



Application for a Reserve Licence

At Albert Town Recreation Reserve

For Go Jets Wanaka

November 2017

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1.0 INTRODUCTION

Go Jets Wanaka seeks a Reserve Licence under s54(1)(d) of the of the Reserves Act 1977 to continue embarking and disembarking passengers at the Albert Town boat ramp, for the existing commercial jetboating operation on the Clutha River, in accordance with their resource consent.

The subject site is shown on [Figure 1](#) below.



Figure 1- Area of Boat Ramp and Launching Area

2.0 DESCRIPTION OF THE PROPOSAL

Go Jets Wanaka operate a commercial jetboating operation around Wanaka, under two existing resource consents- RM040018A and RM040018B, attached as **Appendix 1A** and **1B**, respectively. These resource consents have been in operation since 2004, have changed ownership since consent was granted, and although a complex history, the consents have been continually operating since approval, and the applicant is operating within their consent, as confirmed by the Council's Monitoring Team in **Appendix 2**. This includes the loading and unloading of passengers from the subject recreation reserve, as specifically mentioned in Condition 6(e) of RM040018B.

Both resource consents owned by Go Jets Wanaka allow for:

- RM040018A allows 8 return trips on the Clutha River (equates to 2920 per annum); and
- RM040018B allows for 100 trips per annum on the Clutha River.

From the date of commencing operation by the current owner in 11 November 2016, 425 trips down the Clutha River have taken place. As part of these consents, provision is allowed for loading and unloading at the Albert Town reserve, alongside the boat ramp, as identified in [Figure 1](#) above.

The Albert Town recreational reserve is outlined as Designation 318 within the Operative Queenstown Lakes District Plan. As such approval is sought from Queenstown Lakes District Council, as the administrative authority over this reserve, under s54(1)(d) of the Reserves Act for a licence on reserve land to allow for the loading and unloading of boats at the existing boat ramp.

The reserve licence is sought now, 13 years after the granting of consent, as it appears this was never undertaken at the time of resource consent.

3.0 ASSESSMENT OF EFFECTS

3.1 Positive Effects

The applicant has adjusted the operation of the activity within the realms of the resource consent approval to minimise travelling through the 5-knot area of the Clutha River, so there is less effect on the people living nearby the river, or other users of that part of the river. This adjustment includes the river trips being back-to-back, so the first trip is transported by van to Albert Town, passengers loaded into a boat in this location, and driven downstream to the nook. The boat then travels back up stream through the outlet at approximately 11am, and then unloaded in town. The second boat trip then leaves from town to the nook, back to Albert Town, where the passengers will disembark. The operators van will then run people back into town. This halves the number of boat trips in this area, and is all within the approval of the resource consents.

The area subject to the reserve licence is safer and larger than the other areas of use approved in the resource consent, and therefore with these adjustments, the effects of the use is reduced.

The operators of the activity currently, and will continue to clean up rubbish from the Council reserve area that is left by public and visitors to the reserve (not associated with the jet boating operation). They remove this from the area in their van and improve the general look, feel and safety of the area. Given this part of the reserve is not frequented often, with the operators being present in this reserve, unsavoury behaviour by public is reduced, and so is the presence of unlawful freedom campers.

Passengers will be advised of bathroom opportunities on pick up, and that there are no opportunities once passengers arrive at the reserve. The jetboat is regularly washed after each use, to inhibit the spread of any lake or river weed.

Overall, the presence of the applicant in this area is a positive effect on the reserve, and with the adjustments to operation have reduced the impact upon the area and the river by reducing their operations.

3.2 Accessibility

The recreation reserve is 49 hectares in size. The boat ramp is located at the southern end of the reserve, beneath the Albert Town bridge. To access the boat ramp there are public unformed tracks from the eastern side of the Lake Hawea Albert Town Road. The applicant currently utilises this track to drive the boat to the boat ramp. The passenger van towing the boat will transport passengers to this area via this public vehicular track, and down to the boat ramp where the passengers will embark the boat. The open area around the boat ramp is large, and not highly utilised on a day to day basis. The effects with accessibility were assessed at the time of the resource consent, and were considered to be acceptable. The application of the reserve licence will not change the accessibility as approved in the resource consent, and the proposal will not have any effect on the accessibility of the area for other users of the reserve, for other vehicles, pedestrians, bicycles and boats.

3.3 Visual Effect

Given the gradient of the boat ramp and parking area is down below the bridge, it is largely visually concealed from public view. The boat ramp and parking area will be utilised for the purpose it was provided for- boat launching, and recreation activities. The area is utilised for passengers entering the boat. There will be no new buildings or structures; as such the visual effect of the licence application is no more than what is anticipated in this area.

3.4 Cumulative Effects

As mentioned above, the proposal has been approved by RM040018A and RM040018B, which allows for 2920 trips down the Clutha River per annum. The applicant has not been utilising the consents to the maximum effect, and does not plan to. Notwithstanding, the use of the reserve area for embarking the vessel will not have any

effects on cumulative effects. The area is not currently utilised by many vehicles or boat launching per day, and the use by boat operators is an anticipated use in this area. Notwithstanding, the assessment of the resource consent has deemed it appropriate in terms of cumulative effects, and the applicant is operating less than that approved.

