



Concession Application Form 3a – Tenanting or using existing DOC structure/facility

The Department recommends that you contact the Department of Conservation Office closest to where the activity is proposed to discuss the application prior to completing the application forms. Please provide all information requested in as much detail as possible. Applicants will be advised if further information is required before this application can be processed by the Department.

This form is to be used when the proposed activity is the tenanting or use of any existing facility or structure that is managed by the Department of Conservation on public conservation land. Examples may include permanent use of historic building for a business or a community group; leasing a campground or lodge. For overnight stays in DOC huts, please fill in Form 4a. This form is to be completed in conjunction with either Applicant Information Form 1a (longer term concession) or Applicant Information Form 1b (one-off concession) as appropriate.

Please complete this application form, attach Form 1a or Form 1b, and any other applicable forms and information and send to permissions@doc.govt.nz. The Department will process the application and issue a concession if it is satisfied that the application meets all the requirements for granting a concession under the Conservation Act 1987.

A. Description of Activity

Please describe the proposed activity in detail – where the site is located, what you intend to use the building for, whether you intend to make any changes to the infrastructure.

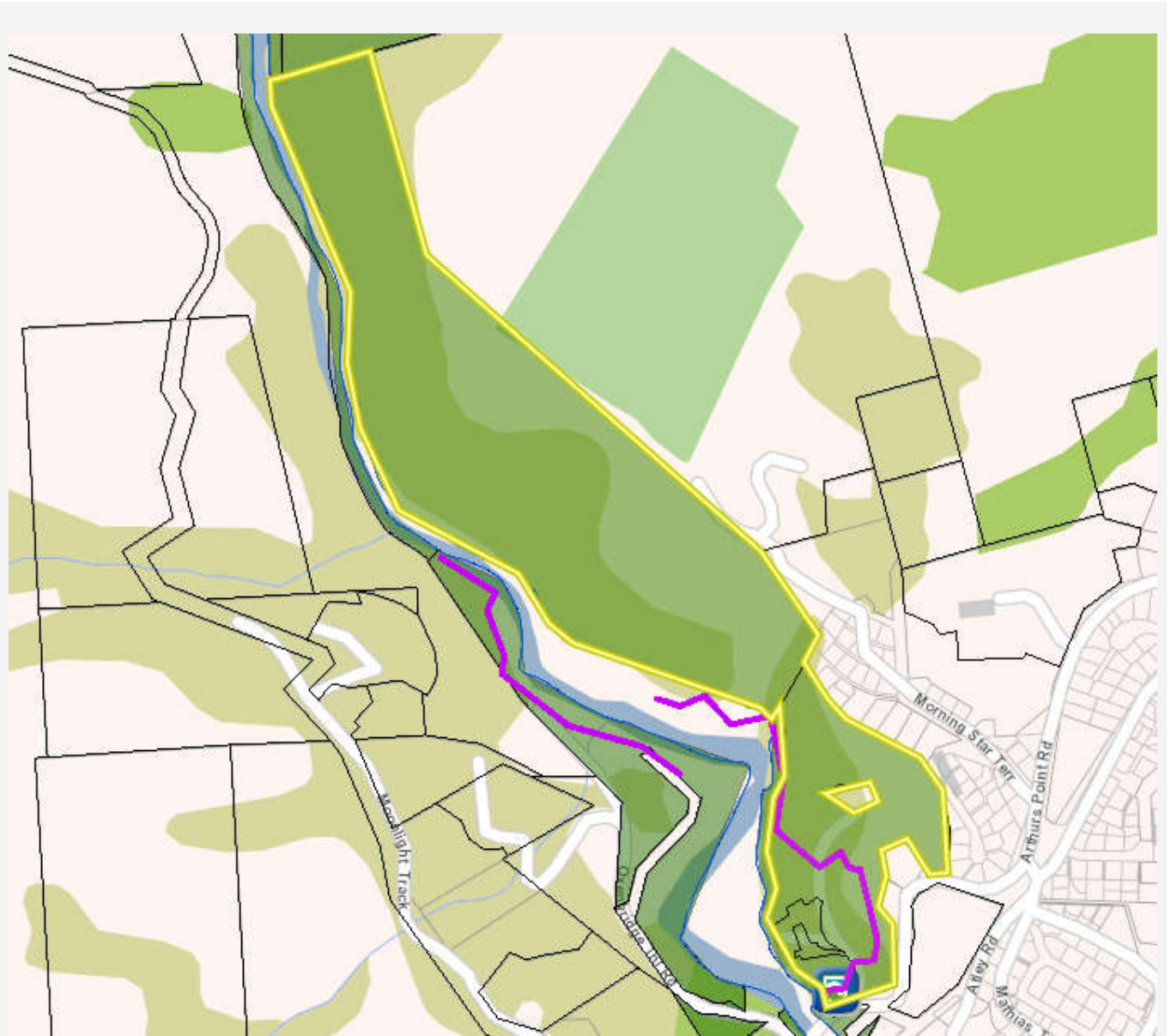
Please include the name and status of the public conservation land, the size of the area you are applying for and why this area has been chosen.

