

**QLDC Council
14 December 2017**

Report for Agenda Item: 13

Department: Property & Infrastructure

New licence to E-Skate Limited to undertake guided electric skateboard tours along the Frankton Track

Purpose

The purpose of this report is to consider granting a new licence to E-Skate Limited to operate commercial guided electric skateboard tours on the Frankton track.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** a new reserve licence over the areas of reserve land outlined in the Schedule below to E-Skate Limited, subject to the following terms and conditions:

Schedule – Reserve Land

Commonly known as	Legal description	Certificate of title	Reserve type
Jubilee Park	Lot 2 Deposited Plan 316049	62847	Recreation
Queenstown Gardens (Perimeter trail only)	Part Section 4-5 and Part Section 7 Block LI Town of Queenstown and Section 1-3 Block LII Town of Queenstown	OT18A/765	Recreation
Park Street Reserve	Section 1 Survey Office Plan 410336	463142	Esplanade
Frankton Track Reserve	Section 2 Survey Office Plan 410336	463143	Esplanade
Frankton Recreation Reserve	Section 50 Block XXI Shotover Survey District	583561	Recreation

Frankton Marina / Frankton Recreation Reserve	Section 49 Block XXI Shotover Survey District and Section 1 Survey Office Plan 22996	647859	Local Purpose (Marina & Accessway) Reserve
Frankton Marina / Frankton Recreation Reserve	Section 60 Block XXI Shotover Survey District	2937	Local Purpose (Marina & Accessway) Reserve
Frankton Marina / Frankton Recreation Reserve	Section 2 Survey Office Plan 21582	OT13A/645	Local Purpose (Marina & Accessway) Reserve
Frankton Marina / Frankton Recreation Reserve	Section 48 and Section 52-53 Block XXI Shotover Survey District	OT7B844	Local Purpose (Marina & Accessway) Reserve
Frankton Domain	Section 1 Survey Office Plan 325746	149849	Recreation
Frankton Domain	Section 9 Block XXXI Town of Frankton	106447	Recreation
Frankton Domain	Section 36-41 Block XXXI Town of Frankton	544615	Recreation
Frankton Domain	Section 44 Block XXXI Town of Frankton	Unknown	Recreation
Frankton Domain	Section 27 Block XVII Town of Frankton	Unknown	Recreation
Hilton Waterfront Reserve	Lot 3 Deposited Plan 300002	1032	Local Purpose (esplanade)

Commencement	TBC
Term	5 years.
Renewal	One further term of 5 years by agreement of both parties.
Rent	Base rent of \$750, or 7.5% of gross turnover, whichever is the greater.
Reviews	At renewal.

Insurance	Requirement to have public liability insurance of \$2 million.
Safety/Suspension	Council to retain ability to suspend the licence for safety purposes or to avoid large public events. Health and Safety plan to be provided to Council, prior to commencing the activity.
Termination	Council to retain the ability to cancel the licence at their discretion with a minimum of 12 months' notice.
Hours of operation	Only between the hours of 10.00am and 4.00pm.
Other	<p>Licensee must ensure they hold all permissions as allowed under the district plan for the purpose of electronic skateboard tours.</p> <p>Licensee must only operate on the Queenstown Trails within the scheduled reserves, except for the specified training areas.</p>

3. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a new licence to E-Skate Limited over the reserves detailed above.

4. Delegate signing authority to the Community Services General Manager.

Prepared by:



Dan Cruickshank
Property Advisor, APL

13/11/2017

Reviewed by:



Stephen Quin
Parks & Reserves
Planning Manager

13/11/2017

Reviewed and Authorised
by:



Thunes Cloete
General Manager,
Community Services

Background

- 1 E-Skate Ltd (**the applicant**) has been in operation over the past two summers of 2015/2016 and 2016/2017. The company has provided guided electric skateboard tours beginning from the Queenstown Gardens, along the Frankton Track to Willow Place Reserve (in front of The Hilton Hotel).
- 2 The applicant guides customers in small groups of no more than five people (one instructor and four customers) along the established trails. Customers are then free to ride a water taxi back to central Queenstown if they wish.
- 3 The applicant's previous permits were subject to a maximum of no more than 40 days operation in total, with no more than 6 consecutive days, which is a Reserves Act 1977 requirement.

- 4 The previous permits mentioned above were subject to the requirement of a licence application being made to Council if the applicant wished to continue in the future. It was a requirement that the applicant kept a record of all trips and any reported incidents, which would be provided to QLDC. A total of 29 days was used during the last permit of 1 October 2016 through 30 April 2017 and no negative feedback was received.
- 5 The intention to grant the new licence was approved for notification by the Chief Executive under delegation on 29 September 2017 with submissions closing 12 November 2017. No submissions were received.

