

**QLDC Council
9 March 2017**

Report for Agenda Item: 8

Department: Property & Infrastructure

New Reserve Licence for Paddle Queenstown Ltd

Purpose

The purpose of this report is to consider a proposed new licence to Paddle Queenstown Ltd to operate commercial guided and self-guided kayak tours from the One Mile recreation reserve.

Recommendation

That Council :

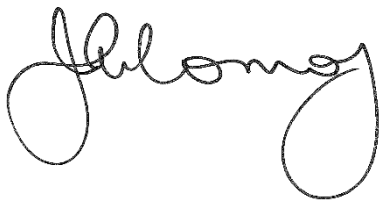
1. **Note** the contents of this report;
2. **Approve** a new licence over Part Section 110 Block XX Shotover SD, classified as Recreation Reserve to Paddle Queenstown Ltd for conducting guided and self-guided kayak tours on Lake Wakatipu, subject to the following terms and conditions:

Commencement	1 April 2017
Term	5 years
Renewal	One further term of 5 years by agreement of both parties
Rent	Base rent of \$1,000, or 7.5% of gross turnover, whichever is the greater
Reviews	3 yearly
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, and be approved by the Harbourmasters office prior to commencing the activity.
Other	Licensee must ensure they hold a valid resource consent for the purpose of guiding and self-guided kayak tours.

Number of kayaks permitted to be offered for hire from the beach to be at the discretion of Council.

3. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a licence to Paddle Queenstown Limited over Part Section 110 Block XX Shotover SD .
4. **Delegate** signing authority to the General Manager, Property and Infrastructure.

Prepared by:



Joanne Conroy
Property Advisor - APL

3/02/2017

Reviewed and Authorised by:



Aaron Burt
Senior Planner: Parks &
Reserves

14/02/2017

Background

- 1 Paddle Queenstown is a newly incorporated business, planning to operate guided and self-guided kayak tours from the One Mile recreation reserve. The directors and shareholders of the business are known to Council, as they hold an existing licence to the Beach Hire business on Marine Parade, which offers for hire pedalo and a number of other water craft.
- 2 The applicants have been granted a temporary permit to commence the business immediately from the beach, and through the peak summer period, subject to a maximum of no more than 40 days operation in total, which is a Reserves Act 1977 requirement.
- 3 Council went through a process in 2015/16 to review commercial activity on reserve land adjoining Queenstown Bay. This identified that suitable commercial licences could be issued from the area adjacent to the One Mile car park, at the far end of St Omer Reserve. A plan of this approved area is included as Attachment A.
- 4 Council has one other active commercial licensee adjacent to the One Mile car park, called Liquid Expeditions (aka Flyboards). They have been operating from this location since the summer of 2014/15 when Council required that they relocate their operations to this end of the reserve.

Comment

- 5 The applicants have requested a licence in an area approved by the Reserve Management Plan update of 2015/16. They are experienced operators who wish to offer a kayak hire and guided service on the lake.
- 6 Safety is a paramount consideration for an activity of this nature. The applicants have supplied a Safety Operational Plan that has been approved by the Harbourmaster's Office and the office has also confirmed that they are happy with the activity taking place from this location.
- 7 The intention to grant a licence to Paddle Queenstown was notified on 7 December 2016. No submissions were received.
- 8 Paddle Queenstown Ltd has acquired the rights to an existing resource consent (RM081059) for operating this business off the One Mile/St Omer reserve.

Options

- 9 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
- 10 Option 1 To approve a licence over Part Section 110 Block XX Shotover SD, classified as Recreation Reserve to Paddle Queenstown Ltd for conducting guided and self-guided kayak tours on Lake Wakatipu, subject to the terms and conditions outlined above.

Advantages:

- 11 Will allow a new commercial activity to operate off the reserve.
- 12 Will generate additional income for Council.

Disadvantages:

- 13 Will potentially increase commercial congestion on the reserve land and lake surface.
- 14 There are potential safety concerns to both Paddle Queenstown's customers and other users of the lake.
- 15 Option 2 To approve a licence over Part Section 110 Block XX Shotover SD, classified as Recreation Reserve to Paddle Queenstown Ltd for conducting guided and self-guided kayak tours on Lake Wakatipu, subject to different terms and conditions.