3.5 Summary of Effects

The presence of embarking and disembarking in the Albert Town reserve next to the boat ramp is within the realms of the resource consent, and the operation has been adjusted to reduce and actual or potential effects on other river users and occupants of sites around the river. Positive effects arise from the presence of the operators utilising this area, as noted above. In summary, the approval of a licence for utilising the reserve in this manner will have minimal effects on other users, and would be approving an operation that is lawfully established in this area, from a landowner perspective.

4.0 RELEVANT LEGISLATION

4.1 Reserves Act 1977

The Reserves Act 1977 is the applicable legislation for reserves in New Zealand. The proposal will be within Recreation Reserve 318 vested with the QLDC. Use or occupation of a Council Recreation Reserve are required to obtain a licence under the Reserves Act 1977.

4.1.1 Notification

As per the requirements of s54(2), prior to any licence granted under s54(1), the administering authority shall publicly notify such an application in accordance with s199, while giving full consideration to the matters listed in s120.

4.1.2 Schedule 1 of the Reserves Act 1977

Schedule 1 of the Reserves Act 1997 sets out the provisions applicable to leases or licences of recreation reserve land. The provisions as they relate to leases or licences granted under s54(1)(d) have been included in **Table 1** below;

Table 1: Provisions of Lease or Licence under s54(1)(d) of the Reserves Act 1977

Term	Not exceeding 33 years
Renewal	May include a provision that further similar terms may be granted if the lessor or licensor is satisfied that the terms and conditions of the lease or licence have been complied with, that some sport, game, or recreational activity should not have priority and that the trade, business, or occupation is still needed to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve
Freeholding rights	Nil
Rent	Such rent, including periodic reviews of rent, as the Minister approves
Admission charges	Such admission charges, appropriate to the circumstances, as the Minister may from time to time approve

Termination	The land leased or licensed shall be used for the carrying on of such trade, business, or occupation as is specified in the lease or licence, and, if at any time the lessor or licensor is of the opinion that the land leased or licensed is not being used or is not being sufficiently used for the purpose specified in the lease or licence, the lessor or licensor, after making such enquiries as the lessor thinks fit and giving the lessee or licensee an opportunity of explaining the usage of the land leased or licensed, and if satisfied that the land leased or licensed is not being used or is not being sufficiently used for the purpose specified in the lease or licence, may terminate the lease or licence on such terms as the Minister approves in any case where an administering body is the lessor or licensor, and as the Minister thinks fit in any other case
Compensation for improvements	On termination of the lease or licence under the termination clause of the lease or licence or by effluxion of time, surrender, breach of conditions, or otherwise, the land, together with all improvements thereon, shall revert to the lessor or licensor without compensation payable to the lessee or licensee or otherwise
Erection of buildings	The lease or licence shall prohibit the erection of any building without the prior consent in writing of the Minister
Other terms and conditions	Such other terms and conditions as the Minister approves. Without limiting the powers of the Minister, he or she may require that the lease or licence shall provide that— a) notwithstanding anything to the contrary in the compensation for improvements clause of the lease or licence, the lessor or licensor may require the lessee or licensee to remove the whole or some of his or her improvements; or b) where improvements are of value to the lessor or licensor, the lessor or licensor may pay to the lessee or licensee the value of the improvements as determined by the Minister; or c) (c) an incoming lessee or licensee shall pay to the outgoing lessee or licensee the value as determined by the Minister of specified improvements

4.2 Resource Management Act 1991

The current application is solely for a licence under the Reserves Act 1977. Resource Consent under the RMA has been approved in 2004, and no changes are sought to these consents.

5.0 QUEENSTOWN LAKES DISTRICT COUNCIL MANAGEMENT PLAN

5.1 Albert Town Recreation Reserve Management Plan

The Albert Town Recreation Reserve Management Plan was made operative on 4th October 2010, and is the operative Management Plan for the Albert Town reserve. It is noted this management plan was brought into effect 6 years after the resource consent was granted for this activity.

The proposal does not contravene any of the policies in the Management Plan, as no buildings are proposed, and the proposed licence will not inhibit any of the listed activities from operating. Policy 11.1(1) identifies that it may be appropriate to provide a concession for commercial activities associated with access to the adjoining river. In this instance approval has already been provided by the Council for use of this area and the river for this

commercial recreation activity, and the land owner licence to allow for embarking the boat will not have any effect, or conflict with the reserve management, over that already provided for by the resource consent.

6.0 CONCLUSION

The proposal for a licence is simply sought for land owner approval, 13 years after the resource consent was granted, as it appears it was not done so at that time. The applicant is operating within the realms of the resource consent granted in 2004, where all effects of the use of this area were assessed in full. The granting of this reserve licence to use the area for loading passengers onto the boat will have no additional effects over than that assessed under the RMA, and will not inhibit the safe and enjoyable operation and management of the recreation reserve.