Comment

- 6 The applicant has requested a licence over an area approved by the Reserve Management Plan of 2015/2016. They have proven their ability to safely and efficiently operate over the past two summers.
- 7 The trails used include those parcels of land shown in the Schedule and include Recreation Reserve, Esplanade Reserve and Local Purpose Reserve.
- 8 The operation currently does not require a resource consent as the group numbers are restricted to a maximum group size of five people, including the guide. If the numbers are to increase, a resource consent will be required.
- 9 Access to the Queenstown Gardens will be limited to the trail around the perimeter of the gardens, no access into the gardens will be granted.
- 10 Safety is a paramount consideration for an activity of this nature. The applicant has supplied a Safety Management Plan as well as having an approved Permit to Operate an Amusement Device permit issued by QLDC.
- 11 Customers will be required to undertake a training session at a location away from members of the public before they ride along the trail. Depending on which direction the tour goes, they will either train at Jubilee Park, or at the southern end of Frankton Bay. These locations have been endorsed by QLDC's Parks and Reserves team and have been deemed the safest location with the least impact on other reserve users.
- 12 The customers will have the option to ride in either direction on the trail depending on their starting location. Clients will have the option to arrange their own transport to and from the tour, use the water taxi, or be shuttled by the applicant's vehicle.
- 13 The applicant will be responsible to manage any rubbish and recycling from the activity or its participants, with all waste being removed from the reserve. Customers will be encouraged to utilise public bathrooms located at various points throughout the tour when required.

Options

- 14 Option 1 Approve a new reserve licence to E-Skate Limited over the land in the Schedule subject to the terms and conditions listed above.

Advantages:

- 15 Allows participants to enjoy some of Queenstown's reserves in a unique way that embraces the adventure tourism style of the district.
- 16 Will allow a small commercial activity to operate off the reserve.
- 17 Will generate additional income for Council.

Disadvantages:

- 18 Will increase commercial user congestion on the reserve land.
- 19 Possible disruption to other users of the reserves.

- 20 Option 2 Approve a new reserve licence to E-Skate Limited over the land in the Schedule above subject to different terms and conditions.

Advantages:

- 21 As above.

Disadvantages:

- 22 As above.

- 23 Option 3 Decline a new reserve licence to E-Skate Limited.

Advantages:

- 24 Avoid any potential complaints from other users of the reserves and local residents.
- 25 Will avoid any additional congestion on the reserves.

Disadvantages:

- 26 Will prevent a new commercial activity from operating off the reserves.
- 27 Will not generate additional income for Council.

- 28 This report recommends **Option 1** for addressing the matter because it will enable E-Skate Limited to continue to operate a tourism activity on those reserves outlined in the Schedule.

Significance and Engagement

- 29 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves multiple

Council strategic assets that can be used by many local rate payers as well as those visiting the area.

Risk

- 30 This matter related to the operational risk OR011A Decision Making. The risk is classed as moderate and has been mitigated through public notification of the intention to grant a licence.

Financial Implications

- 31 Council is set to receive minimum aggregate income per annum of \$750+GST, or 7.5% of gross revenue, whichever is the greater. Licence administration costs will be covered by existing property operating budgets.

Council Policies, Strategies and Bylaws

- 32 The following Council policies, strategies and bylaws were considered:
- Significance and Engagement Policy
 - Sunshine Bay, Queenstown Bay, Frankton, Kelvin Heights Foreshore Management Plan. The objective of this policy is “to accommodate appropriate commercial development that enhances public use and enjoyment of the foreshore and adjoining waters.”
 - Queenstown Bay Foreshore Reserves Management Plan 2016. This activity will only use a small section of Zone 4, where licences for low impact guided tours will be considered.
 - Community Facility Pricing Policy 2011
- 33 The recommended option is consistent with the principles set out in the named policy/policies.
- 34 This matter is not included in the 10-Year Plan/Annual Plan

Local Government Act 2002 Purpose Provisions

- 35 The recommended option:
- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing income to Council and a decision in a timely manner;
 - Can be implemented through current funding under the 10-Year Plan and Annual Plan;
 - Is consistent with the Council's plans and policies; and
 - Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

- 36 The persons who are affected by or interested in this matter are residents and visitors in the Queenstown Lakes district.
- 37 The Council has publicly notified the intention to grant this new licence calling for submissions. No submissions were received.
- 38 The Queenstown Trails Trust has been consulted and have provided endorsement of the activity.

