

QLDC Council
3 June 2021

Report for Agenda Item | Rīpoata moto e Rāraki take : 9

Department: Community Services

Title | Taitara New reserve licence at Bobs Peak, Ben Lomond to Piyush Chavan (trading as TreadmarkNZ), for the use of the reserve for guided mountain bike tours and lessons.

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

The purpose of this report is to consider granting a licence over recreation and local purpose (water supply) reserve to Piyush Chavan, at Ben Lomond.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Grant** a new licence over recreation reserve under section 54(1)(d) of the Reserves Act to Piyush Chavan, for use of Ben Lomond for guided bike tours and lessons, subject to the following conditions:

Commencement	1 st July 2021
Term	5 years
Renewal	One further term of 5 years by agreement of both parties
Rent	Base rent of \$750+GST per annum or 7.5% of turnover whichever is the greater.
Rent reviews:	Subject to the Community Facility Funding Policy
Permitted use	Guided bike tours and lessons.
Operating hours	Limited to between 9am and 9pm in summer and 10am and 5pm in winter, with daylight hours clause during autumn & spring.
Insurance	Lessee to hold Public Liability Insurance of at least \$2,000,000
Safety/Suspension	Council to retain ability to suspend or vary the licence for safety or other purposes

Other

Maximum group size of 10 persons, unless agreed separately with Council and subject to planning/consenting requirements.

Prepared by:



Dan Cruickshank
Property Advisor
APL Property

18/05/2021

Reviewed and Authorised by:



Aaron Burt
Senior Parks and Reserves
Planner

19/05/2021

Approved by:



Thunes Cloete
General Manager
Community Services

21/05/2021

CONTEXT | HOROPAKI

- 1 Piyush Chavan is a sole trader, trading as TreadmarkNZ (the applicant), and has operated mountain biking coaching and skills lessons on Ben Lomond over the past summer, operating with a reserve permit issued by the Council. The reserve permit covered a period of 12 months, allowing up to 40 days of use by the permittee.
- 2 The applicant is supported the Queenstown Mountain Bike Club.
- 3 It is noted that this report is one of two presented to Council at this meeting, for similar activities (the other being for Lake Adventures Ltd trading as All Mountain NZ). Both applicants are active in the Queenstown mountain biking community, and have operated to date under their respective reserve permits. The coaching opportunities they offer are valued by the mountain bike community, particularly because of the certifications they hold are expensive and quite involved, and are problematic for informal coaches to attain. Whilst previously club members might have offered coaching, it is understood that more recent health and safety requirements have resulted in a risk to such informal practices. Hence the need for professional and certified operators to provide this opportunity.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 4 The applicant seeks a five-year licence (with a right of renewal of an additional five years) over the Ben Lomond recreation and local purpose (water supply) reserves, administered by the Council. The benefit in seeking a licence is that it provides more surety to the business and is unrestricted by the 40-day maximum use clause required by short term reserve permits.
- 5 The applicant has supplied a letter of support from the Queenstown Mountain Bike Club, who have advised that they are supportive of them using the Wynyard licence managed by the club. The applicant currently focuses on mountain biking skills and techniques lessons, but also intends to offer guided trips in the future.
- 6 The Council is currently seeking a resource consent for Ben Lomond which is intended to provide for this type of bike guiding and lessons activity. The applicant already has a resource consent, but the anticipated Council resource consent may accommodate commercial operators under a blanket consent regime.
- 7 The applicant will use existing bike trails that are within Local Purpose (water supply) reserve. The water supply on that reserve is pumped up from the lake and contained in reservoirs. The water supply is unaffected by the use of the greater area by mountain bikers and recreational users, and the proposed commercial licence will similarly have no effects on the reserve's water supply function.
- 8 The rest of the activity will be undertaken upon areas of the Ben Lomond Recreation Reserve. The recreation reserve is covered by the Ben Lomond and Queenstown Hill Reserve Management Plan. The plan sets an occupation objective for Ben Lomond to 'issue occupation agreements to commercial operators and other users of Ben Lomond reserve land which are compatible with the values of the reserve and support the long-term objectives for reserve development and use.' The Reserve Management Plan

policies also provide that 'Commercial users and public utility activities will be permitted within the reserve where they are compatible with or do not unduly affect its primary purpose, and recreation, landscape, and biodiversity values. The Council considers that this activity meets the objective and polices of the Reserve Management Plan.

