

QLDC Council
14 June 2018**Report for Agenda Item: 9****Department: Community Services****New Licence for RWH Travel****Purpose**

To consider approving a new licence to RWH travel Limited, to take walking tours on Ben Lomond and Queenstown Hill reserves.

Recommendation

That Council:

- 1 **Note** the contents of this report;
- 2 **Grant** a new licence to RWH Travel Limited over recreation reserve on Queenstown Hill and Ben Lomond, with legal descriptions Lot 802 DP 306902, Part Section 104 Block XX Shotover Survey District, Part Section 110 Block XX Mid Wakatipu Survey District, Section 1 SO 24350, Section 4 Block 1 Mid Wakatipu Survey District and Section 106 Block XX Mid Wakatipu Survey District, subject to the following terms and conditions:

Commencement	1 July 2018
Term	5 years
Rent	The greater of \$500.00 base rent plus GST per annum or \$5 per walker plus GST
Reviews	At renewal.
Renewals	1 of a further 5 years by agreement of both parties.
Assignment/Sublease	With Council's approval.
Use	Guided walking tours not exceeding a total of 20 people per tour.
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.

Other

The number of guided day tours operated by RWH shall not exceed (30) per annum for each of the areas described as Queenstown Hill and Ben Lomond.

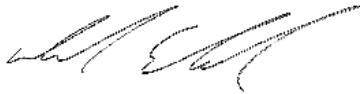
Tours shall not be conducted on more than six (6) consecutive days for each location. Walkers to behave responsibly (as detailed in body of report).

Licensee to implement both a rubbish and toilet policy and provide it to the Council.

- 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 RWH Travel Limited over the reserves detailed above.
- 4 **Delegate** final licence terms and conditions and signing authority to the General Manager Community Services.

Prepared by:

Reviewed and Authorised by:



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2/05/2018



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Background

- 1 RWH Travel Limited (previously known as Ramblers) have held a licence to take guided walking tours on Queenstown Hill and Ben Lomond since 2007. The business is based in the United Kingdom and operates tours of New Zealand including a range of day walks. The licence was annually renewable and was last renewed in July 2017 for a year.
- 2 RWH are seeking a new licence commencing 1 July 2018 subject to similar terms and conditions as the previous licence.

Comment

- 6 The applicant has operated on a limited basis over the past ten years. The number of walkers was initially between 100 and 218 walkers per annum, but has reduced to between 46 and 86 walkers per annum since 2012.
- 7 The former licence required fees of \$5 per walker, and over the past few years the fees have been less than \$500 (including GST) per annum. They have paid their fees promptly and APL/Council have never received any complaints about the company or the activity.
- 8 The following additional terms will be included in the licence:
 - Stay on the designated walking trails at all times;
 - Adhere to all rules and regulations imposed by the Council for the Reserves on any specific walkway or trail on those Reserves;
 - Respect the rights of other users of the Reserves and/or walking trails;
 - Remove all rubbish and waste matter from the Reserves;
 - Walkers to be given access to toilets prior to undertaking walks and guides to carry waste bags;
 - Do not damage or destroy any vegetation on the Reserves;
 - Do nothing which may result in any harm or injury to any livestock or animal found on the Reserves;
 - Do nothing which may constitute a nuisance to any other person lawfully using the Reserves or walking trail, or to any person owning land adjoining the Reserves.
- 9 Under the new licence, we recommend bringing the licence fee in line with other similar commercial activities operating on Council land, and therefore suggest the licence fee be set at \$500+GST per annum plus or at \$5+GST per walker, whichever is the greater.
- 10 The activity is specifically contemplated on Ben Lomond in the Ben Lomond and Queenstown Hill Reserve Management Plan but is not contemplated on Queenstown Hill. However, public notification is not required in this instance because the activity is limited to no more than 6 consecutive days in each location.

Options

- 11 Option 1 To grant a licence to RWH Travel Limited to undertake guided walking tours over recreation reserves known as Queenstown Hill and Ben Lomond, with legal descriptions Lot 802 DP 306902, Part Section 104 Block XX Shotover Survey District, Part Section 110 Block XX Mid Wakatipu Survey District, Section 1 SO 24350, Section 4 Block 1 Mid Wakatipu Survey District and Section 106 Block XX Mid Wakatipu Survey District, with terms and conditions as recommended above.

Advantages:

- 12 Allows for commercial activity that provides a beneficial and enabling form of recreation and enjoyment on the Council reserve land.
- 13 Supports an established and successful business.
- 14 Will provide additional income for Council.

Disadvantages:

- 15 May increase commercial congestion on the reserve land and trails.
- 16 Option 2 To decline the application by RWH Travel Limited.

Advantages:

- 17 Will not increase commercial congestion on the reserve land and trails.

Disadvantages:

- 18 Will not allow for commercial activity that provides a beneficial and enabling form of recreation and enjoyment from the Council land.
- 19 Will not support an established and successful business.
- 20 Will not provide additional income for Council.
- 21 This report recommends **Option 1** for addressing the matter because the recommendations proposed provide a balance between Council controls and the ability for the operator to continue a successful business.

Significance and Engagement

- 22 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves recreation reserves that can be used by many local rate payers as well as tourists visiting the area.

Risk

- 23 This matter relates 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 by making a decision in a timely manner.