If necessary, attach further information including a map, a detailed site plan and drawings of proposal and label Attachment 3a:A1.

Go Orange Limited is making application for a new Lease for its Queenstown Rafting Base premises and access to the Morning Star Beach Recreation Reserve site, including access down to the Shotover River. Hence we also require a Licence and Easement for the other outdoor areas used to undertake this rafting business, including use of the (service access areas) “loading zones”, vehicle parking, storage, client briefing areas, drying and maintenance of rafting gear and the provision for pedestrian and vehicle access (passenger transport vehicles, raft trailers, delivery vehicles) to the building and down to the Shotover River.

The site of this application is Morning Star Beach Recreation Reserve specifically 1 Arthurs Point Road, Queenstown or section 1 Survey Office Plan 23662 and section 3-4 Survey Plan 23901 contained in the Freehold Register 466156 and OT15B/790 and is approximately 5420m² – refer images below.





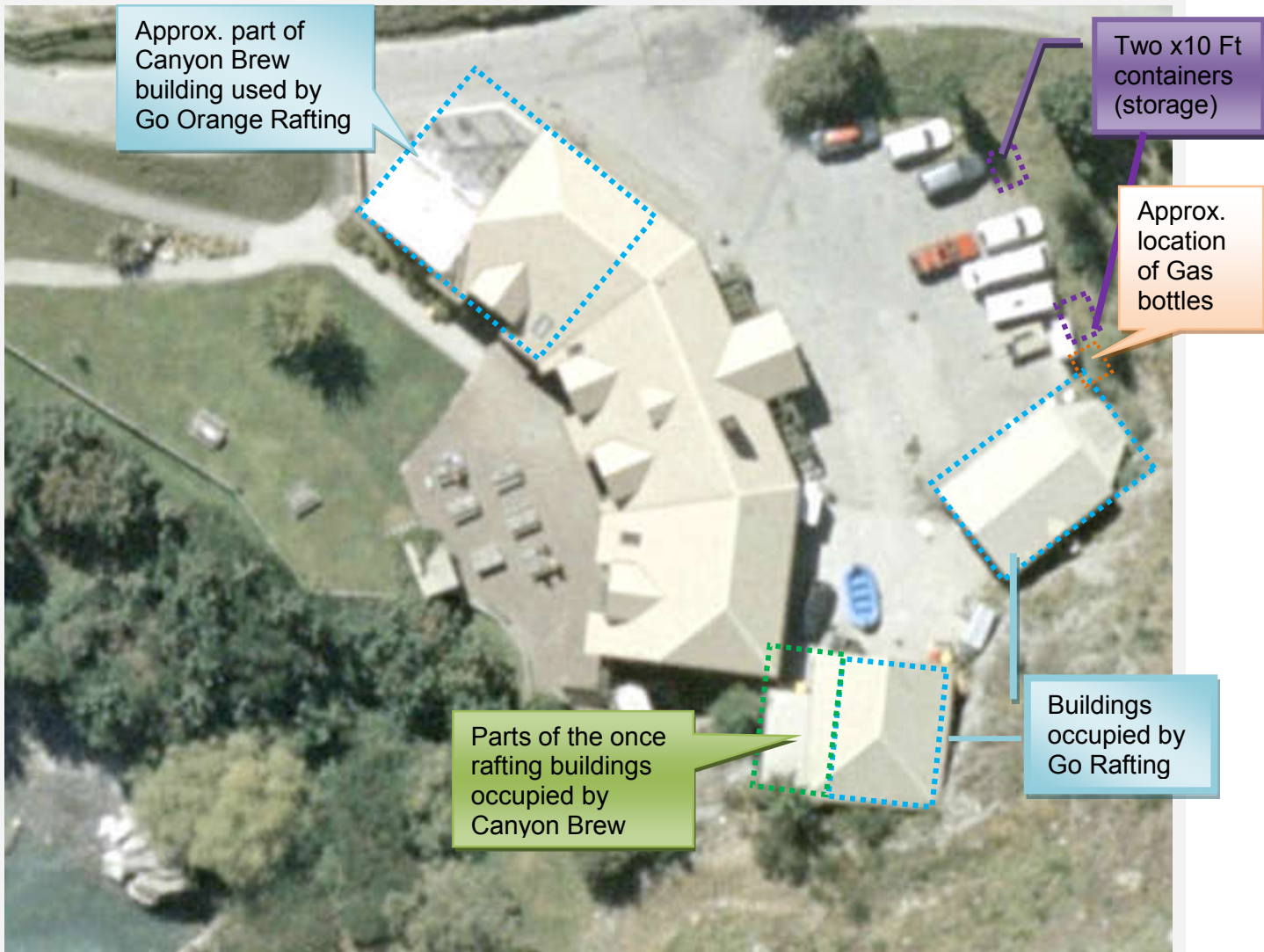


Morning Star Beach Recreation Reserve

Indicative boundaries of Section 1 Survey Office Plan 23662 – which bounds the primary site of this application

