

QLDC Council
16 December 2021

Report for Agenda Item | Rīpoata moto e Rāraki take 2

Department: Community Services

Title | Taitara: Partial Review of the Queenstown Bay Foreshore Reserves Management Plan 2016

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

- 1 The purpose of this report is to consider the Councillor Hearing Panel recommendation on the partial review of the Queenstown Bay Foreshore Reserves Management Plan 2016 (RMP 2016), to include a limited commercial access licence area in St Omer Park.

RECOMMENDATION | NGĀ TŪTOHUNGA

- 2 That Council:
 1. **Note** the contents of this report;
 2. **Approve** the recommendation of the Hearing Panel (comprising Councillors Copland, Shaw and Lewers), following the process under Section 41(9) of the Reserves Act 1977, to adopt the following new policy and associated image, as a revision to the RMP 2016:

Consider a single licence for one formed access across St Omer Park for commercial purposes, in the location identified in the image below, comprising a boardwalk and railing, or comparatively lesser and lower impact formation/construction. The access shall be for the sole purpose to assist pedestrian movement across the Reserve associated with a commercial activity, and no other associated commercial purposes are to be accommodated upon the Reserve.

The outcome of any consideration shall be at Council's discretion, and informed by the following factors:

- The grant of a Resource Consent (or Consent Order if necessary) for the commercial activity and all necessary associated elements, which are otherwise required to give effect to the consent and associated activities. For clarity, any resource consent should not be for isolated elements, but the comprehensive activity as a whole in the locality, so that implications upon the public's use and the enjoyment of the reserve are understood.*
- The demonstration of positive elements, which in the view of the Administering Body sufficiently outweigh potential adverse effects to the public's use and enjoyment of the Recreation Reserve, and instead materially benefit users of the reserve. This may not be taken to constitute*

an approval or endorsement for any associated process under the Resource Management Act 1991.

Any licence for access over the Reserve may contain conditions that the Administering Body considers necessary to assure the public's rights and enjoyment of the reserve, and free public access to/over the area shall not be restricted.



3. **Agree** to exercise the Minister of Conservation's consent, under delegation from the Minister.

Prepared by:

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22/11/2021

Reviewed and Authorised by:

Briana Pringle
Parks and Open Spaces
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24/11/2021

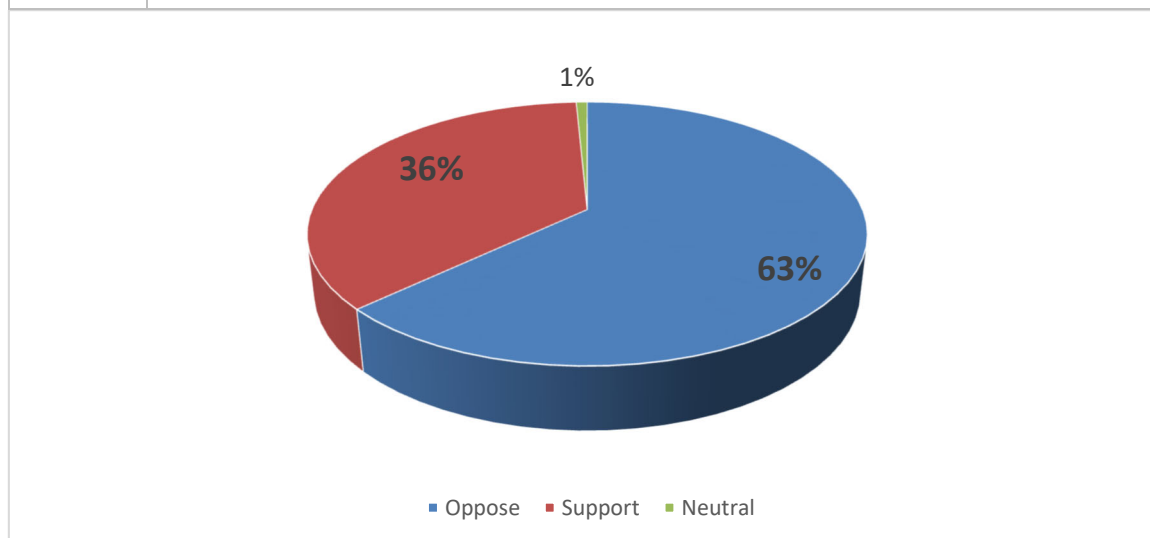
Approved by:

Thunes Cloete
Community Services
General Manager
2/12/2021

CONTEXT | HORPOAKI

- 2 The management of the Queenstown Bay Foreshore Reserves, is directed by the RMP 2016.
- 3 On 20 May 2021, the Community and Services Committee resolved to recommend to Council, that the RMP 2016 should be partially reviewed. The purpose of the review was to include a potential new commercial activity/access area over St Omer Park, in a location close to the intersection of Brunswick St and Beach St. Full Council thereafter agreed that a review of the RMP 2016 could proceed, and subsequently also approved a Statement of Proposal (under the Local Government Act 2002) on 29 July 2021, that refined the associated RMP policy for public consultation.
- 4 The partial review was publically notified on 9 August 2021, with submissions closing on 10 September 2021.
- 5 Two hundred and sixty five (265) public submissions were received, with the respective position and associated number as follows:

Number	Position on Potential Change to the RMP 2016 to Accommodate Commercial Activities
2	Neutral
96	Support a change to the RMP
167	Oppose a change to the RMP



- 6 A hearing was held on 5 November 2021, to provide the opportunity for 15 submitters to speak to their submissions. Councillors Copland (Chairperson), Shaw and Lewers also considered the pre-circulated Hearing Report, which contained all 265 public submissions. All submitters/submissions were considered equally, and this included equal consideration of written and oral submissions. The minutes of the hearing are included as **ATTACHMENT A** of this report.

