

**QLDC Council  
6 September 2018****Report for Agenda Item: 8****Department: Community Services****Go Jets Wanaka – New Reserve Licence****Purpose**

To consider granting a new reserve licence to Go Jets Wanaka Limited. A licence is sought to use reserve land adjacent to State Highway 6 and the Clutha River as a loading and unloading point for commercial jetboats and their passengers.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Approve** a licence to Go Jets Wanaka Ltd over recreation reserve at Albert Town, with legal description Lot 2 DP 375247, subject to the following terms and conditions:

Commencement	1 October 2018
Term	5 years
Rent	\$500.00 plus GST per annum
Reviews	At renewal
Renewals	1 of a further 5 years by agreement of both parties
Assignment/ Sublease	With Council's approval
Use	Utilise the Albert Town reserve for loading and unloading of a boat and passengers for commercial jetboating trips. Frequency of trips to be periodically reviewed by Council.
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.

Council to retain the ability to suspend or terminate the activity within the reserve if required.

Other

Licensee must ensure they hold a valid resource consent for the commercial jetboating trips.

The licensee must obtain a Commercial Activity Permit in accordance with the Waterways and Ramp Fees Bylaws (if required) or successors to this policy.

Licensee must ensure that all customers/staff are aware there is no bathroom facility at the reserve, and that all rubbish is to be removed.

Vehicle parking upon the reserve may be conditional upon directives from QLDC to ensure that any vehicle presence does not affect the character and public use of the area.

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 Go Jets Wanaka Limited over Lot 2 DP 375247.
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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16/08/2018



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## Background

- 1 Go Jets Wanaka Ltd (the applicant) has been in operation since 2004. The company has been active under two existing resource consents granted over the past 13 years and is now seeking a licence to operate on Council's reserve. The licence requirement was an oversight at the time the resource consents were granted.

- 2 The two existing resource consents allow for eight return trips on the Clutha River per day and 100 trips per annum respectively. It is intended that the new licence as sought, will supplement the applicant's existing resource consents.
- 3 The reserve land will serve as the primary location to enable access from the road and toward the boat ramp for boat loading and unloading. The reserve will also serve to provide an area for customers to embark and disembark the passenger vehicle, and enable access for trips on the river. The vehicle and trailer will remain on the reserve for the duration of the trips
- 4 The Wanaka Community Board considered the matter at a meeting on 12 April 2018 and approval was given to notify the intention to grant a licence. The intention to grant the licence was notified on 25 April 2018, calling for submissions. The submission period closed on 25 May 2018 and five submissions were received, all opposed. They are summarised as follows:

<b>Submitter</b>	<b>For/Against</b>	<b>Overview (please refer to original submissions attached)</b>
Adrian Camm	Against	Unsafe due to increasing river users, noise for nearby residents
Ian Hall	Against	Unsuitable location for commercial jet boating, damage to river bank, dangerous, no facilities.
Graham Walmsley	Against	Many submissions on the matter of the Navigation Safety Bylaw (NSB) process, area well used and only getting busier, sets precedent for other commercial jet boat companies, resource consent would allow even more trips if landowner approval given, noise, safety (for swimmers), inconsistent with management plan (see commentary below), inconsistent with QLDC District Plan (see submission). Maybe grant temporary licence (until NSB is complete) with limited times (e.g. not weekends or late afternoons).
Albert Town Community Association (Nathan Weathington)	Against	Noise, environmental degradation and safety, contrary to management plan. Maybe issue short-term licence until NSB is complete.
Catherine Rezaei	Against	Noise, safety, conflict with private users, request contrary to Reserve Management Plan and District Plan.

- 5 A hearing was held on 5 July 2018. The minutes of that hearing are included as Attachment B. In considering the submissions, the hearing panel was only able to have regard to matters associated with the applicant's use of the reserve. The deliberations are taken to constitute a statement to the extent to which the submissions have been allowed or accepted, or disallowed or not accepted. A number of the matters being submitted on (as summarised in the table above), instead relate to the activity on the river or river bank, which is outside of the reserve.