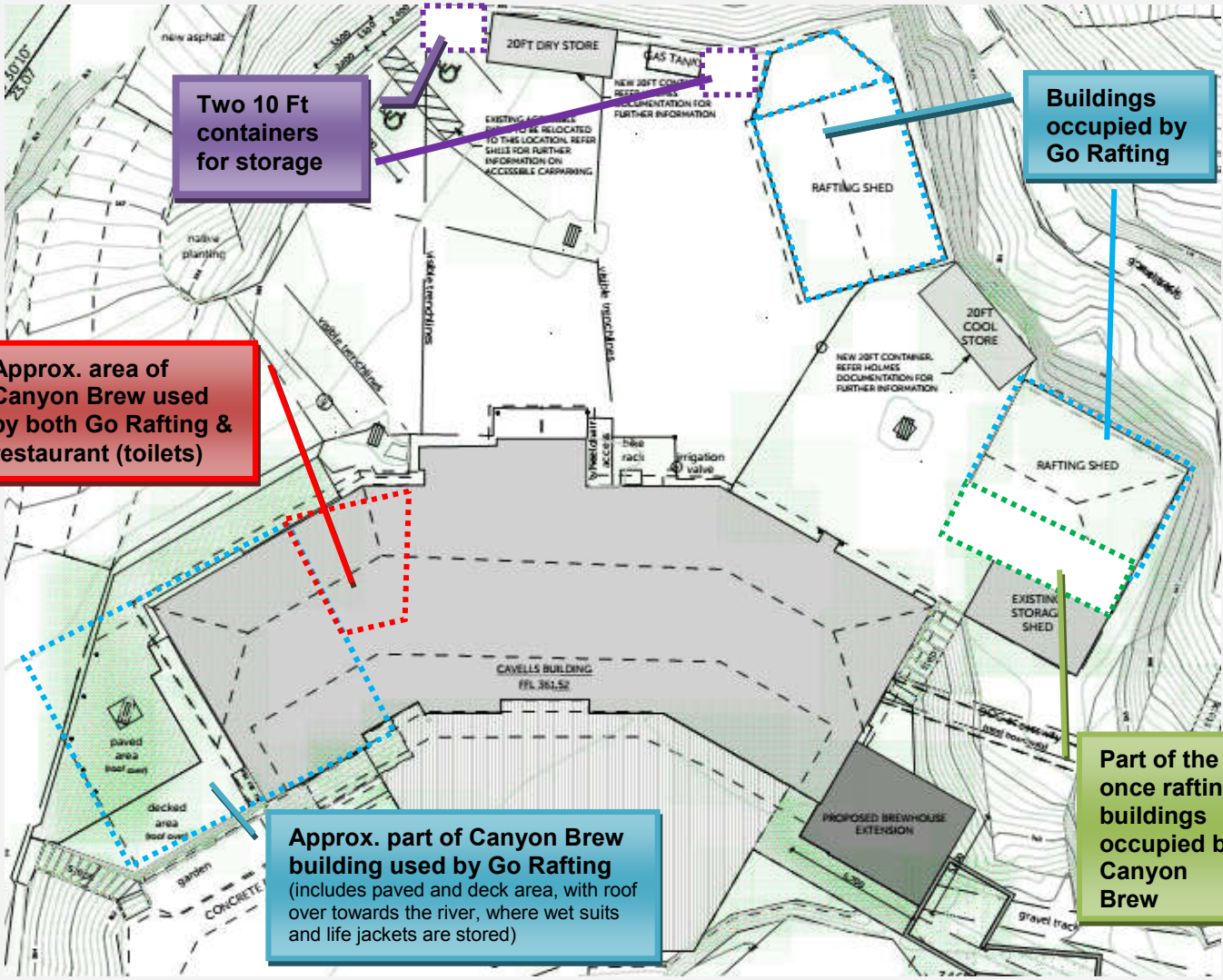


The main building (Cavell's Building) which is part of the site of this application, is owned by the Department of Conservation and is shown in the photos and plans below. The "Cavell's" / Canyon Brew building has been located at this site for over 25 years. The building faces west over the Shotover River. The primary existing entrance to the main building is through doors on the western side of the building. The ground floor of the building contains Canyon Brew and Go Orange (Queenstown Rafting). The upper floor is occupied by the Department and is the Wakatipu District office premises.