- 9 From a Reserves Act perspective, the request does not need to be notified for public consultation. This is because the activity is supported by the Reserve Management Plan for Ben Lomond.
- 10 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:
- 11 Option 1 Grant a new the licence to Piyush Chavan.

Advantages:

- 12 Will provide a recreational education activity for both the community and visitors to the district. Not all mountain bikers have the skills, experience or confidence to use the existing facilities and trail network, and commercial activities associated with guiding and tuition do meet a demand. This assists recreational users to undertake activities in a safer manner, instructed by certified operators.
- 13 Increases utilisation of the reserves for recreation.
- 14 Will provide a rental income to the Council.

Disadvantages:

- 15 Whilst there will be an increase in persons using the trails/facilities, there could be a degree effects associated with commercial party sizes that would otherwise be more than individual or groups of recreational users. This effect is not considered to be significant, given the size of the trail network/facilities and that encounters with recreational users and commercial groups will be brief. The advantages of potentially inexperienced users being managed/coached by experienced persons within a (commercial) group are beneficial, particularly given the operators are required to hold industry certifications to assure the safety of their activities and clients. Any disadvantages are minimal.
- 16 Option 2 To decline the request.

Advantages:

- 17 Potentially less persons/larger groups on the reserves.

Disadvantages:

- 18 Would not provide a recreational education activity for both the community and visitors to the district. Inexperienced users might uses the trails without the benefit of being in a managed group.

- 19 Would not encourage utilisation of the reserves for recreation.
- 20 Would not provide a rental income to the Council.
- 21 This report recommends **Option 1** for addressing the matter because the licence will provide on balance a better community recreational and educational outcome at a minimal cost impact to the Council, and is anticipated by the RMP.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 22 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy as the land it relates to is not identified as a significant asset, and the proposal will not modify the character of the reserve through the intended use.
- 23 The Council has not notified the intention to grant a reserve licence, as the proposed activity is considered to be in accordance with the previously notified and current Reserve Management Plan for the reserves.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 24 This matter relates to the Community & Wellbeing risk category. It is associated with RISK00009 within the QLDC Risk Register. This risk has been assessed as having a High inherent risk rating. It is however recognised that the licence is medium term only, and carries a renewal by agreement. The licence also shall include an ability for Council to suspend the operations should that be required.
- 25 This matter relates to this risk because it is dealing with issuing a licence over land that is a community asset.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

- 26 Licence drafting costs will be paid for by the applicant. Base rent income of \$750+GST per annum will be received, or 7.5% of turnover, whichever is the greater.

COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

- 27 The following Council policies, strategies and bylaws were considered:
 - a. Significance and Engagement Policy, 2014
 - b. Ben Lomond and Queenstown Hill Reserve Management Plan, 2005
- 28 The recommended option is consistent with the principles set out in the named policies.
- 29 This matter is not included in the Ten Year Plan/Annual Plan and will not have any impact on it.

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

30 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 an education recreational activity; and
- Can be implemented through current funding under the Ten Year Plan and Annual Plan; and
- 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.

