

11. LICENSING OF COMMERCIAL PARASAILING OPERATORS LAUNCHING AND LANDING ON THE PORT HILLS

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Manager Transport and Greenspace
Author:	Tony Hallams, Property and Leasing Adviser

PURPOSE OF REPORT

1. The purpose of this report is two-fold:
 - (a) To report to the Board on a public consultation exercise carried out in April 2006 to obtain comment on the Councils intention to licence para-sailing activities at Taylor's Mistake.
 - (b) To inform the Board that a Request for Proposals process for commercial para sailing activities will be undertaken on the Port Hills which will culminate in commercial licences being granted under Section 54 (1) (d) of the Reserves Act 1977, to enable existing and intending operators to legally launch and land on land held or administered as reserve and the unformed legal road around the Scarborough Heads.

EXECUTIVE SUMMARY

2. The Council has been endeavouring to resolve a number of commercial para sailing issues on the Port Hills, more specifically at Taylor's Mistake, the main concerns being:
 - The occupations not being formally licensed.
 - The occupations having developed in an ad hoc manner.
 - There have been ongoing disputes between operators.
 - Staff have been endeavouring to review the balance between commercial and private use of the sites for parasailing activities.
3. Officers are recommending that the Board approve a Request for Proposals process being implemented to enable commercial parasailing operators to apply for a licence under Section 54 (1) (d) of the Reserves Act 1977 for the use of suitable Port Hill reserves and associated landing areas, and that the selection of any operators is made through a weighted attributes process, consisting of an internal staff panel with members drawn from the Corporate Support and Transport and Greenspace Units.
4. It is envisaged that the Council publicly advertise its intention to license commercial para- sailing operators launching and landing on the Port Hills and associated reserves, and therefore place an onus on any commercial parasailing operator to make an application to the Council to be licensed. In the event of any existing commercial Para sailing operator refusing to comply with this process the Council may consider the implementation of a trespass notice to prevent any unauthorised commercial activities on reserve.

FINANCIAL AND LEGAL CONSIDERATIONS

5. Scarborough Hill Reserve, is made up of Lots 1, 2, and 3, DP 54492, part Lot 1, DP 4807 and part Lot, DP 10127. all contained in CT 43A/1050 having a total area of 221.4670 hectares, vested in the Council under the Reserves Act 1977 as a recreation reserve under the Reserves Act 1977. Taylor's Beach Reserve is made up of Lot 1 DP 42746 and Lot 1 DP 52009, both contained in CT 44A/699 having a total area of 1.7498 hectares, which is vested in the Council as a recreation reserve under the Reserves Act 1977, and Lot 2 DP 59234 of 2.0528 hectares contained in CT 35B/159, vested in the Council unencumbered. The "Tors" consists of Reserve 3815, and is approximately 5.3 hectares in area.
6. The Council has a legal responsibility under the Reserves Act 1977 to licence commercial operators operating on recreation reserves which are vested in the Council under section 54 (1) (d). Council staff are also in the process of formulating a policy for the licensing of commercial recreation providers who wish to operate on Council owned or managed controlled park and reserves land.

7. The Council as a matter of policy does not deal with commercial organisations in respect to operating on council owned, or managed and controlled land unilaterally unless there is a clear reason for doing so as elaborated upon below;
- The proposal is unique and quite specific to the proposed site and is propriety in nature, has an element of intellectual property associated with it, and therefore it would be inappropriate or morally incorrect to tender or seek other operators for implementation of the use of the same site.
 - There is a distinct general public and or community benefit from dealing unilaterally with one person for the licensing of the site.
 - Combined with the fact that commercial parasailing operators operating from these reserves do not pass the above tests enabling the Council to deal with them unilaterally, and the issue of competing demand for space a Request for Proposals process is the only sensible and appropriate way of dealing with this.
8. The known commercial parasailing operators launching and landing on the Council reserves detailed above have indicated they are fully qualified instructors within the requirements of the New Zealand Hang Gliding and Para Gliding Association, hold adequate public liability insurance, and are competent to teach any prospective student up to the level of PG1, the level that enables a student to fly solo.

STAFF RECOMMENDATIONS

That the above information be received.

CHAIRPERSON'S RECOMMENDATION

For discussion.

BACKGROUND

9. Amateur and commercial paragliding pilots use the above detailed parcels of land, administered by the Council, to launch and land their parasailing craft according to the prevailing weather conditions and needs of the pilots. It is the report author's understanding that previous approval was verbally given to one of the parasailors some years ago to commercially use the Taylor's Mistake reserve sites. The sites according to parasailors are ideal to launch and land on, taking in to account the ideal soaring conditions resulting from the direction of winds encountered at the sites. An option informally discussed with the paragliding community, of utilising the old airstrip at the top of the Scarborough Hill site (refer **Attachments 1, 2 and 3**) was dismissed as unsafe because of its exposure to potentially adverse wind conditions and the lack of gradient for launching.
10. According to the New Zealand Hang Gliding and Para Gliding Association local operations manager, there have been no known disputes between amateur and commercial pilots launching and landing on the Taylor's Mistake reserves, the reason being that there is plenty of room for hand-gliding activities
11. Officers believe that the perceived dispute by two commercial parasailing operators is about occupation rights borne out of commercial rivalry, and as such will be addressed through the Requests for Proposals process, which includes addressing such things as public liability issues, (both parties currently have adequate public liability insurance), necessary instructing qualifications, (both parties have appropriate qualifications), adequate communication systems in the case of an emergency occurring, as well as other issues which need to be addressed from a commercial licensee/licensor perspective. Enquiries that Council staff have made has revealed that up until two years ago, two commercial parasailing businesses operated harmoniously from the one site. It appears that it was after the change of ownership of one of the businesses that the problems started to occur.
12. The report author publicly advertised in April 2006 the Council's intention to prescribe and regulate commercial paragliding (sailing) activities on Council land at Taylor's Mistake. The advertisement invited the general public to make comments on the Council's intention. At the time of the placing of the public advertisement the writer wrote to the Taylor's Mistake Bach Holders Association asking for comment. Four submissions to the Council's proposal were received from the general public and these are detailed under Attachment Four. No written submission was received from the Taylors Mistake Bach Owners Association. Arising from further ongoing discussions with staff in the Councils Transport and Greenspace Unit, a request has been made to the report author that this report relate to parasailing from any known reserves in the Council territorial area, not just Taylor's Mistake.
13. Subsequent to the advertising process the author of the report visited the sites on Sunday 3 September 2006 with Mr Grey Hamilton, New Zealand Hang Gliding and Para Gliding Association Canterbury Operations Member, Mr Steve O" Shansessy, Canterbury Hang Gliding and Para Gliding Club, and Shiralee MacDonald, Canterbury Hang Gliding and Para Gliding Club Secretary. The outcome of the visit, and associated discussions, is that the commercial Para sailing community is a small one and is unlikely to grow to substantial numbers over the next few years because of public interest in other recreational activities, and therefore a number of commercial parasailing operators can be accommodated at a number of Council reserve sites in conjunction with amateur activities.