Approximate areas of buildings occupied by Go Orange Rafting (excluding toilets)

Approx. common outside areas used by both Canyon Brew and Go Rafting



Two 10 Ft containers for storage

Approx. area of Canyon Brew used by both Go Rafting & restaurant (toilets)

Buildings occupied by Go Rafting

Approx. part of Canyon Brew building used by Go Rafting (includes paved and deck area, with foot over towards the river, where wet suits and life jackets are stored)

Part of the once rafting buildings occupied by Canyon Brew





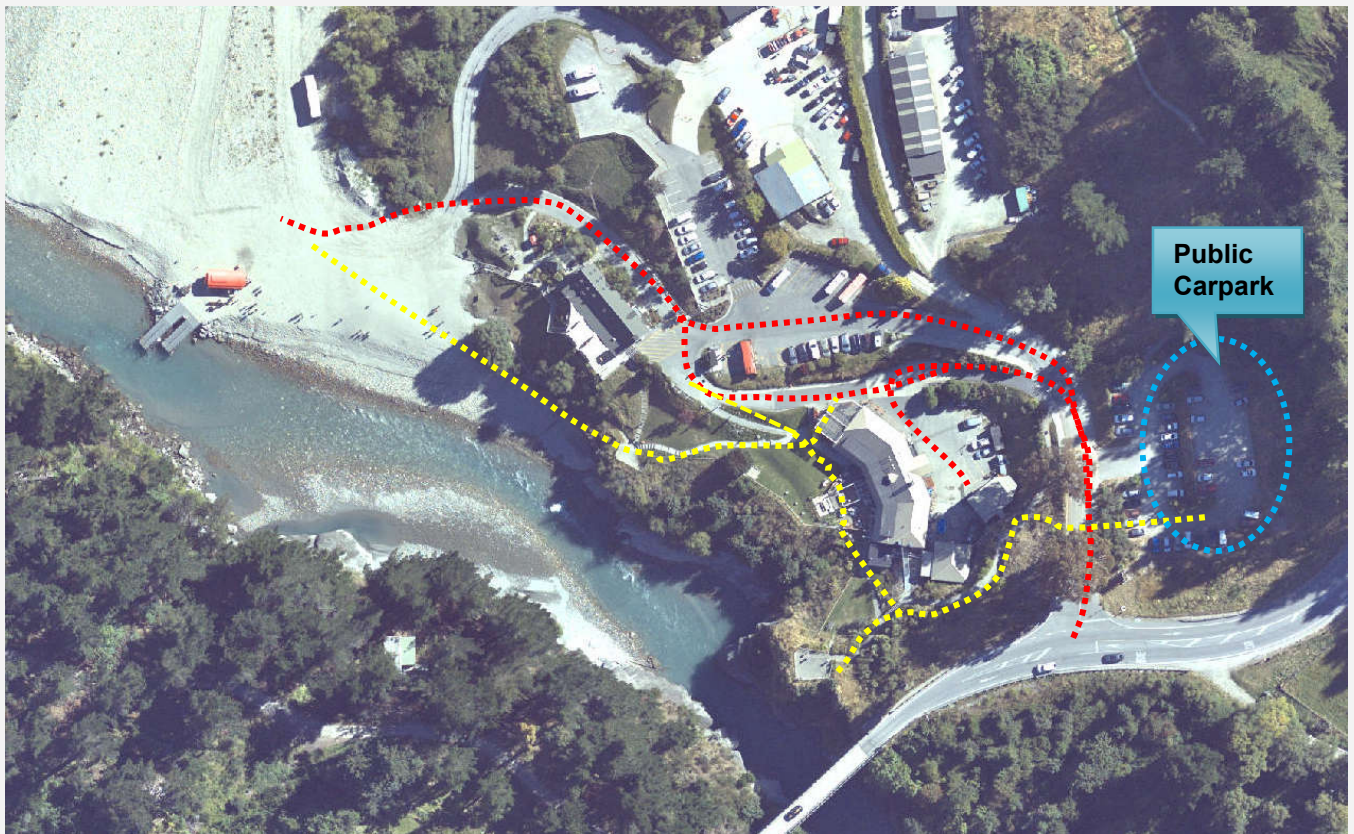
Detail of interior of building used by Go Rafting incl toilet facilities used jointly by Go Rafting & Canyon Brew (excludes paved and deck area, with roof over towards the river, where wet suits and life jackets are stored)

Principle activity undertaken at this site is guided rafting which includes the following activities at this reserve site:

- a) collecting payments and administration;
- b) client induction;
- c) fitting clients out with gear at the reserve;
- d) changing into wetsuits;
- e) use of toilets and other facilities in “Cavell’s” building;
- f) packing up gear for trip and loading trailers and passenger service vehicles with gear;
- g) embarking clients into Go Orange transfer coach to go to put in points;
- i) Client transfer (pedestrian) from Shotover River back to rafting base (Cavell’s);

- j) Cleaning and drying activities – cleaning of vehicles, trailers, rafts, kayaks, wet suits, buoyancy vests, helmets etc;
- k) Vehicle parking within the Service Access Area for the purposes of taking deliveries, staff parking, passenger service vehicle and rafting trailer parking;
- l) Vehicle, trailer, raft, kayak and gear maintenance;
- m) Gear storage – rafts, kayaks, wetsuits, paddles, personal floatation device (PFD) life Jackets etc; and
- n) Relevant Go Orange branding and directional signage.