ATTACHMENTS | NGĀ TĀPIRIHANGA

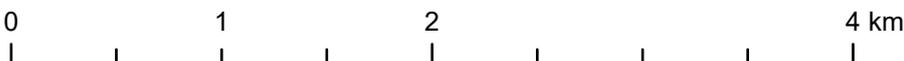
A	Overview Plan
B	Licence Area

Overview plan

Attachment A



Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 New Zealand licence

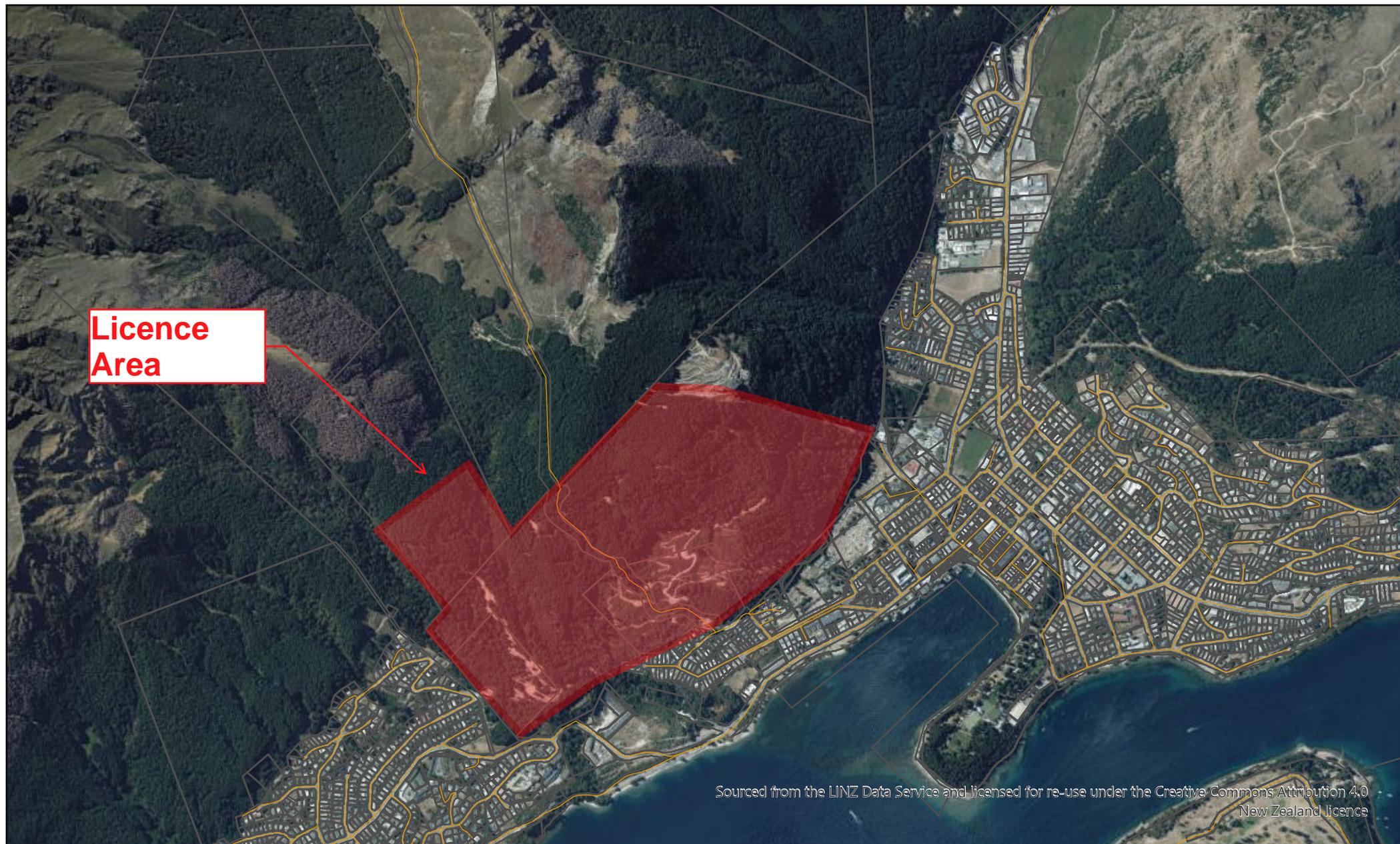


Scale: 1:36,112

Map Date:
15/05/2021



Licence Area



The information provided on this map is intended to be general information only. While considerable effort has been made to ensure that the information provided on this map is accurate, current and otherwise adequate in all respects, Queenstown Lakes District Council does not accept any responsibility for content and shall not be responsible for, and excludes all liability, with relation to any claims whatsoever arising from the use of this map and data held within.

