

**Beau Rapley
Cycle Tours NZ Limited**

**Application for licence under the Reserves Act 1977
and permission for use of Council freehold land
for commercial guided walking and cycling groups along
trails around the Wakatipu and Wanaka**

November 2014

TABLE OF CONTENTS

	Page No.
1.0 INTRODUCTION	1
1.1 Overview	1
1.2 Information about the applicant	2
2.0 DESCRIPTION OF THE PROPOSAL	3
2.1 Site Description and Location	3
2.1.1 Queenstown/Wakatipu Area:	5
2.1.2 Wanaka/Hawea Area:	5
2.2 Description of Proposed Activity	5
3.0 ENVIRONMENTAL IMPACT ASSESSMENT	7
3.1 Positive Effects	7
3.2 Recreation values	7
3.3 Infrastructure	7
3.4 Terrestrial (land) values	7
3.5 Aquatic values	7
3.6 Cumulative impacts	8
4.0 SUMMARY	8

LIST OF APPENDICES

- Appendix A** Department of Conservation concession
- Appendix B** Applicant background and testimonials (2)
- Appendix C** Table Listing Trail Landowners and Legal Descriptions
- Appendix D** Safety Plan and Maps of trails
- Appendix E** OutdoorsMark audit

DOCUMENT STATUS

Version	Purpose of Document	Prepared By	Reviewer	Review Date
Draft A	Draft to Client	AR/RD	DW	14/8/14
Draft B	Final for lodgement	RD	-	21/11/14

APPLICATION FOR LICENCE PURSUANT TO SECTION 54(1)(d) OF THE RESERVES ACT 1977

To:

Queenstown Lakes District Council
C/- APL Property Queenstown Limited
PO Box 1586, Queenstown 9348

Applicant:

Cycle Tours New Zealand Ltd (owned by Beau Rapley) applies for a 10-year licence to undertake guided mountain biking and walking trips for groups of up to 12 people (inclusive of guides) along existing trails located on recreation reserve land administered by the Queenstown Lakes District Council and Council-owned freehold land.

Address for Service:

John Edmonds & Associates
PO Box 95, Queenstown 9348
Attention: Rosalind Devlin
Email: rosalind@jea.co.nz
Phone: (03) 450 0009

Address for Invoicing:

Cycle Tours New Zealand Ltd
Attention: Beau Rapley
Email: beau.rapley@gmail.com
Phone: 027 4351165

1.0 INTRODUCTION

1.1 Overview

A 10-year licence is sought to undertake guided mountain biking and walking trips for groups of up to twelve (12) people on existing trails in the Wakatipu and Wanaka areas, where these trails are located either wholly or partly on Queenstown Lakes District Council (QLDC) recreation reserve land. The applicant also seeks permission to take these groups on trails that are located on QLDC-owned freehold land. The proposal would involve temporary, non-exclusive occupation of trails on land owned or administered by QLDC. The applicant's goal is to offer small, high-end guided trips at a maximum rate of two trips per day on any one trail, which will ensure other trail users' experiences are maintained, and that recreation reserve values are upheld.

The applicant holds a Department of Conservation (DOC) 10-year concession for commercial use of trails where these are located on DOC reserve land or maintained by DOC. The concession was granted in April 2014 on a non-notified basis and is attached as Appendix A.

The applicant is in the process of obtaining a resource consent for a that are located on DOC land, QLDC land, and private land. The applicant also intends to apply for a licence to occupy under the existing QLDC resource consent for commercial groups on trails around the Wakatipu basin.

Some trails that fall within the DOC concession are also partly located on QLDC reserve land, QLDC freehold land, Crown-owned land administered by LINZ, and other private land with right of way easements. Along with the DOC concession and this application, the applicant also intends to obtain:

- A licence to occupy for 2014-2015 season under the QLDC 'blanket resource consent' for commercial use of the Queenstown Trails (RM120285).
- A separate resource consent for trails that are not included in RM120285. This resource consent application is currently under consideration at QLDC (RM1407850) awaiting a few outstanding Affected Persons' Approvals. Most landowners, including LINZ and DOC have been supportive of the proposal, with only a few private landowners refusing their approval (for example, Closeburn Station residents association for a small section of Moke Lake / Lake Dispute trails maintained by DOC with a public right of way easement). The resource consent is required for a Commercial Recreation Activity for more than 5 people per group; small groups of 5 or less are a permitted activity. By way of comparison, no resource consents are required for similar activities on trails in the neighbouring districts of Central Otago and Southland (Bannockburn, Nevis Road, etc).
- A recreation permit from LINZ under the Reserves Act for trails that cross Crown-owned pastoral high country land.

