

Community & Services Committee
16 July 2020**Report for Agenda Item | Rīpoata moto e Rāraki take 1****Department: Community Services****Title | Taitara Queenstown Gardens Reserve Management Plan Amendment****PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

- 1 The purpose of this report is to consider a minor amendment to the existing Queenstown Gardens Reserve Management Plan 2011 for adoption.

RECOMMENDATION | NGĀ TŪTOHUNGA

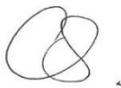
- 2 That the Community & Services Committee:
 1. **Note** the contents of this report and in particular;
 2. **Amend** the Queenstown Gardens Reserve Management Plan 2011 Policy 1.3 to enable implementation of the Development Plan.

“General Management Policies

Policy 1.3 Generally maintain the existing layout for public access roads, entrances and major paths that date back to the original garden design, allowing for upgrades that improve the access, functionality and safety of the Gardens”

3. **Agree** to exercise the Conservation Minister’s consent (under delegation from the minister).

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CONTEXT | HOROPAKI

- 3 The Queenstown Gardens Reserve Management Plan (RMP) was adopted in 2011, refer **Attachment A**. The RMP is a high level plan that sets out policies and objectives for the management of the Gardens. Some of these policies relate to the layout and configuration of the paths and road network within the gardens.
- 4 In 2017 a landscape concept plan for the Queenstown Gardens was prepared in consultation with key stakeholders and the public. The Community and Services Committee subsequently adopted the Queenstown Gardens Development Plan in 2018. This plan delivered the following strategic objectives:
 - a. Manage growth
 - b. Increase accessibility
 - c. Manage conflicts with different users
 - d. Preserve heritage
 - e. Rationalise layout and facilities
 - f. Outline a costed staged capital investment
- 5 One of the key components of the development plan is relocation of the main vehicle entrance of the gardens and creation of a separate pedestrian entrance. Currently the main entrance and road into the gardens combines vehicle and pedestrian movements.
- 6 This will require an amendment to the RMP.
- 7 The RMP currently restricts changes to the layout of public access roads and entrances through the following policy:

“General Management Policies

Policy 1.3 Maintain the existing layout for public access roads, entrances and major paths that date back to the original garden design.”
- 8 To enable the car park entrance to be improved the following minor amendment to the RMP is proposed:

“General Management Policies

Policy 1.3 Generally maintain the existing layout of public access roads, entrances and major paths that date back to the original garden design, allowing for upgrades that improve the access, functionality and safety of the Gardens.”
- 9 The Reserves Act 1977 provides for Council to undertake a minor amendment to a reserve management plan, provided it determines that the review prompting the amendment is not “comprehensive”. Neither full public notification nor a hearing is required.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

10 Parks commissioned the OPUS Queenstown Gardens Safety Report in 2017, refer **Attachment B**, which confirmed the current main entrance has multiple safety concerns, including:

- narrow entrance
- limited sight distance for exiting vehicles due to car parks on Park St
- pedestrian paths converging at the vehicle entrance
- steps leading on to the main carriageway

11 The Queenstown Gardens Development Plan has progressed to developed design in 2020, refer **Attachment C**. This updated plan maintains the proposed relocated car park entrance. It also integrates with the Way To Go Active Travel Network and the QLDC Queenstown Streetscapes projects, refer **Attachment D**, which both include the length of Park Street that borders the northern boundary of the Gardens.

12 Under s41(9) of the Reserves Act 1977, Council can amend parts of an existing reserve management plan, without using the extensive consultation process for preparing a plan, provided it determines that the review prompting the amendment is not “comprehensive”. A “comprehensive” review is likely to involve a situation where the Council is open to reconsidering much or all of the plan, or where the nature and extent of the proposed amendments are so considerable that there is change to a large part of the content or scope of the reserve management plan. Council has received legal advice that the amendment to Policy 1.3 is not a comprehensive review. No hearing is required for a minor amendment to a reserve management plan.

13 Council staff have done extensive public consultation on the development plan in 2017 and 2018, which includes specific detail on moving the main vehicle entrance, and is undertaking ongoing consultation with the stakeholder groups throughout the current developed design process.

14 The amendment to the RMP has been prepared in accordance with the Reserves Act 1977. The next step is for Council to adopt the amendment under delegation from the Minister of Conservation.

15 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:

16 Option 1 Adopt the amendment to the RMP.

Advantages:

17 Adopting the amended RMP will enable the implementation of the adopted Queenstown Gardens Development Plan 2018.

18 Public access to and enjoyment of the Queenstown Gardens will be enhanced.

19 Safety for vehicles and pedestrians will improve.

Disadvantages:

20 None.

21 Option 2 Do not adopt the change to the RMP.

Advantages:

22 None.

Disadvantages:

23 The reserve improvements will be more limited and less enabling for safe pedestrian and vehicle use.

24 Safety issues at the main entrance will not be addressed.

25 This report recommends **Option 1** for addressing these matters.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

26 This matter is of medium significance, as determined by reference to the [Council's Significance and Engagement Policy](#) because of the potentially high level of community interest against the 'low' assessments against the other factors.

27 The persons who are affected by or interested in this matter are the residents/ratepayers of the Queenstown Lakes District and visitors to the Queenstown Gardens.

28 The Council has consulted with the public through the Queenstown Gardens Development Plan and is undertaking ongoing consultation with the Queenstown Gardens stakeholder groups.

> MĀORI CONSULTATION | IWI RŪNANGA

29 Council staff have worked with Aukaha Consultants throughout the Development Plan 2020 process, refer **Attachment C**. Aukaha provide feedback on behalf of Kāi Tahu, this feedback has been incorporated into the developed design.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

30 This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with OR11 decision making as documented within the [QLDC Risk Register](#). This risk has been assessed as having a low inherent risk rating.

31 The approval of the recommended option will support the Council by allowing us to implement additional controls for this risk. This shall be achieved by amending the RMP to allow for improvements to the access, functionality and safety of the Gardens.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

32 Capital expenditure is required to construct the new entrance. This has been included in the Long Term Plan 2021-2031.

COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

33 The following Council policies, strategies and bylaws were considered:

- Implementation of the Queenstown Gardens Development Plan directly aligns with the principles of the QLDC Vision Beyond 2050, improving access to and within Queenstown's premier reserve, which provides for resident and visitor wellbeing.
- Queenstown Gardens Reserve Management Plan 2011.

34 The recommended option is consistent with the principles set out in the named plan and policy.

35 This matter is included in the Ten Year Plan and Annual Plan.

LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE

36 The amendment to the RMP is in accordance with the Reserves Act 1977.

37 The Conservation Minister has delegated decision-making powers for reserve management plans to local administering bodies.

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

38 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by enabling the implementation of the Queenstown Gardens Development Plan 2018 to improve accessibility and functionality of the Gardens;
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly 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.

ATTACHMENTS | NGĀ TĀPIRIHANGA

A	Queenstown Gardens Reserve Management Plan 2011
B	Queenstown Gardens Safety Report 2017
C	Queenstown Gardens Development Plan 2020
D	Queenstown Streetscapes Project 2020 (images)