

**QLDC Council
26 November 2015**

Report for Agenda Item: 4

Department: Infrastructure and Property

Application for a Licence over the Frankton Foreshore by Kawarau Jet

Purpose

The purpose of this report is to consider granting Kawarau Jet a licence to occupy an area of Frankton Foreshore in order to access their jetties, pursuant to the Reserves Act 1977.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** the granting of a licence to Kawarau Jet to allow them vehicle access across Sections 37 and 44 Block XXXI Town of Frankton subject to the following terms and conditions;
 - a. Agreement to be for five years with the ability to renew for a further five years at Council's absolute discretion;
 - b. That when vehicles are on site, the applicant is required to place large traffic cones out and, further, that a staff member is required to be positioned on the trail incline in order to warn any walkers or cyclists coming from the bridge towards the jetties.
 - c. Kawarau Jet to widen the formed trail up to the jetty so that it is the same width as the adjoining "road".
 - d. Kawarau Jet to provide a Traffic Management Plan to the satisfaction of the Senior Parks and Reserves Planner.
 - e. Kawarau Jet to pay all costs for advertising and drafting the licence;
 - f. Kawarau Jet to pay an annual fee of \$1,000.00 plus GST, such fee to be reviewed upon renewal;
 - g. Council to be able to suspend access when necessary for events or for safety reasons;
 - h. Council to be able to terminate the agreement at any time by giving three months' notice in writing.
3. **Agree** to the exercise of the Minister's prior consent (under delegation from the Minister of Conservation) to the granting of a licence to Kawarau Jet over Sections 37 and 44 Block XXXI Town of Frankton.

Prepared by:



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8/10/2015

Reviewed and Authorised by:



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Parks Planning Manager
QLDC

6/11/2015

Background

1. For approximately 30 years, there have been three jetties on the Frankton foreshore towards the outlet to the Kawarau River, utilised by a number of commercial jet boat operators. Over the years, Kawarau Jet has bought out all other operators including the jetties and are the only commercial operator using the area for loading and unloading passengers.
2. Some years ago, Kawarau Jet requested Council to install a fence at the entrance to the jetty area to prevent members of the public congregating in cars in what is a dark and hidden area at night. A bollard was installed to restrict vehicle access and Kawarau Jet was provided with a key.
3. Kawarau Jet use the jetties primarily for tours and incentive groups, dropping off and picking up passengers at the site. Usage is marketed to conference and tour operators as an "airport transfer" where passengers are picked up at the airport and transported directly to Frankton beach for their jet boat experience. It is different from other packages Kawarau Jet offer that leave from Frankton Marina or Main Town Pier.
4. The "airport transfer" is not a regular activity and usage is difficult to predict. Multiple buses may use the jetties on any given day and the usage may be over consecutive days, however access is typically restricted to two or three days a month.
5. Council officers recently changed the key to a reserves key resulting in Kawarau Jet no longer having access for passengers or maintenance. They raised concerns about the safety of buses using what is now the cycle trail, especially when reversing.
6. Kawarau Jet want to formalise their use of the formed trail to pick up and drop off passengers by bus as well as provide access for occasional maintenance.
7. The access would come off Allan Crescent and through recreation reserve known as Sections 37 and 44, Block XXXI, Town of Frankton.
8. The Council's Parks Planning Manager has agreed that an access agreement would be appropriate as long as any safety concerns are addressed.

The Property Subcommittee approved that the Kawarau Jet application go to public notification on 13 August 2015. The notification period closed on 19 September 2015 with no submissions received, therefore a hearing was not required.

Comment

9. It is recommended the licence be granted for a period of five years with the ability to renew for a further five years at Council's absolute discretion.
10. The safety concerns raised relate to buses reversing onto a trail used by walkers and cyclists. A number of alternative access options have been investigated however, due to the size of the buses being used, the vicinity of the school (especially at drop-off and pick-up times) and the need for the buses to turn on a formed surface, the current proposal seems most practical. To address the safety concerns, it is recommended the following conditions are applied to any approval:
 - a. that the applicant be required to place large traffic cones out when a bus is on site and, further, that a staff member be positioned on the trail incline in order to warn any walkers or cyclists coming from the bridge down towards the jetties.
 - b. that Kawarau Jet be required to widen the formed trail up to the jetty so that it is the same width as the adjoining "road".
 - c. that a Traffic Management Plan be prepared to the satisfaction of the Senior Parks and Reserves Planner.
11. It is also recommended that Kawarau Jet be required to pay an annual Licence Fee of \$1,000.00 plus GST, reviewed upon renewal, in order to cover administration of the licence and contribute towards maintenance of that section of the trail.
12. A further recommendation is for the Council to have the ability to suspend access when necessary for events and, also, to terminate at any time by giving 3 months' notice in writing.
13. The licence may be granted pursuant to section 54(1)(d) of the Reserves Act 1977.

