

23 June 2022

Statutory Land Management Manager,
Christchurch Service Centre,
Department of Conservation Te Papa Atawhai,
Private Bag 4715,
Christchurch Mail Centre,
Christchurch 8140

✉: SLM@doc.govt.nz

To Whom It May Concern,

Re: Proposal to vest a part of the Morning Star Beach Recreation Reserve near Queenstown in Te Rūnanga o Ngāi Tahu

Queenstown Rafting Limited (a Realnz company) has leased part of the Morning Star Beach Recreation Reserve for its Rafting Base since November 1992. Accordingly, Queenstown Rafting and Shotover Jet have utilised this site without incident for at least the last 30 years. The current rafting base lease expires on 31 October 2022. In January 2020 we applied for a new Rafting Base concession due to the convoluted and imprecise nature of the current lease documentation and arrangements.

The new Rafting Base Concession Application which was lodged in the name of Go Orange Limited and was publicly notified in the second quarter of 2020 (reference #: 82689-GUI). The application includes the following activities:

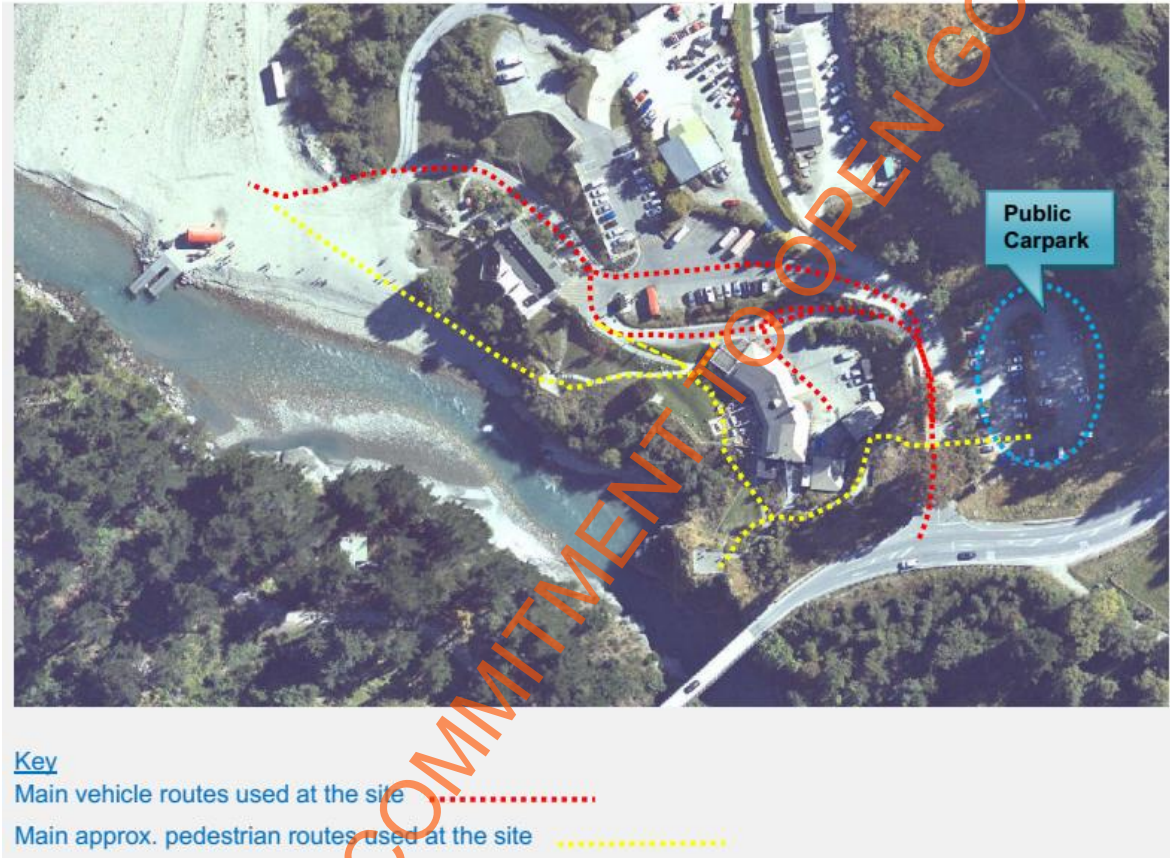
1. A lease for all buildings currently used for the rafting activities;
2. A licence for the activities associated rafting clients use of the site; and
3. An easement for a 'right of way' and all underground services associated with the rafting activities.

Despite public notification occurring two years ago the new concession is yet to be granted. We are not aware of any reasons why the concession should not and will not be granted by the Department.