Vehicle and pedestrian access to the site is via existing pathways (tracks) and an existing internal road (driveways) that extends off the main entrance way – refer aerial image below.



Key

Main vehicle routes used at the site

Main approx. pedestrian routes used at the site

In summary Go Orange Limited is seeking a new Lease for the floor area of Cavell’s building and adjacent storage buildings utilised for rafting (including the jointly used toilets), plus a Lease or Licence for the outdoor area used to conduct the rafting activities including: cleaning and drying of rafting gear; outside seating; car parking; landscaping; pedestrian and vehicle access to building and down to the river; and back of house activities such as storage of rubbish and rafting gear. The only change from the current situation is the provision of the installation of two 10 foot containers to replace the storage space (which was Rafting storage) taken up by Canyon Crew for their canning plant.

NB The Go Orange Rafting base is used daily from 0700 to up to 2000 hours in summer months (1800 hours in winter months)

With respect to the Go Orange lease arrangements at the site, we understand the following:

- a) Freehold land: The Crown owns the land contained in computer freehold register OT15B/790 (attached). This land includes Section 1 SO23662 (Section 1). We recognise that DoC administers and controls this land on behalf of the Crown under the Reserves Act 1977.
- b) The Headlease: The Crown/DoC leased Section 1 to Robjedick Limited (Robjedick) (previous name Kawarau Raft Expeditions Limited) under a Deed of Lease dated 4 October 1993 (Head Lease). The Head Lease is a "registered lease" (Lease 884070.2 under computer interest register 466156).
- c) The Headlease provides, amongst other things:
 - (i) Term: 30 years from 1 November 1992 and expiring on 31 October 2022.
 - (ii) Rent: various turnover rent and rent review arrangements.
 - (iii) Right of renewal: one x 30 year term (which if exercised would expire on 31 October 2052).
 - (iv) Permitted use: solely for the purposes of a "facilities building to be used for raft storage and repair, shop/reception, offices for the tenant, changing rooms, a restaurant, kitchen, [commercial offices (as per variation of lease 884070.3)] and such other purposes agreed by the Regional Conservator" provided the Landlord may cancel the Lease if is satisfied that the land is not "being used or is not being sufficiently used for the purposes specified".
 - (v) Except for those parts upon which the tenant's buildings are situated, all other areas leased under the Lease "shall remain available for public use and enjoyment" (clause 20).
 - (vi) It appears the Lease may have been a "ground lease" and the tenant constructed the current building on the land (refer clause 20 and 23).
- d) Robjedick's (RL) "tenant" interest in the Head Lease was transferred to the Crown on 13 February 2009 when DoC purchased the 'Cavells' Building (i.e. the Crown is both the "landlord" and "tenant" under the Head Lease).
- e) The Operations Lease: Robjedick subleased part of Section 1 to QRL under a Deed of Sublease dated June 1996 (Operations Lease).
- f) The Operations Lease provides, amongst other things:
 - (i) Premises: the exclusive use of:
 - A. an area of the Canyon Brew building and certain outbuildings, shared use of toilets and the patio and lawn area; and
 - B. the balance of Section 1 including all access ways and carparks but subject to:
 1. The right for RL (as landlord) as to one and the Restaurant Tenants as to two to cars in the carpark to the rear of Canyon Brew.
 2. Public access to Section 1 as permitted under the Head Lease.
 3. The right for Shotover Jet Limited pedestrian access to its leased part of the Canyon Brew building and to the Restaurant's Tenants.
 4. An exclusion for those areas occupied by Shotover Jet Limited and the Restaurant Tenants
 - (ii) Term: the Operations Lease was renewed to 4 June 2018. This was under a Deed of Renewal and Variation of Sublease dated 6 June 2008.
 - (iii) The Lease contained another 10 year right of renewal: from 4 June 2018 (which if exercised would expire on 3 June 2028). However DoC is required to renew the term of its Head Lease for Go Orange to exercise this further right of renewal (as the 3 June 2028 is after the current term of the Head Lease). Go Orange sought to invoke this right of renewal however DoC are of the opinion that a renewal is equivalent to a new lease hence Go Orange must make application for a new Concession under section 59A of the Reserves Act.

Do you believe you need to exclude others from the structure or facility? **YES** / ~~**NO**~~
(Exclusive occupation requires a lease which requires public notification of the application)

If **yes**, please answer the following 3 questions, if no please go to the next section:

Is exclusive possession necessary to protect public safety? **YES** / ~~**NO**~~

Is exclusive possession necessary to protect physical security of the activity? **YES** / ~~**NO**~~

Is exclusive possession necessary for the competent operation of the activity? **YES** / ~~**NO**~~

If the answer to any of the above is yes, then provide details and supporting evidence and label Attachment 3a:A2.

