

**CYCLE TOURS NEW ZEALAND:
LICENCE APPLICATION TO USE COUNCIL TRACKS/TRAILS FOR CYCLE TOURS
HEARING 25 FEBRUARY 2015**

Minutes of a hearing of submissions on an application for a licence for Cycle Tours New Zealand to use Council Tracks/Trails held in the Armstrong Room, Lake Wanaka Centre, Ardmore Street, Wanaka on Wednesday 25 February 2015 commencing at 12.00 noon

Present:

Councillor MacLeod (Chairperson) and Councillor Forbes

In attendance:

Dan Cruickshank (Senior Property Manager, APL Property Ltd) and Jane Robertson (Governance Advisor); two members of the media; applicant and submitters

Commencement of the hearing

The Governance Advisor called the meeting to order and ask the Councillors to elect a Chairperson for the hearing. It was agreed that Councillor MacLeod would chair the hearing.

Applicant's presentation

Mr Cruickshank introduced the application noting that in 2012 the Council had put in place a generic licence and resource consent for bike guiding on the Queenstown Trail, but no similar already approved and consented licence framework existed in the Wanaka region. Accordingly, Cycle Tours New Zealand Ltd was applying for a 10 year licence to undertake guided mountain biking and walking trips along existing tracks located on recreation reserve land administered by the Council and on Council owned freehold land. The applicant sought approval from the Council to operate on:

- Eely Point Track
- Beacon Point Track
- Outlet Track (partly on DOC land)
- Deans Bank Track (partly on DOC land)
- Waterfall Creek Track
- Damper Bay Track
- Upper Clutha River Track (true right bank) (partly on DOC land)
- Hawea River Track
- Jacks Point Trail (mostly on DOC land)
- Lake Hayes Walkway (mostly on DOC Land)

Mr Beau Rapley, the owner and director of Cycle Tours New Zealand addressed the panel, highlighting the following points:

- He had been working on the proposal for two years and was endeavouring to follow the correct processes. He had already received the concessions needed from the Department of Conservation to use their tracks for ten years and was committed to running tours in an orderly and safe manner and in compliance with existing strategies.

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- He had an extensive background in adventure tourism and placed a great emphasis on high levels of safety. Outdoors NZ had audited his Health and Safety Plan and he considered that much of what was addressed in this plan would resolve many of the objections raised by submitters. He accepted some of the concerns and wanted to work on them with submitters and Bike Wanaka.
- He had found nothing in relevant Reserve Management Plans and cycling strategies which was contrary to running cycle tours on the district's tracks and trails.
- He wished to showcase Wanaka along with the rest of the district.
- His target market was top-end and participants would be paying more for a quality product, including top quality guides and equipment.
- There would be two guides for 10 participants and depending upon skill levels, groups may be split into two groups of 5. All guides would be required to have attended a professional mountain biking course and possess a high level of first aid skills and knowledge of the region.
- Overall he was trying to comply with the rules and run a professional operation.

The panel noted that many of the submissions had expressed concern about congestion on tracks and asked Mr Rapley how he would address this. In reply, he noted that the average size of groups would usually be either four or five participants but he needed the flexibility to deal with up to 10 in order to accommodate family groups. He acknowledged that some of the more popular tracks close to Wanaka might be more challenging and in these cases he would assess the capability of the individuals on that trip. He added that guides would be positioned both at the front and rear of larger groups and most operations would be on week days which were unlikely to be as busy as weekends.

Councillor MacLeod noted that there could be major issues with a large group cycling on one of the more popular tracks over the very busy Christmas period. Mr Rapley noted that his clientele would not want to be using these tracks when they were that busy and congestion was one of the issues covered in his Health and Safety Plan. The panel suggested that he provide them with a copy of this plan.

Submitters

An apology from the Wanaka Residents' Association was noted.

Graham Dickson

Mr Dickson stated that the actual extent of the proposed activity was not clear from the application but as applicant sought a licence to operate twice daily tours, the panel needed to consider the effects of this usage even if the applicant did not intend to operate at this level.