Advantages:

- 16 Similar to the above at paragraphs 11 and 12.

Disadvantages:

17 Similar to the above at paragraphs 13 and 14.

18 Option 3 To decline the application by Paddle Queenstown over Part Section 110 Block XX Shotover SD.

Advantages:

19 Will avoid any additional congestion that might result from the proposed kayak hire and guiding business off the reserve.

20 Will not create any additional potential safety concerns both to Paddle Queenstown's customers or other users of the lake.

Disadvantages:

21 Will prevent a new commercial activity from operating off the reserve.

22 Will not generate additional income for Council.

23 This report recommends **Option 1** for addressing the matter as the controls proposed will minimise congestion and in the event that it does occur, the activity can be reduced in scale by limiting the number of craft hired.

Significance and Engagement

24 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves a commercial operation on a reserve in Queenstown Bay.

Risk

25 This matter related to the operational risk, OR011A Decision Making as documented in the Council's risk register. The risk is classed as moderate. The risk is mitigated because the intention to grant the licence was publicly notified with no submissions being received.

Financial Implications

26 Council is set to receive minimum aggregate income per annum of \$1,000+GST, or 7.5% of gross revenue, whichever is the greater. Licence administration costs will be covered by existing OPEX property budgets.

Council Policies, Strategies and Bylaws

27 The following Council policies, strategies and bylaws were considered:

- Queenstown Bay Foreshore Reserves Management Plan 2016.
- Community Facility Pricing Policy 2011

28 The recommended option is consistent with the principles set out in the named policy/policies.

29 This matter is included in the 10-Year Plan/Annual Plan

- If included, identify which part.
- If not included, explain why and outline what steps need to be undertaken.

Local Government Act 2002 Purpose Provisions

30 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

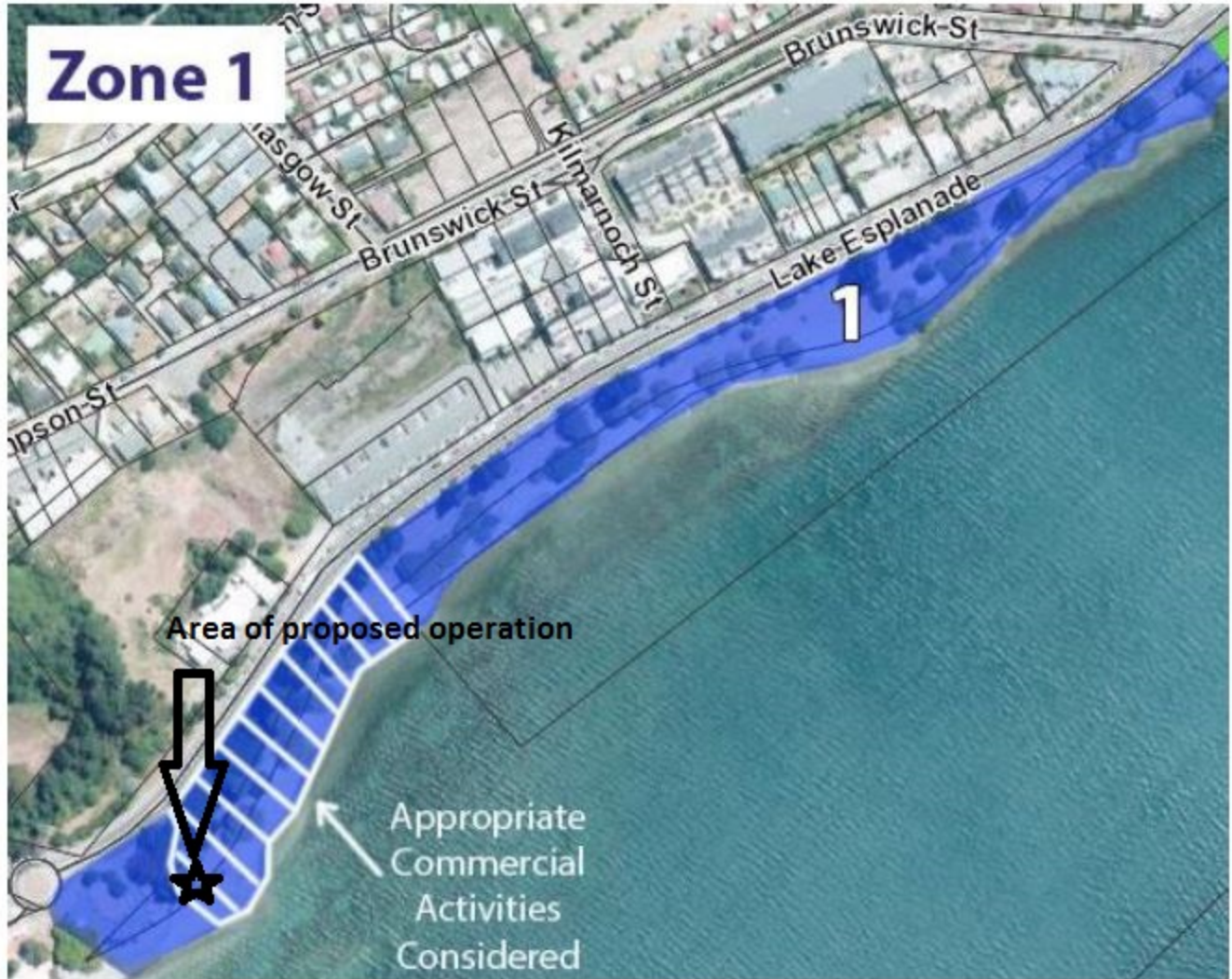
31 The persons who are affected by or interested in this matter are predominantly the users of One Mile and St Omer reserves and residents surrounding the reserve land. The intention to grant the licence was notified and no submissions were received.