- 7 Following deliberations, the Hearing Panel resolved to recommend to Full Council, that the RMP 2016 partial review be adopted, albeit to instead include a revised policy. The revised policy was in response to community submissions, to reinforce expectations for public use of the reserve in the vicinity and to acknowledge the value the community places on its open space areas. A new plan was requested to support the policy, to define, and restrict the commercial access area to approximately 25.5m² (3m x 8.5m). This revised policy and plan forms the recommendation of this report.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 8 In reaching its recommendation, the Hearing Panel has based its position on public use of the reserve and how any proposed commercial pedestrian access/structure, must meet the aspirations of the public to otherwise enjoy the reserve. It is apparent and understandable that the community values its open spaces and the foreshore reserves. A balance needs to be identified, to only consider potential commercial access over the reserve where it will not materially detract from the reserve and its values, and can instead offer an associated benefit to the community to enjoy the reserve and its recreation purpose.
- 9 It is not possible to predetermine the exact nature of any commercial activity proposal that might be sought, or successful in ultimately obtaining any resource consent in the vicinity. However, pedestrian access over the reserve and a structure to facilitate such access is a likely scenario in association with a potential wharf, or requirement for direct access to the lakeshore.
- 10 The recommended condition has been written to achieve the following:
- a. Allow Council (as the Administering Body of the reserve for the Minister of Conservation) the ability to consider a potential licence over the reserve, where under the current RMP 2016 there is none.
 - b. Highlight Council's discretion in its consideration, to not be obligated to approve an activity upon the reserve that might otherwise have an unforeseen impact upon reserve users. A proposal may be considered on its merits, particularly including potential benefits to the public and community as users of the reserve.
 - c. Establish the nature and location of any structure that might otherwise be required to enable commercial access across the reserve i.e. a boardwalk and railing in the location specified.
 - d. Allow Council's position as the Administering Body of the reserve, to be informed by the grant of a comprehensive resource consent, which would assess actual and potential effects associated with any commercial proposal, and include conditions necessary to address potential effects. Thereafter, the potential grant of an access licence over the reserve could then be considered in context.
- 11 On the basis of the above, an applicant who is successful in obtaining a resource consent for a commercial activity, may then have a pathway to also obtain a Licence across the reserve. Council would still prioritise the public's enjoyment of the reserve, and also

consider the provision of elements that might improve the communities' enjoyment of the reserve.

- 12 Option 1 To approve the recommendation of the Hearing Panel, and include the new policy in the RMP 2016.

Advantages:

- 13 The partial review of the RMP 2016 has involved public consultation and a hearing. The revised policy is the outcome of considerations under that process and the recommendation of the Hearing Panel.
- 14 A potential commercial access/structure over the reserve can be considered, provided there is a benefit to public use of the reserve and potential effects are addressed under a resource consent process. Such an access could only occur in the defined area of the reserve.

Disadvantages:

- 15 The reserve is currently managed as a public space for passive recreation activities and enjoyment of the lakes edge. The character of the location will change if commercial activities expand into the locality, and the majority of submitters seek to retain the values of the area.

- 16 Option 2 To decline the recommendation of the Hearing Panel, and not change the RMP 2016.

Advantages:

- 17 The reserve will remain as a public area for passive recreation and enjoyment of the lakes edge, free from commercial activities.
- 18 The majority of submissions oppose a change to the RMP to enable commercial activities.

Disadvantages:

- 19 Potential commercial activities would need to find locations within the Zone 2 area of the RMP 2016, and there would not be capacity for growth beyond that RMP 2016 zone, that requires commercial use of the reserve.

- 20 This report recommends **Option 1** for addressing the matter, because it is the position of the Hearing Panel, who has reached its conclusion based on public use of the reserve, and how any proposed commercial pedestrian access/structure meets the aspirations of the public to otherwise enjoy the reserve.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 21 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves a high level of community interest for the public and users of the St Omer and Queenstown Bay reserves, and the commercial operators in Queenstown Bay.
- 22 The persons who are affected by, or interested in this matter, are the residents/ratepayers of the Queenstown Lakes District and visitors to, and users of, the St Omer and Queenstown Bay Reserves.
- 23 Council has used the special consultative procedure outlined in section 83 of the LGA 2002 to seek the views of the community, and has provided an opportunity for those submitters who seek to speak, to be heard at a public hearing. The hearing was undertaken in accordance with Section 41 of the Reserves Act 1977.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 24 This matter relates to the Community & Wellbeing risk category. It is associated with RISK000009 Ineffective management of community assets within the QLDC Risk Register. This risk has been assessed as having a high inherent risk rating, because it is associated with the management of community assets.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

- 25 The cost of the review of the RMP 2016 is being covered by operational budgets. It has been previously identified that the cost of the review is approximately \$20,000.

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

- 26 The following Council policies, strategies and bylaws were considered:

- Queenstown Bay Foreshore Reserve Management Plan 2016
- Reserves Act 1977.
- Local Government Act 2002.
- Parks & Open Spaces Strategy 2017 and 2021.
- Proposed and Operative District Plan.

- 27 This matter is not included in the Ten Year Plan.

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

- 28 The Queenstown Bay Foreshore Reserve Management Plan 2016, was prepared in accordance with the Reserves Act 1977. The review of the RMP 2016 has been undertaken in accordance with Section 41 of the Reserves Act 1977, and Local Government Act 2002.

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

29 This RMP review process, including the consideration of and hearing submissions:

- 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	Hearing Minutes
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