

QLDC Council
18 December 2014

Report for Agenda Item: 2

Department

Operations

2: Commercial Activity on Council Maritime Structure – Brent Shears, Lake Wanaka



Purpose

- 1 To consider an application for permitting a commercial activity on the Council-owned Jetty 147 in Lake Wanaka.

Recommendation

2 That the Council

- a. **Agree** to notify the proposed new commercial activity permit to Brent Shears over Council-owned Jetty 147, subject to the following conditions:
 - Approval to use Jetty 147 in the approved location only;
 - Duration of berthing to be no longer than 20mins at a time, and the number of berths to be in conjunction with resource consent RM140617;
 - 1/3 share of proportional maintenance of the structure to be paid by the permit holder;
 - The Council to retain the ability to suspend the permit at peak periods with one week's notice to permit holder;
 - Possess an approved a Maritime Transport Operator Plan;
 - Comply with any and all necessary conditions imposed by Maritime New Zealand;
 - Applicant to install plaques on the jetty indicating the approved permitted berth with text approved by Council.
- b. Appoint three commissioners of which two are required to hear submissions (if required) and make a recommendation to the Council.

Advice Prepared by:	Report Advice Reviewed and Recommended by:	Reviewed and Authorised by:
		
Dan Cruickshank Senior Property Manager APL Property 27/11/2014	Myles Lind Manager, Asset Planning 8/12/2014	Ruth Stokes General Manager, Operations 8/12/2014

Background

- 3 The Council has recently reviewed and implemented a new Waterways and Ramp Fees Bylaw, commencing 1st October 2014.
- 4 The Council owns a number of jetties around the district, used by a mixture of commercial and private users. The Council maintains these jetties using repair and maintenance funds budgeted in the Waterways Facilities activity code.
- 5 A number of operators have reserve access licences to trade on or through Council-administered land.

Comment

- 6 Brent Shears has applied to operate a charter boat service around Lake Wanaka. He intends to operate the boat through a recently incorporated business, 'Just Cruise Wanaka Ltd'. Prior to moving to Wanaka, Mr Shears part owned and operated a Glacier Explorers business on Tasman Glacier Terminal Lake for 15 years.
- 7 The applicant has requested permission for up to eight dockings with the Council's Jetty 147 per day between the hours of 8:00am and 10:30pm.
- 8 Resource consent has been granted for this activity under Resource Consent No. RM140617.
- 9 Having investigated options for berthing his vessel 'Mata Au' in Roy's Bay, Mr Shears has approached the Council to seek a permit to pick up and drop off from Council's Jetty 147, which is adjacent to the Wanaka Marina. The vessel would be moored at a private mooring near Mackay Street.
- 10 Discussions between the applicant, the Harbourmaster and APL Property have confirmed Jetty 147 is a preferable berthing location to the main town pier, due to the pier being used already by the 'Dual Image' boat on one side, and predominantly by swimmers on the other.
- 11 Jetty 147 was assessed by engineers in the harbourmaster's inspection programme in 2013 as being in good condition.
- 12 Under the Waterways and Ramp Fees Bylaw, the Council may impose terms and conditions it considers appropriate. The following terms are proposed for this commercial activity:
 - Approval to use Jetty 147 in the approved location only;
 - Duration of berthing to be no longer than 20mins at a time, and the number of berths to be in conjunction with resource consent RM140617;
 - 1/3 share of proportional maintenance of the structure to be paid by the permit holder;
 - The Council to retain the ability to suspend the permit at peak periods with one week's notice to the permit holder;
 - Possess an approved Maritime Transport Operator Plan;
 - Must comply with any and all necessary conditions imposed by Maritime New Zealand;

- Applicant to install plaques on the jetty indicating the approved permitted berth with text approved by the Council.
- 13 Annual fees for a commercial activity permit are yet to be set through the annual plan process, and come into effect 1 July 2015.
 - 14 If the permit is approved, the applicant would be charged the Council's current commercial users' administration fee of \$1,000, for the period up to 30 June 2015.