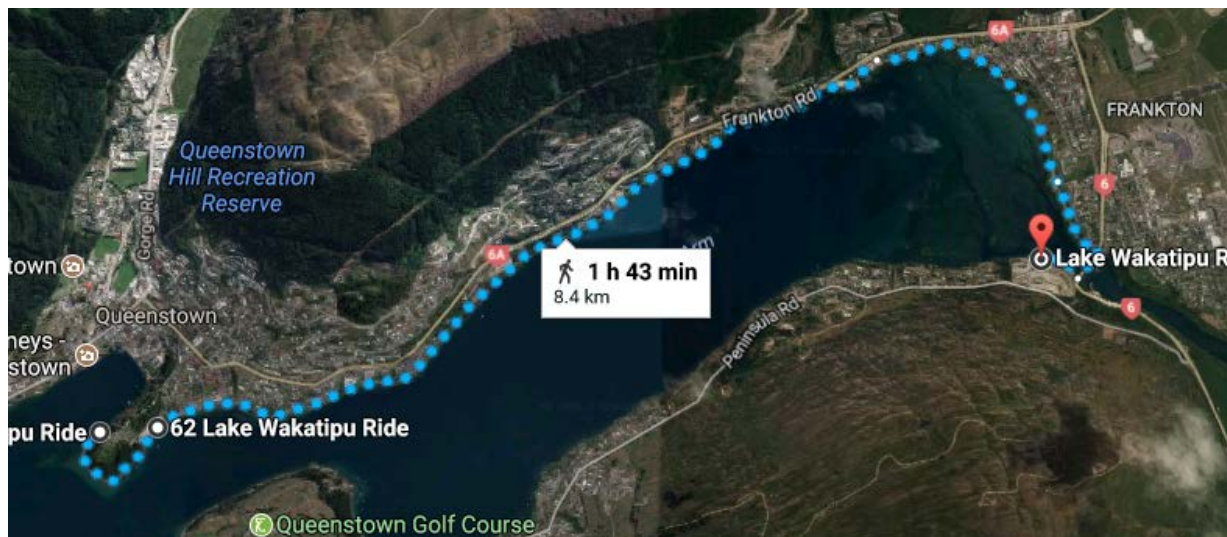
Attachments

- A Location maps

Attachment A

E-Skate Limited – Licence Application – Location Maps

Overview



Commonly known as	Legal description	Certificate of title	Reserve type
Jubilee Park	Lot 2 Deposited Plan 316049	62847	Recreation

24/11/17



Queenstown Gardens (Perimeter trail only)	Part Section 4-5 and Part Section 7 Block LI Town of Queenstown and Section 1-3 Block LII Town of Queenstown	OT18A/765	Recreation
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Frankton Track Reserve	Section 2 Survey Office Plan 410336	463143	Esplanade
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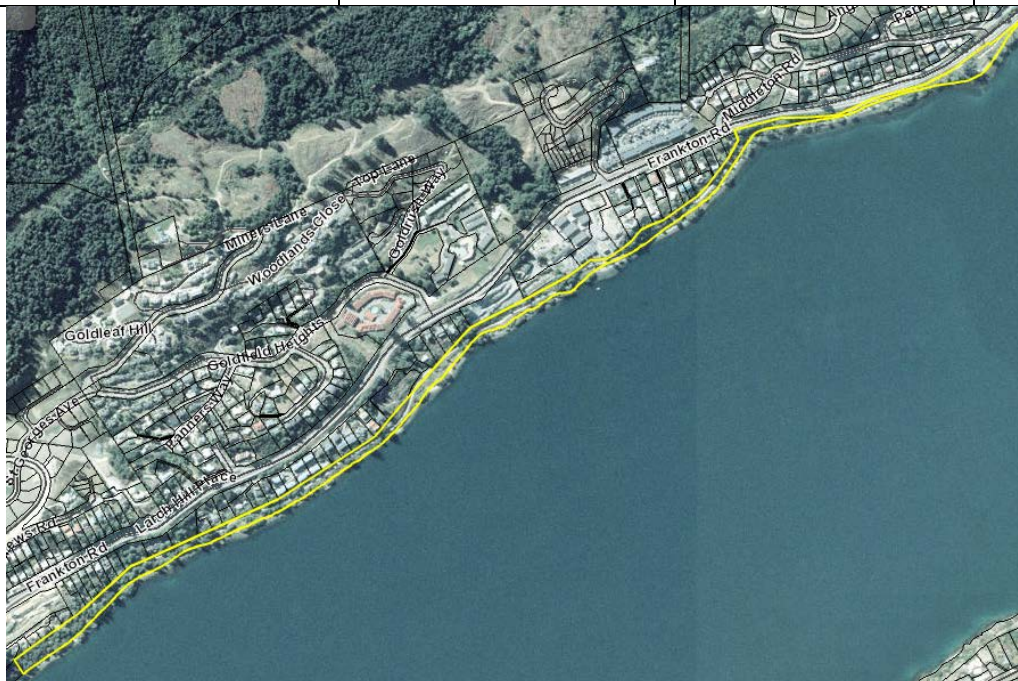



Frankton Recreation Reserve


Section 50 Block XXI
Shotover Survey District


583561

Recreation



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Willow Place Reserve	Lot 3 Deposited Plan 300002	1032	Local Purpose (esplanade)
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