 Plan submitted with the Resource Consent application - A4816498 Media - ODT article 26 March 2022 - A4843414 Colliers letter 13 January 2022 - A4809829 LINZ Letter 28 March 2022 - A4844709 CPM application review worksheet - A4858139
Summary / key messages	-
Background and context	<p>Background information</p> <p>Lake Dunstan is a man-made lake / reservoir formed from the Clutha River when the Clyde Dam was built. The lake and shore are heavily used for recreation, particularly in summer, including boating, rowing, fishing, camping and swimming.</p> <p>There are approved moorings in place on the lakebed used for council owned swimming pontoons. There are also moorings used by a water park which was granted permission</p>

for the previous summer season and are also in place pending an application for the summer of 2022/2023.

Historically, LINZ granted one mooring for a boat for a commercial enterprise around 2010, we understand the business was unsuccessful.

Application:

A member of the public has applied for a Licence to Occupy for four moorings which will be used to secure a houseboat on Lake Dunstan. The location is approximately 37 metres off the west shore in a small cove just north of the Lowburn inlet. **(see appendix one).**

The houseboat is proposed to be permanently moored here year-round. It is fitted with a motor that will enable it to manoeuvre around the lake.

The applicant noted the houseboat is for exclusive use but also intends it as a holiday-home type destination, stating it will not be permanently occupied.

Timeline of events

- 25 May 2021, LINZ receive an Affected Party Approval (APA) for the Resource Consent of a vessel to occupy Lake Dunstan from Central Otago District Council (CODC).
 - 14 June 2021, Colliers received a draft landowner consent application for the one mooring on the bed of Lake Dunstan. This was not signed, and the applicant was advised to seek a Resource Consent.
 - 25 June 2021, LINZ returned the signed Affected Party Approval for the Resource Consent process for four moorings and requested to be kept updated on the Resource Consent.
 - November 2021, Contact Energy, who own and operate the Clyde Dam at Lake Dunstan, commented the Resource Consent was approved in July 2021, and noted sightings the moorings were being installed on in October 2021.
 - 3 November 2021, Colliers emailed the applicants planner advising the application was on hold awaiting the outcome of the resource consent process. The planner replied with a copy of the approved Resource Consent.
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- 13 January 2022, LINZ received the application for the moorings with the approved resource attached. (Appendix 1)
 - 19 January 2022, Colliers on behalf of LINZ wrote to Mr Horsham and advised the moorings were not authorised and he should not visit the site until further notice.
 - 26 March 2022, an article was published in the Otago Daily Times outlining the plan to transport the houseboat to Cromwell the previous day.
 - 28 March 2022, LINZ wrote to the applicant further advising the moorings were not authorised and they should not visit the site until further notice. LINZ advised that a final decision would be made by 14 April 2022.
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Consultation undertaken and/or implications

Consultation

- LINZ contacted Ngai Tahu on 3 March 2022 to comment, with a deadline of 25 March 2022. LINZ has not received a response.
- CODC Resource Consent (CODC – RC210150) was granted 30 July 2021.
- Contact Energy has no operational objection.
- The Harbour Master is aware of the proposal. A conversation was had with the deputy regarding whether the proposed structure is subject to any prelaunch assessment or ongoing periodic assessments. It was advised that those requirements only apply to commercial operators.
- Colliers contacted DOC to comment with a response received on 29 November 2021. The conditions from DOC are reflected in the A2N.

Considerations

- LINZ has approved moorings on Lake Dunstan before, including for a commercially operated vessel (albeit in 2010). Current approved applications for moorings are for public or commercial use.
 - Approval may lead to similar applications from others wanting to exclusively occupy areas of the lake.
 - It is unlikely future proposals would be considered positively by the community. Lake Dunstan has strong community groups which monitor activities around and on the lake, very closely.
 - LINZ is also aware the community was not consulted on this proposal – (the Resource Consent process was non notified).
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	<ul style="list-style-type: none"> • The CODC issued a Resource Consent in July 2021 for a vessel. It is understood the council has now issued an injunction. LINZ is not aware of any change to the consent or the terms and conditions. • There are health and safety concerns on the environmental impacts the houseboat could have on the lake. Some of these questions include: <ol style="list-style-type: none"> 1. A contingency and environmental plan should it sink. 2. A detailed plan on the source of power, particularly the fuel source. 3. Plans to safely dispose of wastewater and sewage. 4. Consultation with other lake users (Contact Energy) in case of increase and decrease to the level of the lake.
Recommendation(s)	<p>The applicant has applied for a Licence to Occupy for moorings. It is proposed the moored structure will be static and occupy a specific area for years. For this reason, it is considered exclusive use and requires a lease agreement. If approved the appropriate documentation would need to be drafted and an annual rental would need to be assessed.</p> <p>The recommendation is to decline the Licence to Occupy under Section 75 of the Land Act, as it is not in the public interest to allow exclusive use of the lakebed or stratum air space in relation to Lake Dunstan.</p>
Action(s) required	<ul style="list-style-type: none"> • Note/Review the contents of this paper. • Approve under Sections 52 and 68 or decline under Section 75 of the Land Act 1948.
Rationale	<p>Approved / Declined</p> <p>This application for mooring at Lake Dunstan is declined based on the exclusive use. LINZ approach currently is that any moorings have been granted on commercial basis or public recreation.</p>

Appendices

Appendix one:

Location of houseboat shown with red x



Close up view of specific location



Next steps

- LINZ comms, CEO and Minister to be briefed.
- The unapproved moorings will need to be removed

Author(s)

Recipient(s)