Go Orange needs to provide security for its equipment and chattels. During the busy summer months Go Orange would have several thousands of dollars worth of equipment on site such as rafts, paddles, wetsuits and PFD lifejackets which they wish to secure, especially after hours. Further Go Orange needs exclusive possession to manage its rafting base as efficiently as possible and exclusive possession will allow Go orange to adequately maintain its facilities in the proposed lease area.

B. Term

Please detail the length of the term sought (i.e. number of years or months) and why.

Note: An application for a concession for a period over 10 years must be publicly notified, an application for a concession up to 10 years will not be publicly notified unless the adverse effects of the activity are such that it is required, or if an exclusive interest in the land is required.

16 years (to expire 31 December 2036 to align with 59942-SER).

Go Orange requires a long term because this facility represents a substantial investment and will support Go Orange's rafting operation into the future, hence we require surety of tenure. Real Journeys as Go Orange's allied company has a long history with the Department and has other Concessions in the Fiordland National Park with similarly long terms, hence a 30 year term is consistent with other DOC Concessions Real Journeys and Go Orange currently hold.

Go Orange request a similar lease "Break Period" as detailed under clause 57 (Schedule 3) of Canyon Brew Concession number 59942-SER.

C. Environmental Impact Assessment

This section is one of the most important factors that will determine the Department's decision on the application. Please answer in detail.

In column 1 please list all the locations of your proposal, please use NZTM GPS coordinates where possible. In column 2 list any special features of the environment or the recreation values of that area. Then in column 3 list any effects (positive or adverse) that your activity may have on the values or features in column 2. In column 4 list the ways you intend to mitigate, remedy or avoid any adverse effects noted in column 3. Please add extra information or supporting evidence as necessary and label Attachment 3a:C.

Refer to Steps 1 and 2 in your Guide to Environmental Impact Assessment to help you fill in this section.

LOCATION ON PUBLIC CONSERVATION LAND

Morning Star Beach Recreation Reserve specifically 1 Arthurs Point Road, Queenstown.

SPECIAL FEATURE OR VALUE

Go Orange Rafting Base and Canyon Brew are located within the Morning Star Beach Recreation Reserve which does not have high conservation values. The land which is the site of this application is significantly modified, being either built on, hardened, or grassed. When viewed from Arthurs Point Road the site and surrounds appear as a cluster of development and contain very little signs of naturalness. The landscape in the immediate and wider area is constrained by the Shotover River, Arthurs Point Road, Edith Cavell Bridge and the topographic character of the river canyon. The main river gorge carves through outcrops of schist, while fine mica gives the river its silty colour. The wider canyon however displays exceptional views up the Shotover River. Accordingly we contend that the only special feature of the site is the adjacent Shotover River and its gorge.

The vegetation on the reserve is dominated by introduced woody weed species, notably sycamore, broom, blackberry, hawthorn and larch. The site also contains mature introduced pine trees. Some indigenous plant species are present naturally such as prickly shield fern and *Muehlenbeckia australis*, along with and scattered matagouri. However, there are no significant stands of indigenous species in the reserve. Given the lack of natural indigenous communities, the ecological values of the site are low.

POTENTIAL EFFECTS OF YOUR ACTIVITY ON THE FEATURE OR VALUE

As stated above this is an application for a lease of an area already occupied by Go Orange (for their rafting base and Canyon Brew) therefore the effects of this proposal are all known to a large extent because the rafting base and café have been operating at this site for in excess of 25 years.

Cumulative effects of development on the landscape

The proposed continued occupation of the site by Go Orange Rafting will not introduce elements inconsistent with the natural character of the site and surrounding landscape. Neither the outdoor decking or storage building, pedestrian paths, vehicle access ways nor the Cavell's building will compromise the remaining natural character of the site, with the Morning Star Beach Recreation Reserve being characterised by similar structures utilised by Shotover Jet.

In consideration of the site and wider Morning Star Beach Recreation Reserve, it is not considered that the proposal will result in any effects which will breach any threshold relating to the site's ability to absorb infrastructure. Furthermore, it is not considered that the proposal will result in degradation of natural values or inappropriate domestication of the landscape because of the significantly modified nature of the site.

Potentially adverse visual effects

Morning Star Beach Recreation Reserve is accessible to the public so a range of views of the development can be obtained. Due to the location of Arthurs Point Road above the site and the nature of the access or egress onto Edith Cavell Bridge, the visibility of the site is limited. Also neighbouring residential properties are interspersed above the site and are well shielded from views. No residential neighbour will be affected by the proposal.

Use of the outdoor area with its decking will be visible from Arthurs Point Road, however this will not represent any change compared to the status quo. Moreover the storage buildings behind the Cavell's building will shield views of the storage buildings. The site is visible from the opposite side of the Shotover River but the far side of the river is not readily accessible, nevertheless views from the far bank

of the river will not be any different from what are gained from the present development on site. The nature of the cluster of buildings in this location is such that the additional storage buildings will appear consistent with the environment.