Options

- 15 Option 1 - Notify the proposed commercial activity permit over Jetty 147, subject to the proposed terms and conditions:
 - a. Advantages. The site is preferable by spreading out existing commercial operators. Issuing a permit will allow the Council shared income and maintenance costs. The jetty is of sufficient size to accommodate the boat, whilst still providing space for others to launch and load their own craft.
 - b. Disadvantages. The permit will provide preferential use over a portion of a Council asset, used frequently by the public.
- 16 Option 2 - Notify the proposed commercial activity permit over Jetty 147, subject to different terms and conditions:
 - a. Advantages. There may be additional benefit to option 1 by altering some of the proposed terms for the permit.
 - b. Disadvantages. As above.
- 17 Option 3 - Notify the proposed commercial activity permit over another Council owned jetty, subject to proposed terms and conditions:
 - a. Advantages. Keeps Jetty 147 free from commercial use.
 - b. Disadvantages. Moves the commercial use to another jetty that may create difficulties elsewhere on the lake. The applicant may be required to vary his resource consent to accommodate this change.
- 18 Option 4 - Decline the proposed commercial activity permit.
 - a. Advantages. Keeps Jetty 147 free from commercial use and available to the public at all times.
 - b. Disadvantages. Does not facilitate commercial enterprise or enhance tourism in Wanaka. Makes the applicant's ability to operate more difficult as he would have to seek approval from LINZ to berth on the lake edge. He may also have to seek a variation to his resource consent.

Financial Implications

- 19 There is no direct transactional cost to the Council in approving this proposed permit.
- 20 Permit holders will have to pay fees to the Council on an annual basis, initially \$1,000 and then as set in the Annual Plan from 1 July 2015.

- 21 The permit holder will also be required to bear proportional maintenance costs of the jetty and will be responsible for it being in a safe and acceptable condition.
- 22 Actual maintenance costs are hard to estimate at this time, as jetties are generally hard wearing structures requiring only intermittent maintenance.

Local Government Act 2002 Purpose Provisions

- 23 The author has given consideration to the LGA purpose provisions (ss10, 11, 10A). They are considered to be relevant to this report under the classification of Activity, local public services. This report involves the use of a Council-owned maritime structure for the purposes of delivering efficient, effective property services, appropriate to present and future circumstances of ratepayers.
- 24 Under the Waterways and Ramp Fees Bylaw 2014, public notification of the intention to grant a commercial permit is required. The notification addresses the requirement for consultation contained in section 74 of the Local Government Act.

Council Policies

- 25 The following Council Policies were considered:

- Waterways and Ramp Fees Bylaw 2014
 - The recommendations of this paper comply with the Bylaw sections 15 (1 - 6) whereby a commercial activity permit must be obtained prior to use. Section 17, conditions of such maritime structures. Section 18, public notice of its intention to grant a commercial activity permit.
- Significance and Engagement Policy 2014
 - The recommendations of this paper are considered of moderate significance as outlined in the policy, whereby there is greater than little impact to residents.
 - The level of community engagement envisaged is appropriate given the jetty is not a strategic asset but that the issue is still of community interest.
- Property Sale and Acquisition Policy 2014
 - The recommendations of this paper conform to the principles set out in the policy sections 5, 7 and 10 relating to cost recovery, prudent financial management and maximising value to Council.
- Wanaka Lakefront Reserves Management Plan 2014
 - The management plan covers reserve land administered by Council whilst the lakebed is administered by Land Information New Zealand.
 - Jetty 147 is adjacent to Zone 6 of the management plan, identified as 'Marina zoning', therefore the activity is considered to be consistent with the plan.

Consultation

- 26 Under the Waterways and Ramp Fees Bylaw 2014, public notification of the intention to grant a commercial permit is required.
- 27 Public notification will be provided by way of an advertisement in local print media, followed by a public hearing if required.

- 28 The views and preferences of the community will be established during the public notification/submission process.

Attachments

- a. Application by Brent Shears
- b. RM140617 Consent Decision