The applicant is seeking a licence term of 10 years to match the DOC concession (which covers many parts of the same trails) and to give a level of certainty for business planning and investment.

1.2 Information about the applicant

Beau Rapley is the Owner and Director of Cycle Tours NZ Limited. A long time Queenstown local, he has many years of experience as a commercial rafting guide and commercial rafting business owner (Makin Waves – The Rafting Company), as well as being a qualified jet boat driver and a keen mountain bike rider in his spare time. In conjunction with another operator in the Queenstown area, and in anticipation of a favourable decision on this application, he arranged PMBI (Professional Mountain Bike Instructors) courses in Queenstown in March this year (2014). A more detailed background for Beau is attached to this application as Appendix B, along with

a professional testimonial from Kaye Parker for the Queenstown Trails Trust, and a testimonial to Beau's financial situation from Chris Duffy at Crowe Howarth.

2.0 DESCRIPTION OF THE PROPOSAL

2.1 Site Description and Location

The proposed activity will be undertaken in a number of locations throughout the district. A detailed list of all trails that the applicant is interested in is attached as Appendix C, with QLDC recreation reserve land and freehold land highlighted in yellow. A simplified table showing only QLDC land subject to this application is included below (Table 1).

Table 1: QLDC recreation reserve land

Queenstown/Wakatipu Trails – Queenstown Lakes District Council recreation reserve land				
Trail Name & Map Ref.	Proposed Activity	Landowner/s	Legal Description	Title Reference
Jacks Point Track	Biking, walking	QLDC Recreation Reserve	Lot 70 DP 9249	95114
Lake Hayes Walkway	Biking, walking	QLDC Bendemeer Bay Recreation Reserve	Section 65 Blk IX Shotover SD	OT17C/1329
		QLDC Recreation Reserve	Lot 3 DP 15096	129117
		QLDC Recreation Reserve	Lot 4 & Pt Lot 5 DP 15096	464206
Wanaka/Hawea Trails – Queenstown Lakes District Council recreation reserve land				
Eely Point	Biking, walking	QLDC Eely Point Recreation Reserve	Sec 29 Blk XIV Lower Wanaka SD, Sec 1543R Blk XIV Lower Wanaka SD	OT7B/497
Beacon Point	Biking, walking	QLDC Beacon Point Recreation Reserve	Sec 71 Blk XIV Lower Wanaka SD	1701
		QLDC Recreation Reserve	Lot 9 DP 18825	OT10A/14
		QLDC Recreation Reserve	Pt Lot 3 DP 19057	OT13A/1038
		QLDC Recreation Reserve	Pt Lot 2 DP 17422	5997
Outlet Track	Biking, walking	QLDC Clutha Outlet Recreation Reserve	Sec 59 Blk XIV Lower Wanaka SD	OT15C/528
Deans Bank Track	Biking, walking	QLDC Recreation Reserve	Pt Sec 28 Blk V Lower Wanaka SD	4D/1290
		QLDC Recreation Reserve	Lot 1 DP 375247	302906
Waterfall Creek Track	Biking, walking	QLDC Roys Bay Recreation Reserve	Sec 46 Blk III Lower Wanaka SD	2290
Damper Bay Track	Biking, walking	QLDC Damper Bay Recreation Reserve	Secs 12, 18 Blk XIII Lower Wanaka SD, Pt Sec 4 Blk XV Lower Wanaka SD, Sec 14 SO 397287	474509
Upper Clutha River Track (true right bank)	Biking, walking	QLDC Recreation Reserve	Sec 1 SO 431144	568321
		QLDC Freehold	Sec 2 SO 24616	OT18C/526
Hawea River Track	Biking, walking	QLDC Freehold	Lot 1 DP 20555 and Lot 1 DP 24534	OT16C/1158

The following trails that are wholly or partly on QLDC recreation reserve land or freehold land are proposed to be used:

2.1.1 Queenstown/Wakatipu Area:

Jacks Point Track

The applicant holds a DOC concession for use of this track. For practical use of this track, the applicant seeks approval to operate on the QLDC recreation reserve at Jardine Park (where the track starts/finishes).

