

**18. ROTO KOHATU RESERVE – LAKE TWO  
LICENCE TO CONDUCT SAILING PROGRAMMES**

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The purpose of this report is to obtain the Board's approval to an assignment of a licence to operate water safety programmes for school children on Lake Two at Roto Kohatu Reserve.

**BACKGROUND**

In August 2000 the Council approved a licence under the provisions of the Reserves Act 1977 to Ian Luxford, trading as the Water Activities Centre, for the use of Lake Two at Roto Kohatu as an alternative sailing venue to the Centre's facility at Charteris Bay. The licence is for the purpose of running a water safety programme for school children with the objective of providing a safe and fun environment in which children can learn skills and gain experience in sailing small non-motorised craft. The programme is usually run between November and April and attracts most participation during the school holidays. As an indication of participation some 620 children went through the programme in the period October 2001 to September 2002. The licence was set up for an initial period of one year from 1 October 2001 with a right of renewal for a further period of four years, subject to satisfactory performance. The renewal of the licence was delegated to the Parks & Waterways Manager, subject to the satisfactory performance of the licensee, and this renewal has been exercised.

The licensee has sold his craft and equipment and has applied to the Council to assign the licence to a new operator.

**SCOPE**

This report is being referred to the Board for approval to an assignment of a non-exclusive licence under the Council's delegated powers.

**EXECUTIVE SUMMARY**

Since the licence was granted the operation has been run without any significant incident and has proved very popular with several schools around the district taking advantage of this unique facility in which to learn the skills of sailing a small craft. The staff see no reason why this operation should not continue for the term of the licence as intended which runs until 2006. While the licence provisions do not contain a right of assignment it is considered the licence as documented could be assigned without necessitating the granting of a new licence and the intended new operator is happy to continue with the operation on the terms and conditions in this licence. It has been concluded that there is no reason to withhold an assignment of the licence and this report is recommending that the Board approve a transfer of the licence rights for the remainder of the term to the proposed assignee.

**DESCRIPTION OF PROPOSAL**

Application has been made by the current licensee to transfer the licence rights to Jenna Gray and Geoff John Wright, trading as the Lyttelton Sailing School. Staff have held discussions with Geoff Wright, one of the owners of the Lyttelton Sailing School, and the present licensee, Ian Luxford. The proposed new operator will continue with the present sailing programme and no change is intended to the pricing structure presently in place (\$12 to \$15 per child for a 5 to 6 hour tuition period, these prices subject to the prior approval of the Parks and Waterways Manager or designate). The paramount concern when initially granting this licence was safety and risk management. The new operator is fully aware of the safety practices associated with running these programmes and has assured the Council that all instructors engaged by the Lyttelton Sailing School to run the programme on this lake will be qualified trainers who will abide by the guidelines set by Yachting New Zealand in relation to on-water instructor/pupil ratios.

Lake Roto Kohatu still lacks some basic amenities such as toilets, etc and the present licensee has an agreement with the adjacent Omaka Scout Group to use their facilities when programmes are being run on the lake. This arrangement is to continue with the Lyttelton Sailing School who are quite happy to run sail training days for the Scouts during Scout Camps in accordance with the original reciprocal agreement.

One of the conditions of the licence is that the Parks & Waterways Manager retains the right to cancel the licence immediately should there be any breach of safety conditions, the licence, the occupational health and safety hazard plan or in the event of injury or accident resulting from failure to observe prudent health and safety management standards. The intended assignee has been made aware of this condition and is very conscious of the need to maintain high safety standards.

## **CONCLUSION**

Staff see no reason to withhold consent to an assignment of the licence to the owners of the Lyttelton Sailing School who are keen to continue with the current sailing programme at this venue, which offers ideal conditions in which to learn the basic skills needed for handling small sailing craft. The existing licence conditions contain adequate provisions to deal with any health and safety issues should these arise.

### **Staff**

- Recommendations:**
1. That the Board approve an assignment of the Deed of Licence to operate training programmes in the use of small non-motorised sailing craft on Lake Two, Roto Kohutu Reserve from Ian Clark Luxford of Charteris Bay, trading as the Water Activities Centre, to Jenna Gray and Geoff John Wright, trading as Lyttelton Sailing School.
  2. That a customary deed of assignment be signed by the parties.
  3. That all costs associated with the assignment be met by the assignor.

### **Chairperson's**

- Recommendations:**
1. That the staff recommendations be adopted.
  2. That the Board request that the Parks & Waterways Planning Team Manager report to the Board on the progress of the management and development plans for Roto Kohatu Reserve for the 4 June 2003 ordinary meeting.