

Wanaka Community Board
25 October 2017

Report for Agenda Item: 2

Department: Property & Infrastructure

Paddle Wanaka – New Licence Notification and Affected Person's Approval

Purpose

To consider providing Affected Persons Approval (APA), and notifying a new licence to Paddle Wanaka Limited. A licence is sought to utilise reserve land adjacent to State Highway 6 and the Clutha River as a pick up / drop off point for guided and instructional kayak or stand-up paddle boarding trips.

Recommendation

That the Wanaka Community Board:

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

Commencement	TBC
Term	5 years.
Rent	The greater of \$500.00 plus GST or 7.5% of gross revenue.
Reviews	At renewal.
Renewals	1 of a further 5 years by agreement of both parties.
Assignment/Sublease	With Council's approval.
Use	Hire, lessons, guided and unguided tours with stand-up paddle boards and kayaks.
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 kayak and stand-up paddle board hire, lessons, guided and self-guided tours.

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

3. **Appoint** three elected members (any two of which can form a hearing panel) to hear any submissions and make a recommendation to Council.
4. **Delegate** signing of Affected Person's Approval to the applicant's Resource Consent application, to the General Manager Property and Infrastructure. Any material changes to the application shall be first discussed with a nominated representative of the Wanaka Community Board, and guidance sought prior to any exercise of APA. This is to acknowledge that a degree of flexibility could be necessary in this circumstance.

Prepared by:



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Property Advisor
APL Property

6/10/2017

Reviewed and Authorised by:



Peter Hansby
General Manager: Property &
Infrastructure

6/10/2017

Background

- 1 Paddle Wanaka Ltd (**the applicant**) has been in operation since February 2013. The company currently provides kayak and stand up paddle board rentals and guided tours based from the Wanaka Lake front under 2 separate licences. The company is owned and operated locally by Chris and Rebecca Thornton. Chris is also a volunteer to the Wanaka Coastguard.
- 2 The applicant currently operates under 3 resource consents and a concession from the Department of Conservation (Concession Number: 37796-GUI) for their operations on the marginal strip of Lake Wanaka and the Clutha River.
- 3 It is intended that the new licence being sought will work in conjunction with the applicants existing concession, but not the licences issued from Council which are for a beach hire activity only on the Wanaka lake front (Roy's Bay Recreation Reserve).

- 4 The purpose of the new licence is to expand their current operations by utilising different areas of Lake Wanaka, Lake Hawea, Hawea River and Clutha River. Providing different location options not only increases customer satisfaction but also can provide for safer options depending on weather conditions.
- 5 The reserve land will serve as a pick up and drop off area for the operation. There will be no permanent set up at any of the proposed locations, other than that of the main operation on Wanaka Lake front.

Comment

- 6 The applicant is currently applying for resource consent (RM170712) and new reserve licence from Council to expand their operations to include the use of a boat to be used as a water taxi and for sightseeing. It will also require a service vehicle for water safety classes and to assist for water based events where needed. Whilst a number of reserves are accessed through, the actual commercial activity is only deemed to be occurring on the following Council reserves:

Commonly known as	Legal description	Certificate of title
Eely Point Recreation Reserve	Section 29 and Section 1543R Block XIV Lower Wanaka Survey District	OT7B/497
Albert Town Boat Ramp (Albert Town Recreation Reserve – South & East locations)	Lot 2 Deposited Plan 375247	302906

- 7 The harbourmaster has been consulted with the proposed plan and has provided his endorsement of the application. He has acted as a key instigator and advisor for Paddle Wanaka to purchase of a support powerboat and made the recommendation of what vessel would work well. The Coastguard have also provided a signed APA for the planned activities.
- 8 Guided and instructional trips are proposed from the following areas: Eely Point, Glendhu Bay, Waterfall Creek, Outlet Campground, Albert Town Campground, and the Cardrona River Confluence. A pick up and drop off location has also been requested from the new Council commercial jetty adjacent to Wanaka Marina. Clients would be picked up and dropped off at these locations via Paddle Wanaka's water taxi and vehicle support (water taxi only available at Lake Wanaka locations).
- 9 Please note that the other locations at Glendhu Bay, Waterfall Creek, Outlet Campground, Lake Hawea and the Cardrona River Confluence pass through Council reserve on an access basis only, but do not include onsite commercial activity that will need to be sought from other adjacent landowners, predominately Land Information New Zealand and the Department of Conservation.