Lake Hayes Walkway

The applicant's DOC concession includes this track, and part of the track is included in RM120285. The applicant seeks approval to use the parts of the track that are located on QLDC reserve and are not included in RM120285.

2.1.2 Wanaka/Hawea Area:

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

The applicant's DOC concession includes some of these tracks, as well as other tracks in the Wanaka and Hawea areas. Some of these tracks are located wholly on QLDC land, and some sections of these tracks are located partly on QLDC and partly on DOC land. To enable practical use of the tracks, this application is required in conjunction with the DOC concession and resource consent application.

Maps of these trails are attached as Appendix D.

2.2 Description of Proposed Activity

The applicant proposes to undertake guided walking and biking trips for a maximum of ten clients in each group, who will be accompanied by one or two guides (maximum of 12 people in any one group). Clients will be transported to public parking areas at trailheads by van. The van driver will also be a guide.

The trails subject to this application will be used for walking or biking.

Groups will be kept together. For mountain biking groups at the maximum size, there will be a forward and a rear guide.

Frequency and Hours of Operation

While a licence is sought to operate year-round, the main season will be from 1st September until the end of May the following year. The trips will be either mountain biking or walking.

Trips will be undertaken during the hours of daylight, except that promotional night rides may be undertaken on an infrequent basis on safe tracks. The applicant proposes only two trips per day on any one trail.

Safety

The applicant acknowledges that tracks are popular for cycling and walking. Some tracks have limited visibility on some sections, and some tracks have narrow carriageways. The applicant will ensure that clients are made aware of other track users (members of the general public), and will ensure that clients are well spaced and ride at a safe speed.

The applicant has prepared a safety plan for the mountain biking activity which is attached as Appendix D. The plan has been independently audited by OutdoorsMark, and a copy of the audit report is also attached as Appendix E.

Guides will be experienced mountain bikers who hold an appropriate driving licence and first aid qualification. Prior to embarking on each trip, guides will give a safety briefing, which will include how to correctly use the bikes and safety equipment, safe riding distances, safety around walkers and potential hazards on the trails. Guides will also ensure that clients have appropriate clothing and footwear.

Trips will only be undertaken in favourable weather conditions (for further details refer to the Safety Plan). Guides will carry a VHF radio or mobile phone (where coverage is available). Where radio or phone communications are not possible, an emergency locator beacon will be carried.

Toileting and Waste

Clients will be advised whether public toilet facilities are available on the trips prior to departure. A portable toilet will be carried in the van, and guides will also carry 'poo pots' on longer rides where there are no toilet facilities.

Guides will carry a rubbish bag on all trips and will ensure that no waste is left on trails.

3.0 ENVIRONMENTAL IMPACT ASSESSMENT

3.1 Positive Effects

The proposed activity will provide an opportunity for a wider range of people to gain access to and experience walking and mountain biking in the district.

3.2 Recreation values

The maximum group size of 12 and limit of two trips per day on any one trail will avoid crowding and maintain other trail users' positive recreational experiences.

The lead guide will inform other trail users how many cyclists are in the group. When biking, guests will be told to give way to pedestrians.

The applicant will adhere to the Safety Plan.

Guides will ensure clients respect public facilities (such as toilets). Guides will check facilities before leaving an area and ensure that they are left in a tidy state for the next users. Guides will advise QDLC of any damage found/caused to facilities.

The support vehicle will only be used for access on public roads to parking areas at trailheads.

3.3 Infrastructure

Mountain biking will only occur on trails designated for that purpose. Guides will ensure that people keep to formed trails.

Biking trips will not be undertaken in adverse weather conditions such as heavy rain, to avoid damage to trails.

3.4 Terrestrial (land) values

Guides will ensure that clients keep to formed trails at all times. Groups will carry out all rubbish; the rear guide to carry a rubbish bag, and will pick up any rubbish dropped by the group. No fires will be lit. Guides will ensure that any cigarette butts are properly extinguished and carried out. Guides will advise clients to wear clean footwear. Groups will follow the 'Leave No Trace' principles.

3.5 Aquatic values

Guides will inform clients of toilet locations prior to departure for ride. A portaloos will be carried in the support vehicle. Where toilet facilities are not available (on the tracks), guides will carry 'poo pots' to ensure

that any human waste is carried out. Guides will carry out all rubbish. Groups will take precautions against spreading didymo if waterways are encountered.

The support vehicle will be regularly serviced and kept in a good state of repair to avoid oil spills.