Attachments

- A Queenstown Bay Reserve Management Plan – Area of approved commercial activity
- B Paddle Queenstown application and plan of proposed operations

SPECIFIC POLICY - ZONE 1 – ONE MILE TO BOAT RAMP ADJOINING ST OMER PARK

Attachment A: Queenstown Bay Reserve Management Plan – Area of approved commercial activity





APPLICATION FOR ACTIVITY ON COUNCIL LAND



APPLICANT // Must be a person **or** legal entity (limited liability company or trust). Full names of all trustees required.

OR:

Applicant's full name:

Company / Trust:

Contact Person / All trustee names:

Address:

Post code:

Email Address:

Phone Numbers: Day

Mobile:



INVOICING DETAILS // The invoices will be sent to this postal address

NOTE: all costs of advertising and legal documents will be on charged to applicant.

Attention:

Address:

Post code:



DETAILS OF SITE

Address / Location to which this application relates:

Legal Description: *Can be found on the **Computer Freehold Register** or Rates Notice – e.g Lot x DPxxx (or valuation number)*Owners / Occupiers of the Site: *If different from applicant above*

District Plan Zone(s):



BRIEF DESCRIPTION OF THE PROPOSAL

Application is sought to:

Start date:

End date:

Hours of operation

Has resource consent been applied for?

Application is sought to: *(In accordance with RM081059)*

Paddle Queenstown wish to offer guided and self-guided kayak tours from the 1 Mile/ St Omer Park area.

Kayakers will paddle either along the shoreline towards Sunshine Bay or across the bay and round to Kelvin Heights.

Times and Dates:

Hours of operation 9am- 8pm (1st October – 1st May)

Equipment:

There will be no more than 10 single kayaks and 10 double kayaks available to hire

Location:

Specifically 1 mile/ St Omer Park, see map attached to email.

Reasons for specific location:

Inside the St Omer "Permitted Area"

It offers the best visual advantage to safely monitor kayakers and tours

Used to be our previous location.

Safety:

All customers will be made aware of the Safety Operational Plan and the path of the TSS Earnslaw.



The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Queenstown Lakes District Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented by the GIS data. While reasonable use is permitted and encouraged, all data is copyright reserved by Queenstown Lakes District Council. Cadastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED