

**Hearing of Submissions  
Partial Review of the Queenstown Bay Foreshore  
Reserves Management Plan  
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**Minutes of a meeting to hear submissions on the Proposed Partial Review of the Queenstown Bay Foreshore Reserves Management Plan held in Gorge Road and via Zoom on Friday, 5 November 2021 commencing at 10.00am.**

**Present:**

Councillor Heath Copland (Chair), Councillor Glyn Lewers, Councillor Niamh Shaw

**In attendance:**

Mr Aaron Burt (Senior Parks & Reserves Planner), Dr Thunes Cloete (Community Services General Manager), Ms Briana Pringle (Parks and Open Spaces Planning Manager) and Ms Jo Dobb (Governance Advisor)

**Commencement of the hearing: Election of Chairperson**

The Governance Advisor called the meeting to order at 10:00am and asked the panel members to elect a Chairperson for the hearing.

It was moved by Councillor Shaw and seconded by Councillor Lewers that Councillor Copland be appointed to Chair the hearing. The motion was carried, and Councillor Copland duly took the chair.

**Declarations of conflicts of interest**

No conflicts were notified.

**Confirmation of Agenda**

**On the motion of Councillors Lewers and Shaw it was resolved that the agenda be confirmed without addition or alteration.**

The Chair noted that due to COVID-19 restrictions, the submissions would be heard via Zoom. These submissions would be given equal weight and consideration to being given in person.

**Hearing of submissions**

**1 David Lynott**

The Governance Advisor distributed to the hearing panel documentation provided by Mr Lynott, including 2 x 3D images of proposed new wharfs. Mr Lynott spoke as the owner/operator of Hydro Attack and expressed concern with comments posted on Facebook that he felt led to confusion around the proposal. He referenced examples of these comments in his documentation. He also believed that QLDC social media

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posts were poor and confusing. The QLDC communications team were not contactable on Sunday 22 August to discuss or correct these, so as one of the owners of Hydro Attack, Mr Lynott replied to comments himself.

Mr Lynott added that an additional wharf would solve the current lack of wharf space available and enhance access to the beach. He noted that QLDC had advised Hydro Attack that no further long term leases would be available on their current wharf due to the future expansion of the ferry service. The proposed solution would allow for the expansion of the ferry service without costing current businesses their livelihoods.

Councillor Shaw considered that Mr Lynott had been clear that Hydro Attack's proposal would improve the amenity of the reserve and maintain public access and asked him to confirm that would be the case. Mr Lynott confirmed and added the proposal would have public berths available, public access and also cover the new stormwater drain which would enhance the area.

2 Christopher Harding

Mr Harding noted that he is a former employee of Hydro Attack. He felt that QLDC being unable to grant long term leases on the current wharf was unfair and that Hydro Attack's proposed additional wharf represented a 'win/win' solution. Mr Harding felt there would be little visual impact on the area and the proposed pier would be a positive solution for small business operators in that area.

3 Adam Childs

Mr Childs expressed support for the submission. As a paddle boarder, Mr Childs noted the proposed improved access would be beneficial.

4 Uan Spijkerbosch

Mr Spijkerbosch noted that he supported the proposed additional wharf. Currently, he felt the area looked unattractive with the large retaining wall. He considered that Hydro Attack had considered usage beyond themselves and there was no reduction in green space. The proposal would make a difference to those using the space.

5 Elaine Farrell

Ms Farrell noted that she is a Fernhill resident, had worked for Hydro Attack for a number of years and was also a member of the waterfront community. Ms Farrell's understanding was that Hydro Attack's current location was required for infrastructure, but she felt this would leave a community of small and medium enterprises displaced. Ms Farrell also preferred to keep water activities central and not transport users out of town.

Ms Farrell considered that the proposed wharf would complement the area by closing off the view of the fuel wharf and could link the open park with activities in a subtle way.

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6 Gary Gregory

Mr Gregory noted the reserve area in question was an area where he spent recreation time with his family. He felt the proposed wharf would be a positive addition and offer more to families using the area as a recreation space.

7 Esther Small

Ms Small spoke as an active member of Hydro Attack team, and as a Fernhill resident who had walked through St Omer Park many times. Ms Small emphasised that the reserve area in question, is a small area which she believes will have a low impact on the overall area which she felt could benefit from some enhancements. Ms Small shared some photographs of the area. She noted that the foreshore was not easily accessible and she had never seen the area used. She believed many locals would think St Omers Park Reserve began where the path widens and the lakeshore becomes accessible.

Ms Small believed the proposal would open up access to a new space for people to enjoy. If the partial review is granted, Hydro Shark would like to continue with applying for resource consent and create a wharf that Council and the community could be proud of. Ms Small also thanked those who had taken the time to submit their comments.

8 Vanessa van Uden

Ms van Uden noted that she had been helping Mr Excel and Mr Lynott through this process. Ms Van Uden informed the hearing that she was involved in the development and preparation of the original version of the Reserve Management Plan (as Mayor).

Ms van Uden expressed disappointment in how the consultation process was run and did not feel the submissions projected a true picture of the community's views. She believed the parks and reserves were owned by ratepayers and Council Officers, individuals or groups did not control or decide what happens on these reserves. Everyone should have the opportunity to make well-informed submissions to an open process where informed elected representatives made decisions.

As a resident and regular user of the lake front reserve area, Ms van Uden had no issue with the RMP being amended to allow for the non-exclusive use of a very small part of this reserve to enable Hydro Attack to operate their business. She believed no member of the public would be restricted in their use or enjoyment of the reserve. Ms van Uden felt the structure of the proposed amendment was 'clunky' and she suggested better ways to achieve the amendment.

Ms Van Uden stated many people enjoyed the buzz of Queenstown Bay and the CBD reserves. If this proposal was for a main reserve area such a Queenstown Gardens she would not be speaking in support. However, Ms van Uden considered the proposed

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location a logical place for a small access over the reserve which the public would not be not prevented from using.

Councillor Shaw noted Ms Van Uden's original written submissions and asked for Ms van Uden's response to reserve areas in the Reserve Management Plan not permitting commercial activities. Ms van Uden replied that St Omer Park and Queenstown Gardens should continue to be areas where commercial activity was limited but felt the area where the access was being requested, would be deemed as acceptable by the community. Ms van Uden noted (as previous Mayor) that when drafting the Reserves Management Plan, a line was drawn and in hindsight the line may not have been drawn in the right place.

9 Lucy Geraghty

Ms Geraghty informed the panel that she was a regular user of the area, she had reviewed Hydro Attack's plans but did not have any concerns. Ms Geraghty did not realise that the access area was considered part of St Omer's Park reserve.

Councillor Lewers asked Ms Geraghty in her view, where does St Omer's Park start. Ms Geraghty replied that she thought it started close to Rydges Hotel.

10 Marty Black

Mr Black took his submission as read and noted his background as the previous Queenstown Lakes harbourmaster and as an auditor for Maritime New Zealand.

Mr Black emphasised that Hydro Attack's activity was on the water, and this process was to look at access being sought for crossing the reserve. Mr Black noted Hydro Attack had a proven health and safety track record and he would like to support the application.

Given Mr Black's experience, Councillor Shaw thanked Mr Black for his submission.

Councillor Copeland asked Mr Black is there was conflict in the bay area or if it became overcrowded. Mr Black replied that there was no conflict at the moment as operators worked around each other and their scheduled departure times. He feels commercial operators worked well together and liaised well with each other via radio. Each commercial operator must also have a safety plan in place which detailed how they consult, cooperate and coordinate their activities with each other.

11 Neil Clayton

Mr Clayton noted his background as former Harbourmaster Otago Inland Harbours for the marine division of the Ministry of Transport and recently retired academic historian with knowledge of the economic and social effects of global pandemics.

Mr Clayton believed the application should not be granted as it did not conform to Section 17 and 41 of the Reserves Act 1977. If the application was granted, this would

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negate the original intentions of the designation by the Otago Provincial Council. Granting access would impede rather than improve public access to the lake and foreshore. Mr Clayton believed that the reserve served to ensure good public access to the lake.

Mr Clayton noted that social and economic global pandemic consequences showed that there has never been a return to the status quo and he felt Queenstown would be no exception. He therefore felt that it would be prudent for QLDC to consider what might happen to this piece of reserve if the application was granted and the applicant ceased operation. Mr Clayton urged the panel to reject the proposal which he believed rested on the narrow pre-covid aspirations of the applicant.

12 Brian Fitzpatrick

Mr Fitzpatrick noted that this submission was on behalf of Queenstown Wharf LP (QWLP), a partnership of three companies (Southern Discoveries, Remarkables Park and Real Journeys) which owned and operated St Omer Wharf and O'Regan's Wharf in Queenstown Bay.

Mr Fitzpatrick re-iterated his written submission, questioning a need for more commercial space. Mr Fitzpatrick considered there were already ample wharf facilities in Queenstown Bay. If there was demand, Mr Fitzpatrick noted that QLDC should be referring to the Reserve Management Plan to determine.

Mr Fitzpatrick noted that although the panel was not considering the required Resource Consent at this hearing, he asked that as the closest wharf to the proposal, that his comments be received. He noted that although not in situ at the moment (temporarily removed), QWLP owned a floating jetty to the west of St Omer Park Wharf and he asked that access to this continue. Mr Fitzpatrick also noted limited parking and current issues with people parking in front of the launching ramp.

The current landscaping to the west of St Omer Wharf provided a good separation between recreational and commercial activities, and he was keen to see this remain.

Councillor Copeland asked Mr Fitzpatrick for information on the current wharf capacity. Mr Fitzpatrick noted that the inside of the wharf was available. It currently had no floating pontoons which would need to be installed.

13 Douglas Keith

Mr Keith represented Southern Discoveries based on O'Regans Wharf. He noted that Southern Discoveries opposed the changes to the Reserves Management Plan and was concerned that amendments could set a precedent for future development.

He also noted that a fuelling station currently operated from St Omer Wharf which was used both by the public and commercial vessels. When larger vessels were re-fuelling the propellor wash could cause issues for vessels tied to the proposed wharf.

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Mr Keith also noted the lack of parking.

14 Lee Excel

Lee Excel, as an owner of Hydro Attack, noted that he had been working on this project for over two years and a wharf location was critical to the business.

Lee noted that the area between Steamer Wharf to St Omer signs felt like a commercial area already. Before starting this process, Hydro Attack contacted Real Journeys for available berths and were advised none was available.

Lee noted that Hydro Attack are asking for a 3 x 3m access over the reserve which will be non-exclusive. The proposed wharf will not be just for commercial and private use, it will be accessible to the public (including public berths).

Under the RMA process there was an extended 8 week consultation period with QLDC signage at the proposed wharf location. Sixteen submissions were received from commercial operators and Friends of the Gardens – there were no opposing submissions received from the public. Mr Excel had reviewed the proposed wharf designs with Bumbles Holdings Limited who were since looking to withdraw their RMA submission.

In response to Southern Discoveries' submission, there were no plans to remove vegetation and the available berth at O'Regans Wharf was too shallow. Mr Excel noted this was built in 2007, and to his knowledge had never been leased, showing how unusable it was.

Mr Excel noted a bigger platform was preferred which would be beneficial for the public. This could also be a good location for water ferry services.

Councillor Shaw asked for Mr Excel's response to commercial accessibility on O'Regans Wharf. Mr Excel confirmed he met a representative of O'Regans Wharf to discuss the potential of operating a jet ski tour business and both parties agreed coming out behind the Earnslaw was neither safe nor viable.

Councillor Copland asked for Mr Excel's response that a new wharf would make accessibility difficult for other vessels. Mr Excel commented that the distance from the closest wharf would have little impact on access.

15 Brett Giddens (speaking on behalf of Rachel Excel)

Mr Giddens's provided a written brief prior to the hearing, which the governance Advisor had provided to the panel.

Mr Giddens's noted that RMPs were not intended to be fixed documents, but to be under "continuous review" and "adapt to changing circumstances or in accordance

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with increased knowledge". He reported that the Proposed District Plan process had resulted in a change in circumstance and the area of reserve in question was commercially zoned. Mr Gidden's noted that the RMP as it was currently, was at odds with the statutory document that governs land and water activities in Queenstown Bay and Lake Wakatipu.

Mr Gidden's advice to Hydro Attack had been that the RMP did not need to be amended to enable the Council to authorise access, but acknowledged Council's advice. Mr Gidden's emphasised that Hydro Attack's proposal did not require exclusive use of the reserve or lake.

The Chair thanked the submitters for their efforts and attending the hearing, noting that the panel would make its decisions based on community feedback and insights, and would report back in due course.

### **Officer's Covering Report**

Mr Burt advised his report should be taken as read. Mr Burt also acknowledged the considerable community interest in this matter and thanked submitters for expressing their views.

*The public part of the hearing concluded at 11.35am.*

### **Deliberations and Decision**

The panel had a lengthy discussion and considered the issues raised in the submissions and the benefits and implications on the public's use and enjoyment of the reserve.

It was noted that a Resource Consent would need to be obtained by any potential commercial activity.

The panel requested that Mr Burt draft potential wording for a revision to the RMP based on the panel's feedback to allow consideration for a single licence for a formed access across the specified area of St Omer Park for commercial purposes. The outcome of any consideration would be informed by granting of a Resource Consent (or Consent Order if necessary) and the demonstration of positive elements benefiting users of the reserve.

**On the motion of Councillor Lewers and Councillor Shaw it was resolved that the Proposed Partial Review of the Queenstown Bay Foreshore Reservices Management Plan hearings panel:**

- 1. Considered the community submissions to the partial review of the Reserve Management Plan, together with advice from officers.**

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- 2. Gave full consideration to the submissions received and determine the extent to which the submissions have been allowed or accepted, or disallowed or not accepted.**
  
- 3. Recommend to Council that the partial review is adopted with changes that are within the scope of the review, subject to the panel's approval of Mr Burt's draft wording for a revision to the Reserve Management Plan.**

*The meeting concluded at 12.48pm.*