Options

- 14 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:
- 15 Option 1 To grant a licence over Sections 37 and 44 Block XXXI, Town of Frankton, to allow Kawarau Jet to access their jetties subject to conditions as above.

Advantages:

- 16 Enables Kawarau Jet to continue to offer tours and incentive groups from their jetties on Frankton beach;
- 17 Negates the need for them to take those groups to use congested areas such as Frankton Marina, Boyes Crescent or the Queenstown CBD;
- 18 Addresses safety and maintenance concerns;
- 19 Generates sufficient income to cover administration and maintenance requirements.

Disadvantages:

- 20 Allows heavy vehicles to continue to operate in the same vicinity as walkers and cyclists.

- 21 Option 2 To decline the application for a licence over Sections 37 and 44 Block XXXI, Town of Frankton.

Advantages:

- 22 Buses will be prevented from operating in an area frequented by walkers and cyclists.

Disadvantages:

- 23 Kawarau Jet would need to determine alternate means to deliver their "airport transfer" package which could result in the use of congested areas such as Boyes Crescent, Frankton Marina or the Queenstown CBD;

- 24 Option 3 To grant a licence over Sections 37 and 44 Block XXXI, Town of Frankton, to allow Kawarau Jet to access their jetties subject to alternative conditions.

Advantages:

- 25 Council may impose alternative conditions to address safety, increase revenue, assist Kawarau Jet to operate efficiently, or save Council costs.

- 26 This report recommends **Option 1** for addressing the matter as it addresses safety concerns without compromising Kawarau Jet's ability to operate, ensures costs are met, and reduces congestion at other areas.

Significance and Engagement

- 27 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy as it involves Council's significant assets and is of importance to the Queenstown Lakes District and the community. It does not impact on Council's capability and capacity.

Risk

- 28 This matter relates to the operational risk OR004, Serious injury to member of community as documented in the Council's risk register. The risk is classed as

medium and the recommended conditions aim to reduce the risk by requiring Kawarau Jet to manage the site while buses are present.

Financial Implications

29 There are minor financial implications. The annual fee of \$1,000.00 plus GST will cover administration of the agreement and contribute towards maintenance of the track. The cost of advertising and drafting the licence will be met by the applicant.

Council Policies, Strategies and Bylaws

The following Council policies, strategies and bylaws were considered:

30 Sunshine Bay to Kelvin Heights Reserve Management Plan 1991 – The plan refers to the area as FMA 7, zone D – “existing commercial jet operations permitted to operate loading jetties until facilities at Frankton Marina are upgraded to accommodate them”. At the time the plan was drafted, full vehicle access was available to the jetties.

31 Kawarau jet were not aware of that clause in the management plan and note they did not own the jetties in 1991. They would prefer to be able to continue with this exclusive package regardless of development at the marina. That issue will need to be considered when the marina is complete and the agreement is subject to termination by Council at any time if it is decided that use of these jetties is no longer appropriate.

32 This matter is not included in the 10-Year Plan/Annual Plan. It will provide income not forecasted in property provisions.

Local Government Act 2002 Purpose Provisions

The recommended option:

33 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;

34 Does not affect funding under the 10-Year Plan and Annual Plan;

35 Is consistent with the Council's plans and policies; and

36 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

37 The Council has issued public notice of the intention to grant a licence pursuant to section 54(2) of the Reserves Act 1977, with no submissions received

Attachments

Attachment A – Kawarau Jet Access Agreement – Location Plan

The extent of the access is marked in pink (note that Allan Crescent comes off Boyes Crescent at the top of the page). The fence and bollard are marked in blue and the jetties marked in green.



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Kwararu Jet Access

21 June 2015