3.6 Cumulative impacts

The applicant's goal is to offer a high-end product, rather than a high volume of clients in large groups.

A daily log will be kept, to record the number of clients and locations of rides, so that this information can be made available to QLDC for monitoring the level of use of trails.

4.0 SUMMARY

The applicant proposes to undertake guided mountain biking and walking trips for groups of up to 12 people (including guides), at a maximum rate of two trips per day on any one trail, on existing trails in the district that are located either wholly or partly on recreation reserve land administered by QLDC or QLDC freehold land.

The applicant has an excellent professional track record in the District, and has prepared a Safety Plan that has been independently audited. The applicant is committed to ensuring that other trail users' experiences are maintained, and that recreation reserve values are upheld.



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OutdoorsMark Audit Report

Name of Operation: Cycle Tours New Zealand Ltd

Legal Name: Cycle Tours New Zealand Ltd

Address: PO Box 234
Queenstown 9300

ONZ Database ID: 4760

Operational Base: Queenstown

Type of Operator: Adventure Tourism

Contact Person during the Audit: Beau Rapley

Senior Person within Operation: Beau Rapley

Auditor: Russell Carr

Date of Audit:

November 2013

Time Spent on Audit:

One day

About this Report

- In making this report Outdoors NZ has considered a report(s) made to it by the named auditor or auditors authorised in accordance with the Regulations for Use of OutdoorsMark Certification Trade Mark (Jan 2011).
- You should act on the requirements of this report, which supersede any previous reports, discussions or verbal instructions.
- The report may not constitute a final decision by Outdoors NZ. In such cases, the final decision will generally be in the form of a letter stating the audit was passed, or a 'notification of deferment' if not.
- In the case of deferment, please note any required time scale to rectify nonconformities.
- If you are offered opportunities for improvement, you should use your own expertise to decide if they are applicable or necessary.
- The continued management of safety remains the responsibility of the Operator and not Outdoors NZ or any of its appointed representatives.
- Your letter, where one is applicable, will show the Operator as Cycle Tours New Zealand Ltd.
- You have the right to make a representation to Outdoors NZ on any decisions made by it, or any of its appointed auditors. In the first instance, representations should be addressed to the OutdoorsMark Programme Manager.

Part A: About the Operator

Cycle Tours New Zealand Ltd is a new, start-up company. It plans to offer cycle tours to small groups.

The area of operation is mainly in Otago.

The trips will take place on formed cycle trails, as well as some quiet public roads.

Part B: About the Document Review

The document review was conducted following an application from Cycle Tours New Zealand Ltd for an independent outdoor safety audit.

The auditor conducted the following actions:

- Reviewed and commented on the OutdoorsMark audit form dated 31 October 2013 completed by Cycle Tours New Zealand Ltd.
- Reviewed the safety management system documentation of Cycle Tours New Zealand Ltd, specifically:
 - CTNZ Safety Operating and Health Procedures Plan with file date 29-10-13
 - Various appendices

Part C: Issues Arising

Nonconformities are stated in **bold text**. These statements use the word 'advise'. Nonconformities must be addressed for approval to be granted.

Opportunities for improvement are written in *italic text*. These comments use the word 'encourage' and do not affect the granting of approval.

There were two nonconformities.

C1: Availability of SMS [AC no. 6]

Cycle Tours New Zealand Ltd is advised to state that its SMS is available to interested parties.

[Closed-out 22-11-13]

C2: Complaints [AC no. 14]

Cycle Tours New Zealand Ltd is advised to develop a complaints policy and procedures.

[Closed-out 22-11-13]

C3: Maps of operational areas [AC no. 1]

Cycle Tours New Zealand Ltd is encouraged to include maps of its operational areas in the safety management documentation.

[Closed-out 22-11-13]

Auditor's Recommendation:	PASS
Additional Conditions:	None
Notes:	None
Report prepared by: Programme Manager	Garth Gulley, OutdoorsMark
Date of report:	25 November 2013
Outdoors NZ Decision: recommendation	In agreement with auditor's
Further action to be taken by Outdoors NZ:	Document review letter

ATTACHMENT 1a:C – BACKGROUND EXPERIENCE OF APPLICANT

Beau Rapley. Born Cromwell, 27 May 1960 and raised locally in Gibbston.