- 10 One pick up and drop off location near Albert Town, on the shore of the Hawea River, is within the existing lease to CCR Limited. CCR will need to give their approval to the licence and resource consent before that location can be used, however it is being notified in this application on the assumption that approval is received.
- 11 The maximum number of trips per day on Lake Wanaka are proposed to be 10 across all locations. Each trip would have a maximum of 16 clients + 2 guides.
- 12 The maximum number of trips per day on the Clutha River would be 10. The maximum number of trips per day on the Hawea River would be 1. Each river trip would have a maximum of 8 clients + 1 guide.
- 13 Note that client and trip numbers will initially be significantly less than the maximums proposed as the business is established. However, Paddle Wanaka is anticipating growth and has proposed the stated maximums to allow for future expansion.
- 14 From a licence perspective, we recommend that the request be notified in accordance with the Reserves Act legislation. This requires publication of a notice to the public, and a waiting period of one calendar month. If opposing submissions are received, Council is required to consider those submissions through a reserve hearing process and then make a recommendation back to full Council as to whether to proceed with the granting of a licence.
- 15 The location at Eely Point Reserve has been excluded from the notification at this time, due to that reserve undergoing a Master Planning process currently. If commercial activity of this type is approved through the Master Plan we expect that this aspect of the request can be included in the licence at a later date, subject to a minor variation process, so long as the Master Plan is notified in accordance with Reserves Act requirements.

Options

- 16 Option 1 To approve notification of the intention to grant a licence to Paddle Wanaka Limited over recreation reserve with legal description Lot 2, DP 375247, to operate stand up paddle board and kayak rentals, guided and unguided trips and lessons.

Advantages:

- 17 Allows for commercial activity that provides a beneficial and enabling form of recreation and enjoyment from the Council land.
- 18 Supports an established and successful local business operator.
- 19 Will add to the existing tourist offering in Wanaka.
- 20 Will provide additional income for Council.

Disadvantages:

- 21 May increase commercial congestion on the reserve land and lake/river surface.

- 22 May create potential safety concerns on the water which will require close management by the operator and Harbour Master.
- 23 Option 2 To approve notification of the intention to grant a licence to Paddle Wanaka Limited over recreation reserve with legal description Lot 2, DP 375247, to operate stand up paddle board and kayak rentals, guided and unguided trips and lessons, subject to different terms and conditions.

Advantages:

- 24 Similar to above.

Disadvantages:

- 25 Similar to above.

- 26 Option 3 To decline the application by Paddle Wanaka Ltd.

Advantages:

- 27 Will not increase commercial congestion on the reserve land and lake/river surface.
- 28 Will not create potential safety concerns on the water which will require close management by the operator and Harbour Master.

Disadvantages:

- 29 Will not allow for commercial activity that provides a beneficial and enabling form of recreation and enjoyment from the Council land.
- 30 Will not support an established and successful local business operator.
- 31 Will not add to the existing tourist offering in Wanaka.
- 32 Will not provide additional income for Council.
- 33 This report recommends **Option 1** for addressing the matter as the recommendations proposed provide a balance between Council controls and the ability for the operator to expand a successful business.

Significance and Engagement

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

Risk

- 35 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

36 It is proposed that Council will receive base income of \$500+GST or 7.5% of turnover, whichever is the greater.

37 All legal fees and advertising associated with issuing the licence will be met by the applicant.

Council Policies, Strategies and Bylaws

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

- Significance and Engagement Policy
- Wanaka Lakefront Reserves Management Plan
- Community Facility Pricing Policy

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

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

Local Government Act 2002 Purpose Provisions

41 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

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

43 The Council will provide a mechanism for community consultation through the public notification of the intention to grant a licence.