Further given the sloped nature of the area between the Cavell's building and the Shotover River, most of the Rafting Base infrastructure will not be visible from the Shotover River itself; consequently we do not believe this proposal will have any adverse effects on the adjacent Shotover River.

Creation of noise

Noise, vibration and lighting from vehicles will remain relatively consistent with the status quo. It is expected that such noise effects will not be prominent outside of the site. In addition the vehicle movements associated with rafting are confined to the daylight hours, accordingly the adjacent residential areas will not be adversely affected.

Effects on Intrinsic and Conservation Values

No significant intrinsic and nature conservation values will be adversely affected by the proposal. In particular it is noted that there are no indigenous ecosystems within the immediate vicinity of Cavell's building that will be damaged, and the proposal will not establish any introduced vegetation that has a high potential to spread and naturalise.

Risk of Fire

The area the building is located on is hardened and mostly cleared of vegetation, and in the unlikely event of a fire it would be confined to Go Orange plant and it is not likely a fire would spread to adjacent vegetation or equipment.

Potential chemical contamination

Vehicles servicing the site could leak oil when on site, however most of the vehicles servicing these facilities spend time parked up on tar seal or concrete on site or in Queenstown hence such a leak would not contaminate the ground. Also such a leak would be readily detected because most of the vehicles servicing the property only park on hardened surfaces. There will be no other chemicals stored on site that could cause contamination.

Weed introductions from seeds / plant materials carried into area

The proposed lease area has been hardened accordingly we do not believe weed / plant introductions are an issue in this location. Also the vehicles accessing the reserve are road vehicles and it is unlikely they would have been in locations to pick up any plant materials.

Disturbance of soils, vegetation, invertebrates, lizards, frogs or nesting birds

The proposed lease area has been hardened and gravelled. During the proposed installation proposed of the storage containers, some soil or clay will be disturbed to install the foundations. Nonetheless, as stated above there will be only a limited amount of earthworks undertaken and because the site of the extension is mainly developed, it is unlikely there will be significant disturbance of invertebrates, lizards, frogs or nesting birds.

The ongoing occupation of the facility will not result in significant disturbance of soils, vegetation, invertebrates, lizards, frogs or nesting birds. However, some vegetation mainly landscaping plants, may need to be kept cut back over time to retain access to these facilities; but this vegetation trimming will be minor.

Degradation of Historic or Archaeological sites

There are no known historic or archaeological sites in the immediate area adjacent to the proposed lease area.

Natural waterways or bodies of water adversely affected by activity

The Shotover River is adjacent to the proposed Lease area; nevertheless there will be no contaminants or hazardous chemicals kept on site to result in any discharges which could impact on the water quality of this river.

Spreading *Didymosphenia germinata*

We do not believe the occupation of the proposed Lease area could contribute to spreading *Didymo*. *Didymo* is already present in the Kawarau and Shotover Rivers¹, the main rivers utilised by Go Orange Rafting.

Displacement of other users or negative impacts on other users

As previously stated this site is already in use by Go Orange and Canyon Brew (owned by Go Orange), including the outdoor areas at this site, and apart from a minor building extension this occupation will not change significantly with this proposal and therefore the displacement of other users of the reserve will likewise remain unchanged. Also the existing and ongoing use of the café's outside deck and lawn does not exclude the public thus the public are not displaced by these outdoor activities.

D. Bulk fuel storage

Under the Hazardous Substances and New Organisms Act 1996 (HSNO Act) 'Bulk fuel storage' is considered to be any single container, stationary or mobile, used or unused, that has a capacity in excess of 250 litres of Class 3 fuel types. This includes petrol, diesel, aviation gasoline, kerosene and Jet A1. For more information on Hazardous Substances, go to:

<http://www.business.govt.nz/worksafe/information-guidance/legal-framework/hsno-act-1996>

Do you intend to store fuel in bulk on the land as part of the activity?

YES /NO

If you have answered yes, then please provide full details of how and where you intend to store the fuel, and label any attachments including plans, maps and/or photographs as Attachment 3a:D. If your concession application is approved you will be required to provide a copy of your HSNO compliance certification to the Department before you begin the activity.

45kg LPG bottles are stored on site to supply gas to Go Rafting and Canyon Brew.

