

Community & Services Committee

24 September 2024

Report for Agenda Item | Rīpoata moto e Rāraki take [2]

Department: Community Services

Title | Taitara: Application from Rippled Earth Ltd for Licence to Occupy Scenic Reserve

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to consider recommending to Council to exercise Minister's approval and grant a new licence to occupy for Rippled Earth Limited (Ltd) for the Pigeon and Pig Island Scenic Reserves.

Recommendation | Kā Tūtohuka

That the Community & Services Committee:

1. **Note** the contents of this report;
2. **Recommend to Council** to approve a new licence and exercise Minister's consent for a licence to occupy Pigeon and Pig Island Scenic Reserves, legally described as Section 2-3 Block X Glenorchy Survey District, to the applicant under section 56(1)(b) of the Reserves Act 1977 on the following terms and conditions:

Commencement 1 December 2023

Term Five (5) years

Annual Rent The greater of \$2,500 + GST or 7.5% of the Licensee's Gross Revenue

Renewal One (1) right of renewal of five (5) years

Renewal Date 1 December 2028

Final Expiry 30 November 2033

Rent Review On renewal

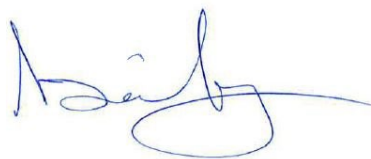
3. **Delegate** signing authority to the General Manager Community Services.

Prepared by:



Name: Matthew Judd
Title: Parks Property Planner
26 August 2024

Reviewed and Authorised by:



Name: Kenneth Bailey
Title: General Manager Community Services
2 September 2024

Context | Horopaki

1. Pigeon and Pig Islands are vested in the Council as scenic reserves under the Reserves Act 1977. In accordance with sections 16(6) and 56(1)(b) of the Act, Council is empowered to grant a licence over a scenic reserve.
2. Rippled Earth Ltd has been running kayak tours to Pigeon and Pig islands since December 2007.
3. Originally Rippled Earth Ltd was issued a two-year licence in 2007 with two additional two-year rights of renewal. It is standard practice to initially issue a shorter-term licence with a new operator and activity. In 2013, after six years of operation, Rippled Earth Ltd was granted a five-year licence with a five-year renewal which expired on 30 November 2023.
4. Rippled Earth Ltd is seeking a new five-year licence with a five-year renewal to enable them to continue taking kayak tours to Pigeon and Pig Islands.
5. Rippled Earth holds a resource consent, RM070879, to undertake this activity. The licence will be conditional on the resource consent being maintained in accordance with section 56(3)(b) of the Reserves Act 1977.

Analysis and Advice | Tatāritaka me kā Tohutohu

6. Rippled Earth Ltd offers a guided kayak service which enables people to access and enjoy Pigeon and Pig Island Scenic Reserves who possibly wouldn't be able to otherwise. This service meets the ambit of section 56(1)(b) of the Reserves Act 1977 which requires a business to be necessary for the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve.
7. As a commercial operator, the licensee will be charged in accordance with the Community Facility and Funding Policy (or its successors).
8. Consultation with the Harbourmaster has confirmed they have had no issues with Rippled Earth Ltd operations on Pigeon & Pig islands.

9. Section 56 of the Reserves Act 1977, leasing powers in respect of scenic reserves, requires Minister's approval to grant licences. That approval has been delegated to Council.
10. A five-year licence is appropriate in this case due to the good track record of the licensee and the low impact nature of this activity.
11. 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.
12. Option 1 recommend to Council to grant a new licence and exercise Minister's consent to grant a new licence to occupy to Rippled Earth Ltd for kayak tours to Pigeon and Pig islands.
Advantages:
 - Allows people to access and enjoy Pigeon and Pig island Scenic Reserves.
 - Provides income to QLDC from this commercial activity.Disadvantages:
 - Low risk of disturbing flora and fauna on the scenic reserves.
13. Option 2 decline the application for a new licence to occupy Pigeon and Pig islands by Rippled Earth Ltd for kayak tours.
Advantages:
 - No risk to flora and fauna on the scenic reserves.Disadvantages:
 - Removes a means of the public being able to access and enjoy the scenic reserves.
 - Loss of income for QLDC from commercial licence.
14. This report recommends Option 1 for addressing the matter because the licence will help people enjoy the scenic reserves of Pigeon and Pig islands and also provides income to QLDC.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

15. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy 2021 because this licence provides for a low impact activity with little effect on the reserves or the community.
16. The persons who are affected by or interested in this matter are other users of the scenic reserves.
17. During the resource consent application process the following parties were consulted; Harbourmaster, Department of Conservation, Forest & Bird, Fish & Game and the Maritime Safety Authority. None of these consulted parties raised any concerns with the activity.

Māori Consultation | Iwi Rūnaka

18. The licensee consulted with Kāi Tahu during the resource consent process. Affected party approval was provided with only minor issues being raised around not providing cultural information, boat cleaning and removal of rubbish and waste.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

19. This matter relates to the Business Continuity risk category. It is associated with RISK10023 Disruption event to facility or service within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating.

20. The approval of the recommended option will allow Council to avoid the risk. This will be achieved by continuing to allow members of the public to enjoy the scenic reserves via guided kayak tours.

Financial Implications | Kā Riteka ā-Pūtea

21. The licensee will pay all direct legal costs incurred with their new licence. The only possible financial implication is a loss of income to QLDC if the licence isn't granted.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

22. The following Council policies, strategies and bylaws were considered:

- This licence aligns with QLDC's Vision Beyond 2050. Specifically, 'Pride in sharing our places' and 'Deafening dawn chorus'.
- Community Facility and Funding Policy
- Reserves Act 1977

23. The recommended option is consistent with the principles set out in the named policies.

24. This matter is not included in the Long Term Plan/Annual Plan.

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

25. This licence is for scenic reserves and accordingly the provisions of the Reserves Act 1977 are applicable. Specifically, section 56 relating to leasing powers in respect of scenic reserves.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

26. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. This item promotes environmental and cultural well-being through promoting enjoyment of the Scenic Reserves. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

27. The recommended option:

- Can be implemented through current funding under the Long Term Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not significantly alter 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.