44 The Harbourmaster has been consulted prior to this application and provided their approval to the request.

45 The Coastguard has provided affected parties approval for the proposed operation.

46 Both the Albert Town and Outlet Camp Ground managers have been consulted and have given approval for the activities.

Attachments

- A Location maps
- B Application letter

Attachment A – Location Maps



ALBERT TOWN

Pick up / drop off





5th May 2017

Dan Cruickshank
APL Property

Via Email

Dear Dan

PADDLE WANAKA LTD – RESERVE LICENCE APPLICATION

Introduction

Paddle Wanaka Ltd (Paddle Wanaka) currently operate a kayak and stand up paddle board rental and guiding business on Lake Wanaka and the Clutha River. Paddle Wanaka currently operate under resource consents RM070953, RM081389 and RM110178. They also hold existing licences L56327 & L56722 pursuant to Section 54(1)(d) of the Reserves Act for their base on the Wanaka Lakefront. Further to this they also hold an existing concession with the Department of Conservation (Concession Number: 37796-GUI) for their operations on the marginal strip of Lake Wanaka and the Clutha River that occurs on the Department of Conservation land.

Paddle Wanaka are looking at utilising different areas of Lake Wanaka and also Lake Hawea and the Hawea River to increase operations but also importantly to offer alternative options for their clients and staff when providing rental equipment, tours or instruction during changeable weather. Paddle Wanaka have also recently purchased a power boat to use as a support vessel/water taxi service for kayak and stand up paddle board drop offs and pickups at various locations on the lakes as well as for private charter, event water safety and sight-seeing.

New Sites - Guided Trips

Paddle Wanaka seek a reserve licence from QLDC to use the following reserves as start or pickup/finish points on Lakes Wanaka and Hawea and the Clutha and Hawea Rivers for guided and instructional kayak or stand up paddle boarding trips:

1. Eely Point
2. Glendhu Bay
3. Waterfall Creek
4. Outlet Campground
5. Albert Town Camp Ground (both sides of SH 6 – Clutha and Hawea Rivers)
6. Clutha River at Cardrona River confluence
7. Clutha River at Luggate red bridge
8. Hawea River at Camp Hill Road bridge
9. Lake Hawea boat ramp

Clients will be dropped off or picked up at these locations either in a van or via Paddle Wanaka's

water taxi boat (water taxi only available for Lake sites). No permanent set up is proposed at any of the locations. The operational base will remain on the Wanaka Lakefront under Paddle Wanaka's existing license and resource consent. All vehicles will be kept to formed public roads and car parking areas within the above-mentioned reserves. The reserves will be used for a short time for clients and guides to prepare for or pack up after the trips. Vans and trailers may be left in public car parks for up to two hours when associated with guided trips.

Maps of these proposed locations are attached as **Appendix A**.

The maximum number of trips per day on Lakes Wanaka and Hawea would be ten across all locations. Each trip would have a maximum of 16 clients + 2 guides.

The maximum number of trips per day on the Clutha River would be 10. The maximum number of trips per day on the Hawea River would be 1. Each river trip would have a maximum of 8 clients + 1 guide.

Note that client and trip numbers are presently significantly less than the maximums proposed however Paddle Wanaka is anticipating growth and has proposed the stated maximums to allow for future growth of the business.

New Sites – Rental Drop Off and Pick Up

Paddle Wanaka also seek a reserve licence from QLDC to use the following reserves on Lakes Wanaka and Hawea as drop off and pick up locations for their rental customers as alternative options to Paddle Wanaka's base at the Wanaka Lake Front:

1. Eely Point.
2. Glendhu Bay.
3. Waterfall Creek.
4. Lake Hawea boat ramp

These locations are also identified in **Appendix A**. A maximum of 20 clients per day is proposed for drop off/pick up across all of these locations (unless inclement weather dictates any additional pick-ups for safety reasons). Rental clients would either leave from and return to the Wanaka Lakefront base as per current operations or alternatively they will be dropped off or picked up at one of the alternative sites listed above.

Rental trips do not include a guide and will simply involve Paddle Wanaka dropping or picking up customers and their gear from the proposed locations listed above. Note that equipment rentals will not be available for use on the rivers.

General Outline of the Proposed Operations

The proposed number of trips outlined above represent a maximum number during peak times and allows for anticipated growth of the business. The actual number of trips per day using each site will be considerably less than this for the majority of the time. No permanent set up is proposed at any of the alternative locations. The operational base will remain on the Wanaka Lakefront under Paddle

Wanaka's existing license and resource consent.