The existing use of the Rafting Base site and the new concession application includes egress through part of the area of Morning Star Beach Recreation Reserve which is proposed to be vested in Te Rūnanga o Ngāi Tahu. Specifically, Realnz Rafting 4WD Ute or minibus drive through the right of way to access the foreshore of the Shotover River / Kimiākau to collect rafts at the end of Queenstown Rafting Shotover River / Kimiākau rafting trips. On occasion, when the pedestrian track (indicated in yellow below) is in poor condition or undergoing maintenance, our rafting clients also use this access road to walk up to the Rafting Base after their rafting trip. That is, primarily rafting vehicles with raft trailers drive to and from

the edge of the Shotover River / Kimiākau using the access road within the part of the Morning Star Beach Recreation Reserve to be vested in Te Rūnanga o Ngāi Tahu – refer figure 1 below.

Figure 1. Aerial View of Morning Star Beach Recreation Reserve Site showing the main routes Queenstown Rafting use to gain access through the site



The riverside entrance of access road is also used by Shotover Jet to collect their jet boats from the Shotover River / Kimiākau, yet their jet boats are mostly transported by the northern branch of the access road to the Shotover Jet workshop west of the DOC workshop. Moreover, as can be seen from the layout of the access roads in the Morning Star Beach Recreation Reserve, it is anticipated that Queenstown Rafting will drive vehicles through the Shotover Jet Limited Lease area as vehicle use this part of the access road is not required by Shotover Jet limited.

Queenstown Rafting (through Real Journeys Ltd) holds a separate DOC Concession for the rafting activities on the Shotover River / Kimiākau (92933-GUI). This concession allows for up to two full day trips per day and up to eight half day trips per day with up to five rafts per trip on the Shotover River / Kimiākau. That is up to 50 rafts per day need to be transported from the edge of the Shotover River / Kimiākau back to the rafting base. Although our rafting trailers can carry five rafts it is our preference to only carry up to four rafts per trailer due to health and safety reasons; accordingly for the authorised maximum

number of rafts, at least 13 vehicle trips are required to and from the rafting base to collect the rafts. In practice, in peak season, this equates to two to three vehicles collecting rafts from the foreshore of the Shotover River / Kimiākau four times per day and in winter once per day.

To our knowledge there is no formal arrangement between Queenstown Rafting and Shotover Jet for the use of this access road and we were not previously aware that the existing Shotover Jet Limited lease area included this access road. In practice this roadway has been considered 'common area' for at least the last 30 years. For this reason, and for completeness to formalise the long-standing onsite arrangements we included an application for 'a right of way' for vehicle access down to the Shotover River / Kimiākau's edge in our 2020 concession application. Also, in our correspondence with the Department with respect to this application, the Department has not at any time made us aware that the easement sought crossed through the Shotover Jet Lease Area. Neither Shotover Jet Ltd nor Te Rūnanga o Ngāi Tahu submitted on our Rafting Base concession application including the proposed easement, during the public consultation in 2020.

We support the proposed vesting of a part of the Morning Star Beach Recreation Reserve in Te Rūnanga o Ngāi Tahu, provided that the right-of-way easement is formalised (for no fee) through the concession. This is particularly important as because of the topography of the site, it would be almost impossible to create an alternative point of vehicle access to the Shotover River / Kimiākau without significant disturbance to the existing environment.

In addition, this access road provides egress to the Shotover River Concession Area which under the Queenstown Lakes District Council (QLDC) Shotover River Bylaw is for use only by persons and vessels permitted to be present in, or to operate or be operated in the Shotover River Concession Area by permit granted by Council or its delegated representative Shotover Jet. However, in 2021 the Shotover River Bylaw was amended to provide a 'blanket passive permit' for the public, allowing non-motorised access to the river for members of the community from 5:30pm to 9:00pm on Wednesdays and Fridays only.¹ Accordingly the Department also needs to ensure that the intent of the variation to the Shotover River Bylaw is not affected by the proposed vesting of a part of the Morning Star Beach Recreation Reserve in Te Rūnanga o Ngāi Tahu. That is, free public vehicle access to the river via Morning Star Beach Recreation Reserve should be retained.

In conclusion, Realnz requests that the Department ensure that Queenstown Rafting has continued mainly vehicle access to Shotover River / Kimiākau foreshore, notwithstanding the proposed vesting of a part of the Morning Star Beach Recreation Reserve in Te Rūnanga o Ngāi Tahu.

¹ <https://www.qldc.govt.nz/media/bduhbhc3/shotover-river-bylaw-2021.pdf>

We would welcome the opportunity to discuss this issue with Te Rūnanga o Ngāi Tahu and the Department. That is we wish to be heard in support of our submission.

Yours Sincerely

A solid black rectangular box used to redact the signature of Fiona Black.

Fiona Black

Concessions and Consents Manager

RELEASED UNDER OUR COMMITMENT TO OPEN GOVERNMENT