Mr Dickson observed that use of the Dublin Bay track varied greatly between urban and rural sections, noting that on the section between Waterfall Creek and Dublin Bay there were mainly cyclists and not many walkers. By contrast, on the urban section past Edgewater through to Eely Point via Roys Bay, there was a high number of pedestrians, many of whom were not fit and agile. In this section, the track was much

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more a pedestrian walkway than a cycleway and the closest equivalent to this in Queenstown would be Queenstown Gardens. He noted that cyclists were uncomfortable co-users of this track with pedestrians as cyclists assumed that they had the right of way. This was fine when there were only a few cyclists but the situation would be different with platoons of cyclists who would take one or two minutes to pass and would inconvenience every walker on the track. Accordingly, permitting cycle tours on this section of the track would have serious adverse effects on pedestrian users and was unnecessary as there was an acceptable road alternative over this section parallel to the walkway in any case.

Mr Dickson described an accident that had occurred recently on the Outlet Track which had resulted in the victim going to Dunstan Hospital with a dislocated shoulder. He noted that it was not a wide cycle track with a poor surface, many ups and downs and a single lane. This would also be an inappropriate track for platoons of cyclists to use as part of cycle tours, especially as there was a good road alternative available.

Mr Dickson considered that longer cycle tracks could be used for cycle tours because they were generally too long for casual walkers, but asked that licence be issued for the urban section of the lakeside track and on the Outlet Track.

Ruth Harrison

Ms Harrison advised that she was employed as the Upper Clutha Tracks Coordinator. She did not oppose the applicant's proposal or the idea that there should be no commercial activity on tracks and trails, but noted that the Upper Clutha Track Trust was currently in the middle of developing a strategy. One of the aims of this strategy was to establish how many people the tracks were able to accommodate at any one time and to determine reasonable maintenance costs. The strategy would be subject to consultation and it was hoped that the needs of commercial activities and leisure/recreational use would come together in this strategy.

Ms Harrison stated that it was difficult for locals to use the tracks over the main visitor period as congestion made navigating them challenging. She observed that the track network in Wanaka was a highly valued community asset and the main concern of locals was that they would not be able to use them in the future.

Denis Nugent

Mr Nugent advised that he was a regular user of the Outlet Track and his submission only related to the Outlet Track downstream from the Lake Wanaka outlet. He noted that the track was both narrow and winding with a steep bank on one side and a drop into the river from the other. Although only about one metre wide at its widest point, pedestrians had to step to the side to let cyclists past and it was a very busy track during peak holiday periods.

Under the design criteria for trails, this piece of the Outlet Track is only grade 3 and it would be unsafe to take groups of cyclists along it. Instead, tours could use Outlet Road or the track along Aubrey Road and he added that there were other interesting biking trails in this area.

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In response to a comment in Mr Dickson's submission, Mr Nugent advised that he was aware of another accident on the Outlet Track and suggested that the panel check the ACC the accident records in this area.

Matthew Davidson for Jamie Greenway

Mr Davidson commended the applicant for going through this process because he was aware of other operators operating without permission. However, he believed that it would be premature to grant a 10 year licence and suggested that a 12 month trial period only be approved by which time the Upper Clutha Tracks Strategy, which contained a process for dealing with commercial applicants, would be finalised.

Mr Davidson observed that many of the tracks had been built with the assistance of charitable funding and he was unsure if the funders would like commercial operators making money out of them.

Right of Reply

Mr Rapley responded to some of the issues raised by submitters.

- He agreed with Graham Dickson's suggestions for use of tracks in the urban area.
- He did not believe that his groups would cause problems on the Outlet Track, stressing that they were controlled groups and under his Safety Operating Plan would be very careful how many riders were taken on this part of the track. He suggested that the gradient made this a specialised trail catering to only some riders.
- He acknowledged the accidents described but noted that under his Safety Operating Plan he had tried to mitigate any risk to make the riding experience as safe and user-friendly possible.
- He was happy to contribute funds to track maintenance.

Councillor Forbes asked if Mr Rapley would be agreeable to operating on a trial basis. In response, he stated that this would be acceptable but not really ideal, as he would prefer to operate in alignment with the DOC concessions already granted.

The meeting concluded at 1.10pm.