Paddle Wanaka adopts a 'leave no trace' policy with all rubbish removed from any of the reserves. Toilet facilities will be identified at the start and end of trips. All equipment will also be regularly washed, cleaned and dried to avoid the spread of noxious weeds.

The following equipment will be used during the proposed trips:

- Stand Up Paddleboards – A range of inflatable & rigid SUP boards will be used. These will be sized for the student/client.
- Kayaks – A range of inflatable kayaks, plastic whitewater kayaks, plastic sea kayaks and multisport design kayaks will be used. These will be chosen to suit the student/client's capability and requested outcomes.
- Safety Equipment - Each guided trip will carry emergency gear as outlined in SOP for that trip. Instructors will be suitably qualified to utilise emergency equipment and aid in situations if needed. Rental clients will be supplied with suitable floatation devices and informed of hazards.
- Vehicles - Paddle Wanaka Limited Transport Service Number 0248802 (PSL)
 - Toyota Hiace Van (9 Seater) and kayak or sup/kayak trailer. Vehicle will be upgraded to a 12 seater Hiace van when option becomes viable.
 - 5 Seater Nissan Safari with appropriate trailer. Used for the smaller groups.
- Water taxi – 7.49Meter Osprey MNZ 132052. Certified to carry 23 passengers or a combination of kayaks/SUP boards & passengers.

The business runs under a current Safety Operations Plan which is attached as **Appendix B**. This will be expanded to include the proposed new sites/areas. The new support vessel/water taxi also provides an important safety tool for clients/rental customers on the lakes in the event of any problems/emergencies such as sudden weather changes or injuries. Paddle Wanaka also has a jet ski available for assisting customers if required although this would not be used as part of regular operations.

A variation to the underlying resource consents will be required for these proposed activities and this will be sought following completion of the QLDC license application process. It is intended that the new license which is being sought will eventually replace the existing license.

Relevant Reserve Management Plans

Wanaka Lakefront Reserve Management Plan

The Wanaka Lake Front Reserve Management Plan was adopted by Queenstown Lakes District Council in October 2014. The purpose of this plan is to identify the objectives and policies for the management, including protection and development of the Wanaka Lake Front reserves. The overarching objectives

are:

- *Recognise the unique character of the Wanaka lakefront reserves and reflect this in the design, maintenance and management of the lakefront reserves;*
- *Manage and maintain areas of the lakefront reserves as formal recreational areas for enjoyment of the community and visitors;*
- *Manage the impact on the natural amenity values of the lakeside reserves by minimising buildings and positioning them appropriately;*
- *Retain a high level of unrestricted access to and within the lakefront reserves and facilitate formal lake access;*
- *Manage use of the lakefront reserves in a way that sustains the natural biodiversity of the land and adjacent pristine lake.*

There are a number of specific objectives and policies that give effect to the overarching objectives. Those relevant to this proposal are:

5.2.1 // Recognise the unique character of the Wanaka Lakefront Reserves and reflect this in the design, maintenance and management of the lakefront reserves

5.2.1.1 // Objectives

- *Integrate the use and management of the reserves*
- *Ensure the reserves remain predominantly accessible for unstructured recreation*
- *Identify, protect and preserve heritage sites and features*
- *Establish activity zones in Roys Bay to enable appropriate activities to occur that reinforce the character and purpose of the zone, ensuring compatible activities are clustered together.*

5.2.1.2 // Policies

- *Recognise seven distinct activity zones within Roys Bay, west to east, to identify a priority management focus for use and development within these areas as follows:*
 - *passive recreation (walking/ biking/swimming)*
 - *active recreation (including supporting infrastructure to support non-motorised watersports including a leased area for a watersports building)*
 - *Pembroke Park open space connection (preserving and connecting the sanctity and openness of the park with the lakefront including restricting vehicle access)*
 - *CBD lakefront connection (including supporting commercial leases and licences of existing buildings such as the log cabin and other sites, open space and event infrastructure)*

5.2.3 // Manage the impact on the natural amenity values of the lakeside reserves by minimising buildings and positioning them appropriately