Financial Implications

- 24 It is proposed that Council will receive base income of \$500+GST, or \$5 per walker (plus GST), whichever is the greater.
- 25 All legal fees associated with issuing the licence will be met by the applicant.

Council Policies, Strategies and Bylaws

- 26 The following Council policies, strategies and bylaws were considered:

- Significance and Engagement Policy
- Ben Lomond and Queenstown Hill Reserve Management Plan
- Community Facility Funding Policy

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

28 This matter **is not** included in the 10-Year Plan/Annual Plan but has no impact on it.

Local Government Act 2002 Purpose Provisions

29 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;
- 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.

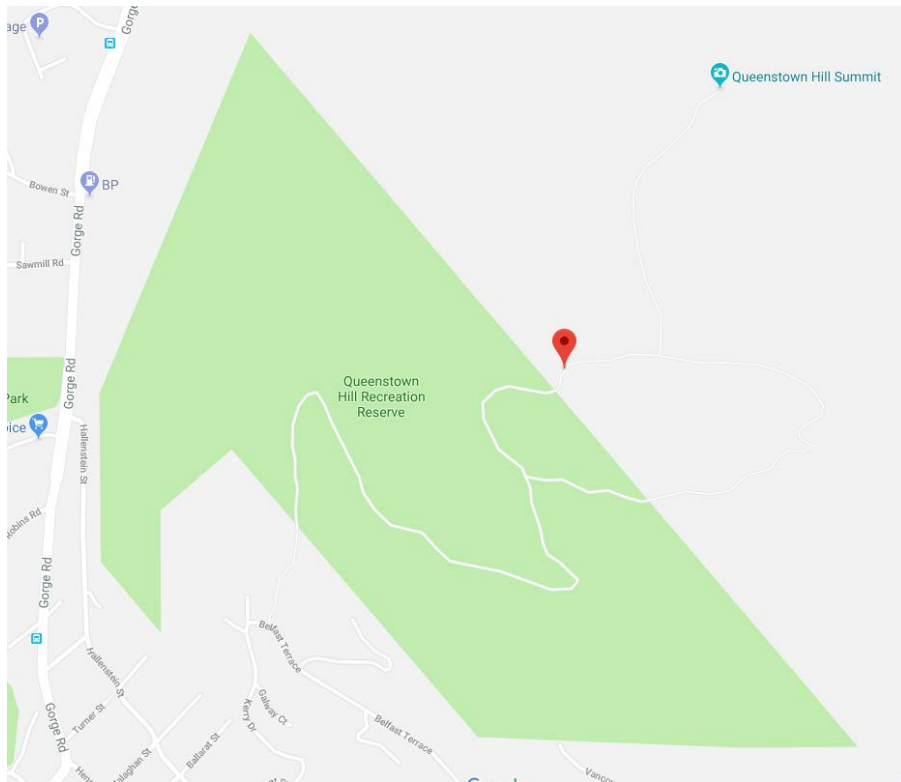
Consultation: Community Views and Preferences

30 The persons who are affected by or interested in this matter are predominantly the users of the reserve and residents/ratepayers of the Queenstown Lakes District community.

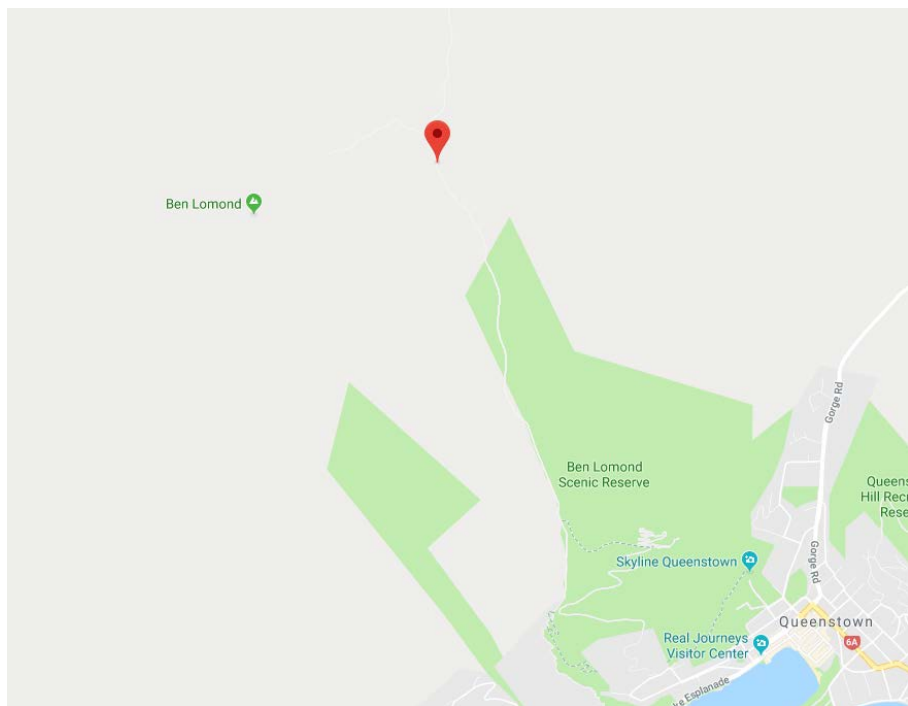
31 As the proposal has a very low impact on the reserves, no notification has been undertaken and none is proposed.

Attachments

A Map of walking routes

Attachment A – Track Locations

Queenstown Hill Walkway



Ben Lomond Track