6 The hearing panel's recommendation to Council is as follows:

That Queenstown Lakes District Council approve a licence to Go Jets Wanaka Ltd over recreation reserve at Albert Town, with legal description Lot 2 DP 375247, subject to the following terms and conditions:

Commencement	1 October 2018
Term	5 years
Rent	\$500.00 plus GST per annum
Reviews	At renewal
Renewals	1 of a further 5 years by agreement of both parties
Assignment/ Sublease	With Council's approval
Use	Utilise the Albert Town reserve for loading and unloading of boats and passengers for commercial jetboating trips. Frequency of trips to be periodically reviewed by Council.
Insurance	Requirement to have public liability insurance of \$2 million
Other	<p>Council to retain ability to suspend the licence for safety purposes or to avoid large public events.</p> <p>Health and Safety plan to be provided.</p> <p>Council to retain the ability to suspend or terminate the activity within the reserve if required.</p> <p>Licensee must ensure they hold a valid resource consent for the commercial jetboating trips.</p> <p>The licensee to obtain a Commercial Activity Permit in accordance with the Waterways and Ramp Fees Bylaws (if required) or successors to this policy.</p> <p>Licensee to ensure that all customers/staff are aware there is no bathroom facility at the reserve, and that all rubbish is to be removed.</p> <p>Vehicle parking upon the reserve may be conditional upon directives from QLDC to ensure that any vehicle presence does not affect the character and public use of the area.</p>

## Comment

- 7 The reserve is covered by the Albert Town Recreation Reserve Management Plan (2010). The current activities do not contravene any of the policies in the Management Plan as no structures are proposed and the activity will not inhibit any of the listed activities from operating. However, it is noted the existing resource consents were granted prior to this management plan implementation in 2010.
- 8 The harbourmaster has been consulted on the proposed operating procedures and has provided approval to the company's Safety Operating Procedures Plan. However, this relates to activities upon the waterway.
- 9 The proposed licence will be conditional on the applicant abiding by all rules and requirements of the existing resource consents. These include a variety of conditions covering hours of operation, number of trips per year/day and health and safety requirements etc.
- 10 The applicants have specified in their application how they will manage waste and toilet requirements for their customers. Prior to arriving at the reserve, it will be outlined that there are no toilet facilities on site and customers will be offered the use of public toilets in Wanaka. All waste from the activity and any additional rubbish found on site will be removed by the applicant.

## Options

- 11 Option 1 To approve a licence to Go Jets Wanaka Limited over recreation reserve with legal description Lot 2 DP 375247.

### *Advantages:*

- 12 Allows for a commercial activity that provides an enabling form of recreational tourism and enjoyment.
- 13 Supports an established local business operator.
- 14 Will provide a rental fee.

### *Disadvantages:*

- 20 Will be generally at odds with the submissions made by the Albert Town Community Association and the other submitters.
- 21 May increase or create congestion on the reserve, particularly in peak periods.
- 22 Will require Council management of the activity on the reserve to ensure that the applicant abides by the licence terms.
- 23 Option 2 To decline the application by Go Jets Wanaka Ltd.

### *Advantages:*

- 24 Would not be generally at odds with the submissions made by the Albert Town Community Association and the other submitters.

25 Would not increase or create congestion on the reserve, particularly in peak periods.

26 Would not require Council management of the activity on the reserve.

*Disadvantages:*

27 Would not allow for a commercial activity that provides an enabling form of recreational tourism and enjoyment.

28 Would not support an established local business operator.

29 Would not provide a rental fee.

30 This report recommends **Option 1** for addressing the matter as the recommendations proposed provide a balance between Council control and the ability for the reserve to be used for recreational tourism.

### **Significance and Engagement**

31 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves a riverside reserve and council infrastructure (upper boat ramp/access), that can be used by many local rate payers as well as tourists visiting the area.

### **Risk**

32 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 by the need to publicly notify the licence and consider any submissions received prior to considering granting a licence.

### **Financial Implications**

33 It is proposed that Council will receive base income of \$500+GST.

34 All legal fees associated with issuing the licence will be met by the applicant.

### **Council Policies, Strategies and Bylaws**

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

- Significance and Engagement Policy
- Albert Town Recreation Reserve Management Plan
- Community Facility Funding Policy

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

37 This matter is included in the 10-Year Plan/Annual Plan through the existing property budgets.

## **Local Government Act 2002 Purpose Provisions**

38 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 enabling a commercial tourism venture to be undertaken on Council land;
- 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**

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

40 The Council provided a mechanism for community consultation through the public notification of the intention to grant a licence, with those submitters/submissions being heard and evaluated by a panel of Wanaka Community Board Members. The Hearing Panel has considered those matters on the reserve that are within scope.

41 The Harbourmaster has been consulted prior to this application has approved the request.

## **Attachments**

- A Site Plan of the Albert Town Recreation Reserve
- B Minutes of Hearing
- C Reserve Application