5.2.3.1 // Objectives

- *Manage all use and development of the reserves in accordance with the outstanding natural landscape recognition in the District Plan*
- *Minimise structures in the reserves and their impacts on the landscape*
- *Protect important view shafts*
- *Retain an informal landscape character and open spatial quality to the reserves*
- *Built developments will only be permitted where these are sympathetic to the key elements, features and patterns of the landscape*
- *Provide for continuation and renewal of existing leases and licences where such uses support the objectives of this plan*
- *Consider a limited number of new leases and licences where such uses would support the objectives of this plan*
- *Ensure the use and development of the reserves positively integrate when adjacent to the town centre and surrounding urban area*

5.2.3.2 // Policies

- *Development of facilities that benefit and remain accessible to the local community will be given priority over other facilities*
- *Allocate adequate space to vehicles to support participation in active recreation and passive viewing of the landscape*
- *Continue to allow use of the reserves for commercial purposes via a concession or other formal agreement. All applications for use of the reserves for commercial purposes will be considered under applicable Council policy*

5.2.4 // Retain a high level of unrestricted access to and within the lakefront reserves and facilitate formal lake access

5.2.4.1 // Objectives

- *Facilitate lake access for powered and non-powered watercraft safely and sustainably*
- *Prioritise pedestrian and cycle activity over motorised*

5.2.4.2 // Policies

- *Permit vehicle access via Penrith Park Road, Outlet reserve, to windsurfers beach only*
- *Permit vehicle access for the purposes of operating or maintaining public utilities including water, telecommunications and power*
- *Vehicle access will otherwise be restricted to defined roads, ramps and car parks, except for:
o maintenance and emergency vehicles
o setting up and packing down before and after events*

Comment

The focus of Paddle Wanaka's operations is to offer water based recreational experiences for the enjoyment of both locals and visitors to the Wanaka Area. This focus aligns with the Wanaka Lakefront Reserve Management Plan vision and overarching objectives.

Recreational activities such as kayaking and SUP boarding are a regular occurrence on Lake Wanaka and the Hawea and Clutha Rivers, particularly during summer months. The character of these areas

and adjoining reserves is such that these activities are not an unexpected activity within this locality. Kayak and SUP boards are non-motorised craft of a passive nature and therefore have very little effects on the amenity values of the area. As outlined above Paddle Wanaka will not set up any permanent structures within the reserves which are to be used for short periods for clients and guides to prepare for or pack after the trips. The business operation will ensure unrestricted access to the public is maintained across all the reserves. They also operate on a leave no trace policy ensuring the reserves and their ecological values are unaffected by their operations.

Albert Town Recreation Reserve Management Plan

3. Management Objectives

Management objectives describe how the Council will manage each reserve, in accordance with its classification as recreation reserve.

The Council will:

Preserve in perpetuity the Albert Town recreation reserve as a recreational area for the enjoyment of residents of the Queenstown Lakes District and visitors.

*Encourage and facilitate the use of the reserve for active and passive recreational pursuits.
Provide opportunities for camping in an informal setting with simple facilities.*

Recognise the importance of the reserve as part of the entrance to Wanaka and Albert Town and ensure the landscape and amenity is managed and enhanced accordingly.

Provide for other public use and events, to the extent that the above objectives are not compromised.

4. Management Policies

Policy 11 – Concessions

11.1 Prohibit the granting of concessions for commercial activities on the reserve, other than those associated with:

1. access to the adjoining river and Department of Conservation administered reserves,
2. approved events (refer to Policy 1), temporary filming, sporting tournaments, or sports coaching.
3. the hire of recreational equipment for use within the reserve.
4. guiding on the tracks and rivers within and adjoining the reserve

Comment

The use of the Albert Town Recreation reserve by Paddle Wanaka for guiding trips on the adjoining rivers specifically aligns with the objectives and in particular Policy 11.

Conclusion

Paddle Wanaka currently operate a kayak and stand up paddle board rental and guiding business on Lake Wanaka and the Clutha River. The company wishes to expand the locations in which they can put in and take out kayaks and stand up paddles boards to offer safe weathers options when it is not possible from their current base on the Wanaka Lakefront. The proposed activity is low impact and of a passive nature which is consistent with the general aims and provisions of the relevant reserve management plans.

Yours Sincerely



Tom Overton
Resource Management Consultant
SOUTHERN PLANNING GROUP