E. Other

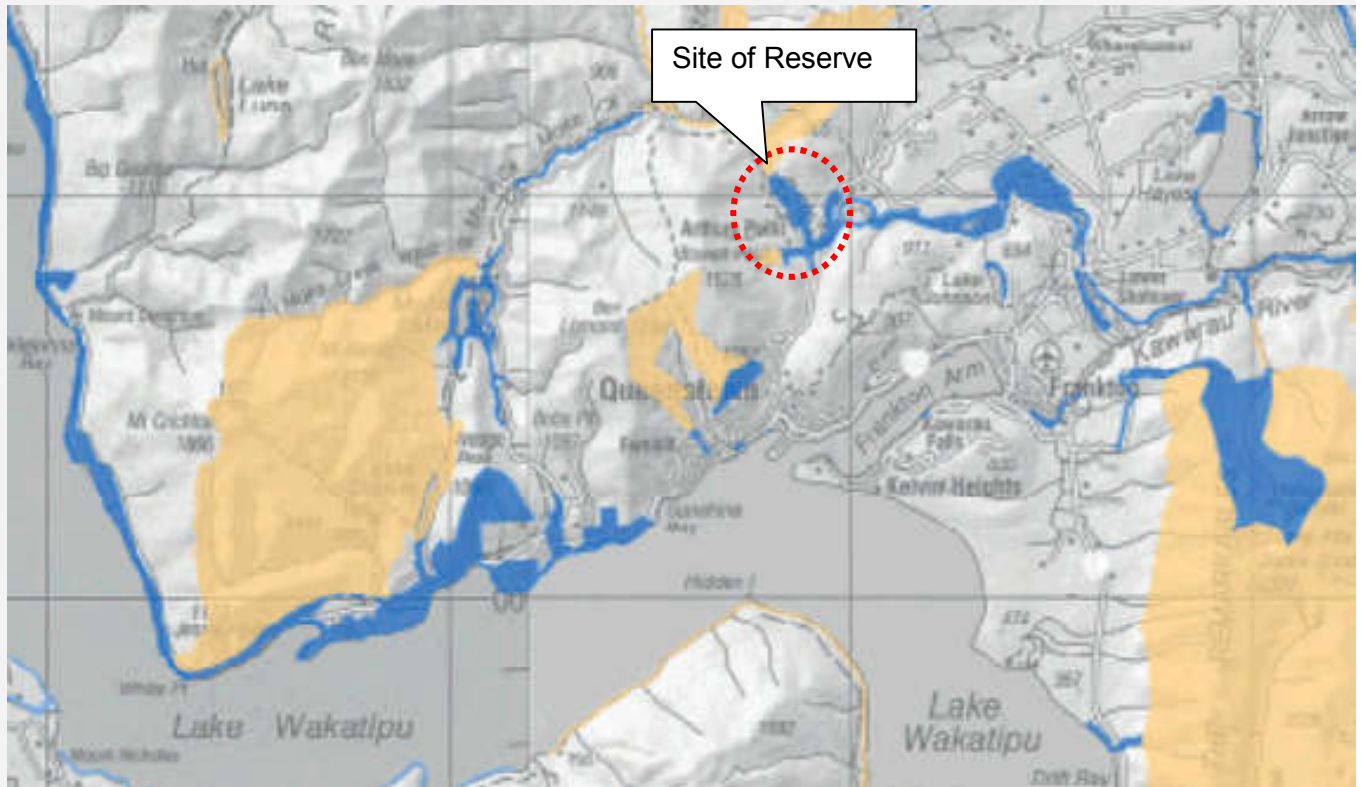
Is there any further information you wish to supply in support of your application? Please attach if necessary and label Form 3a:E

The Morning Star Beach Recreation Reserve is managed by the Department of Conservation on behalf of the Crown. The land was formalised as a Recreation Reserve in 1991, as Gazette Notice 1991, P.2665. The Morning Star Beach Recreation Reserve is considered a Special Place (30) within the

¹ <http://www.didymo.net/files/Didymo%20literature%20review.pdf>
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Queenstown area, under the Otago Conservation Management Strategy, Chapter 10 (1998:359). The Conservation unit number is E41 122.

The Morning Star Beach Recreation Reserve is also designated “frontcountry” under the Otago Conservation Management Strategy in the Western Lakes and Mountains /Ngā Puna Wai Karikari a Rākaihautū Place. Accordingly Go Orange’s proposed activity is consistent with the outcomes for this visitor management zone. Refer CMS map below.



The Department of Conservation and two existing commercial companies operate within this reserve, Shotover Jet Ltd (Shotover Jet), Go Orange Rafting and Canyon Brew (now owned by Go Orange). These companies either have a Lease agreement or a Concession with the Department to occupy or operate from this reserve. The Department’s Wakatipu District Office garage and workshop are also on this site. There are five buildings within the reserve used for commercial purposes: Shotover Jet base building, Shotover Jet boat store, Shotover Jet maintenance, Cavell’s Building and DOC workshop and storage.

The current Go Orange Lease arrangements for the Cavell’s building are standard commercial leases utilising the Auckland District Law Society Deed of Lease not a DOC Concession document. Go Orange Limited requires a separate new commercial lease for the occupation of the site for operation of Go Orange Rafting. Go Orange is also seeking the Department’s guidance to determine the appropriate instruments to address not only our occupation of the building on site but the overall occupation of the site and access to the site and the Shotover River by Go Orange Limited.

Go Orange Rafting safety management is audited against the HSE regulations and the Safety Audit Standard for Adventure Activities 2013 and has a Maritime New Zealand Certificate of Compliance For Commercial Rafting issued pursuant to section 41 of the Maritime Transport Act 1994.