My background has largely been in adventure tourism. 17 years as a raft guide and from 1990 to 1996 owning an adventure tour operation "Makin Waves The Rafting Company" We specialized in rafting operations on the Shotover and Kawarau Rivers and also had a high profile booking office on Shotover Street, Queenstown. We were one of the first tour operators to have to apply through the Resource Management Act to commence commercial operations. I was one of 5 Senior Raft Guides qualified in New Zealand and instrumental in setting up current standards within the industry. While a director of Makin Waves I was involved in a number of marketing trips overseas and some joint marketing trips with Tourism New Zealand. Our company was the first adventure tour operator to be accredited the New Zealand Way standard. I represented New Zealand at the world rafting champs in the Soviet Union in 1989 and the USA in 1990.

In addition to this I was a qualified as a jet boat driver with Super Heli Jet and a qualified LLM (Local Launch Master), I have had extensive agricultural experience, and spent a summer building retirement fencing on Mt Crichton and Mt Nicholas stations. I also had a brief stint doing live recovery from helicopters.

Since 1996 after selling our operation I have been working for our family business in Queenstown, WAKA gallery formerly The Opal Centre, as Sales and Marketing Manager.

My relevant qualification for running mountain bike and road bike tours comes from many years experience in riding as a hobby. I owned my first mountain bike in 1984 and have had extensive experience riding in the Southern Lakes region and other areas of New Zealand. I am passionate about showcasing our region to visitors and have a very good knowledge of the history of our region.

I am very well qualified for this operation with my previous experience in tourism. I have Land Transport licences for carrying fare paying passengers. My vehicles are of high standard and all have current COF warrants. My first aid qualifications are at PHEC level (pre hospital Emergency Care). In conjunction with another operator in Queenstown we are bringing one of the most recognized qualification standard operators to Queenstown to undertake PMBI courses (Professional Mountain Bike Instructors). This will be in March 2014 and held by ZEP techniques: Mountain Bike Camps & Instructor Training from Canada.

I hope the brief description of my background and experience is sufficient for the purpose of granting consent to operate on DoC land.

Regards

Beau Rapley Cycle Tours New Zealand (CTNZ)

0274351165



QUEENSTOWN TRAILS TRUST

PO Box 1052, Queenstown 9348; E: kaye.parker@queenstowntrail.co.nz; M: 027 626 7448

9 December 2013

TO WHOM IT MAY CONCERN

I am delighted to provide a character reference for Beau Rapley who I have known personally and in a business capacity for over 10 years.

Beau is a passionate cyclist, a great communicator and his strong tourism and sales and marketing backgrounds make him an ideal cycling tour operator for the burgeoning combination cycling adventure market in Queenstown and beyond.

I know from my conversations with Beau that he takes safety very seriously and this is backed up also by his knowledge from many years in the adventure tourism industry.

The Queenstown Trails Trust is very excited about his business coming onto the market and we look forward to working with him on the Queenstown Trail. I believe he has what it takes to make a successful, safe new tourism offering.

Please don't hesitate to contact me if you require any further information or clarification.

Yours sincerely

A handwritten signature in black ink that reads "K. Parker". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Kaye Parker
Queenstown Trails Trust

NB: Cover page only.



Department of Conservation
Te Papa Atawhai

Concession Number: 38121-GUI

Concession Document (Guiding Permit)

THIS CONCESSION is made this 15th day of April 2014

PARTIES:

Minister of Conservation (the Grantor)

Cycle Tours New Zealand Limited (the Concessionaire)

BACKGROUND

- A. The Department of Conservation ("Department") Te Papa Atawhai is responsible for managing and promoting conservation of the natural and historic heritage of New Zealand on behalf of, and for the benefit of, present and future New Zealanders.
- B. The Department is under the control of the Grantor.
- C. The carrying out of these functions may result in the Grantor granting concessions to carry out activities on public conservation land.
- D. The Grantor administers the public conservation land described in Schedule 1 as the Land.
- E. The Conservation legislation applying to the Land authorises the Grantor to grant a concession over the Land.
- F. The Concessionaire wishes to carry out the Concession Activity on the Land subject to the terms and conditions of this Concession.
- G. The Concessionaire acknowledges that the land may be the subject of Treaty of Waitangi claims.
- H. The parties wish to record the terms and conditions of this Concession and its Schedules.

OPERATIVE PARTS

- I. In exercise of the Grantor's powers under the Conservation legislation the Grantor **GRANTS** to the Concessionaire a **GUIDING PERMIT** to carry out the Concession Activity on the Land subject to the terms and conditions contained in this Concession and its Schedules.